



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

JET  
Docket No. NR9375-14  
4 May 15

[REDACTED]

[REDACTED]

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 27 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 25 February 2015, 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 such benefits. 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 benefits.

Your application claims "I have transferred my Post 911 benefits to my two kids for half and half. It appeared that my son's name [REDACTED] only appear on the certificate of el[l]igibility. I put also my

daughter's name [REDACTED] on the application but it appears that her name was dropped." The Board concurs with the advisory opinion that a review of your record shows that you initially designated 18 months to your son, but later went back and modified it to 16 months. Your other dependents show "zero" for the number of months and does not have a transfer begin or end date. The Board took into consideration your statement "If I have known before retiring that I should designate a month for my daughter [REDACTED] so that she be entitled, I should have done that already or should not be doing this painful process of adding dependent so that my daughter now in order that she can be avail of this benefit," as evidence that you did not make the transfer before retiring. NAVADMIN 203/09 dated 11 July 2009 published the procedures and guidelines service members were to follow in transferring their Post-9/11 GI Bill benefits to their dependents. Part of those procedures involved the service member logging back into the Transfer of Education Benefits (TEB) website to verify that they had properly transferred their benefits. 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 25 Feb 15