



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

[REDACTED]
Docket No. 779-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [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

Encl: (1) DD Form 149
(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 dependents.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 June 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 (c), the option to transfer a Service member's unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election. Enlisted Marines had 60 days from the date of transfer of education benefits (TEB) web application to incur the required obligated service or the TEB request would be

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rejected. Additionally, Marines may not designate new transferees once separated, retired or discharged from the Armed Forces; this is considered adding a dependent and is prohibited. Furthermore, the policy directed 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. Petitioner served in the Marine Corps from 21 November 1989 to 19 November 1993. Thereafter, Petitioner served in the Marine Corps Reserve from 20 November 1993 to 27 May 1999.

d. On 28 May 1999, Petitioner enlisted in the Marine Corps for 4 years.

e. In April 2009, Petitioner's first child, [REDACTED] was born.

f. On 30 December 2009, Petitioner reenlisted for 4 years, and on 26 January 2013 for 4 years.

g. On 21 April 2015, Petitioner submitted TEB application with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED]/1-month. On 1 May 2015, the Service rejected the application indicating, "Disapproved-SM [Service Member] has not committed to the required additional service time."

h. On 26 September 2015, Petitioner married [REDACTED] and on 19 January 2016, acquired dependent stepchild [REDACTED], born in August 2005.

i. On 29 February 2016, Petitioner transferred to the Fleet Marine Corps Reserve.

j. In May 2018, Petitioner's second child, [REDACTED] was born.

k. On 8 May 2019, Petitioner divorced spouse and stepchild dependency terminated.

l. The Benefits for Education Administrative Services Tool Education Summary reflects that Petitioner has 35 months of Post 9/11 GI Bill – Chapter 33 education benefits.

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 reference (c). Although Petitioner did not complete the appropriate administrative requirements, the Board concluded that had he received adequate counseling, he could have transferred unused education benefits to eligible dependents upon reenlisting on 30 December 2009. The Board determined Petitioner completed over 6 years of active duty service subsequent to reenlisting on 30 December 2009, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined under these circumstances, relief is warranted.

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RECOMMENDATION

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

Petitioner elected to transfer unused education benefits to [REDACTED]/1-month, through the MilConnect TEB portal on 30 December 2009.

Headquarters U.S. Marine Corps reviewed Petitioner's TEB application, and it was approved on 30 December 2009 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.

7/7/2025

