



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

[REDACTED]
Docket No. 6356-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD [REDACTED].
[REDACTED] XXX XX [REDACTED] USMC (RET)

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) MARADMIN 704/13
(d) MARADMIN 391/19

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 establish eligibility to transfer Post-9/11 GI Bill education benefits to his eligible dependent son effective 13 December 2019.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 September 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 Petitioner'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. Petitioner's Armed Forces Active Duty Base date was 2 June 2004.
- b. On 23 March 2012, Petitioner reenlisted for 4 years and 3 months.
- c. On [REDACTED], Petitioner's child, [REDACTED] was born.

d. Petitioner submitted initial transfer of education benefits (TEB) application on 14 October 2015 with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/1-month. The Service rejected the application indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED].
[REDACTED] XXX XX [REDACTED] USMC (RET)

e. On 8 December 2015, Petitioner reenlisted for 4 years.

f. Petitioner submitted three additional TEB applications on 3 April 2017, 13 May 2019, and 5 August 2019 with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/1-month. The Service rejected the applications indicating, “Disapproved – SM has not committed to the required additional service time.”

g. On 2 December 2019, Petitioner extended for 6 months “To await a response from Headquarters Marine Corps on a pending RELM [Reenlistment Extension Lateral Move].”

h. On 13 December 2019, Petitioner reenlisted for 4 years.

i. Petitioner transferred to the Fleet Marine Corps Reserve effective 1 September 2024.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error 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).¹ 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 dependent upon reenlisting on 8 December 2015 and again on 13 December 2019. Moreover, the Board determined Petitioner completed over 8 years of service after the 8 December 2015 reenlistment before retiring, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under these circumstances, 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]/1-month on 13 December 2019 via the MilConnect TEB web portal.

Headquarters United States Marine Corps reviewed Petitioner’s TEB application, and it was approved on 13 December 2019 with a 4-year service obligation.

A copy of this report of proceedings will be filed in Petitioner’s naval record.

¹ 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 (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 direct 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.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED].
[REDACTED] XXX XX [REDACTED] USMC (RET)

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 titled 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.

9/22/2024

