



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

[REDACTED]
Docket No. 8966-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S. Code § 3319
(c) MARADMIN 391/19, 11 Jul 19
(d) 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 that Petitioner transferred Post-9/11 GI Bill education benefits to his eligible dependents.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 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 Subject'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 29 September 2007, Petitioner reenlisted for 5 years with an End of Current Contract (ECC) of 28 September 2012 and End of Active Service (EAS) of 28 October 2012.

b. On 11 June 2012, Petitioner signed an agreement to extend enlistment for 7 months with an EAS of 28 May 2012 in order to have sufficient obligated service for consideration for the next promotion board.

c. On 8 November 2012, Petitioner reenlisted for 4 years with an ECC of 7 November 2016.

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d. On 26 February 2014, Petitioner signed a Montgomery GI Bill Act of 1984 (MGIB) Basic Enrollment form (DD Form 2366) and elected to enroll in the program.

e. Reference (b) the 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).

f. On 6 April 2017, Petitioner got married ([REDACTED]), and gained three stepchildren [REDACTED], [REDACTED], and [REDACTED].

g. On 5 December 2017, Petitioner reenlisted for 4 years with an ECC of 4 December 2021.

h. On [REDACTED], Petitioner's forth dependent child ([REDACTED]) was born.

i. Reference (c) canceled MARADMIN 704/13 and MARADMIN 642/18, and provided guidance specific to the transfer of Post-9/11 GI Bill (PGIB) educational benefits (TEB) to dependents process. a. Eligibility and administration of the PGIB are the responsibility of the Department of Veterans Affairs (VA). Policies and procedures for utilization of PGIB and TEB benefits are available at benefits.va.gov/gibill. Information concerning the PGIB itself, eligibility, and benefits are provided in reference (c) [MCO 1560.25]. b. References (d) [DODI 1341.13] and (e) [DTM-18-006] provide TEB policy. References (f) [OUSD(PR) MEMO] and (g) [OUSD(PR) MEMO] deferred full implementation of reference (d) to 12 July 2019 and 12 January 2020, respectively. c. Per reference (d), 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. Prior to or concurrent with submitting a request to TEB, Marines will review references (c) and (d) 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). 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. When submitting a request to TEB, Marines will designate their transferees and the number of months to be transferred to each transferee. Marines will designate at least 1 month to each desired eligible transferee. At least 1 dependent must receive a minimum of 1 month upon election. Marines are advised to designate at least 1 month to each eligible dependent prior to separation, retirement, or discharge, as a Marine may not change a 0-month designation once separated, retired, or discharged...Marines will 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 of this MARADMIN...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...TEB requests held in a pending status beyond this period, when MM/RA has not authorized a Marine to extend or re-enlist to meet the additional service

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obligation, will be rejected...A Marine may add eligible family members while serving in the Uniformed Services through the DMDC TEB Web application. This action does not incur additional obligated service.

j. On 5 November 2019, Petitioner submitted TEB applications and requested to allocate education benefits to [REDACTED]/1-month, and [REDACTED]/1-month. This request was not adjudicated because Petitioner submitted a second request on 15 November 2020.

k. Reference (d) canceled reference MARADMIN 391/19 and provides guidance specific to the transfer of Post-9/11 GI Bill (PGIB) TEB to dependents process. a. Eligibility and administration of the PGIB are the responsibility of the Department of Veterans Affairs (VA). Policies and procedures for utilization of the PGIB and TEB are available at benefits.va.gov/gibill. 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...Desired retention and extension actions, consistent with current retention policies, are a shared responsibility between the Marine, his or her unit, and CMC (MM/RA). Marines are responsible to track their request to extend or re-enlist; do not assume approval. TEB requests held in a pending status beyond this period, when MM/RA has not authorized a Marine to extend or re-enlist to meet the additional service obligation, will be rejected...A Marine may modify or revoke an approved transfer at any time through the DMDC TEB Web application. A Marine may not change a 0-month transferee designation once separated, retired, or discharged...A Marine may add eligible family members through the DMDC TEB Web application while serving in the Uniformed Services. This action does not incur additional obligated service. A Marine may not designate new transferees once separated, retired, or discharged. A limited exception is provided for upon the death of an originally designated dependent.

l. On 3 March 2020, Petitioner's signed an agreement to extend enlistment for 24 months with an EAS of 4 December 2023 in order to have obligated service to qualify for transferability of post 9/11 GI Bill Education Benefits.

m. On 15 November 2020, Petitioner submitted TEB applications and requested to allocate education benefits to [REDACTED], and [REDACTED]. The Service rejected the application on 17 March 2021 indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

n. On 9 October 2021, Petitioner reenlisted for 4 years with an ECC of 8 October 2025.

o. On 26 June 2024, Petitioner submitted TEB applications and requested to allocate education benefits to [REDACTED]. The Service rejected the application on 1 July 2024 indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time."

p. On 1 July 2024, Petitioner submitted TEB applications and requested to allocate education benefits to [REDACTED]. The Service rejected the application on 2 July 2024 indicating,

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“Disapproved – SM [Service Member] has not committed to the required additional service time.”

q. On 1 July 2024, Petitioner notified USMC_TEB that “I am [Petitioner], and I am attempting to transfer my education benefits to my dependents, but it has been rejected twice with the comment that SM has not committed the required additional service time. I have completed nearly 20 years at this time and extended my contract on March 3rd 2020 in order to have the obligated service to qualify for the ability to transfer the post 9/11 GI Bill benefits. I spoke with both the VA and MilConnect helpdesk and they could not tell me why my request is being denied.”

r. On 2 July 2024, Enlisted Active-Duty TEB Coordinator notified Petitioner that “[m]y recommendation would be to submit your case to the BCNR as they have the authority to review and overturn previous adjudications. Recommend using the information from your 2019 Milconnect submission and your 2020 Extension to meet the TEB obligation.”

s. Petitioner was 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 7 September 2004 to 30 September 2024 upon having sufficient service of retirement.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that on 5 November 2019, Petitioner submitted TEB application and requested to allocate education benefits to [REDACTED]/1-month, and [REDACTED]/1-month. At that time, Petitioner had just over 2 years left on contract. On 3 March 2020, Petitioner’s signed an agreement to extend enlistment for 24 months with an EAS of 4 December 2023 to have obligated service to qualify for transferability of post 9/11 GI Bill Education Benefits. In accordance with reference (c), Petitioner’s extension was within 150 days of the TEB submission and should have met the service obligation for the TEB. The Board determined that Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits with the execution of his extension on 3 March 2020; however, Petitioner’s November 2019 TEB request only included two dependents and his current request is for all of them. The Board felt that backdating Petitioner’s TEB approval to 2019 could potentially disqualify his other dependents because he is no longer on active duty. Therefore, the Board determined that it would align Petitioner’s TEB request with his 4-year reenlistment on 5 December 2017. Petitioner completed over 6 years of service after that reenlistment prior to retiring, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

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Petitioner elected to transfer unused education benefits to [REDACTED]/1-month, [REDACTED]
[REDACTED]/1-month, [REDACTED]/1-month, [REDACTED]/1-month through the
MilConnect TEB portal on 5 December 2017.

Headquarters, U.S. Marine Corps reviewed Petitioner's TEB application, and it was approved on
5 December 2017 with a 4-year service obligation.

Petitioner elected to transfer unused education benefits to [REDACTED]/1-month, through the
MilConnect TEB portal on 20 December 2017.

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.

3/31/2025

