



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

██████████
Docket No. 6262-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████ ██████████ ██████████
██

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 with an obligation end date of 31 May 2015.

2. The Board, consisting of ██████████ 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), 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. Failure to complete the service agreement after transferring entitlement may

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[REDACTED]

result in an overpayment of education assistance and is subject to collection by the Department of Veteran's Affairs.

- c. On 17 February 1993, Petitioner entered active duty.
- d. On 25 April 2004, Petitioner married spouse [REDACTED] and had one child: [REDACTED] born on 11 June 2006.
- e. On 4 September 2009, Petitioner reenlisted for 4 years.
- f. On 17 September 2009, Petitioner's child, [REDACTED] was born.
- g. On 2 September 2012, Petitioner submitted TEB application with less than 4 years remaining on contract but reenlisted on 29 September 2012 for 4 years to garner TEB approval.
- h. On 12 October 2012, the Service approved Petitioner's TEB application with an obligation end date of 2 September 2016.
- i. On 31 May 2015, Petitioner transferred to the Fleet Marine Corps Reserve (FMCR) with 22 years, 3 months and 14 days of active duty 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 was approved to transfer Post-9/11 GI Bill education benefits in accordance with reference (c); however, he voluntarily transferred to the FMCR before completing his TEB service obligation due to his spouse's medical condition. Although Petitioner did not complete the required service obligation, the Board concluded that had he received adequate counseling, he would have been able to transfer education benefits to his eligible dependents upon reenlisting on 4 September 2009 and would have completed over 5 years of active duty service before transferring to the FMCR, thereby meeting the spirit and intent of reference (b). Therefore, the Board determined that under this circumstance, partial 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]/18months through the MilConnect TEB portal on 4 September 2009. Note: Petitioner allocated education benefits to Ethan G. Mugavero/18 months prior to his transfer to FMCR effective 1 June 2015.

Petitioner, in coordination with his command completed the required Statement of Understanding on 4 September 2009 and submitted it to Headquarters, U.S. Marine Corps (HQMC) for inclusion in the Petitioner's Official Military Personnel File.

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[REDACTED]

HQMC reviewed Petitioner's TEB application, and it was approved on 4 September 2009 with a 4-year service obligation.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (c).

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.

12/9/2025

[REDACTED]