



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

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Docket No. 574-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ■■■■■  
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Ref: (a) 10 U.S.C. § 1552  
(b) MARADMIN 017/20, subj: Transfer of Post-9/11 GI Bill Education Benefits (TEB) to Dependents Process, dtg 141706Z JAN 20  
(c) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997  
(d) DODI 1341.13, Post-9/11 GI Bill, 25 Oct 2022

Encl: (1) DD Form 149 w/attachments  
(2) DD Form 214  
(3) Defense Enrollment Eligibility Reporting System (DEERS) Screens  
(4) DD Form 4, Enlistment/Reenlistment Document, 29 September 2017  
(5) NAVMC 321A, Agreement to Extend Enlistment, 19 July 2019  
(6) Benefits for Education Administrative Services Tool – Service Member History  
(7) Benefits for Education Administrative Services Tool – Family Member History  
(8) Reenlistment Extension Lateral Move Request, 27 July 2021  
(9) DD Form 4, Enlistment/Reenlistment Document, 18 February 2022  
(10) Marine Corps Total Force System (MCTFS) – Basic Individual Record Screen, 28 August 2023  
(11) Findings of the Physical Evaluation Board Proceedings, Ref. ■■■■■  
*printed 27 June 2023*  
(12) DD Form 149 w/attachments (Docket No. 6290-23)  
(13) BCNR Memo ■■■■■ Docket No. 6290-23, subj: Review of Naval Record ICO [Petitioner], 19 September 2023  
(14) Petitioner's E-mail, subj: [Non-DoD Source] Updated documents, sent Friday, January 12, 2024 @ 1:58:35 PM

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, hereinafter referred to as the Board, requesting reconsideration of the Board's previous denial of his request to correct his naval record to establish his eligibility to transfer his Post-9/11 GI Bill education benefits to eligible dependents in Docket No. 6290-23.<sup>1</sup>

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<sup>1</sup> In Docket No. 6290-23, the Assistant General Counsel (Manpower and Reserve Affairs) (AGC (M&RA)) approved the Board's recommendation to deny the relief requested by Petitioner, over the contrary recommendation of the Board's Executive Director. In support of his present reconsideration request, Petitioner provided evidence

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2. The Board reconsidered Petitioner's allegations of error or injustice in light of the new material presented on 24 January 2024 and, pursuant to its governing policies and procedures, determined that the relief indicated below is warranted to address an injustice in Petitioner's naval record. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies.

3. Having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found 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. Petitioner enlisted in the Marine Corps and began a period of active duty service on 13 August 2007. See enclosure (2).

c. Petitioner has four children.<sup>2</sup> See enclosure (3).

d. On 29 September 2017, Petitioner reenlisted for four years and five months. This reenlistment extended his end of obligated active service (EOAS) date to 28 February 2022. See enclosure (4).

e. Petitioner married [REDACTED] on 30 May 2019. See enclosure (3).

f. On 19 July 2019, Petitioner extended his enlistment for six months. This action adjusted his EOAS date to 8 August 2022. See enclosure (5).

g. On 14 January 2020, the Marine Corps published reference (b), which provided that Marines that meet the following criteria are eligible to transfer their Post-9/11 educational benefits to eligible dependents: (1) Currently serving on active duty or in the Selected Reserve (SELRES); (2) Currently eligible for Post-9/11 GI Bill educational benefits; (3) Have greater than or equal to six years of creditable military service on the date of the TEB request; and (4) Be willing and able to complete four additional years of service (active duty or SELRES – with no break in service) from the TEB request date. Reference (b) further provides that when a TEB request has been rejected, a Marine should not reapply until they contact their unit career planner (or the Manpower Management Enlisted Assignments branch) to determine the reason for rejection, and to take corrective action, if desired. This step is described in reference (b) as "critical," as subsequent requests will be assigned a new TEB request date.

