



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

[REDACTED]
Docket No. 9845-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) 38 U.S.C. § 3319
(c) Directive-Type Memorandum (DTM) 09-003: Post-9/11 GI Bill, 22 June 2009
(d) MARADMIN 421/09, subj: Post-9/11 GI Bill Transferability of Educational Benefits, Administration and Management, Roles and Responsibilities, dtg 152049Z JUL 09
(e) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachment
(2) DD Form 214 (Discharge date: 1 February 2004)
(3) NAVMC 763, United States Marine Corps Appointment Acceptance and Record, 2 February 2004
(4) DD Form 214 (Discharge date: 31 October 2013)
(5) Defense Manpower Data Center Department of Defense Person Search, 4 April 2025
(6) DD Form 2648, Preseparation Counseling Checklist for Active Component (AC), Active Guard Reserve (AGR), Active Reserve (AR), Full Time Support (FTS), and Reserve Program Administrator (RPA) Service Members, 22 July 2013
(7) VA Form 22-1990E, Application for Family Member to Use Transferred Benefits, 9 July 2024
(8) Benefits for Education Administrative Service Tool – Service Member History
(9) Benefits for Education Administrative Service Tool – Family Member History

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, hereinafter referred to as the Board, requesting that his naval record be corrected as necessary to establish that he transferred his unused Post-9/11 GI Bill education benefits to his eligible dependent daughter [REDACTED]).

2. The Board reviewed Petitioner's allegations of error or injustice on 10 April 2025 and, pursuant to its governing policies and procedures, determined by a majority vote that the corrective action indicated below should be taken on Petitioner's naval record. Documentary material considered by the Board included enclosures; relevant portions of Petitioner's naval records; and applicable statutes, regulations, and policies.

3. Having reviewed all the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found as follows:

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

a. Before applying to the Board, Petitioner exhausted all administrative remedies available under existing law and regulations with the Department of the Navy.

b. Petitioner enlisted in the Marine Corps and began a period of active duty service on 23 September 1991. He served honorably until he was discharged on 1 February 2004 in order to accept appointment as a warrant officer. See enclosure (2).

c. On 2 February 2004, Petitioner was appointed as a warrant officer in the Marine Corps and continued serving on active duty. See enclosures (3) and (4).

d. [REDACTED] was born on 17 May 2006.¹ See enclosure (5).

e. Reference (b) (i.e., the "Post-9/11 GI Bill") was passed on 30 June 2008, creating the authority for Service members meeting certain criteria to transfer their education benefits to eligible dependents subject to regulations published by the Secretary of Defense.

f. Reference (c) was published on 22 June 2009 to implement the Post-9/11 GI Bill. It provided that the Secretary of the Navy could permit eligible individuals entitled to educational assistance under the Post-9/11 GI Bill to elect to transfer to one or more family members specified,² all or a portion of such individual's entitlement to such assistance. Eligible individuals included "[a]ny member of the Armed Forces on or after August 1, 2009, who, at the time of the approval of the individual's request to transfer entitlement to educational assistance, is eligible for the Post-9/11 GI Bill," and who met one of the following criteria:

(1) Has at least six years of service in the Armed Forces as of the date of the election to transfer the education benefits and agrees to serve four additional years;

(2) Has at least 10 years of service in the Armed Forces as of the date of the election, is precluded by either policy or statute from committing to four additional years, and agrees to serve for the maximum amount of time allowed by such policy or statute; or

(3) Is or becomes retirement eligible during the period from 1 August 2009 through 1 August 2013, and agrees to serve the additional time specified based upon the individual's retirement eligibility date.³

¹ Petitioner had two older children: [REDACTED] born on 2 [REDACTED] and [REDACTED] born on [REDACTED].

² Eligible family members were defined as the individual's spouse; one or more of the individual's children; or a combination of the spouse and children. The family member must have been enrolled in the Defense Eligibility Enrollment Reporting System (DEERS) and be eligible for benefits at the time of transfer to receive transferred benefits.

