



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

■  
Docket No. 5919-21  
Ref: Signature Date

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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 12 January 2022. 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 change your transfer of education benefits (TEB) request date to 30 June 2013 vice 7 October 2013. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded the ability to transfer Post-9/11 GI Bill education benefits to eligible dependents is a recruiting and retention tool that became effective 1 August 2009 in accordance with Title 38 U.S.C. § 3319. Pursuant to this law, Marine Corps Administration (MARADMIN) messages have been published implementing the program. MARADMIN 0421/09 and MARADMIN 651/11 outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents at the time of your election. Specifically, these messages indicate the option to transfer a Service member's unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election for those eligible to retire on or after 1 August 2012. Additionally, Marines had 45 days from the TEB

application date to incur the required obligated service or the TEB request would be rejected. Furthermore, the policy directed Marines to periodically check the status of their application. If the request was rejected, Marines were required to take corrective action and reapply with a new service obligation end date (OED).

A review of your record reflects you submitted a TEB application and signed the Post-9/11 Educational Benefits Transferability Commitment and Statement of Understanding on 18 July 2013; at that time, your end of active service (EAS) was 29 April 2014. You reenlisted on 3 August 2013 for a term of 3-years. On 16 September 2013, the Service rejected your TEB application for insufficient obligated service time. On 7 October 2013, you submitted a second TEB application and the Service approved your request with an OED of 7 October 2017; at the time of approval, your EAS was 2 November 2017. However, you voluntarily transferred to the Fleet Marine Corps Reserve effective 1 July 2017. The Board felt that by signing the Post-9/11 Educational Benefits Transferability Commitment and Statement of Understanding you acknowledged that failure to complete the service agreement would lead to termination of entitlement to transferability and may lead to overpayment by the Department of Veterans Affairs for any payments made; therefore, relief is not warranted.

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,

2/4/2022

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Deputy Director

Signed by: █