



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. 5172-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ■■■■■■■■■■ ■■■■■■■■■■
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Ref: (a) Title 10 U.S.C. § 1552
(b) MARADMIN 391/19
(c) MARADMIN 693/21

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 that her naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependent children effective 24 September 2019.

2. The Board, consisting of ■■■■■■■■■■ reviewed Petitioner's allegations of error and injustice on 15 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. 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.

b. On 12 May 2009, Petitioner's child, ■■■■■■■■■■ was born.

c. Petitioner's Armed Forces Active Duty Base Date is 5 March 2012.

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d. On 3 November 2015, Petitioner reenlisted for 4 years and thereafter extended for 20 months.

e. On 23 July 2019, Petitioner submitted transfer of education benefits (TEB) application with less than 4 years remaining on contract. The Service rejected the application on 13 March 2020 indicating, Petitioner “has not committed the required additional service time.”

f. On 29 January 2021, Petitioner reenlisted for 4 years.

g. On 8 March 2023, Petitioner’s child, [REDACTED] was born.

h. On 5 June 2023, Petitioner extended for 7 months.

i. Petitioner submitted TEB applications with less than 4 years remaining on contract on 11 September 2023, 12 February 2024, and 16 April 2024. The Service rejected the 11 September 2023 and 12 February 2024 applications indicating, Petitioner “has not committed the required additional service time.” The 16 April 2024 application is in a pending 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 (b) and (c).¹ Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had she received adequate counseling, she would have been able to transfer unused education benefits to eligible dependents by submitting another TEB application in conjunction with her 29 January 2021 reenlistment. 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 transfer unused education benefits to [REDACTED]/30 months through the MilConnect TEB portal on 29 January 2021. Note: Petitioner allocated education benefits to [REDACTED]/6 months after date of birth on 8 March 2023.

Headquarters Marine Corps reviewed Petitioner’s TEB application, and it was approved on 29 January 2021 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, reference (b) 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; reference (c) authorized 180 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.

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The part of Petitioner's request for corrective action that exceeds the foregoing is denied. There is no record of Petitioner submitting a TEB application on 24 September 2019 nor did she have sufficient obligated service to garner TEB approval at that time.

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.

6/5/2024

