

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

- d. On 17 Mar 2017, Petitioner married [REDACTED]. Enclosure (4).
- e. On 8 November 2018, Petitioner reenlisted for 4 years and 6 months. Enclosure (5).
- f. On 13 November 2018, Petitioner's child, [REDACTED], was born. Enclosure (4).
- g. On 15 November 2019, Petitioner submitted transfer of education benefits (TEB) application with less than 4 years remaining on contract. Enclosure (6).
- h. On 22 November 2019, Petitioner's child, [REDACTED], was born. Enclosure (4).
- i. On 7 February 2020, the Service rejected Petitioner's TEB application indicating, "SM [Service Member] has not committed to the required additional service time." Enclosure (6).
- j. On 8 December 2022, Petitioner reenlisted for 4 years. Enclosure (2).
- k. On 27 March 2024, Petitioner submitted TEB application with less than 4 years remaining on contract. The Service rejected the application on 1 April 2024 indicating, "SM has not committed to the required additional service time." Enclosure (6).

MAJORITY CONCLUSION

Upon careful review and consideration of all the evidence of record, the Majority of the Board found sufficient evidence of an injustice warranting relief.

The Majority, in its review of Petitioner's entire record and application concluded 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).¹ Although Petitioner did not complete the appropriate administrative requirements, the Majority determined that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents upon reenlisting on 8 December 2022 for 4 years. Specifically, the Majority noted that Petitioner submitted his TEB application on 15 November 2019 and 27 March 2024 which both applications were denied because he did not have the required 4 years on his enlistment, however Petitioner reenlisted for 4 years on 8 December 2022 and the Service should have noted that he had submitted his TEB application on 15 November 2019 and advised him to make his election during his reenlistment. The Majority determined Petitioner clearly had every intention to transfer his TEB to his dependents by continuing to reenlist, thereby meeting the spirit and intent of reference (b).² Therefore, the Majority determined, under these circumstances, relief is warranted.

¹ The option to transfer unused education benefits to an eligible dependent requires a 4-year service obligation at the time of election and that Enlisted Marines have 150 days from the date of TEB web application to incur the required obligated service or the TEB request will be rejected. Reference (d) authorized 180 days and directs Marines to periodically check the status of their application; a denied TEB application requires Marines to take corrective action and reapply with a new service obligation end date.

² 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

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MAJORITY RECOMMENDATION

In view of the above, the Majority recommended that the following corrective action be taken on Petitioner's naval record.

Petitioner elected to transfer unused education benefits to [REDACTED]/18 months through the MilConnect TEB portal on 8 December 2022. Note: Petitioner updated allocation of education benefits to include [REDACTED]/18 months after birth on 22 November 2019.

Petitioner, in coordination with his command completed the required Statement of Understanding on 8 December 2022 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 8 December 2022 with a 4 year service obligation. Note: HQMC will ensure Petitioner's BEAST Family Member History is updated with the aforementioned approved allocation of education benefits.

That a copy of this record of proceedings be filed in Petitioner's naval record.

MINORITY CONCLUSION

Upon careful review and consideration of all the evidence of record, the Minority of the Board found insufficient evidence of any error or injustice warranting relief.

The Minority did not concur with the Majority conclusion that there existed an injustice in such denial. In this regard, the Minority concluded that the Marine Corps Transferability of Post-9/11 GI Bill policies clearly outlined the requirements and procedures to TEB. Moreover, the ability to TEB is a recruiting and retention tool pursuant to reference (b), and because Petitioner has not reached his mandatory retirement date, he has the ability to make his election during his next reenlistment.

MINORITY RECOMMENDATION

In view of the above, the Minority recommended that no corrective action be taken on 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.

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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5. The foregoing action of the Board is submitted for your review and action.

7/12/2024

[REDACTED]

Executive Director

ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

Majority Recommendation Approved (Grant Relief – I concur with the Majority conclusion and therefore direct the correction action recommended by the Majority above.)

Minority Recommendation Approved (Deny Relief – I concur with the Minority conclusion and therefore direct that no corrective action be taken on Petitioner’s naval record.)

[REDACTED]

Assistant General Counsel (M&RA)