



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

[REDACTED]
Docket No. 11225-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED] XXX XX [REDACTED] USMCR RET

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chp 33
(c) MARADMIN 0421/09

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 redistribute unused 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 24 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 reference (b), an individual may not add dependents after retirement or separation from the Armed Forces but may modify or revoke at any time, any unused portion of the unused portion of the entitlement transferred to existing designated dependents. Additionally, the number of months transferred may not exceed the lesser of the months of

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unused entitlement available under the Post-9/11 GI Bill, 36 months, or the number of months specified by the Department of Defense.

- c. On 29 May 1991, Petitioner entered U.S. Marine Corps.
- d. On [REDACTED], Petitioner's first child, [REDACTED] was born.
- e. On [REDACTED], Petitioner accepted a Reserve commission.
- f. On 1 August 2001, Petitioner resigned his commission and was released from active duty.
- g. On [REDACTED], Petitioner's second child, [REDACTED] was born.
- h. Petitioner mobilized in support of [REDACTED] from 24 June 2005 to 15 March 2006.
- i. On 4 August 2009, Petitioner's third child, [REDACTED] was born.
- j. Petitioner mobilized in support of [REDACTED] from 1 October 2010 to 15 October 2011.
- k. On 31 October 2011, Petitioner transferred to the Retired Reserve Awaiting Pay at Age 60.
- l. On 14 February 2020, Petitioner was approved to transfer education benefits to [REDACTED] [REDACTED]/1-month effective 1 August 2009, with a 2-year service obligation.
- m. The Benefits for Education Administrative Services Tool (BEAST) Education Summary reflects that Petitioner's daughter, [REDACTED] has used 7 months of education benefits; last payment was 21 May 2021.

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 surmised there was a misunderstanding regarding how Petitioner wanted his unused education benefits to be allocated amongst his eligible dependent children when he initially petitioned the Board to establish eligibility. Therefore, the Board determined under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner reallocated unused education benefits to [REDACTED]/7 months, [REDACTED] [REDACTED]/15 months, and [REDACTED]/14 months through the MilConnect TEB portal prior to transferring to the Retired Reserve Awaiting Pay at Age 60 effective 1 November 2011.

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Note: Headquarter, U.S. Marine Corps will ensure Petitioner's BEAST Family Member History is updated with the aforementioned approved allocation of education benefits.

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.

5/12/2025

[REDACTED]