



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

██████████
Docket No. 9253-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████
XXX XX ██████████ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. § 3319
(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 that Petitioner transferred his Post-9/11 GI Bill education benefits to his eligible dependents effective 7 December 2021.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 27 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 16 October 2007, Petitioner entered active duty for 5 years with an End of Current Contract (ECC) of 15 October 2012.

b. Reference (b) authority to transfer unused education benefits to family members. In General. Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit an individual described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d). (b) 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

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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).

c. On 3 October 2012, Petitioner signed an agreement to extend enlistment for 3 months with an End of Active Service (EAS) of 15 January 2013 to await response for a submitted reenlistment request.

d. On 29 November 2012, Petitioner reenlisted for 4 years and 2 months with an ECC of 28 January 2017.

e. On [REDACTED], Petitioner got married [REDACTED].

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

g. On 28 November 2016, Petitioner reenlisted for 4 years with an ECC of 27 November 2020.

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

i. 30 October 2019, Petitioner signed an agreement to extend enlistment for 19 months with an EAS of 27 June 2022 in order to obligate service to execute orders to MCC J22.

j. Reference (c) canceled MARADMIN 391/19 and provides guidance specific to the transfer of Post-9/11 GI Bill (PGIB) education 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 the PGIB and TEB are available at benefits.va.gov/gibill.

“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. a. Currently serving on active duty or in the Selected Reserve (SELRES)... 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.”

“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

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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.”

k. On 19 October 2021, Petitioner reenlisted for 4 years with an ECC of 18 October 2025.

l. On 7 December 2021, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/1-month, and [REDACTED]/1-month. The Service initially placed the application in a pending status on 17 December 2021 and then rejected the application on 22 September 2022 indicating, “Disapproved-SM [Service Member] has not committed to the required additional service time.”

m. On 28 August 2024, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/34 months, and [REDACTED]/1-month. The Petitioner also emailed the Service explaining the connection issues he experienced with the MilConnect TEB portal in 2021 and advised that he only planned to extend his enlistment “...until 20 years’ time in service in order to retire. I do not plan on serving any longer just to transfer my GI Bill benefits due to family and future goals.”

n. On 3 September 2024, Petitioner’s TEB application was rejected by the Service indicating, “Disapproved-SM needs to contact Service Representative to resolve status.” The Active Duty Transfer of Education Benefits Coordinator responded to Petitioner’s inquiry indicating the TEB application was rejected “due to at the time of submission you did not have the required EAS [end of active service]. The only authority to make corrections to records is the BCNR process.” The Coordinator also offered to assist with the 28 August 2024 TEB application but advised it would require an EAS of 27 August 2028.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that on 19 October 2021, Petitioner reenlisted for 4 years with an ECC of 18 October 2025, however he did not submit his TEB application until 7 December 2021. At that time, he had less than 4 years on contract and his application was placed in a pending status until 22 September 2022, when it was rejected because Petitioner had not committed to the required additional service time. The Board determined 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 reference (c). 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 19 October 2021. Moreover, the Board determined Petitioner continues to serve on active duty, meeting the spirit and intent of

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reference (b). Therefore, the Board determined under these circumstances, partial 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], [REDACTED], and [REDACTED] through the MilConnect TEB portal on 19 October 2021.

Headquarters U.S. Marine Corps reviewed Petitioner's TEB application, and it was approved on 19 October 2021 with a 4-year service obligation.

A copy of this report of proceedings will be filed in Petitioner's naval record.

That no further changes be made to 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.

4/7/2025

