



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

Docket No. 4311-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

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 dependent children.

2. The Board, consisting of [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. On 29 March 1988, Petitioner enlisted in the Marine Corps Reserve for 8 years.

c. On 9 December 1988, Petitioner accepted Reserve commission and entered active duty.

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- d. On 29 May 1993, Petitioner married spouse [REDACTED].
- e. On 1 December 1995, Petitioner discharged from active duty and transferred to the Individual Ready Reserve (IRR).
- f. On 1 August 1996, Petitioner joined to Selected Marine Corps Reserve unit.
- g. Petitioner mobilized in support of Operation [REDACTED] from 5 January 2004 to 2 November 2004.
- h. Petitioner had two children, [REDACTED] born on 18 July 2006 and [REDACTED] born on 30 October 2007 (acquired as a dependent on 30 January 2008).
- i. On 28 March 2011, 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 1 April 2011.
- j. On 14 November 2012, Petitioner submitted transfer of education benefits (TEB) application and requested to allocated education benefits to [REDACTED]/18 months and [REDACTED]/18 months. The Service approved the application with an obligation end date of 15 November 2014.
- k. On 21 November 2012, Petitioner, printed TEB approval letter from MilConnect outing an obligation end date of 15 November 2014.
- l. On 23 January 2015, Petitioner was issued notification of Status in the United States Marine Corps Reserve indicating a mandatory retirement date of 1 January 2017, which would allow him to complete 28 years of commissioned service as a lieutenant colonel.
- m. Petitioner transferred to the IRR effective 9 September 2014 and thereafter, voluntarily transferred to the Retired Reserve Awaiting Pay at Age 60 effective 1 November 2015.
- n. On 8 May 2024, Department of Veteran's Affairs (DVA) issued Petitioner's child, [REDACTED] a Certificate of Eligibility and entitlement to receive 100% of benefits payable under the Post-9/11 GI Bill program. On 27 September 2024, Petitioner's child, [REDACTED] was issued a follow-up letter from the DVA outlining the most recent eligibility information; maintaining benefit level of 100%.
- o. On 16 January 2025, Petitioner's child [REDACTED] issued an indebtedness letter from DVA indicating Petitioner did not complete his service obligation resulting in total debt of \$16,174.70 for the term from 3 September 2024 to 13 December 2024 at Algonquin College.

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-

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9/11 GI Bill education benefits in accordance with reference (c),¹ however he voluntarily transferred to the IRR 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 remain in the SMCR to complete his TEB obligation. Additionally, the Board determined, Petitioner would have been able to transfer unused education benefits to eligible dependents as early as 1 August 2009 and completed over 5 years of qualifying service before transferring to the IRR, 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 [REDACTED]/18 months, and [REDACTED]/18 months through the MilConnect TEB portal on 1 August 2012.

Petitioner, in coordination with his command completed the required Statement of Understanding on 1 August 2012 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 1 August 2012 with a 2-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
[REDACTED]

¹ The option to transfer a Marine's unused education benefits to an eligible dependent required a 2-year additional service obligation at the time of election for those eligible for retirement on or after 1 August 2010 and before 1 August 2011. Failure to complete the service obligation will result in forfeiture of the transferred entitlement, may result in an overpayment of educational assistance and is subject to collection by the DVA.