



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

█  
Docket No. 5826-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD █  
XXX XX █/█ USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) Title 38 U.S.C. § 3319  
(c) MARADMIN 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 29 September 2021.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 10 July 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. 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. In accordance with reference (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. Reference (c) specified that Enlisted Marines had 150 days from the date of

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transfer of education benefits (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.

c. On 25 June 2001, Petitioner entered active duty.

d. Petitioner's child, [REDACTED], was born on [REDACTED] March 2005.

e. Petitioner married [REDACTED] on [REDACTED] February 2007 and had one child: [REDACTED] born on [REDACTED] January 2008.

f. Petitioner reenlisted on 27 October 2010 for 4 years and 2 months, on 23 September 2014 for 4 years, on 1 March 2018 for 4 years, and thereafter extended for 15 months.

g. On 29 September 2021, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to transfer 1-month of education benefits to each child.

h. On 1 October 2021, Petitioner reenlisted for 3 years.

i. On 22 September 2022, the Service rejected Petitioner's application indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

j. On 17 April 2024, Petitioner reenlisted for 3 years. The Reenlistment, Extension, and Lateral Move (RELM) request stated, "SNM [Subject Named Marine] wishes to maximize SRBP [Selected Retention Bonus Program] by reenlisting for 48 months of additional obligated service." Additionally, "If SNM has a pending Transfer of Educational Benefits (TEB) request, please ensure this approved reenlistment provides the required 48 months of additional obligated service." However, the RELM request was submitted for a 36-month reenlistment.

## 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 reference (c). 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 as far back as his 27 October 2010 reenlistment. Moreover, the Board determined Petitioner has completed over 13 years of active duty service since the 27 October 2010 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.

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## 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 27 October 2010.

Petitioner, in coordination with his command completed the required statement of understanding on 27 October 2010 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 27 October 2010 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 29 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.

7/31/2024

[REDACTED]