

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2025-082


BOSUN/CWO2 (Retired)

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the applicant's completed application on March 26, 2025, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated January 30, 2026, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant, who retired in 2015 as a BOSUN/CWO2 after serving more than 16 years on active duty in the Coast Guard, asked the Board to correct his record by overturning the revocation of his approved transfer of his unused education benefits (TEB) under the Post 9/11 Veterans Education Act of 2008 (Post 9/11 GI Bill)¹.

The applicant alleged that the Coast Guard GI Bill Program Coordinator erroneously revoked the TEB that had been approved in 2012 and as a result his children became ineligible to receive his unused education benefits. He argued that the TEB should not have been revoked because his retirement was pursuant to the Temporary Early Retirement Authority (TERA) which is a "force-shaping separation" and that Coast Guard policy waives the obligated service for force-shaping separations. Specifically, he stated the following:

My Post 9/11 GI Bill TEB, approved prior to retirement with 4 years service obligation,

¹ The Post 9/11 GI Bill provides financial support for education and housing to individuals with at least 90 days of aggregate service after September 10, 2001, or individuals discharged with a service-connected disability after 30 days. An individual must have received an honorable discharge to be eligible for the Post 9/11 GI Bill, http://Gibill.va.gov/benefits/post_911_GIbill/index.html (last visited on April 12, 2023).

was upheld upon my TERA retirement despite 2 years remaining, consistent with DoD Instruction 1341.12 and Coast Guard policy waiving obligated service for force shaping separations.

The applicant stated that he was never counseled about transferring his unused education benefits when the program was implemented in 2009. In 2012, he stated that he first applied to have his education benefits transferred to his two kids, age 4 and age 6 at the time, and that it was approved by his chain of command and the Coast Guard. He then stated that in 2014 he submitted his package for early retirement pursuant to the Coast Guard offering early retirements under TERA. The applicant stated that his request for early retirement was approved by OPM and that his TEB remained intact. He further stated that his TEB remained intact despite the fact that his early retirement prevented him from completing the final two years of the four years of obligated service he incurred when he transferred his education benefits.

The applicant stated that at some point after his retirement he logged into milConnect² and confirmed that his benefit transfer had been successful and that his two kids were listed as beneficiaries. In early December 2024, he stated that he contacted the Department of Veterans Affairs (DVA) and was told that even though his TEB had been approved, their system indicated that his kids were not eligible to receive his unused education benefits because his 2014 retirement had prevented him from completing the last two years of the obligated service that he incurred when he made the TEB in 2012. He stated that the DVA told him to contact the Coast Guard and seek a waiver of the time in service requirement and that he could also request a Certificate of Eligibility (COE)³ from the DVA for his kids.

The applicant stated that in early December 2024 he submitted a request to the DVA for a COE for his daughter and that milConnect showed that his request to transfer his education benefits to his daughter had been approved.

The applicant stated that on December 16, 2024 he contacted the Coast Guard GI Bill Program manager who told him that he could not grant a waiver of the obligated service requirement. The applicant then stated that an approved COE for his daughter from the DVA arrived by mail that same day. He stated that he logged back into milConnect and it no longer showed that his education benefits had been transferred to his children.

² With milConnect, Department of Defense (DoD) affiliates and beneficiaries manage their benefits and records through a convenient self-service portal. Integrated applications give them secure access to many of their personal and personnel records held in the Defense Enrollment Eligibility Reporting System (DEERS). https://milconnect.dmdc.osd.mil/milconnect/public/faq/Contacts_and_Help-About_milConnect. (Last visited on January 23, 2026).

³ The Certificate of Eligibility (COE) serves as proof of eligibility for benefits, which can include tuition assistance, housing allowances, and more. <https://benefits.va.gov/gibill/understandingyourcoe.asp/> (Last visited January 23, 2026).

The applicant stated that he called the DVA again and was told that the COE that he received by mail for his daughter would be cancelled because someone at the Coast Guard had just revoked his TEB eligibility. He alleged, however, that the DVA told him their system indicated that his separation was a “RIF [reduction in force] and For the Convenience of the Government” and that this meant that he had met the obligated service requirement.

