


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

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-141


BMC3/E-4 (former)

FINAL DECISION

This proceeding was conducted by the Board for Correction of Military Records of the Coast Guard (hereinafter “Board”) according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the completed application on July 23, 2024, and assigned the case to a staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision, dated April 24, 2025, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

BACKGROUND AND ANALYSIS

The applicant, a former Boatswain’s Mate, Third Class (BM3/E-4), has requested that his separation date be changed from April 7, 2021, to April 11, 2021. This change, he explained, will allow his son to use the applicant’s education assistance benefits to attend college.¹²

Initially, it will be helpful to outline the law and policy applicable to this case. The Post-9/11 Veterans Educational Assistance Act of 2008 (hereinafter “Post-9/11 GI Bill”) became law on June 30, 2008. The law establishes education assistance benefits for veterans and servicemembers with qualifying service after September 11, 2001. It is codified in Chapter 33 of Title 38 of the United States Code (hence the term “Chapter 33 benefits” in common parlance). *See* 38 U.S.C. §§ 3311-3327. Department of Defense

¹ The Board has jurisdiction under 10 U.S.C. § 1552(a), as the applicant is seeking correction of an alleged error or injustice in his military records, and he has exhausted all available administrative remedies, as required by 33 C.F.R. § 52.13(b).

² The applicant declined a hearing before the Board and requested that his application be considered based on the records and evidence.

Instruction (DoDI) 1341.13 (May 31, 2013) establishes policy for implementing Post-9/11 GI Bill benefits, and it applies to the Coast Guard by agreement with the Department of Homeland Security. Per DoDI 1341.13, Enclosure 2, the Coast Guard must counsel qualifying members on Post-9/11 GI Bill benefits before separation, and document such counseling. Per Enclosure 3, Coast Guard members may transfer these benefits to eligible family members, but only while still serving. To effect a Transfer of Education Benefits (TEB), members must have six years of service and agree to serve four additional years from the date of the TEB election. Chapter 4 of the Coast Guard's Post-9/11 and Montgomery GI Bill Educational Assistance Programs Manual, COMDTINST M1780.3 (June 2020), addresses TEB eligibility requirements and tracks precisely with DoDI 1341.13.

In this case, the applicant joined the Coast Guard on May 16, 2006. The record shows he signed a reenlistment contract on April 7, 2017, for a four-year period, with an expected end date of April 6, 2021. The reason for the extension was specified as "TRANSFER GI BILL BENEFITS." The applicant made a TEB election in favor of his two sons five days later, on April 12, 2017. The applicant then completed his service obligation and was separated with an Honorable discharge on April 6, 2021, with just under 15 total years of active service.

In his July 2024 submission to the Board, the applicant explained that upon contacting the Coast Guard Personnel Service Center (PSC) in May 2024, he discovered a "clerical error" had occurred.³ Specifically, the applicant contended that his discharge date should have been April 11, 2021, but was mistakenly assigned as April 7, 2021.⁴ The sequence of events that followed is not entirely clear from the application. The applicant stated that when he spoke with a U.S. Department of Veterans Affairs (VA) representative in November 2023, he was not informed of any issue with his son's planned use of Post-9/11 GI Bill benefits. The applicant also stated that his son had been accepted to a public university with a start date in August 2024, and that without education benefits, the applicant would face severe financial hardship. From this context, the Board infers that sometime before August 2024, the VA determined the applicant's son was not eligible to use the Post-9/11 GI Bill benefits. This was likely because Coast Guard records showed that at the time of his TEB election on April 12, 2017, the applicant was obligated for *slightly less* than four years of additional service, given that his expected separation date was April 6, 2021.

In its February 2025 submission to the Board, the Coast Guard contended that the applicant's April 6, 2021, discharge was proper based on his reenlistment date of April 7, 2017. The Coast Guard acknowledged, however, that there was no indication in its records

³ The Board finds the application is timely, as it was filed within three years of the applicant's discovery of the alleged error or injustice, as required by 10 U.S.C. § 1552(b).

⁴ For clarity, the Board notes that, as stated above, the applicant's separation date was April 6, 2021, and not April 7 as stated in the application.

that the applicant was counseled regarding his Post-9/11 GI Bill benefits, as required by DoDI 1343.13 and COMDTINST M1780.3. To this point, the Board notes that the applicant has contended that, had he known of the potential impact on his TEB election at the time, he would have requested to extend his service for five days, to April 12, 2021, or longer. Based on the lack of documented counseling, and in the interest of justice, the Coast Guard recommended granting alternative relief. Specifically, that the applicant's TEB election date be changed to April 7, 2017, to show that he was obligated for four years of additional service on the date of the election. Because it appears the applicant met all other TEB eligibility requirements at the time, this would ensure that his TEB election is given effect, thus allowing his son to use the benefits as intended.

The Board is authorized to correct errors and remove injustices in Coast Guard personnel records. 10 U.S.C. § 1552(a). The Board begins its review by presuming administrative regularity on the part of the Coast Guard, and it is the applicant's burden to establish an error or injustice by a preponderance of the evidence. 33 C.F.R. § 52.24(b).

After careful consideration, the Board concurs with the Coast Guard's recommendation. Given the applicant's long service, the lack of documented in-service counseling, and the minor, technical nature of the miscalculation involved, the Board finds the applicant has met his burden to establish an error or injustice. The applicant's separation date was correctly assigned. The Board, however, will direct that the date of the applicant's TEB election be amended to April 7, 2017, in accordance with the Coast Guard's recommendation.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former BMC3/E-4 [REDACTED] is denied, but alternative relief is granted. The Coast Guard is directed to amend the date of the applicant's TEB election to April 7, 2017.

April 24, 2025

