



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 3622-25

Ref: Signature Date

[REDACTED]
[REDACTED]
[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 20 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.

On 5 August 2008, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 4 August 2012.

On 2 September 2011, you reenlisted for 4 years with an EAOS of 1 September 2015.

In accordance with MARADMIN 704/13 published on 31 December 2013, consolidated and collectively canceled MARADMIN 389/09, MARADMIN 421/09, and MARADMIN 428/11 and provide 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.

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 (3) 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.

Eligible dependents. Eligible dependents. individuals who are eligible to transfer unused post 9-11 GI bill educational benefits may transfer such benefits to their spouse, one or more of their children, or a combination of both. (1) For the purposes of this provision, the definitions of spouse and child are codified in section 101 of title 38, United States Code (USC). In general, a child who is 18 years of age or older, at the time of the member's election, cannot be designated as a transferee, unless: (a) the child is reported in the Defense Eligibility Enrollment Reporting System (DEERS) and eligible to receive other authorized benefits and entitlements... (2) DEERS is used to confirm dependent eligibility. Only current spouses are eligible.

Time for Transfer. Per refs (e) - (f), Marines may only request to transfer their unused Post 9-11 Gi Bill educational benefits while serving on active duty or in the SELRES.

Prohibition against adding dependents. Individuals may not designate new transferees once separated, retired, or discharged from the armed forces; this is considered adding a dependent and is prohibited.

On 9 April 2014, you signed an agreement to extend enlistment for 11 months with a Soft EAOS (SEAOS) of 1 August 2016 to execute PCS orders to [REDACTED].

On 15 December 2015, you married [REDACTED]

On 11 May 2016, you signed an agreement to extend enlistment for 1-month with a SEAOS of 1 September 2016 for assignment to [REDACTED]

On 25 August 2016, you signed an agreement to extend enlistment for 1-month with a SEAOS of 1 October 2016 to await response from MMEA-1 on submitted RELM request.

On 19 September 2016, you signed an agreement to extend enlistment for 4 months with a SEAOS of 1 February 2017 in order to process RELM request.

You were discharged 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 5 August 2008 to 1 February 2017 due to Non-Retention on Active Duty. Furthermore, block 12c (Net Active Service This Period) listed 8 years, 5 months, and 27 days.

On 23 February 2021, you signed a Marital Settlement Agreement.

On 22 February 2022, your spouse signed the Marital Settlement Agreement. Additionally, Stipulated Judgment and Final Decree of Dissolution of Marriage from the State of [REDACTED] County of [REDACTED] Second Judicial District states that there was one minor child born of the marriage, namely, [REDACTED] born in October 2017. This document is undated, unsigned, and unstamped.

On 21 February 2023, you married [REDACTED]

On 18 February 2022, S issued a Stipulated Judgment and Final Decree of Dissolution of Marriage.

On 25 February 2025, Department of Veterans Affairs notified you that “[t]his letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as state or local property or vehicle tax relief, civil service preference, to obtain housing entitlements, free or reduced state park annual memberships, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.”

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your current spouse. Additionally, you requested the Board update DEERS to remove your former spouse and add your current spouse. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You entered active duty on 5 August 2008 and acquired your first dependent when you married your first spouse on 15 December 2015. At that time, you were eligible to TEB, however you did not have 4 years remaining on contract for TEB and you showed any intent to do so. Thereafter, on 21 December 2016 you were denied future service in the Marine Corps and were honorably discharged on 1 February 2017, before reaching 10 years of active duty. In accordance with the Stipulated Judgment and Final Decree of Dissolution of Marriage that you provided which was not dated, stamped official by the court, or signed by a judge, you divorced your first spouse in February 2022 and there was one child born of the marriage, who was 4 at the time. Neither your divorce nor the birth of your child is updated in DEERS. Subsequently, you married your current spouse on 21 February 2023; this marriage is not annotated in DEERS. The Board determined that you were required to elect TEB while still on active duty, however there is no evidence that you requested it. Additionally, if you had requested TEB when you acquired your first dependent, your request would have been rejected for not having enough time on contract. Furthermore, you were discharged prior to your second marriage and are not authorized to TEB because TEB must be completed while on active duty. For the same reason, you are not eligible to elect TEB to your son, as he was born after you were discharged. The Board determined that even if you enroll your second spouse in DEERS and add your dependent son, you are ineligible to transfer your educational benefits to either. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding updating your DEERS record to remove your former spouse and add your current spouse, you will need to provide your divorce decree and marriage certificate to a RAPIDS Identification Card (ID) office. For additional information on updating your record, you may visit the RAPIDS ID Card Office online at <https://idco.dmdc.osd.mil/idco/>.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

11/24/2025

