



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

[REDACTED]  
Docket No. 7645-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments  
(2) Advisory opinion by MCRC G-7, 30 Nov 23  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish eligibility for the Marine Corps College Fund (MCCF), waiver of the 10-year limiting date and receipt of the unpaid MCCF kicker.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 March 2024 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, relevant portions of Petitioner's 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 22 April 1998, Petitioner enlisted in the U.S. Marine Corps Reserve for a term of 8 years of which 4 years was an active duty obligation. Petitioner's DD Form 1966, Record of Military Processing – Armed Forces of the United States outlines the program and incentives he enlisted for and changes to the program and incentives.

b. On 15 September 1998, Petitioner entered active duty. Petitioner's DD Form 1966 reflects his initials on changing to the Nuclear, Biological, and Chemical program with no bonus authorized.

c. On 16 September 1998, Petitioner signed DD Form 2366, Montgomery GI Bill (MGIB) Act of 1984 electing to enroll in the MGIB.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

[REDACTED] USMC

d. Petitioner provided a copy of his MCO 1130.XX, Marine Corps College Fund Addendum to Statement of Understanding for Enlistment Incentives; however, the form could not be found in his official military personnel file. Petitioner signed MCO 1130.XX on 22 October 1998 and the Military Entrance Processing Station Liaison certified the form on 28 October 1998. The MCO 1130.XX outlines the criteria for MCCF and MGIB to include “Participants are eligible to use the MCCF and MGIB education benefits after separation with 4 years active service and HONORABLE DISCHARGE” and “Participants remain eligible for the benefits for a period up to 10 years from the date of discharge (or retirement).”

e. On 10 July 2002, Petitioner released from active duty and transferred to the U.S. Marine Corps Reserve. Petitioner issued DD Form 214, Certificate of Release or Discharge from Active Duty with 3-years, 9-months and 26-days of active duty service, annotation that indicates he contributed \$1,200 to MGIB, honorable characterization of service, “RE-1A” Reentry Code and Narrative Reason for Separation: Completion of Required Active Service.

f. On 17 October 2022, Department of Veteran Affairs notified Petitioner that he does not have a kicker.

g. In the advisory opinion, 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.

## 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. The Board concluded Petitioner provided sufficient evidence to reflect that he received authorization for the MCCF, therefore determined that under this circumstance, partial relief is warranted.

## RECOMMENDATION

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

Petitioner’s DD Form 1966 is amended to reflect the Marine Corps College Fund was guaranteed and MCO 1130.XX was issued prior to entering active duty on 15 September 1998.

The part of Petitioner’s request for corrective action that exceeds the foregoing is denied as the Department of Veterans Affairs is responsible for determining eligibility and administration of education benefits, therefore the Board does not have the authority to waive the limiting date and or issue payment for unpaid MCCF kicker benefits.

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

4. It is certified that a 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.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

[REDACTED] USMC

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/5/2024

