

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2025

DOCKET NUMBER: AR20240012725

APPLICANT REQUESTS: Transfer Education Benefits (TEB) from his Post 9/11 GI Bill to his other dependents, and a personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- MilConnect Transfer Education Benefits website screenshot shows:
 - Applicant's request for TEB was approved on 9 May 2012
 - He incurred a service obligation until 10 February 2016
 - On 11 February 2016, he fulfilled his TEB service obligation to retain his transferred benefit for his eligible dependents
 - He transferred 36 months on 11 February 2012 to L-H- and 0 months to the remainder of his dependents
 - TEB acknowledgement stated:
 - The approval letter listed the approved terms of transfer including specific service obligation end date and allocation of benefits per dependent
 - He retained the right to modify or revoke months of education benefits designated to eligible and approved dependents at any time until exhausted after approval without incurring an additional obligation
 - He understood he may not change a 0-month designation of benefits once he was separated, retired or discharged
 - He acknowledged he had been advised to designate at least 1-month of benefits to each eligible dependent prior to his separation from the Armed Forces

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states:

- He transferred 36 months of his education benefits to one of his dependents
- He is attempting to transfer some of those months of benefits to his other dependents and his spouse
- However, MilConnect would not allow him to do so
- The site shows the remainder of his dependents and his spouse are ineligible for transferring of education benefits
- He requests all of his ineligible dependents and his spouse be made eligible to transfer education benefits to by depositing 1-month to each of his dependents from his dependent L-H-
- Two of his children are ready to attend college
- He just discovered the problem
- He was unaware and cannot recall being briefed of this during his retirement processing to the requirement to transfer education benefits to his dependents prior to separation from the Armed Forces

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

- On 18 May 2001, he enlisted in the Army National Guard (ARNG)
- On 31 May 2021, he honorably retired from the ARNG and was assigned to the U.S. Army Reserve Control Group (Retired Reserve) with 20 years and 13 days of service
- Soldier Management Services – WEB shows he contacted U.S. Army Human Resources Command for assistance in transferring his education benefits

4. On 14 July 2025, in the processing of this case, the National Guard Bureau provided an advisory opinion regarding the applicant's request to change his TEB to all of his dependents. The advisory official recommended approval of his request. The applicant submitted his request for TEB in 2012 during the initial period of the transfer program, it is likely he was not properly counseled on the requirement to transfer benefits to each eligible dependent prior to separating from the service. Therefore, it is recommended the Board grant his relief and correct his record to show he transferred 1-month of benefits to each of his eligible dependents.

5. On 16 July 2025, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment.

6. On 22 July 2025, the applicant responded stating he did not have any further comments.

BOARD DISCUSSION:

1. 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 review based on law, policy, and regulation. Upon review of the applicant's petition, available military records, and the National Guard Bureau Chief, Special Actions Branch advisory, the Board concurred with the advising official to grant approval, finding it likely that the applicant was not properly counseled on the requirement to transfer benefits to each eligible dependent prior to separating from the service. The applicant submitted his request for TEB in 2012 during the initial period of the transfer program. The Board found the applicant served as a member of the ARNG from 18 May 2001 through 31 May 2013, when he was honorably retired.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.


BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

XX	XX	XX	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, his application to transfer his unused education benefits to his 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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. 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.

3. 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.

4. 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.

5. 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.

6. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. Paragraph 2-9 contains guidance on the burden of proof. It states the ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct. ABCMR members will review all applications that are properly before them to determine the existence of an error or injustice; direct or recommend changes in military records to correct the error or injustice, if persuaded that material error or injustice exists and that sufficient evidence exists on the record. The ABCMR may, in its discretion, hold a hearing. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice require.

//NOTHING FOLLOWS//