



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

[REDACTED]  
Docket No. 6533-17  
JAN 29 2018

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

Subj: REVIEW OF NAVAL RECORD IC [REDACTED]  
[REDACTED] USMCR RET [REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) HQMC memo 1800 MMSR dtd 6 Oct 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 his dependents.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 January 2018 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 your application, together with all material submitted in support thereof, relevant portions of your naval record 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. On 5 August 2010, Petitioner submitted a Transfer of Post 9/11 Education Benefits (TEB) request. Petitioner retired on 1 July 2014, 36 days shy of his obligation end date (OED) of 5 August 2014.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents contained in enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. Petitioner submitted a transfer of educational benefits (TEB) request

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on 5 August 2010 and was notified at the time that he was required to serve until 5 August 2014 to fulfil that obligation. However, the required statement of understanding for the transfer of education benefits is not in his official military personnel file (OMPF). Based upon the lack of documentation in his OMPF, Petitioner may not have been provided the required appropriate counseling regarding retirement before serving the transferability obligation of his Post 9/11 GI Bill benefits.

RECOMMENDATION:

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

Petitioner elected to transfer unused educational benefits through the MilConnect TEB web application on 30 June 2010.

Commandant of the Marine Corps (CMC) reviewed the Petitioner's TEB application, and it was approved on 30 June 2010.

Upon completion of the above changes, Headquarters, United States Marine Corps (HQMC) will execute an approved Transferability of Educational Benefits 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