



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

█
Docket No. 7334-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD █
XXX XX █ █ USMC (RET)

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. § 3319
(c) MARADMIN 421/09
(d) MARADMIN 428/11

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 eligible dependents.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 24 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. On 15 September 1997, Petitioner entered active duty.
- b. On 17 June 2000, Petitioner married █ and had two children: █ born on █ and █ born on █.
- c. On 23 October 2008, Petitioner reenlisted for 5 years.
- d. On █, Petitioner's child, █, was born.
- e. On 20 September 2010, Petitioner extended for 10 months.
- f. On 12 May 2011, Petitioner submitted application with less than 4 years remaining on contract. The Service rejected the application on 3 October 2011 indicating "Disapproved – SM [Service Member] has not committed to the required additional service time."

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g. On 2 May 2013, Petitioner reenlisted for 4 years.

h. Petitioner transferred to the Fleet Marine Corps Reserve effective 1 October 2017.

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 1 August 2009. Moreover, the Board determined Petitioner completed over 7 years of active duty service after the ability to transfer of education benefits (TEB), thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under this circumstance, 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, [REDACTED]/1-month, [REDACTED]/1-month, and [REDACTED]/1-month through the MilConnect TEB portal on 1 August 2009.

Petitioner, in coordination with his command completed the required statement of understanding on 1 August 2009 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 1 August 2009 with a 4-year service obligation.

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.

8/9/2024