



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

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Docket No. 5246-21
Ref: Signature Date

Dear ■■■■■,

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 21 December 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.

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 requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependents. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits was published by Navy Administration (NAVADMIN) message 187/09, released on 26 June 2009 and NAVADMIN 203/09, released on 11 July 2009. Subsequently, Bureau of Naval Personnel Notice promulgated on 7 April 2010 and updated several times prior to your retirement. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the abovementioned policies required a 4-year additional service obligation from the date of election and directed enlisted Sailors to ensure their additional service obligation was properly documented in their electronic service record prior to initiating their transferability request.

Additionally, the policies directed members to periodically check the status of their application. If the request was rejected, Sailors were required to take corrective action and reapply with a new service obligation end date.

A review of your record indicates you reenlisted on 11 October 2011 for 3 years and on 7 October 2014 for 2 years. Neither of the aforementioned reenlistment terms met the eligibility criteria to transfer education benefits (TEB), therefore, the Board found your TEB applications submitted on 4 February 2014, 21 October 2014, 19 May 2015, 3 June 2016, and 24 October 2016 were properly denied for insufficient time on contract before you voluntarily transferred to the Fleet Reserve effective 1 January 2017. Because the authorization to transfer Post-9/11 GI Bill education benefits is a recruiting and retention tool, and you had not reached your high year tenure gate upon retiring, the Board felt you had the ability to reenlist at any time for a term of 4 years to garner approval to TEB. Moreover, your multiple applications indicated to the Board that you acknowledged your denied requests but fail to inquire on what steps were required to correct the denials.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

1/20/2022

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Deputy Director
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