The applicant stated that he called the Coast Guard GI Bill Program Manager again on January 13, 2024 and was told that the DVA system was wrong and that his retirement was voluntary and not a RIF for the convenience of the government. He submitted his application to the Board on February 23, 2025.

SUMMARY OF THE RECORD

The applicant enlisted in the Coast Guard on April 27, 1999. After serving on active duty for ten years he was no longer required to sign reenlistment contracts because he was on an indefinite enlistment.⁴ His children were born on January 17, 2008 and September 24, 2010. There is nothing in his record to show that he was ever counseled about his eligibility to transfer his education benefits to his dependents when the program was implemented in 2009. The applicant stated that he transferred his unused education benefits to his children in 2012 but there is nothing in his record to document exactly when this was done. Nor is there anything in his record to document that he was told that his TEB would be revoked if he accepted early retirement under TERA.

The applicant retired pursuant to TERA on September 30, 2015, after serving 16 years, 5 months, and 4 days on active duty. Block 28 (Narrative Reason for Separation) of his DD 214⁵ shows “Voluntary Early Retirement.”

APPLICABLE LAW AND REGULATIONS

Directive Type Memorandum (DTM) 09-003, June 22, 2009

On June 22, 2009, DoD set forth the policies and procedures for carrying out the Post-9/11 GI Bill in DTM 09-003. The DTM states that it is effective immediately and is applicable to the Office of the Secretary of Defense and the Military Departments including

⁴ Article 1G.6.2. of the Personnel Manual, COMDTINST M1000.6A, states that active-duty enlisted personnel with at least 10 years of active service shall be reenlisted for an indefinite period upon reenlistment.

⁵ The DD Form 214 provides the member and the service with a concise record of a period of service with the Armed Forces at the time of the member's separation, discharge or change in military status (reserve/active duty). In addition, the form is an authoritative source of information for both governmental agencies and the Armed Forces for purposes of employment, benefit and reenlistment eligibility, respectively. The DD Form 214 is issued to members who change their military status among active duty, reserve, or retired components or are separated/discharged from the Coast Guard to a civilian status. COMDTINST M1900.4D.

the Coast Guard by agreement with the Department. It states that the effective date of the Post 9/11 GI Bill is August 1, 2009. The regulation defined “Military Services” as the Army, Navy, Air Force, Marine Corps, and Coast Guard.

Paragraph 3.g. of Attachment 1 (Responsibilities) to the DTM states that it is the responsibility of the Secretary to “[p]rovide 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.”

Paragraph 3 of Attachment 2 (Procedures) to the DTM states the following about transferring educational benefits to dependents:

TRANSFERABILITY OF UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS. Subject to the provisions of this attachment, the Secretary of the Military Department concerned, to promote recruitment and retention of members of the Armed Forces, may permit an individual described in paragraph 3.a. of this attachment, who is entitled to educational assistance under the Post 9/11 GI Bill, to elect to transfer to one or more of the family members specified, all or a portion of such individual's entitlement to such assistance.

a. Eligible Individuals. Any member of the Armed Forces on or after August 1, 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, and

(1) Has at least 6 years of service in the Armed Forces (active duty and/or Selected Reserve) on the date of election and agrees to serve 4 additional years in the Armed Forces from the date of election, or

Paragraph 3.g.(1) of Attachment 2 (Time of Transfer) states that an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement to the individual's family member only while serving as a member of the Armed Forces. The DTM's glossary defines “member of the Armed Forces” as a member serving on active duty or in the Selected Reserve and expressly excludes retired members.

Instead of individually counseling members about this program, the Coast Guard issued a series of ALCOASTs about it:

- ALCOAST 447/08 (September 18, 2008), para. G (“Transferability: A member may have the opportunity to transfer benefits to their spouse or dependent child. Members must be on active duty at the time of this election, must have served six years since 9/11, and must agree to serve an additional four years of active service.

