



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED]
Docket No. 3439-25

Ref: Signature Date

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 13 November 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 17 July 2008, Commanding Officer, Officer Candidates Schools, Training Command, [REDACTED] notified you that you reported at 15:00, 30 May 2008, in compliance with your basic orders. Furthermore, effective 12:00, [REDACTED], your training at Officer Candidates School was terminated, due to an unsatisfactory evaluation.

In accordance with Title 38 U.S.C. § 3319, Authority to transfer unused education benefits to family members. (a) In General.—(1) Subject to the provisions of this section, the Secretary concerned may permit an individual described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d). (2) The purpose of the authority in paragraph (1) is to promote

recruitment and retention in the uniformed services. The Secretary concerned may exercise the authority for that purpose when authorized by the Secretary of Defense in the national security interests of the United States.

(b) Eligible Individuals.—An individual referred to in subsection (a) is any member of the uniformed services 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 uniformed services; or (2) the years of service as determined in regulations pursuant to subsection (j).

On 11 April 2011, you entered active duty for 5 years with an End of Current Contract (ECC) of 10 April 2016.

In July 2011 you married [REDACTED].

In accordance with MARADMIN 704/13 published on 31 December 2013, consolidated and collectively canceled MARADMIN 389/09, MARADMIN 421/09, MARADMIN 428/11 and provides updated guidance regarding the transfer of post 9-11 GI bill educational benefits. Information contained in MARADMIN 389/09 concerning the post 9-11 GI bill itself, eligibility, and benefits has been incorporated into MCO 1560.25.

General Information. 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. A. Eligible individuals. Individuals who meet the following criteria may elect to transfer all, or a portion of, their unused post 9-11 GI bill educational benefits: (1) must, at the time of the election, be eligible to receive educational assistance under the post 9-11 GI bill; and (2) must, at the time of the election, have served at least six (6) years in the armed forces (active duty and/or SELRES) and agree to serve four (4) additional years (active duty and/or SELRES) from the date of the election; or

Must, at the time of the election, have served ten (10) or more years in the Armed Forces (Active Duty and/or SELRES) and agree to serve four (4) additional years (active duty and/or SELRES) from the date of election. Those who are involuntarily restricted by Marine Corps policy, DOD policy, or federal statute from committing to four (4) additional years must agree to serve for the maximum amount of time allowed by such policy or statute.

Marines may only request to transfer their unused Post 9-11 GI Bill Educational Benefits while serving on active duty or in the SELRES.

In 10 January 2014 your dependent child [REDACTED] was born.

On 26 January 2016, you signed an agreement to extend enlistment for 1 month with an End of Active Service of 10 May 2016 in order to await a response from Headquarters, U.S. Marine Corps.

On 30 April 2016, you reenlisted for 4 years and 1 month with an ECC of 29 May 2020.

In 12 July 2016 your dependent child [REDACTED] was born.

On 16 October 2018, you submitted TEB applications with less than 4 years remaining on contract and requested to allocate education benefits to [REDACTED] 1-month and [REDACTED] 1-month and [REDACTED] 1-month. The Service rejected the application on 17 December 2018, indicating, "Disapproved-SM [Service Member] has not committed to the required additional service time."

You retired with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 11 April 2011 to 30 August 2019 due to Disability, Permanent, IDES.

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependents. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded the ability to transfer Post-9/11 GI Bill education benefits to eligible dependents is a recruiting and retention tool that became effective 1 August 2009 in accordance with Title 38 U.S.C. § 3319. Pursuant to this law, MARADMIN 704/13 provided updated guidance regarding the transfer of post 9-11 GI bill educational benefits. MARADMIN 704/13 required Marines at the time of election to have served at least 6 years in the Armed Forces (active duty or Selected Reserve) and agree to serve four additional years in the Armed Forces from the date of election. On 30 April 2016, you reenlisted for 4 years, however you had not yet served 6 years on active duty. You submitted TEB applications on 16 October 2018, however although you had served over 6 years on active duty, you had less than 4 years on contract, and your request was disapproved because you did not commit to the required additional service time. MARADMIN 704/13 also provided a provision for Marines who have served 10 years and who were involuntarily restricted by Marine Corps policy, Department of Defense policy, or federal statute from committing to four additional years must agree to serve for the maximum amount of time allowed by such policy or statute. However, you transferred to the Permanent Disability Retired List effective 30 August 2019 without having 10 years of active service. Finally, Marines may only request to transfer their unused Post 9-11 GI Bill Educational Benefits while serving on active duty or in the SELRES, therefore the Board determined that you are ineligible to TEB and that a change to your record is not warranted.

The Board noted you may be eligible for Chapter 35, Survivors' and Dependents' Educational Assistance. The Department of Veterans Affairs is responsible for determining eligibility for education benefits. For additional information on how to apply for education benefits, visit <https://www.va.gov/family-and-caregiver-benefits/education-and-careers/dependents-education-assistance> or contact the education benefits hotline at (888) 442-4551.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

11/19/2025

