



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

█  
Docket No. 10622-23  
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 017/20  
(e) MARADMIN 693/21

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 her naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to her eligible dependent children.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 3 January 2024 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. The Post-9/11 Veterans Educational Assistance Act (Post-9/11 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective on 1 August 2009. The bill provides financial support for education and housing for service members with at least 90 days of service on or after 11 September 2001. The act also includes provision for qualifying service members to transfer education benefits to their eligible dependents. General descriptions of the essential components of the law were widely available beginning in summer 2008 but specific implementing guidance was not published until summer 2009.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
XXX XX [REDACTED] USMC

b. In accordance with references (c) through (e), the option to transfer a Service member's unused education benefits to an eligible dependent required 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 transfer of education benefits (TEB) web application to incur the required obligated service or the TEB request will be rejected; reference (c) authorized 150 days and reference (d) authorized 180 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.

c. Petitioner's Armed Forces Active Duty Base Date is 14 March 2005.

d. On 10 October 2007, Petitioner extended initial enlistment for 20-months and thereafter reenlisted on 24 July 2008 for 4 years, on 24 May 2012 for 2 years and again on 14 December 2013 for 4 years.

e. On 22 June 2017, Petitioner submitted initial TEB application with 5 months and 21 days remaining on contract.

f. On 15 September 2017, Petitioner reenlisted for 2 years.

g. On 12 December 2017, the Service rejected Petitioner's TEB application indicating, she "has not committed to the required additional service time."

h. On 16 January 2018, Petitioner extended for 7 months and subsequently reenlisted on 7 April 2020 for 2 years.

i. On 29 April 2020, Petitioner submitted second TEB application with 1-year, 8 months, and 7 days remaining on contract. The Service rejected the application on 1 October 2020 indicating, Petitioner "has not committed to the required additional service time."

j. On 30 November 2021, Petitioner reenlisted for 3 years.

k. Petitioner submitted TEB applications on 21 March 2022, 31 May 2023, and 31 October 2023 with less than 4 years remaining on contract. The Service rejected the applications indicating, Petitioner "has not committed to the required additional service time."

l. On 4 December 2023, Petitioner submitted final TEB application with 11 months, and 25 days remaining on contract. The Service rejected the application on 29 December 2023 directing, Petitioner to "contact Service Representative to resolve status."

## 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) through (e). Although Petitioner did not complete the

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
XXX XX [REDACTED] USMC

appropriate administrative requirements, the Board concluded that had she received adequate counseling, she would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 14 December 2013. The Board determined Petitioner completed over 10 years of active duty service since the 14 December 2013 reenlistment and continues to serve, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined under these circumstances, 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]/1-month through the MilConnect TEB portal on 14 December 2013. Note: Petitioner updated allocation of education benefits to include [REDACTED]/1-month on 2 March 2015 and [REDACTED]/1-month on 15 February 2016.

Petitioner, in coordination with her command completed the required Statement of Understanding on 14 December 2013 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 14 December 2013 with a 4-year service obligation.

That a copy of this report of proceedings will be filed in Petitioner's naval record.

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.

1/11/2024

