



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

[REDACTED]
Docket No. 3744-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 391/19
(c) MARAMIN 017/20

Encl: (1) DD Form 149 w/attachments
(2) 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 retroactively approve transfer of Post-9/11 GI Bill education benefits to his eligible dependent children effective 15 February 2020.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 April 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 Subject'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 4 April 2003, Petitioner entered active duty.
- b. On 9 June 2012, Petitioner reenlisted for 3 years and subsequently extended for 10 months.
- c. On 2 May 2013, Petitioner married [REDACTED] and they had two children: [REDACTED] born on 4 January 2014 and [REDACTED] born on 27 July 2015.
- d. On 29 January 2016, Petitioner reenlisted for 4 years and thereafter extended for 7 months.

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e. On 27 May 2019, Petitioner submitted transfer of education benefits (TEB) application with less than 4 years remaining on contract and requested to allocate 1-month of education benefits to each of his dependents.

f. On 19 July 2019, Petitioner requested to reenlist for 4 years. The Service approved the request to reenlist on 5 February 2020 and indicated, "SNM's [Subject Named Marine] [TEB] request will be approved when the reenlistment or extension granted via this authority has been executed and reflects in MCTFS [Marine Corps Total Force System]. Once the required obligated service has been obtained, SNM is directed to contact the TEB SMB box at USMC_TEB (at) USMC.MIL for approval."

g. On 15 February 2020, Petitioner reenlisted for 4 years.

h. On 19 February 2020, the Service rejected the application indicating Petitioner "has not committed to the required additional service time."

i. On 30 August 2022, Petitioner extended for 8 months.

j. On 22 November 2022, Petitioner divorced [REDACTED].

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 (b) and (c)¹ by reenlisting more than 150 days from TEB request date. 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 by submitting another TEB application in conjunction with his 15 February 2020 reenlistment. Therefore, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner elected to transfer unused education benefits to [REDACTED]/1-month and [REDACTED]/1-month through the MilConnect TEB portal on 15 February 2020.

Headquarters U.S. Marine Corps reviewed Petitioner's TEB application, and it was approved on 15 February 2020 with a 4-year service obligation.

¹ References (b) and (c), 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, the references specified that Enlisted Marines had 150 days from the date of TEB web application to incur the required obligated service or the TEB request will be rejected. Furthermore, the policies directed Marines to periodically check the status of their application; a denied TEB application required Marines to take corrective action and reapply with a new service obligation end date.

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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.

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.

5/16/2024