³ For those individuals eligible for retirement on 1 August 2009, or with an approved retirement date between 2 August 2009 and 30 June 2010, no additional service was required. For those individuals eligible for retirement after 1 August 2009 but before 1 August 2010, one additional year of service was required to establish eligibility to transfer education benefits. For those individuals eligible for retirement on or after 1 August 2010 but before 1 August 2011, two additional years of serve was required. For those individuals eligible for retirement on or after 1 August 2011 but before 1 August 2012, three additional years of service was required.

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

g. On 15 July 2009, the Marine Corps published the procedures for eligible active-duty Marines to transfer their unused Post-9/11 GI Bill education benefits in reference (d). Specifically, for active component officers, the process included submission of a request to transfer their education benefits through the milConnect website; contacting the Marine's commanding officer or designated representative to advise him/her of the request to transfer his or her education benefits; completion of a Statement of Understanding (SOU) by the command, and subsequent submission of the signed SOU to the Commandant of the Marine Corps (MMSB) for inclusion in the Marine's permanent record; and finally determination of the Marine's eligibility to transfer his education benefits, the Marine's obligation end date, and approval of the request by the Marine's command.

h. Per reference (d), the Post-9/11 GI Bill went into effect in the Marine Corps on 1 August 2009.⁴

i. Petitioner became eligible for a regular retirement from the Marine Corps on 1 October 2011.⁵

j. On 22 July 2023, Petitioner completed a pre-separation counseling checklist in which he affirmatively declined to receive additional information regarding education benefits, to include the Post-9/11 GI Bill. See enclosure (6).

k. On 31 October 2013, Petitioner was honorably retired from the Marine Corps after more than 22 years of active service. See enclosure (4).

l. On 9 July 2024, [REDACTED] applied to utilize Petitioner's transferred Post-9/11 GI Bill education benefits to attend [REDACTED]. See enclosure (7). According to Petitioner, the Department of Veterans Affairs representative informed her that she was not eligible to utilize Petitioner's education benefits. See enclosure (1).

m. Petitioner asserts that he "submitted the form to transfer [his] education benefits to [REDACTED] ... while stationed at [REDACTED] TO [a named Marine] who submitted the form to the Manpower Office," and was under the impression that he had successfully completed the transfer process when he did not hear otherwise. He claims that he did this "right after the program was established because [he] was eligible to retire prior to 31 December 2012 so (my first date of eligibility to retire was 1 Oct 2011 [sic]) so I would not incur service obligation to do so." Finally, Petitioner asserts that he was told by a HQMC Manpower Transfer of Education Benefits specialist that a lack of communication between HQMC and Marines regarding the status of their transfer of education benefits request was a common problem and that many other Marines mistakenly believed that they had successfully transferred their education benefits as he did, and that [REDACTED] was counting on those benefits to attend her chosen college.

⁴ This was the first day that eligible Marines could request to transfer their Post-9/11 GI Bill education benefits.

⁵ Based upon the requirements established in reference (c), Petitioner would have had to agree to serve for three additional years from the date of his election in order to be eligible to transfer his eligibility benefits.

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

n. As of 4 April 2025, the Marine Corps' Benefits for Education Administrative Service Tool (BEAST) did not reflect any previous submission of an application by Petitioner to transfer his education benefits. See enclosures (8) and (9).

MAJORITY CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Majority of the Board found sufficient evidence of an injustice warranting relief.

The Majority found no error in the fact that Petitioner is ineligible to transfer his Post-9/11 GI Bill education benefits. Reference (d) established the procedural requirements to establish this eligibility, and Petitioner did not comply with those requirements. Reference (d) also encouraged applicants to check the status of their application periodically, which Petitioner must not have done since he did not realize that he had not successfully transferred his education benefits until long after his retirement. In this regard, Petitioner has no one to blame but himself for his failure to properly transfer his education benefits to his daughter.

