



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

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Docket No. 10170-23  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO █  
XXX XX █/█ USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) Title 38 U.S.C. § 3319  
(c) MARADMIN 704/13  
(d) MARADMIN 391/19

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to retroactively approve transfer of Post-9/11 GI Bill education benefits to his eligible dependent children effective 22 December 2018.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 13 December 2023 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Subject's naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

- a. On 23 July 2007, Petitioner entered active duty.
- b. Petitioner reenlisted on 3 December 2011 for 4 years and 8 months and reenlisted on 26 February 2016 for 4 years.
- c. On 22 December 2018, Petitioner submitted transfer of education benefits (TEB) application with 1-year, 2 months and 4 days remaining on contract. The Service rejected the application on 25 February 2019 indicating Petitioner "has not committed to the required additional service time."

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- d. On 16 October 2019, Petitioner reenlisted for 4 years and 5 months.
- e. On 13 October 2023, Petitioner submitted second TEB application with 5 months and 3 days remaining on contract. The Service rejected the application on 27 November 2023 indicating Petitioner “has not committed to the required additional service time.”
- f. On 27 October 2023, Petitioner reenlisted for 3 years.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits but failed to complete the administrative requirements outlined in references (c) and (d).<sup>1</sup> Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 16 October 2019. Moreover, the Board determined Petitioner continues to serve, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under these circumstances, partial relief is warranted.

## RECOMMENDATION

That Petitioner’s naval record be corrected, where appropriate, to show that:

Petitioner elected to transfer unused education benefits to [REDACTED]/9-months, [REDACTED]/9-months, [REDACTED]/9-months, and [REDACTED]/9-months through the MilConnect TEB portal on 16 October 2019.

Petitioner, in coordination with his command completed the required statement of understanding on 16 October 2019 and submitted it to Headquarters, U.S. Marine Corps (HQMC) for inclusion in the Petitioner’s Official Military Personnel File.

HQMC reviewed Petitioner’s TEB application, and it was approved on 16 October 2019 with a 4-year service obligation.

The part of Petitioner’s request for corrective action that exceeds the foregoing is denied. Petitioner did not have sufficient time on contract to warrant TEB approval on 22 December 2018.

A copy of this report of proceedings will be filed in Petitioner’s naval record.

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<sup>1</sup> In accordance with references (c) and (d), the option to transfer a Service member’s unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election. Additionally, reference (c) specified that Enlisted Marines had 60 days from the date of TEB web application to incur the required obligated service or the TEB request will be rejected; reference (d) authorized 150 days. Furthermore, the policies directed Marines to periodically check the status of their application; a denied TEB application required Marines to take corrective action and reapply with a new service obligation end date.

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4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

12/22/2023

