

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

Docket No. 9320-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD

USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) MARADMIN 017/20
(d) MARADMIN 693/21
(e) MARADMIN 027/24

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 establish eligibility to transfer Post-911 GI Bill education benefits to his eligible dependent children.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 April 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. The Post-911 Veterans Educational Assistance Act (Post-911 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective 1 August 2009. The bill provides financial support for education and housing for service members with at least 90 days of service on or after 11 September 2001. The act also includes provision for qualifying service members to transfer education benefits to their eligible dependents. General descriptions of the essential components of the law were widely available beginning in summer 2008, but specific implementing guidance was not published until summer 2009.

b. In accordance with references (c) through (e), the option to transfer a Service member's unused education benefits to an eligible dependent requires a 4-year additional service obligation

Subj: REVIEW OF NAVAL RECORD [REDACTED]

[REDACTED] USMC [REDACTED]

at the time of election. Additionally, reference (c) 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; reference (d) authorized 180-days. Furthermore, the policies direct Marines to periodically check the status of their application; a denied TEB application requires Marines to take corrective action and reapply with a new service obligation end date.

c. On 23 December 1999, Petitioner enlisted in the Marine Corps Reserve and completed initial active duty training from 5 July 2000 through 26 January 2001. Thereafter, Petitioner was release from active duty and transferred to the Marine Corps Reserve.

d. On 3 January 2022, Petitioner executed active duty orders.

e. On 19 February 2002, Petitioner married spouse [REDACTED] and they had one child:
[REDACTED]

f. On 30 June 2002, Petitioner was released from active duty.

g. Petitioner mobilized in support of [REDACTED] from 14 January 2003 to 13 January 2004 and [REDACTED] from 3 June 2004 to 27 May 2005.

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

i. On 2 October 2007, Petitioner enlisted in the Marine Corps for 4-years and subsequently extended for 16-months.

j. [REDACTED], Petitioner's third child, [REDACTED] was born, followed by the birth of his fourth child, [REDACTED]

k. Petitioner reenlisted on 22 June 2012 for 4-year and extended for 3-months, on 19 January 2016 for 4-years and lastly on 18 December 2019 for 4-years and extended for 5-months.

l. Petitioner submitted TEB applications on 27 January 2020, 26 September 2023 and 12 September 2024 with less than 4-years remaining on contract. The Service rejected the applications on 1 July 2020, 7 November 2023, and 17 September 2024 indicating, "Disapprove-SM [Service Member] has not committed to the required additional service time."

m. On 30 September 2024, Petitioner transferred to the Fleet Reserve.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the basic eligibility criteria to transfer Post-9/11 GI Bill education benefits but failed to complete the administrative requirements outlined in references (c) through (e). Although Petitioner did not complete the

Subj: REVIEW OF NAVAL RECORD [REDACTED]

[REDACTED] USMC [REDACTED]

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 18 December 2019. Moreover, the Board determined Petitioner completed over 4-years of service after the 18 December 2019 reenlistment, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined under this circumstance, 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] 12-month, [REDACTED]/12-month, [REDACTED], and [REDACTED]/1-month through the MilConnect TEB portal on 18 December 2019.

Headquarters U.S. Marine Corps reviewed Petitioner's TEB application, and it was approved on 18 December 2019 with a 4-year service obligation.

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.