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that he was medically retired specifically for post-traumatic stress disorder (PTSD). Per reference (a), the Board is obligated to reconsider a previous denial of relief upon submission of any request supported by materials not previously presented to or considered by the Board in making such determination. The previous Board was aware that Petitioner had been medically retired, but was not aware that the reason for that medical retirement was Petitioner's PTSD diagnosis.

<sup>2</sup> [REDACTED] was born on 8 June 2007. [REDACTED] was born on 27 November 2010. [REDACTED] was born on 27 February 2012. [REDACTED] was born on 2 June 2014.

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h. On 21 January 2020, Petitioner submitted an application requesting to transfer all 36 months of his Post-9/11 GI Bill educational benefits to his spouse, [REDACTED]. At the time of this request, Petitioner had approximately two years and seven months of obligated service remaining on this enlistment. See enclosure (6) and (7).

i. On 22 June 2020, the Marine Corps denied Petitioner's transfer of educational benefits (TEB) application on the basis that Petitioner "has not committed to the required additional service time." See enclosure (6).

j. On 27 July 2021, Petitioner requested to reenlist for 48 months. The request was approved on 10 February 2022 for a period of 60 months. See enclosure (8).

k. On 17 February 2022, Petitioner reenlisted for a period of five years. This action adjusted his EOAS date to 17 February 2027. See enclosure (9).

l. On 24 April 2023, Petitioner was referred to the Physical Evaluation Board (PEB). See enclosure (10).

m. On 22 May 2023, the PEB found that Petitioner was unfit for continued service due to PTSD, and recommended that he be placed on the Temporary Disability Retired List (TDRL) with a 100 percent disability rating. See enclosure (11).

n. On 21 August 2023, Petitioner was honorably discharged and transferred to the TDRL. See enclosure (2).

o. On 15 July 2023, Petitioner submitted his original request for relief to the Board. Based upon this application, it appeared that he erroneously believed it was his medical retirement prior to completion of his most recent enlistment which rendered him ineligible for TEB. However, there was no evidence in the record that Petitioner ever requested and/or was approved for TEB after his original request was denied. See enclosure (12).

p. On 30 August 2023, the Board found insufficient evidence of any error or injustice justifying the relief requested in Docket No. 6290-23. In making this decision, the Board noted that the Marine Corps' policies pertaining to TEB have been in effect since 2009, and that the eligibility criteria and instructions for TEB are clearly outlined in published messages. Specifically, reference (b) provided instructions for Marines after a TEB request has been rejected. It specifically instructed the Marine to reapply only after contacting their unit career planner to determine the reason for rejection, and to "take corrective action, if desired." As the Petitioner did not follow this instruction, the Board found no error or injustice and therefore recommended that no corrective action be taken on his naval record in Docket No. 6290-23. See enclosure (13).

q. On 22 September 2023, the AGC (M&RA) approved the Board's findings and recommendation.<sup>3</sup> See enclosure (13).

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<sup>3</sup> The AGC (M&RA) was the approval authority for Docket No. 6290-23 because the Board's Executive Director exercised her authority pursuant to reference (c) to elevate the decision for Secretarial review. Specifically, the

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r. In his present application, Petitioner asserts that his PTSD “was shown to affect [his] memory and Judgment [sic],” and that he believes this condition “contributed greatly to [him] not being able to remember [sic] to follow through with the documents.” He states his belief that, “had it not been for the lack of notification [sic] from the command in conjunction [sic] with [his] memory loss from PTSD this would not be happening [sic] today. I would have been able to transfer this if not had been [sic] for medical retirement [sic].” See enclosure (1).

s. By e-mail dated 12 January 2024, Petitioner clarified that he would like his Post-9/11 GI Bill educational benefits allocated as follows: [REDACTED] – 35 months and [REDACTED] – one month.<sup>4</sup> See enclosure (14).

t. Per references (b) and (d), Service members will be considered to have completed their previously approved TEB-related service agreement upon discharge from active duty with an honorable discharge for an unfitting medical condition with a medical retirement order.

#### CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Board found the existence of an injustice warranting relief.

The Board found that Petitioner met the basic eligibility criteria to transfer his Post-9/11 GI Bill benefits stated in paragraph 3g above,<sup>5</sup> but simply failed to follow through with the administrative requirements to do so after his first request was rejected. However, while he failed to complete the administrative requirements to transfer his educational benefits outlined in reference (b), Petitioner took corrective action almost immediately after learning of the rejection of his request specifically designed to remedy the circumstances of his TEB disqualification. Specifically, he requested reenlistment for four years on 27 July 2021, just a month after his TEB request was denied. Given that Petitioner took immediate action to address the reason for the rejection of his TEB request after learning that his original request had been rejected, it is apparent that he would have reapplied for TEB if he knew that such action to be necessary. It would not be unreasonable for a Marine not well versed in TEB policy to believe that his action to rectify his disqualifying criterion alone was sufficient to reestablish his TEB eligibility, and the fact that he did not subsequently fulfill the administrative requirements necessary to transfer those benefits suggests that he was not properly informed of his requirement to do so. In addition to requiring a Marine to reapply for TEB after a rejection, reference (b) also assigns

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Executive Director noted that reference (b) imparted some responsibility upon the Marine’s unit for retention and extension actions. Given that Petitioner took immediate action to establish his eligibility for TEB after learning that his original request had been rejected, the Executive Director concluded that it was apparent that he would have reapplied for TEB if he knew that such action was necessary and that his unit career planner had a responsibility to inform Petitioner of this requirement.

<sup>4</sup> This represents a change from Petitioner’s stated allocation preference stated in Docket No. 6290-23, in which Petitioner indicated that he desired his Post-9/11 GI Bill education benefits allocated as follows: [REDACTED] – 34 months; [REDACTED] – one month; and [REDACTED] – one month.

<sup>5</sup> Although Petitioner completed only approximately 18 months of his five-year reenlistment contract, his medical retirement would have permitted the Marine Corps to adjust his TEB obligation end date to align with his transfer to TDRL in accordance with references (b) and (d).

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responsibility to both the Marine and the unit career planner to ensure that retention requests specify that they are submitted for the purpose of establishing the required service obligation to TEB under the post-9/11 GI Bill. Since Petitioner's reenlistment request following this rejection did not include this specification, the Board found it likely that his unit career planner failed to properly advise Petitioner of the requirements. Accordingly, the Board found the existence of an injustice warranting relief.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record:

That Petitioner's record be corrected to reflect that he, in coordination with his command, completed the required Statement of Understanding on 18 February 2022 and submitted it to Headquarters, U.S. Marine Corps (HQMC), for approval and inclusion in his naval record.

That HQMC approved Petitioner's TEB application of 18 February 2022, with a four-year service obligation.

That Petitioner elected to transfer 35 months of his unused Post-9/11 GI Bill educational benefits to [REDACTED] and one month of those benefits to [REDACTED], through the MilConnect TEB portal on 18 February 2022.

That HQMC ensure Petitioner's obligation end date is adjusted to align with his transfer to the TDRL on 21 August 2023.

That HQMC ensure that Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of educational benefits.

That a copy of this record of proceedings 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.

5. The foregoing action of the Board is submitted for your review and action in accordance with section 6(e)(2)(a) of the enclosure to reference (c).

2/12/2024

[REDACTED]

[REDACTED]

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

X Board Recommendation Approved (Grant Relief – I concur with the Board’s conclusion and therefore direct the relief recommended by the Board above.)

— Board Recommendation Disapproved (Deny Relief – I do not concur with the Board’s conclusion. Specifically, while Petitioner provided new material which justified reconsideration, he provided nothing new of substance which justified a change to the Board’s original decision in Docket No. 6290-23. The fact that Petitioner was medically retired for PTSD, as opposed to any other unfitting medical condition, is irrelevant to the question at hand in this case. The existence of PTSD does not make a Marine any less capable of reading or complying with clearly published instructions to transfer educational benefits. Accordingly, I concur with the decision made by my predecessor in Docket No. 6290-23, and continue to direct that no corrective action be taken on Petitioner’s naval record.