Detailed guidance is being developed in conjunction with DOD and will be released ahead of the August 2009 implementation date.”)

- ALCOAST 044/09 (January 16, 2009), para. 4 (“Transferability: The basic requirements to be eligible to transfer this entitlement to a dependent (spouse or child) are that a member must be on active duty on 1 August 2009; must have a minimum of six years active service since 11 September 2001 and must agree to serve an additional four years of active service effective on the date they elect to transfer.”)
- ALCOAST 250/09 (April 28, 2009), para. 3 (“Eligibility: The Post 9/11 GI Bill ... is an automatic entitlement generally available to service members with at least 90 days of active duty service following 11 September 2001. No action is required by members until they either 1) apply to receive benefits, 2) seek to transfer benefit eligibility to dependents, or 3) are currently eligible for another education benefit ... and who seek eligibility under the Post 9/11 GI Bill.”); para. 5.b. (“The Office of the Secretary of Defense has not yet released the final policy on transferability.”)
- ALCOAST 377/09 (June 26, 2009) (acknowledging DTM 09-003 as Coast Guard policy and stating in paragraph 6 that “[g]enerally, to be eligible to transfer unused education benefits, an individual must be a member of the armed forces (active duty or SELRES) on or after 1 Aug 2009 and obligate required service as outlined in [DTM 09-003]”)
- ALCOAST 443/09 (July 31, 2009) (encouraging members to review DTM 09-003 and to seek guidance).

Department of Defense Instruction (DoDI) 1341.13

DoDI 1341.13 was issued on May 31, 2013, and establishes policy, assigns responsibilities, and prescribes procedures for implementing DoD authorities and responsibilities for the Post-9/11 GI Bill. Enclosure (2), Paragraph 4.g states that the service must provide and document pre-separation counseling on Post 9/11 GI Bill benefits. It also incorporated and cancelled DTM 09-003 and revised the counseling requirements articulated in the DTM 09-003. Specifically, it removed the requirement to “provide ... individual pre-separation or release from active duty counseling” and replaced it with “direct pre-separation counseling...”

ALCGPSC 084-14: AY15 Temporary Early Retirement Authority (TERA)

ALCGPSC 084-14 was issued on June 27, 2014 and announced the implementation of a temporary early retirement policy for the Coast Guard as authorized by Section 219 of the Coast Guard Maritime Transportation Act of 2012.

Paragraph two states the following:

TERA is a discretionary authority, not an entitlement. It is a temporary, voluntary program used as part of a comprehensive workforce management strategy. TERA offers voluntary early retirement, at a reduced monthly retirement pay, to a limited number of eligible personnel prior to completing 20 years of active service.

Paragraph six states the following:

As announced in Ref C [ALCGPSC 154/13 Active Duty Officer Workforce Management – Waiving Obligated Service], obligated service for officers may be waived up to 12 months. Members who have not met their military service obligation stemming from the Post 9/11 GI Bill transfer of benefits (TEB), must rescind their previously approved transfer of benefits request before OPM will make a final determination on a request for TERA.

VIEWS OF THE COAST GUARD

On October 10, 2025, a judge advocate (JA) of the Coast Guard submitted an advisory opinion and adopted the findings and analysis in a memorandum submitted by the Commander, Personnel Service Center (PSC). PSC stated that the application is timely but recommended that the Board deny relief because the applicant did not complete the four years of obligated service prior to his retirement date. Moreover, PSC argued that the applicant's assertion that he "never knew" of the TEB revocation requirement is unpersuasive as he was clearly aware of the contents of ALCGPSC 084-14 that led him to requesting and accepting TERA.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On October 20, 2025, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within thirty days. He responded on November 3, 2025, and disagreed with the Coast Guard's recommendation.

The applicant insisted that "at no time was I counseled or advised regarding Post 9/11 GI Bill initial sign up, TEB transfer, revocation, or continuation requirements, nor was such counseling documented as required under DoDI 1341.13." He stated that his record demonstrates thorough documentation of even minor qualifications and administrative actions during his Coast Guard career, making the absence of any TEB counseling or revocation record particularly significant.

