



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

██████████  
Docket No. 8716-24  
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.

On 19 August 2005, you signed a Montgomery GI Bill Act of 1984 (MGIB) Basic Enrollment form (DD Form 2366) and elected to enroll in the program.

On 26 November 2006, your first dependent child (██████████) was born.

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 8 November 2015, you got married (██████████).

On 6 December 2016, you reenlisted for 4 years with an End of Current Contract (ECC) of 5 December 2020.

On 16 September 2017, your second dependent child (██████████) was born. On 26 August 2018, your third dependent child (██████████) was born.

In accordance with MARADMIN 017/20 published on 14 January 2020, “[t]his 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.”

“Per reference (c) [DODI 1341.13], the Marine Corps is authorized to use TEB to promote recruitment and retention: TEB is not an entitlement. Accordingly, Marines should not presume automatic approval of a TEB request and are responsible to check the status of their TEB request via the Defense Manpower Data Center (DMDC) TEB Web application as provided in paragraph 7, below. Effective Date. This MARADMIN is effective immediately.”

Process. a. Prior to or concurrent with submitting a request to TEB, Marines will review reference (c) and speak with their unit Career Planner about re-enlistment and extension options available to be retained for 4 years (on active duty or in the SELRES). If a Marine is submitting for re-enlistment or extension in conjunction with a TEB request, the Marine and Career Planner must ensure that the retention request being submitted specifies: “For purposes of establishing the required service obligation to TEB under the Post-9/11 GI Bill.”

“b. Eligible Marines must use the DMDC TEB Web application at milconnect.dmdc.osd.mil/milconnect to request to TEB, modify, or revoke transferred benefits. Marines must complete the TEB Acknowledgements checklist. All acknowledgements must be selected to complete the application process. Marines completing this checklist agree to complete the prescribed additional period of service and acknowledge their responsibility for any overpayments due to not completing the additional obligated term of service before separating from active duty or the SELRES. See paragraph 8 regarding the failure to complete the additional service...g. CMC (MM/RA) will maintain TEB requests in a pending status for a reasonable period (i.e., generally, no more than 150 days) to allow Marines to request to extend or re-enlist, when necessary.”

On 14 April 2020, you signed an agreement to extend enlistment for 31 months with an End of Active Service (EAS) of 5 July 2023 in order to obligate service for assignment to [REDACTED].

On 23 February 2021, you submitted TEB applications and requested to allocate education benefits to [REDACTED]/2 months, [REDACTED]/30 months, [REDACTED]/2-month, and [REDACTED]/2 month. The Service rejected the applications indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

On 13 January 2022, your fourth/fifth dependent child ([REDACTED]) was born.

On 14 December 2022, you reenlisted for 4 years with an ECC of 13 December 2026.

On 12 June 2024, Commandant of the Marine Corps notified you that "[t]he Secretary of the Navy has authorized your physical disability retirement per reference (a) [PEB Index No. [REDACTED]]. At 2359 on 30 August 2024, you are transferred to the Temporary Disability Retired List (TDRL), due to a non-combat related disability, in accordance with reference (b) [Title 10, United States Code, Chapter 61]."

On 30 October 2024, Commanding Officer, [REDACTED] notified you that "[o]n 31 October 2024, you will be placed in the Fleet Marine Corps Reserve (FMCR) per the reference (a) [Title 10, U. S. Code] and (b) [MCO 1900.16 (MARCORSEPMAN)]. Accordingly, at 2359, 31 October 2024 you will be detached from your present duty station and released from active duty. You will proceed to your home ([REDACTED]) and complete all travel within the time specified in the reference (c) [JTR, par. 5130, 5230, and 5345-H]. Active duty pay and allowances terminate 31 October 2024."

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 16 August 2005 to 31 October 2024 due to Early retirement.

You requested to backdate your Post-9/11 GI Bill education benefits transfer request to February 2021, reflecting your original submission. 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 017/20 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, this message specified that Enlisted Marines had 150 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. Furthermore, the message 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.

You assert that backdating your Post-9/11 GI Bill benefits transfer request to February 2021, reflecting your original submission, would meet the required timeline and allow your family to receive the education benefits as intended, considering your recent early retirement due to medical concerns. However, the Board determined that you married your spouse on 8 November 2015, yet showed no *intent* to transfer your education benefits to any of your dependents until 23 February 2021. At that time, you had less than 4 years remaining on contract and the Service rejected your application on 3 August 2021, indicating “Disapproved – SM [Service Member] has not committed to the required additional service time.” Furthermore, it was your responsibility to check the status of your application so that corrective action could be taken. Finally, although you reenlisted on 14 December 2022 for 4 years, more than 150 days had passed and there is no evidence that you reapplied to TEB, as required in MARADMIN 017/20. 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,

3/24/2025

