

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 June 2025

DOCKET NUMBER: AR20240010389

APPLICANT REQUESTS: Transfer Education Benefits (TEB) from her Post 9/11 GI Bill to her spouse.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs letter dated 15 August 2024 which shows the applicant is 100 percent service-connected disabled
- Department of Defense Manpower Data Center letter dated 22 August 2024 which stated she was approved to TEB from her Post 9/11 GI Bill:
 - TEB requested on 19 June 2019
 - TEB approved on 27 June 2019
 - Service obligation end date of 18 June 2023
 - TEB 18-months each to Ch- and Va

FACTS:

1. The applicant states:

- When she TEB her unused Post 9/11 GI Bill, she was married
- She thought based on her legal status, she was able to change the amount given to each of her dependents in the event the benefits were not used
- She attempted to do this by TEB to her spouse, but the system showed him as ineligible
- Each of her dependents deserve equal amounts of the Post 9/11 GI Bill
- Her spouse supported her throughout her 22-years of service
- She wants to show him how grateful she is for his support
- She was never informed that she was required to transfer at least 1-month of her educational benefits she intended to provide to her dependents before she was separated from the service in order to adjust the amount at a later date

2. A review of the applicant's service record shows:

- On 27 July 2001, she enlisted in the Army National Guard of the United States (ARNGUS)
- She served continuously through extensions and/or reenlistments
- On 27 February 2002, she was ordered to initial active duty for training by Orders Number 26-14 dated 8 February 2002
- On 29 August 2002, she was honorably released from active duty and reverted back to control of the ARNGUS
- On 28 May 2012, she was ordered to active duty in support of Operation Enduring Freedom – Guantanamo Bay Cuba by Orders Number 114-256 dated 23 April 2012
- On 27 April 2013, she was honorably released from active duty and reverted back to ARNGUS control
- On 6 August 2021, she was notified she completed the required years of service to be eligible for retired pay at age 60.
- On 17 July 2023, she was notified by the commander of the Medical Readiness Detachment of the intent to separate her from the ARNGUS for failure to meet medical retention standards for her non-duty related medical conditions
- On 22 July 2023, she acknowledged the notification of separation for failure to meet medical retention standards, she requested separation from the ARNGUS for retirement and waived her non-duty related physical evaluation board
- On 31 October 2023, she was assigned to the Puerto Rico ARNG Medical Detachment by Orders Number 5988067 dated 13 September 2023
- On 1 November 2023, she was assigned to the U. S. Army Reserve Control Group (Retired Reserve) for voluntary retirement with 22-years of service by Orders Number 5988071 dated 13 September 2023

3. On 30 April 2025, in the processing of this case, the National Guard Bureau, provided an advisory opinion regarding the applicant's request to TEB to her spouse. The advisory official recommended approval of her request. The applicant TEB on 19 June 2019, where she allocated benefits to her two children, and she retired on 31 October 2023. Unfortunately, while she was actively serving, she did not allocate any portion of her Post 9/11 GI Bill to her spouse. However, because she was not properly counseled on the requirement to initially allocate benefits to her children and spouse while actively serving, it is recommended that her request be approved.

4. On 30 April 2025, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. She did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the National Guard Bureau advisory, the Board concurred with the advising official recommendation for approval finding the applicant was not properly counseled on the requirement to initially allocate benefits to her children and spouse while actively serving. Based on the advising opine recommendation, the Board granted relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by showing the applicant filed and the Army approved, in a timely manner, her application to transfer her unused education benefits to her eligible dependent(s), provided all other program eligibility criteria were met, in accordance with the Transfer of Education Benefits provisions of the Post-9/11 GI Bill.

X //SIGNED//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Public Law 110-252 establishes legal limitations on the transferability of unused Post-9/11 GI Bill benefits. Further, section 3020 Public Law 110-252, limits eligibility to transfer unused benefits to those members of the armed forces who are serving on active duty or as a member of the Selected Reserve on or after 1 August 2009. To transfer education benefits, a Service Member must be on active duty or a member of the Selected Reserves in order to transfer benefits, have completed at least six years of qualifying service with at least 90-days of a qualifying period of service, have no negative action flag, and agree to serve at least four more years as a member of the Armed Forces, or the years of service as determined by the Secretary.
2. On 22 June 2009, Department of Defense (DoD) established the criteria for eligibility and transfer of unused educational benefits to eligible family members. An eligible individual is any member of the armed forces on or after 1 August 2009 who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, is eligible for the Post-9/11 GI Bill.
 - a. Has at least 6-years of service in the armed forces on the date of election and agrees to serve 4 additional years in the armed forces from the date of election; or

b. Has at least 10-years of service in the armed forces (active duty and/or Selected Reserve) on the date of election, is precluded by either standard policy (service or DoD) or statute from committing to 4 additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute; or

c. Is or becomes retirement eligible during the period from 1 August 2009 through 1 August 2013. A service member is considered to be retirement eligible if he or she has completed 20-years of active duty or 20 qualifying years of reserve service.

3. The policy further states the Secretaries of the Military Departments will provide active duty participants and members of the reserve components with qualifying active duty service individual pre-separation or release from active duty counseling on the benefits under the Post-9/11 GI Bill and document accordingly and maintain records for individuals who receive supplemental educational assistance under Public Law 110-252, section 3316.

4. Title 38, USC, section 3319 (Authority to transfer unused education benefits to family members), (f) (Time for Transfer; Revocation and Modification), (1) (Time for transfer), subject to the time limitation for use of entitlement under section 3321, and except as provided in subsection (k) or (l), an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed. (h) (5) (Limitation on age of use by child transferees), (A) In general. A child to whom entitlement is transferred under this section may use the benefits transferred without regard to the 15-year delimiting date specified in section 3321, but may not, except as provided in subparagraph (B) or (C), use any benefits so transferred after attaining the age of 26-years.

//NOTHING FOLLOWS//