



Subj: REVIEW OF NAVAL RECORD [REDACTED]

e. Petitioner submitted transfer of education benefits (TEB) applications on 17 December 2018 and 5 March 2020 with less than 4 years of service remaining on contract. The Service rejected both applications indicating, Petitioner “has not committed to the required additional service time.”

f. On 4 December 2020, Petitioner reenlisted for 4 years.

g. On 23 September 2021, Petitioner submitted TEB application with less than 4 years remaining on contract. The Service rejected the application on 22 September 22 indicating, Petitioner “has not committed to the required additional service time.”

h. On 14 December 2023, Petitioner found unfit for duty by the Physical Evaluation Board and recommended transfer to Permanent Disability Retired List.

## 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).<sup>1</sup> 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 20 October 2016. Moreover, the Board determined Petitioner has completed over 7 years of active duty service since the 20 October 2016 reenlistment and continues to serve, thereby meeting the spirit and intent of reference (b).<sup>2</sup> Therefore, the Board determined that under these circumstances, partial 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]/18 months and [REDACTED]/18 months through the MilConnect TEB portal on 20 October 2016.

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<sup>1</sup> References (c) and (d), the option to transfer unused education benefits to an eligible dependent required Marines have at least 6 years of creditable military service on the TEB request date and be willing and able to complete four additional years of service 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 150 days. 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.

<sup>2</sup> The Post-9/11 Veterans Educational Assistance Act (Post-9/11 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective on 1 August 2009. The bill provides financial support for education and housing for service members with at least 90 days of service on or after 11 September 2001. The act also includes provision for qualifying service members to transfer education benefits to their eligible dependents. General descriptions of the essential components of the law were widely available beginning in summer 2008 but specific implementing guidance was not published until summer 2009.

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Petitioner, in coordination with his command completed the required statement of understanding on 20 October 2016 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 20 October 2016 with a 4-year service obligation.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. Petitioner did not have sufficient time on contract to warrant TEB approval on 23 September 2021.

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

[REDACTED]