

Subj: REVIEW OF NAVAL RECORD [REDACTED]

d. On 10 August 2021, Petitioner reenlisted for 4 years.

e. On 8 February 2024, Petitioner submitted second TEB application with less than 4 years remaining on contract. The Service rejected the application on 8 February 2024 indicating, Petitioner “needs to contact Service Representative to resolve status.”

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits but failed to complete the administrative requirements outlined in references (c) and (d).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 8 September 2018. Moreover, the Board determined Petitioner completed over 5-years of active duty service since the 8 September 2018 reenlistment and continues to serve, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under this circumstance, partial relief is warranted.

RECOMMENDATION

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

Petitioner elected to allocate unused months of education benefits to [REDACTED] 12-months, and [REDACTED]/12-months through the MilConnect TEB portal on 8 September 2018.

Note: Petitioner allocated education benefits to [REDACTED]/12-month after date of birth on [REDACTED]

Petitioner, in coordination with his command completed the required Statement of Understanding on 8 September 2018 and submitted it to Headquarters, U.S. Marine Corps (HQMC) for inclusion in the Petitioner’s Official Military Personnel File. HQMC reviewed Petitioner’s TEB application, and it was approved on 8 September 2018 with a 4-year service obligation. Note: HQMC will also ensure Petitioner’s Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

The part of Petitioner’s request for corrective action that exceeds the foregoing is denied in accordance with reference (c).

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

¹ References (c) and (d), the option to transfer a Service member’s unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election. Additionally, reference (c) specified that Enlisted Marines had 60 days from the date of TEB web application to incur the required obligated service or the TEB request will be rejected; reference (d) authorized 180 days. Furthermore, the policies direct Marines to periodically check the status of their application; a denied TEB application requires Marines to take corrective action and reapply with a new service obligation end date.

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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. 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.

3/25/2024

[REDACTED]