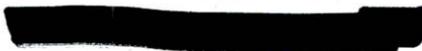




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

JET  
Docket No. NR7359-14  
6 Apr 15



This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2015. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNPC memo 1780 PERS-314 of 23 December 2014, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In making this determination, the Board concurred with the comments contained in the advisory opinion. The Post-9/11 Veterans Education Assistance Act (Post-9/11 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective on 1 August 2009. General descriptions of the essential components of the new law were widely available beginning in summer 2008 and specific implementing guidance was published in the summer of 2009.

Under the governing regulations, to be eligible to transfer benefits, a member must be on active duty or in the selective reserve at the time of the election to transfer. This is an important feature of the law because the transferability provisions are intended as an incentive vice a benefit. Members who are retired are not eligible to transfer. Information about the Post-9/11 GI Bill has been readily and publicly available, and you could have used available resources to educate yourself on your educational benefits.

Your application claims, that "I believe the record to be in error because the original submission of transfer of GI Bill benefits was 2011; due to the lack of expertise of the Administrative representative, the member was not aware of the difference in officer and enlisted EAOS requirements. These inadvertent errors directly resulted in the denial of my transfer of GI Bill benefits to my family members on the original submission in 2011." The Board found that in 2011 as you claim, you initially submitted a request to transfer your Post-9/11 GI Bill to your dependents. You were rejected for having failed to obligate to the required obligated end date. However, the Board further found that in March 2012 you executed a Page 13 and had it placed within your Electronic Service Record (ESR), but failed to resubmit your Transferability of Educational Benefits (TEB) request. The Board also determined that NAVADMIN 203/09 published in June 2009 provided the procedures members are required to follow to transfer the Post-9/11 GI Bill benefits to their family members. One of those essential procedures states "Members may check TEB periodically for status of their transfer application. If request is disapproved, member must take corrective action and reapply."

Furthermore, the Board members took into consideration, that on 29 January 2014 you resubmitted your request to transfer your Post-9/11 GI Bill benefits to your dependents and was approved on 29 January 2014, subsequently acquiring an obligation end date of 28 January 2018. You will be required to remain on active duty until 28 January 2018 in order for your dependents to remain eligible for your entitlements. Under these circumstances, the Board found that no relief is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



ROBERT J. O'NEILL  
Executive Director

Enclosure: CNPC memo 1780 PERS-314 of 23 Dec 14