



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

[REDACTED]
Docket No. 11071-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) MARADMIN 704/13, 31 Dec 13
(d) DODI 1341.13, 25 Oct 22 with change 1, 8 Nov 23
(e) MARADMIN 027/24, 24 Jan 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 show Petitioner transferred his Post-9/11 GI Bill education benefits to eligible dependents.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 May 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 18 July 2000, Petitioner entered active duty.

b. Reference (b) 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).

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c. On 17 November 2009, Petitioner reenlisted for 4 years and 3 months with an End of Current Contract (ECC) of 16 February 2014.

d. On 14 March 2013, Petitioner reenlisted for 4 years with an ECC of 13 March 2017.

e. Reference (c) consolidated and collectively canceled MARADMIN 389/09, MARADMIN 421/09, and MARADMIN 428/11 and provides updated guidance regarding the transfer of post 9-11 GI bill educational benefits. Information contained in ref (a) concerning the post 9-11 GI bill itself, eligibility, and benefits has been incorporated into MCO 1560.25.

Under the post 9-11 GI bill, which became effective on 1 August 2009, Marines may use the educational benefit themselves and/or may be permitted to transfer all, or a portion of, their unused entitlement to such educational assistance to one or more of their eligible dependents in return for agreeing to an additional service commitment in the armed forces (active duty and/or selected reserve (SELRES)). TEB is not an entitlement and may not be authorized for any purpose other than promoting recruiting and retention.

Procedures for requesting to transfer educational benefits: A. Active Component Enlisted Marines: (1) Marine verifies dependent information reported in DEERS. (2) Marine speaks with their unit career planner about eligibility criteria for transfer, additional obligated service requirements, re-enlistment and enlistment extension options, and forms required for TEB approval. (3) Marine elects to transfer unused educational benefits through the DMDC TEB web application, concurrent with a submission of a reenlistment/extension (if additional obligated service is required) request to CMC (MMEA-6) as prescribed in MCO 1040.31 (Enlisted Retention and Career Development Program). Career Planner specifies that the request is submitted, "For purposes of establishing required obligated service for eligibility to transfer unused educational benefits under the Post 9-11 GI Bill." (4) Marine, in coordination with his or her command, completes the Statement of Understanding (SOU) and submits it to CMC (MMSB) for inclusion in the Marine's Official Military Personnel File.

Approval of TEB requests should not be assumed. Marines must periodically check the DMDC TEB web application to view the status of TEB requests. (1) If approved, an auto-generated approval letter, which shall be maintained by the member, will appear within DMDC TEB web application. (2) If rejected (i.e., disapproved), Marines should determine the reason for the rejection by referring to the rejection codes provided and take appropriate, corrective action and reapply, if desired.

f. On 12 March 2007, Petitioner's dependent child was born [REDACTED]. On 31 January 2013, Petitioner's dependent child was born [REDACTED]. On 12 September 2015, Petitioner got married [REDACTED]. On 31 July 2016, Petitioner's dependent child was born [REDACTED].

g. On 1 December 2016, Petitioner reenlisted for 4 years with an ECC of 30 November 2020.

h. On 24 July 2020, Petitioner reenlisted for 3 years with an ECC of 23 July 2023.

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i. On 16 July 2022, Petitioner reenlisted for 3 years with an ECC of 15 July 2025.

j. Reference (d) in accordance with the authority in DoD Directive 5124.02, this issuance: Establishes policy, assigns responsibilities, and prescribes procedures for implementing DoD authorities and responsibilities for Chapter 33 of Title 38, United States Code (U.S.C.), also known and referred to in this issuance as the "Post-9/11 GI Bill." Establishes policy for the use of supplemental educational assistance (referred to in this issuance as kickers) for Service members with critical skills or specialties, or for members serving additional service pursuant to Section 3316 of the Post-9/11 GI Bill. Establishes policy for authorizing the transferability of educational benefits (TEB) in accordance with Section 3319 of the Post-9/11 GI Bill.

The member transferring educational benefits must agree to serve 4 additional years in the Military Services, [REDACTED], or [REDACTED] from the date of election, with no break in active or Selected Reserve service for greater than 24 hours, other than to participate in CIP. This includes the Selected Reserve of the Ready Reserve Corps of the [REDACTED]. Eligibility does not guarantee approval. Members must be eligible to be retained for 4 years from the date of election and not be precluded, before approval, by either standard Service or DoD policy or statute. Members who have qualified for retirement and who wish to transfer benefits will incur a 4-year additional service obligation.

k. Reference (e) pursuant to references (b) and (c), this MARADMIN provided updated guidance on a quality retention option available to eligible Marines who remain in service. Except as provided in paragraph 4.c, a Marine's TEB-related Service Obligation End-Date (OED) is 4 years from their most recent TEB election date. A Marine whose request was disapproved may submit a new request once the disqualifying factor is remedied. A new request resets the TEB election date and OED. Accordingly, Marines are responsible for contacting their respective TEB point of contact (POC), provided in this MARADMIN, to request guidance before resubmitting a new TEB request...Marines are encouraged to work with their unit Career Planner to submit a request to extend or reenlist.

l. On 6 June 2024, Petitioner signed Service Member Pre-Separation/Transition Counseling and Career Readiness Standards Form for Service Members Separating, Retiring, Released From Active Duty (REFRAD) (DD Form 2648) listing block 29 (Veterans Affairs (VA) service and Benefits) "Completed on 04/19/2024, at Camp Pendleton, Reported by the Marine Corps.

m. On 8 October 2024, Petitioner earned Master of Business Administration (Summa Cum Laude) from [REDACTED].

n. On 3 November 2024 Petitioner submitted TEB application with less than 4-years remaining and requested to allocation education benefits to [REDACTED] 12-months, [REDACTED] /12-months, [REDACTED] /11-months, and [REDACTED] /1-month. The Service rejected the application on 5 November 2024, indicating, "Disapproved-SM [Service Member] has not committed to the required additional service time."

o. Petitioner transferred to the FMCR with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of

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18 July 2000 to 30 November 2024 upon having sufficient service for 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. 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 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 17 November 2009, 14 March 2013 and 1 December 2016. Moreover, the Board determined Petitioner completed over 15-years of active duty service after the inception of the ability to TEB, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined under these circumstances, 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-months, [REDACTED]/12-months, [REDACTED]/11-months, and [REDACTED]/1-month through the MilConnect TEB portal on 1 December 2016.

Headquarters, U.S. Marine Corps reviewed Petitioner's TEB application, and it was approved on 1 December 2016 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.

