



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

Docket No. 5477-21

[REDACTED]

Dear [REDACTED],

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 24 November 2021. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies.

You requested to transfer Post-9/11 GI Bill education benefits to eligible dependents. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that Marine Corps Administration (MARADMIN) message 0389/09, released on 29 June 2009 and MARADMIN 0421/09, released on 15 July 2009, published Marine Corps guidance implementing the transfer of Post 9/11 GI Bill education benefits. These MARADMIN messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the aforementioned policies required a 4-year additional service obligation on active duty and/or Selected Reserve for those eligible to retire on or after 1 August 2012. Additionally, to garner approval to transfer education benefits (TEB), Marines are required to transfer education benefits using the MilConnect TEB portal and sign the Post-9/11 Educational Benefits Transferability Commitment and Statement of Understanding; both of which outline the service obligation associated with transferring education benefits. A review of your record indicates you requested to TEB on 6 October 2009; the request was approved with an obligation end date of 6 October 2013. However, you voluntarily transferred to the Retired List effective 1 November 2012, prior to completing your service obligation, thereby losing your ability to transfer Post-9/11 GI Bill education benefits.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. 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,

12/2/2021
[REDACTED]
Deputy Director
[REDACTED]