



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

██████████
Docket No. 8429-24
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 13 March 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

In accordance with 38 U.S. Code§ 3319 - Authority to transfer unused education benefits to family members. "Eligible Individuals. An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, has completed at least— (1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or (2) the years of service as determined in regulations pursuant to section (k)."

In accordance with MARADMIN 0389/09 published on 29 June 2009, "[o]n 30 June 2008, the president signed into law a new Veteran's Educational Assistance Act, the POST 9-11 GI Bill, which becomes effective 1 August 2009."

In accordance with MARADMIN 0421/09 published on 15 July 2009, "transfer eligibility and additional service policies. per ref b [Department of Defense (DOD) Policy on Post 9-11 GI Bill], members of the armed forces who elect to transfer benefits: a. Must, at the time of the approval of the individual's request to transfer educational benefits, be eligible for the Post 9-11

GI Bill itself. b. Must have served 6 years in the armed forces (Active and/or SELRES) and agree to serve 4 additional years in the armed forces from the date of election...”

On 12 May 1999, you entered active duty. On 22 October 1999, your first dependent child was born. On 9 July 2006, your second dependent child was born. On 28 October 2008, you reenlisted for 5 years with an end of current contract (ECC) of 27 October 2013. On 3 August 2009, your third dependent child was born. On 6 November 2012, you reenlisted for 4 years with an ECC of 5 November 2016. On 1 September 2016, you reenlisted for 4 years with an ECC of 31 August 2020.

On 19 July 2018, your first TEB request was submitted, and it was rejected on 24 September 2018.

On 17 June 2019, you signed an agreement to extend enlistment for 24 months with an EAS of 31 August 2022 in order to obligate service for assignment to ██████████

On 9 January 2020, your second and final TEB request was submitted, and it was rejected on 16 June 2020.

You were transferred to the Fleet Marine Corps Reserve with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 12 May 1999 to 31 August 2021 upon having sufficient service for retirement. Furthermore, block 12c (NET active service this period) listed 22 years, 3 months, and 19 days.

On 26 September 2021, Department of Veterans Affairs notified you that “[t]his letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as state or local property or vehicle tax relief, civil service preference, to obtain housing entitlements, free or reduced state park annual memberships, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.”

On 16 August 2024, HQMC notified you that “[a] review of the Department of Defense education system (i.e., milConnect/BEAST), indicates that on 20180924 and 20200616, CMC(MMEA) rejected your 20180719 and 20200109 requests, respectively, to transfer your Post-9/11 GI Bill education benefits (“TEB”) to your dependents, with the following rejection reason: “SNM has not committed to the required additional service time” (i.e., 4 additional years from request date).

“Per your Official Military Personnel File (OMPF), on 20210831, you voluntarily retired from the Marine Corps. Regrettably, since you are no longer on active duty or in the Selected Reserves, the Service is not authorized to approve a new transfer request. However, the Secretary of the Navy, acting through the Board for Correction of Naval Records (BCNR), may consider and retroactively correct the naval records of former members of the Marine Corps.”

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your daughters. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded the ability to transfer Post-9/11 GI Bill education benefits to eligible dependents is a recruiting and retention tool that became effective 1 August 2009 in accordance with Title 38 U.S.C. § 3319. Pursuant to this law, Marine Corps guidance implementing the transfer of Post 9/11 GI Bill education benefits published by Marine Corps Administration (MARADMIN) message 0389/09, released on 29 June 2009, and MARADMIN 0421/09, released on 15 July 2009 with various updates prior to your retirement. These MARADMIN messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, MARADMIN 704/13 and MARADMIN 391/19 notified Marines the option to transfer unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election. Additionally, MARADMIN 703/13 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; MARADMIN 391/19 authorized 150 days. Furthermore, both messages directed Marines to periodically check the status of their application; a denied TEB application required Marines to take corrective action and reapply with a new service obligation end date.

The Board noted that you voluntarily transferred to the Fleet Marine Corps Reserve without attempting to take corrective action to garner TEB approval until well after retirement. Moreover, you failed to complete 4 years from the date of your initial TEB application submission, therefore the Board determined that a change to your record is not warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

3/17/2025

