

## **DEPARTMENT OF THE NAVY**

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

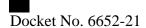
> Docket No. 6652-21 Ref: Signature Date

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 27 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 reconsideration of Docket Number 2366-20 to reinstate transfer of Post-9/11 GI Bill education benefits to your children. 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 the denial of Docket Number 2366-20 was appropriate. As new evidence, you submitted a personal statement, email traffic between you and your detailer on 12 November 2018, and your retirement request from Navy Standard Integrated Personnel System showing the Navy Personnel Command Education Office reviewed your request. Germane to your request, Department of Defense Instruction (DODI) 1341.12 released on 31 May 2013 and Bureau of Naval Personnel Notice (BUPERSNOTE) 1780 promulgated on 2 March 2015 listed specific situations preventing a Service member from completing their service obligations where they would not forfeit their approved transfer of education benefits (TEB). A review of your record, along with your submitted documents, reflect you voluntarily



transferred to the Retired List effective 1 March 2020. Voluntary retirement is not one of the reasons outlined in DODI 1341.13 or BUPERSNOTE 1780 to adjust a Service member's TEB obligation end date.

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.

