



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 4140-25

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 38 U.S.C. Chapter 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] reviewed Petitioner's allegations of error and injustice on 18 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 Service member's unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election. Additionally, the policy specified that Marines must complete a Statement of

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[REDACTED] USMC

Understanding subsequent to submitting transfer of education benefits (TEB) application. Furthermore, the policy directs 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. On 13 July 1998, Petitioner entered active duty.
- d. On 17 October 1998, Petitioner married spouse [REDACTED] and had four children: [REDACTED] born on [REDACTED], [REDACTED] born on [REDACTED], [REDACTED] born on [REDACTED] and [REDACTED] born on [REDACTED]
- e. On 28 June 2010, Petitioner reenlisted for 4 years.
- f. On 1 October 2010, Petitioner tried by Summary Court-Martial, found Guilty on two charges. Sentence Adjudged: Reduction to the rank of Gunnery Sergeant to the rank of Staff Sergeant, and an official letter of reprimand.
- g. On 13 October 2010 (Date of Action Erroneously reflects 13 October 2020), Convening Authority's Action: Sentence is approved and will be executed, but the execution of the part of the sentence extending to reduction to Staff Sergeant is suspended for a period of 8 months from the date of this action, at which item, unless the suspension is sooner vacated, the suspended part of the sentence will be remitted without further action.
- h. On 5 February 2011, Petitioner submitted TEB application with less than 4 years remaining. The Service rejected the application on 3 May 2011 indicating, "Disapproved-SM [Service Member] has not committed to the required additional service time."
- i. On 27 June 2014, Petitioner discharged with an honorable Character of Service.

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 would have been able to transfer unused education benefits to his dependents upon reenlisting on 28 June 2010. Moreover, the Board determined Petitioner completed the 4-year reenlistment, thereby meeting the spirit and intent of reference (b). Therefore, the Board agreed that under this circumstance, relief is warranted.

RECOMMENDATION

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

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Petitioner elected to transfer unused education benefits to ██████████, Brooke ██████████, ██████████ and ██████████ ██████████ through the MilConnect TEB portal on 28 June 2010.

Petitioner, in coordination with his command completed the required Statement of Understanding on 28 June 2010 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 28 June 2010 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.

12/8/2025

