



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 7923-16
OCT 17 2017

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICC [REDACTED]
[REDACTED] USMC RET

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 7220 MPO dtd 6 Jun 17
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to establish eligibility to transfer Post 9/11 GI Bill benefits to her dependents.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 July 2017 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.
 - c. The Post-9/11 Veterans Education Assistance Act (Post 9/11 GI Bill, Public Law 110-252) became effective on 1 August 2009. The bill provides financial support for education for service members with at least 90 days of service on or after 11 September 2001. The act also provisions that qualifying service members can transfer benefits to dependents.
 - d. The Marine Corps' guidance implementing the Post-9/11 GI Bill was published by Directive-Type Memorandum (DTM) 09-003 of 22 June 2009 and MARADMIN 421/09. Under the guidance, "active duty sailors that separate, retire, transfer to the Fleet Reserve or who are discharged prior to 1 August 2009 are not eligible to elect transferability."

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e. Directive-Type Memorandum (DTM) 09-003 of 22 June 2009 and MARADMIN 421/09 exempted additional service from service members who had "an approved retirement date after 1 August 2009 and before 1 October 2010." Petitioner falls within that window of waived additional service. Petitioner retired on 31 January 2010.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner elected to transfer unused educational benefits through the MilConnect Transfer of Educational Benefits (TEB) web application on 1 August 2009.

Commandant of the Marine Corps reviewed the Petitioner's TEB application, and it was approved on 1 August 2009.

Upon completion of the above changes, Headquarters, United States Marine Corps (HQMC) will execute an approved Transferability of Educational Benefits (TEB) application reflecting the transfer information.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

[REDACTED]
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]
Executive Director