The applicant noted that when he submitted his retirement application he was a CWO2 under multiple levels of command at the Sector and followed standard protocol by submitting his retirement request through his chain of command to Officer Personnel Management (OPM) for review. He stated that his Department Head, Logistics and Sector Commanding Officer and OPM Board members - all senior officers - reviewed and

endorsed his package. The applicant asserted that none advised or directed him to revoke his TEB. Finally, he noted that the OPM Board subsequently approved his retirement with TEB intact and obligated service met or waived, and that he reasonably relied upon that approval.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submission and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552.

2. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.⁶ The applicant retired from the Coast Guard on September 30, 2015 and submitted his application to the Board on February 23, 2025, more than nine years after he retired. He stated that he discovered the error in his record in 2024 when he was told his TEB transfer had been revoked by the Coast Guard. Accordingly, the Board finds that the application is timely because the Coast Guard did not revoke his TEB until 2024 and he submitted his application in 2025.

3. The applicant argued that it was improper for the Coast Guard to revoke his TEB transfer because his early retirement under TERA was a force shaping tool which made his retirement involuntary. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.⁷ Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties "correctly, lawfully, and in good faith."⁸

4. The Board is loath to decide if the applicant's retirement under TERA was a force shaping tool and thus entitled him to an exception to the obligated service requirement. Rather, the Board will consider whether the applicant would have transferred his education benefits prior to 2012 had he been aware of the ability to do so. The DoD released DTM 09-003 on June 22, 2009 and the Coast Guard released five ALCOASTs regarding the GI Bill transfer program between September 18, 2008 and July 31, 2009

⁶ 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

⁷ 33 C.F.R. § 52.24(b).

⁸ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

informing all Coast Guard members about the Post 9/11 GI Bill program and the transfer option. The applicant's first child was born on January 17, 2008, and the second on September 24, 2010. The Board finds that if the applicant had transferred his education benefits shortly after his second child was born in 2010, then he would have incurred four years of obligated service, through September 25, 2014. The applicant took an early retirement and retired on September 30, 2015, so he could have completed the obligated service prior to his retirement if he had signed the TEB in 2010.

5. The applicant's record does not contain any evidence that he was counseled about the Post 9/11 GI Bill transfer program when it was implemented in 2009 with the release of DTM 09-003. However, the DTM and subsequent ALCOASTs issued by the Coast Guard state only that members be counseled on the transfer program *prior* to separation – it does not specify how close to separation the counseling must occur. The program was announced in 2009 so there was no requirement for the Coast Guard to counsel the applicant about the program because he was not separating from the service in 2009. Here, the applicant applied to transfer his benefits in 2012, which was prior to his separation in 2014, so he obviously knew about the TEB program and by signing it had agreed to serve on active duty for four more years to remain eligible to transfer his benefits.

6. The Board finds that if the applicant had submitted his TEB in 2010 then he would have been able to complete the additional four years of service, as required by DTM 09-003 and ALCOAST 044/09, prior to retiring from active duty on September 30, 2015. By completing his TEB in 2010, his dependents would have become eligible to use their father's unused Post 9/11 GI Bill benefits upon his early from the Coast Guard in 2015.

7. Accordingly, the applicant's request to undo the revocation of his TEB is denied, but alternative relief should be granted by correcting his record to show that he completed his TEB application on September 25, 2010 and that the Coast Guard approved it. Such a correction will permit the applicant to complete the four years of service obligated by the transfer.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of BOSUN [REDACTED], USCG (Retired), for correction of his military record is denied, but alternative relief is granted. The Coast Guard shall correct his record to show that on September 25, 2010 he submitted his application to transfer his Post-9/11 GI Bill education benefits to his eligible dependents and it was accepted by the Coast Guard. The Coast Guard shall assist him with the paperwork necessary to accomplish these corrections. There are no back pay and allowances due as a result of this correction.

January 30, 2026

