



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

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ARLINGTON, VA 22204-2490

Docket No. 8428-24

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) MARADMIN 704/13, 31 Dec 13
(d) MARADMIN 391/19, 11 Jul 19
(e) MARADMIN 693/21, 6 Dec 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 show that Petitioner transferred his Post-9/11 GI Bill education benefits to his eligible dependent children in conjunction with his reenlistment on 12 January 2021.

2. The Board, consisting of [REDACTED], [REDACTED], [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 March 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 Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 17 October 2005, Petitioner entered active duty for 4 years with an End of Current Contract (ECC) of 16 October 2009.

b. On 17 March 2007, Petitioner married [REDACTED].

c. In accordance with reference (b), 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

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beginning in summer 2008 but specific implementing guidance was not published until summer 2009.

d. On 2 March 2009, Petitioner signed an agreement to extend enlistment for 2 months with an End of Active Service (EAS) of 16 December 2009 in order to deploy with [REDACTED].

e. On [REDACTED], Petitioner's first child, [REDACTED] was born.

f. On 26 November 2009, Petitioner reenlisted for 4 years and 1-month with an ECC of 25 December 2013.

g. On 16 February 2013, Petitioner reenlisted for 2 years with an ECC of 15 February 2015.

h. On [REDACTED], Petitioner's second child, [REDACTED] was born.

i. In accordance with references (c) through (e), 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 150 days and reference (e) 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.

j. On 16 December 2014, Petitioner reenlisted for 4 years with an ECC of 15 December 2018.

k. On 2 May 2017, Petitioner signed an agreement to extend enlistment for 25 months with an EAS of 15 January 2021 in order to execute order to [REDACTED]

l. On 21 May 2020, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to his dependent children. The Service rejected the application on 26 October 2020 indicating "Disapprove-SM [Service Member] has not committed to the required additional service time."

m. On 12 January 2021, Petitioner reenlisted for 4 years with an ECC of 11 January 2025.

n. On 11 March 2024, Petitioner signed an agreement to extend enlistment for 6 months with an EAS of 11 July 2025 in order to obligate service to exercise transition plans upon return from unit deployment.

o. On 15 August 2024, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to his dependent children. The Service rejected the application on 15 August 2024 indicating "Disapprove-SM [Service Member] has not committed to the required additional service time."

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p. On 4 December 2024, Petitioner signed an agreement to extend enlistment for 19 months with an EAS of 11 February 2027 in order to obligate service for promotion.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of references (b) through (e), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that 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) through (e). 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 16 December 2014 and 12 January 2021. Moreover, the Board determined Petitioner has completed over 10 years of service since reenlisting on 16 December 2014 and continues to serve on active duty, thereby meeting the spirit and intent of reference (b). Therefore, the Board agreed 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]/18 months and [REDACTED]/18 months through the MilConnect TEB portal on 12 January 2021.

Headquarters, U.S. Marine Corps reviewed Petitioner's TEB application, and it was approved on 12 January 2021 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 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.

3/8/2025

[REDACTED]
Deputy Director

Signed by: [REDACTED]