



Docket No. 4012-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD [REDACTED]
[REDACTED] USMC RET

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 33
(c) DTM 09-003
(d) 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 reflect the transfer of Post-9/11 GI Bill education benefits obligation end date of 29 March 2010.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 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), a family member must be enrolled in Defense Eligibility Enrollment Reporting System and be eligible for benefits at the time of transfer to receive

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transferred educational benefits. A child beneficiary of the transferred entitlement is not subject to the 15-year entitlement expiration period, but may not use the benefits after reaching 26 years of age.

c. Reference (d) specified the option to transfer a Service member's unused education benefits to an eligible dependent did not require an additional service obligation for those eligible for retirement on 1 August 2009. Additionally, the policy specified that Marines must complete a Statement of Understanding subsequent to submitting transfer of education benefits (TEB) application.

d. On 25 June 1987, Petitioner entered active duty.

e. On 23 September 1987, Petitioner married first spouse [REDACTED] and had two children: [REDACTED] born on 7 September 1986 and [REDACTED] born on 23 February 1988.

f. On 13 October 1992, Petitioner divorced first spouse.

g. On 25 February 1994, Petitioner married current spouse [REDACTED] and had two children: [REDACTED] born on 14 August 1996 and [REDACTED] born on 8 January 1998.

h. On 11 November 2004, Petitioner reenlisted for 4 years and thereafter extended for 12 months.

i. On 24 June 2007, Petitioner completed 20 years of active duty service.

j. On 29 March 2010, Petitioner submitted TEB application and requested to transfer education benefits to [REDACTED]/12 months, and [REDACTED]/12 months.

k. On 30 June 2010, Petitioner transferred to the Fleet Marine Corps Reserve (FMCR) with 23 years and 6 days of active duty service.

l. On 3 March 2011, the Service approved Petitioner's TEB application with an obligation end date of 3 March 2011.

m. On 1 July 2017, Petitioner retired from the FMCR as a Master Sergeant.

n. On 24 March 2025, Petitioner issued letter from Department of Veterans Affairs (DVA) stating "Benefits have been terminated effective May 24, 2025 for [REDACTED] because the Department of Defense (DoD) has determined you have failed to complete your military service agreement. In accordance with 38 U.S.C. 3319(i)(2), all educational benefits paid to and on behalf of your dependent through the use of transferred benefits must be paid back to the Department of Veterans Affairs. Because you failed to complete your service obligation, you are responsible for repaying this money."

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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 without incurring an additional service obligation in accordance with reference (d). The Board concluded that the Service failed to adjudicate Petitioner's TEB application prior to his transfer to the FMCR and later approved the TEB application with an erroneous obligation end date of 3 March 2011. Therefore, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Headquarters U.S. Marine Corps reviewed Petitioner's TEB application, and it was approved on 29 March 2010 without an additional service obligation in accordance with reference (d).

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.

12/8/2025