The Majority did, however, find an injustice in the fact that Petitioner's Post-9/11 GI Bill education benefits are not now available to [REDACTED] under the circumstances. With a retirement eligibility date of 1 October 2011, Petitioner would have been required to agree to serve for three additional years from the date of his election in order to transfer his education benefits to [REDACTED]. He ended up serving for more than four years after the earliest date that he could have made this election, so he could have and would have satisfied the retention requirements. Accordingly, the Majority presumed that Petitioner would have satisfied the procedural requirements if he had been counseled or better informed regarding the process. In any case, the Majority found it unfair that [REDACTED] should suffer for Petitioner's lack of awareness of the procedural requirements.

MAJORITY RECOMMENDATION:

Based upon its conclusions as stated above, the Majority of the Board recommends that the following corrective action be taken on Petitioner's naval record:

That Petitioner's naval record be corrected to reflect that Petitioner requested to transfer his unused Post-9/11 GI Bill education benefits (36 months) to [REDACTED] through the MilConnect TEB portal on 1 August 2009; that Petitioner and his chain of command subsequently completed the required SOU and submitted it to HQMC for inclusion in Petitioner's naval record; and that HQMC subsequently reviewed and approved the application with a three-year service obligation commencing on 1 August 2009.

That Petitioner's BEAST Family Member History be upgraded to reflect Petitioner's approved transfer of his post-9/11 GI Bill education benefits to [REDACTED] effective 1 August 2009.

That a copy of this record of proceedings be filed in Petitioner's naval record.

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

MINORITY CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Minority of the Board found insufficient evidence of any error or injustice warranting relief.

The Minority concurred with the Majority conclusion that there was no error in the fact that Petitioner's Post-9/11 GI Bill education benefits are not transferrable because he failed to follow the procedural requirements to do so.

Unlike the Majority, however, the Minority found no injustice in the non-transferability of Petitioner's education benefits. Petitioner received the same notice of the procedural requirements to establish eligibility to transfer his Post-9/11 GI Bill education benefits as did every other Marine with the publication of reference (d); the dependents of other Marines who failed to take the actions necessary to transfer their education benefits unfortunately suffer the same consequences as did [REDACTED]. The Minority also found Petitioner's claim to have "submitted the form" to transfer his education benefits to lack credibility, as there was no form for him to submit. Reference (d) explicitly provided that the request was to be made online, and that Petitioner was then responsible for notifying his command of the request so that the SOU could be prepared and submitted for approval. The Minority also noted that Petitioner claimed to have submitted the form right after the program started so that he would not incur any service obligation. However, even if he submitted his request on the day that the Post-9/11 GI Bill became effective, Petitioner would have had to agree to serve at least 10 months beyond his retirement eligibility date.⁶ The Minority found this mistake to further undermine the credibility of Petitioner's claim to have reasonably believed that he completed the process, since he clearly would have to do more than he claimed. In this regard, the fact that Petitioner was a Personnel Officer further undermined the credibility of his claim of ignorance. Next, Petitioner affirmatively declined to receive information regarding Post-9/11 GI Bill education benefits during pre-retirement counseling, which raised significant doubts for the Minority that he actually believed he had transferred his education benefits at the time. Finally, reference (d) provided that Marines should check the status of their transfer request periodically, which Petitioner apparently failed to do at any time over the final four years of his Marine Corps service. While the Minority regrets the impact that Petitioner's omission may have on [REDACTED] it also believed it would be unfair for her to receive benefits which would not be afforded to similarly situated Marine dependents.

MINORITY RECOMMENDATION

Based upon its conclusions as stated above, the Minority of the Board recommends that no corrective action be taken on 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.

⁶ With a retirement eligibility date of 1 October 2011, Petitioner had to agree to serve three additional years in order to transfer his Post-9/11 GI Bill education benefits. Three years from 1 August 2009 would be 1 August 2012, which is 10 months after his retirement eligibility date.

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

5. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(b) of Enclosure (1) to reference (e).

04/28/2025



ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

X MAJORITY Recommendation Approved (Grant Relief – I concur with the Majority conclusion and therefore direct the corrective action recommended by the Majority above.)

____ MINORITY Recommendation Approved (Deny Relief – I concur with the Minority conclusion and therefore direct that no corrective action be taken on Petitioner's naval record.)

