



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 3320-25

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] 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 establish eligibility to transfer 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 11 September 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 Marine's unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election for those eligible for retirement on or after 1 August 2012. There was a provision in the policy that authorized Marines with 10 years of service to have an adjusted obligation if

precluded from completing an additional 4-year obligation due to Marine Corps or Department of Defense policy or federal statute. However, the Marines had to agree to serve the maximum amount of time allowed by that policy or statute.

- c. On 7 October 1995, Petitioner enlisted in the Marine Corps Reserve for 8 years.
- d. On 16 May 1997, Petitioner accepted Reserve commission and entered active duty.
- e. On 24 October 2001, Petitioner discharged to accept a regular commission and entered active duty on 25 October 2001.
- f. On 5 May 2005, Petitioner married spouse █████, and they had two children: █████ born on 30 November 2006 and █████ born on 5 September 2011.
- g. On 9 September 2008, Petitioner released from active duty and transferred to the Marine Corps Reserve-Individual Ready Reserve. Petitioner was assigned to a Selected Marine Corps Reserve unit on 12 September 2008.
- h. On 13 May 2013, Petitioner was issued notification of Status in the United States Marine Corps Reserve indicating his mandatory retirement date was adjusted to 1 June 2025, which would allow him to complete 28 years of commissioned service as a lieutenant colonel.
- i. On 6 June 2013, Petitioner submitted transfer of education benefits █████ application and requested to allocated education benefits to █████/12 months, █████/12 months, and █████/12 months. The Service approved the application with an obligation end date of 7 June 2017. Additionally, Petitioner signed Post-9/11 Educational Benefits Transferability Commitment and Statement of Understanding acknowledging that failure to complete the service agreement would lead to termination of entitlement to transfer education benefits.
- j. On 6 October 2016, Petitioner earned 20 total qualifying years of service for non-regular retirement and issued Notification of Entitlement to Retired Pay at Age 60 and Eligibility to Participate in the Reserve Component Survivor Benefit Plan on 6 January 2017.
- k. On 30 April 2017, Petitioner voluntarily transferred to the Retired Reserve Awaiting Pay at Age 60.

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 was approved to transfer Post-9/11 GI Bill education benefits in accordance with reference (c); however, he voluntarily transferred to the Retired Reserve before completing his TEB service obligation. Although Petitioner did not complete the required service obligation, the Board concluded that had he received adequate counseling, he would have been able to transfer unused education benefits to eligible dependents as early as 1 August 2009 and completed over 7 years of Selected Reserve

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service before retiring, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that 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 █████/12 months, █████/12 months and █████/12 months through the MilConnect TEB portal on 31 March 2013.

Petitioner, in coordination with his command completed the required Statement of Understanding on 31 March 2013 and submitted it to Headquarters, U.S. Marine Corps (HQMC) for inclusion in the Petitioner's Official Military Personnel File.

HQMC reviewed Petitioner's TEB application, and it was approved on 31 March 2013 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.

11/18/2025

