



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

█
Docket No. 4916-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
█ XXX XX █ / █ USMCR RET

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDI 1341.13
(c) MARADMIN 693/21¹

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 redistribute Post-9/11 GI Bill education benefits to his spouse and youngest child.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 22 May 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Petitioner served in the U.S. Marine Corps from 24 May 1993 to 23 May 1997. Thereafter, Petitioner was joined to the U.S. Marine Corps Reserve - Individual Ready Reserve on 24 May 1997 and discharged on 25 February 2001.

b. On 12 December 2005, Petitioner's child, █ was born.

¹ Advised Marines to designate at least 1-month of benefits to each eligible dependent prior to separation from the Service, as a Marine may not change a 0-month designate after separation, except in extremely limited cases authorized by the Harry W. Colmery Veterans Education Assistance Act of 2017. Additionally, the policy specifies, while serving on active duty or in the Selected Reserve, Service members may designate additional eligible family members and months of unused education benefits to a previously approved TEB record.

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c. On 23 May 2006, Petitioner enlisted in the U.S. Marine Corps Reserve for 3 years. Pay Entry Base Date was set to 21 August 1998.

d. Petitioner mobilized in support of [REDACTED] under the provisions of Title 10 U.S.C. 12302 from 7 August 2007 to 22 May 2008.

e. On 6 March 2009, Petitioner reenlisted for 3 years.

f. On 30 November 2010, Petitioner married [REDACTED] and acquired 3-stepchildren: [REDACTED] born 11 December 1998; [REDACTED] born 24 October 2000; and [REDACTED] born 29 April 2004. The last child, [REDACTED] was born on 28 November 2011.

g. On 24 March 2012, Petitioner transferred to the Individual Ready Reserve.

h. On 23 August 2012, Petitioner rejoined the Selected Marine Corps Reserve and extended his enlistment on 21 November 2012 for 12 months.

i. On 18 July 2017, Petitioner submitted transfer of education benefits (TEB) application and allocated education benefits to [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

j. On 16 September 2017, Petitioner reenlisted for 4 years.

k. On 28 September 2017, the Service approved Petitioner's TEB application with an obligation end date of 18 July 2021.

l. On 23 January 2021, Petitioner reenlisted for 3 years.

m. Petitioner transferred to the Retired Reserve effective 1 October 2022.

n. The Benefits for Education Administrative Services Tool (BEAST) Education Summary reflects that Petitioner used 8 months of Montgomery GIL Bill education benefits and the last payment was 15 May 1998. Petitioner's children used education benefits as follows: [REDACTED] /9 months and the last payment was 10 December 2018; [REDACTED] /9 months and the last payment was 22 September 2020; and [REDACTED] /9 months and the last payment was 27 October 2023.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. Petitioner was approved to transfer Post-9/11 GI Bill education benefits and completed his service obligation, however failed to allocate benefits to each of his dependents prior to transferring to the Retired Reserve. Although Petitioner did not complete the proper administrative requirements, the Board found that had he received clear counseling from his command regarding the inability to distribute the education

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benefits upon transferring to the Retired Reserve, he would have taken appropriate action. 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 rescinded education benefits from [REDACTED] and reallocated to [REDACTED] [REDACTED]/1-month through the MilConnect TEB portal prior to transferring to the Retired Reserve effective 1 October 2022.

Note: Headquarter U.S. Marine Corps will ensure Petitioner's BEAST Family Member History is updated with the aforementioned approved reallocation of education benefits.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (b).²

That 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.

6/14/2024

[REDACTED]

² An individual may not add dependents after retirement or separation from the Armed Forces but may modify or revoke at any time, any unused portion of the unused portion of the entitlement transferred to existing designated dependents. Additionally, the number of months transferred may not exceed the lesser of the months of unused entitlement available under the Post-9/11 GI Bill, 36 months, or the number of months specified by the DoD.