



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

[REDACTED]
Docket No. 8666-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S. Code § 3319
(c) MARADMIN 0389/09, 29 Jun 09
(d) MARADMIN 0421/09, 15 Jul 09
(c) MARADMIN 017/20, 14 Jan 20

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 Petitioner was eligible to transfer Post-9/11 GI Bill education benefits to his eligible dependent daughter effective 19 October 2020.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 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. In accordance with reference (b), 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)."

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

b. In accordance with reference (c), “[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.”

c. In accordance with reference (d), “[t]ransfer 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...”

d. In accordance with references (e), this MARADMIN cancels reference (a) [MARADMIN 391/19], and provides guidance specific to the transfer of Post-9/11 GI Bill (PGIB) education benefits (TEB) to dependents process.

Eligible Marines. Marines who meet the following four criteria may request to transfer to one or more of their eligible dependents all or a portion of their PGIB education benefit. Applicants should not presume automatic approval of TEB requests, and are responsible to check the status of their TEB request via the DMDC TEB Web application as provided in paragraph 7, below.

Have greater than or equal to 6 years, 0 months, and 0 days of creditable military service on the TEB request date. (1) Creditable service uses the Armed Forces Active-Duty Base Date (AFADBD) and/or number of satisfactory years reflected in the Marine Corps Total Force System (MCTFS). (2) The determination of the total years of creditable service and TEB Obligation End Date is based on the date of the TEB request on the DMDC TEB Web application, not the date that the request is approved. d. Be willing and able to complete four (4) additional years of service (active duty or SELRES – with no break in service) from the TEB request date.

e. On 29 October 2014, Petitioner signed a Service Agreement (1100) Officer Candidate Class Ground (NAVMC 10462), agreeing to the following: “I consent to serve on extended active duty for a minimum of forty-eight (48) months as a commissioned officer from date of appointment to commissioned grade. I understand that a request for release from active duty prior to completion of this period will normally be rejected.”

f. On 29 October 2014, Petitioner enlisted in the U.S. Marine Corps Reserve for 8 years.

g. Petitioner was discharged with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 20 September 2015 to 23 November 2015 in order to accept commission or warrant in same branch of service.

h. On 24 November 2015, Petitioner signed a United States Marine Corps Appointment Acceptance and Record (NAVMC 763) in the U.S. Marine Corps as a Second Lieutenant under the OCCGND program. Furthermore, it listed the following periods in the USMCR: from

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

29 October 2014 to 19 September 2015 (Not creditable for pay purposes), and from 20 September 2015 to 23 November 2015.

- i. On 10 December 2015, Petitioner got married.
- j. On 16 January 2016, Petitioner signed a Montgomery GI Bill Act of 1984 (MGIB) Basic Enrollment form (DD Form 2366) and elected to enroll in the program.
- k. On 17 July 2020, Petitioner's child was born.
- l. On 19 October 2020, Petitioner submitted TEB applications and requested to allocate education benefits to [REDACTED]/1-month and [REDACTED]/35 months. The Service rejected the applications indicating, "Disapproved – SM [Service Member] does not have 6 yrs in Armed Forces."
- m. On 18 October 2023, Petitioner notified Commanding General, [REDACTED] that "1. I understand that, if I am voluntarily or involuntarily separated before I complete an active-duty service requirement incurred because I received advanced education assistance (United States Naval Academy, Reserve Officer Training Corps, Platoon Leaders Class, Funded Law Education Program, etc.), I may be required to reimburse the Government on a pro-rata basis for the unserved portion of my service obligation."
- n. On 6 August 2024, Petitioner notified HQMC that "I plan to make a case with a BCNR package and extend." Furthermore, HQMC replied to Petitioner that "[j]ust to recap our conversation via phone, you are intending to withdraw your separation request and intending to submit a BCNR package. For your awareness, I have included MMSR personnel to assist you on this matter. If you have any questions or concerns, please let me know."

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b) and enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that in accordance with reference (c), a member must have 6 years in the Armed Forces to be eligible to transfer Post-9/11 GI Bill education benefits. On 19 October 2020, Petitioner submitted his TEB request. At that time, Petitioner was approximately 11 months shy of completing 6 years and his application was rejected. On 20 September 2021, Petitioner completed 6 years in the Armed Forces. 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 his eligible dependents on 20 September 2021. Therefore, the Board determined under these circumstances, partial relief is warranted.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

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

Petitioner elected to transfer unused education benefits to [REDACTED]/36-months on 20 September 2021 via the MilConnect TEB web portal. HQMC reviewed Petitioner's TEB application, and it was approved on 20 September 2021 with a 4-year service obligation.

That no further changes be made to Petitioner's naval record.

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.

3/17/2025

[REDACTED]

Deputy Director

Signed by: [REDACTED]