



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

JET  
Docket No. NR7582-14  
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.

The transfer of Post-9/11 GI Bill benefits requires military members, active and selective reserve, to log into the Transfer of Education Benefits (TEB) website and transfer the benefits. Evidence shows that

you failed to take the steps necessary to transfer benefits. Your application claims, "The rules for transferability were being finalized at the time I was separating from active duty (June-Sept 2009). I was trying to keep track of those...because I wanted to transfer those benefits, and when I read that the transferability would be grandfathered to those with retirement papers in process, without further obligated service, I thought I had it covered. Only this year, when getting ready to register Jacob for college, did I learn that the transfer has to be made while still on active duty." The Board has determined that you have provided no proof that you were misled or given misinformation which prevented you from transferring your Post-9/11 GI Bill benefits before retiring from active duty. The Board further found that information about the Post-9/11 GI Bill has been readily and publicly available, and you were not barred from using those available resources to educate yourself on your educational benefits.

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