

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

**FINAL DECISION
BCMR Docket No. 2013-088**

SUMMARY OF THE RECORD

The applicant asked the Board to correct his record to show that he transferred his unused Post-9/11 GI Bill benefits to his dependent children before retiring from active duty. He alleged that he was “not informed of the requirement to transfer entitlement while still in service.” The applicant retired from active duty on September 1, 2009, after serving more than 20 years and there is nothing in his record to show that he was provided counseling regarding the transferability of his Post-9/11 GI Bill benefits.

The Judge Advocate General (JAG) recommended granting relief, stating that the Coast Guard failed to provide the applicant with individual, pre-separation counseling regarding his Post-9/11 GI Bill benefits. The JAG noted that in BCMR Docket No. 2012-054, the Board held that the absence of individual, documented counseling on the Post-9/11 GI Bill program is sufficient to justify granting relief.

FINDINGS AND CONCLUSIONS

The applicant alleged that he was not informed about the requirement that he transfer his unused Post-9/11 GI Bill benefits to his dependents while on active duty, and he retired on September 1, 2009, without having made the transfer. The JAG agreed that it failed to counsel the applicant, and noted that the Board has granted relief in similar cases where a member did not receive individual counseling about Post-9/11 GI Bill benefits. The Coast Guard should have provided the applicant with Post-9/11 GI Bill counseling and documented it in accordance with Paragraph 3.g. of Attachment 1 to DTM 09-003, which requires documentation or other evidence of individual, pre-separation counseling about the program. Therefore, the Board finds that the applicant has proved by a preponderance of the evidence that he was not properly counseled about his eligibility to transfer his unused education benefits under the Post-9/11 GI Bill. If the Coast Guard had provided proper counseling, the applicant presumably would have learned that he had to transfer his unused education benefits to his eligible dependents before retiring on September 1, 2009. Accordingly, the Board finds that the applicant has proven by a preponderance of the evidence that his record contains an error and he is entitled to relief.

[ORDER AND SIGNATURES ON NEXT PAGE]

ORDER

The application of [REDACTED] USCG (retired), for correction of his military record is granted. His record shall be corrected to show that before retiring from active duty on September 1, 2009, he transferred his Post-9/11 GI Bill educational benefits to his eligible dependents. The Coast Guard shall assist him with the paperwork necessary to accomplish this transfer of benefits.

December 13, 2013

Date

