



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

Docket No. 8009-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) MARADMIN 704/13
(d) 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 his naval record be corrected to establish eligibility to transfer Post-9/11 GI Bill education benefits to his eligible dependents effective 5 November 2019.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 January 2025 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. On 7 October 2008, Petitioner married [REDACTED] and had two children: [REDACTED] born on 10 December 2008 and [REDACTED] born on 20 June 2014.

b. On 24 March 2009, Petitioner entered active duty.

c. On 15 November 2012, Petitioner reenlisted for 4 years and thereafter extended for 35 months.

d. On 15 April 2019, Petitioner signed Post 9/11 Educational Benefits Transferability Commitment and Statement of Understanding.

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e. On 23 April 2019, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/1-month, [REDACTED] 1-month and [REDACTED]/1-month. The Service rejected the application on 20 June 2019 indicating, "Disapproved-SM [Service Member] has not committed to the required additional service time."

f. Petitioner reenlisted on 5 November 2019 for 4 years and on 15 June 2023 for 4 years.

g. On 19 July 2024, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/24 months, [REDACTED] -month and [REDACTED]/1-month. The Service initially rejected the application indicating, "Disapproved-SM needs to contact Service Representative to resolve status. However, the application status was updated to Pending with the reason indicating "Not Applicable."

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 dependents upon reenlisting on 5 November 2019. Moreover, the Board determined Petitioner has completed over 5 years of service since reenlisting on 5 November 2019 and continues to serve on active duty, 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] 24 month, [REDACTED] /1-month and [REDACTED] /1-month through the MilConnect TEB portal on 5 November 2019.

Petitioner, in coordination with his command completed the required Statement of Understanding on 5 November 2019 and submitted it to Headquarters, U.S. Marine Corps (HQMC) for inclusion in the Petitioner's Official Military Personnel File.

¹ In accordance with references (c) and (d), 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 transfer of education benefits (TEB) web application to incur the required obligated service or the TEB request would be rejected; reference (d) authorized 180 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.

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[REDACTED] XXX XX [REDACTED] USMC

HQMC reviewed Petitioner's TEB application, and it was approved on 5 November 2019 with a 4-year service obligation. Note: HQMC will ensure Petitioner's Benefits for Education Administrative Services Tool Family Member History is updated with the aforementioned approved allocation of education benefits.

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 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.

1/23/2025

