

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

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Application for the Correction of  
the Coast Guard Record of:

**FINAL DECISION  
BCMR Docket No. 2013-141**

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**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<sup>1</sup> benefits to his dependent children before retiring from active duty. He had served on continuous active duty for more than 18 years when an informal physical evaluation board (IPEB) determined that he was disabled and unfit for duty. The applicant asked to be retained on active duty until he completed 20 years, his request was granted, and he retired on August 1, 2013. He stated that he attended a Transition Assistance Program (TAP) session prior to retirement, but alleged that he was not told that he would have to serve additional time in the Coast Guard in order to transfer his educational benefits to his children. The applicant also stated that when he attempted to transfer his unused educational benefits to his children a few months before he retired, he was told that his request was rejected because he had an approved voluntary retirement on file for August 1, 2013, and could not obligate the additional service necessary to transfer the benefits to his children. There is nothing in his record which documents 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, documented 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 served more than 18 years on active duty before an IPEB found him unfit for duty, but he was granted a waiver and allowed to remain on active duty until he could retire with 20 years of service. Because he had more than 10 years of active duty and was precluded by standard Coast Guard medical policy<sup>2</sup> from performing any more active duty past his retirement date, he was eligible under paragraph 3.a.(2) of Attachment 2 to DTM 09-003 to transfer

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<sup>1</sup> 38 U.S.C. § 3319 (2010) (authorizing members on active duty with at least six years of active service to transfer part of their educational benefits to their dependents if they agree to obligate four more years of service or the number of years of service prescribed by the Secretary of Defense in regulation).

<sup>2</sup> Coast Guard Medical Manual, Chap. 3.A.2. (requiring members to “conform to the physical standards prescribed by the Commandant) and Chap. 3.F.1.c. (“Active duty or reserves on extended active duty considered permanently unfit for duty shall be referred to a Medical Evaluation Board (MEB) for appropriate disposition.”).

his Post-9/11 GI Bill educational benefits to his dependents before his retirement.<sup>3</sup> After he retired, he was no longer eligible to transfer his benefits.<sup>4</sup> Therefore the Board finds that the Coast Guard erred when it told the applicant, prior to his retirement, that he was ineligible to transfer his unused educational benefits to his dependents. Moreover, as the JAG admitted, the Coast Guard failed to document proper Post-9/11 GI Bill counseling in the applicant's record. The Coast Guard should have documented the Post-9/11 GI Bill counseling in accordance with Paragraph 3.g. of Attachment 1 to DTM 09-003, which requires documentation of individual, pre-separation counseling about the program. 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)**

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<sup>3</sup> U.S. Department of Defense, DTM 09-003, Post-9/11 GI Bill (June 22, 2009) (hereinafter "DTM 09-003"), Attach. 2, para. 3.a.(2) (a member is eligible to transfer his benefits if he "[h]as 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.").

<sup>4</sup> DTM 09-003, Attach. 2, para. 3.g.(1) ("An individual approved to transfer entitlement of educational assistance . . . may transfer such entitlement to the individual's family member only while serving as a member of the armed forces."); DTM 09-003, Glossary (defining members of the Armed Forces as those individuals serving on active duty or in the Selected Reserve and not including individuals in a retired status).

**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 August 1, 2013, 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.

February 27, 2014

