



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

Docket No. 7358-21

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 26 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.

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependent daughter. 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, Navy Administrative (NAVADMIN) message 187/09 released on 26 June 2009 and NAVADMIN 203/09 released on 11 July 2009 published Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, NAVADMIN 203/09 indicated 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, the policy stipulated that that failure to complete the service agreement after transferring entitlement may result in an overpayment of educational assistance and is subject to collection by the Department of Veteran Affairs.

A review of your record indicates you signed (also signed by your commanding officer and a witness) the required NAVPERS 1070/613, Administrative Remarks (Page 13) on 23 July 2009 agreeing:

“I understand by signing this page 13, I agree to complete four more years in the armed forces (Active or Selected Reserve) from the date I request transferability of post 9-11, REAP or MGIB-SR education benefits to my dependents / family members. I understand that failure to complete this four year obligation may lead to an overpayment by the Department of Veterans Affairs that may be recouped for any payments made to dependents / family members.”

Additionally, by signing the aforementioned Page 13, you acknowledged the consequences of not completing the 4-year requirement. Thereafter, your transfer of education benefits application was approved with an obligation end date of 1 August 2013. However, you voluntarily transferred to the Retired List effective 1 January 2013, thereby forfeiting your ability to transfer Post-9/11 GI Bill education benefits. Thus, the Board found no error or injustice to correct your record by extending your time in service to be eligible for this benefit.

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,

2/10/2022

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Deputy Director

Signed by: █