



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

██████████
Docket No. 1346-22
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 9 March 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 educational benefits to eligible your dependent daughter and claim that you were never briefed or educated on this benefit. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board determined that pursuant Title 38 U.S.C. Chapter 33 the ability to transfer Post-9/11 GI Bill education benefits to eligible dependents became effective 1 August 2009. As such, the Board concluded that the Marine Corps implemented guidance for the transfer of Post 9/11 GI Bill education benefits, published by Marine Administrative Message (MARADMIN) 389/09 which was released—29 June 2009 and MARADMIN 0421/09 released—15 July 2009 with [v]arious updates prior to your transfer to the Retired Reserve effective 1 May 2012. Specifically, MARADMIN messages outlined eligibility, processing, service obligation, and reference information to transfer education benefits to eligible dependents.

Furthermore, you state that as retired Marine ██████████, you earned this benefit to use for yourself or transfer it to your children, and in addition, you know you were never briefed or educated on the process to transfer the Post 9/11 GI Bill education benefits prior to retirement. The Board noted that no attempt on your part was documented in your Official Military Personnel File (OMPF) and/or applicable Transfer of Education Benefits website/application, nor did you provide any evidence. As such, the Board believed the Marine Corps provided you with useful information to make such election, and you chose not to follow said messages or make any attempt. Lastly, your OMPF does not contain a copy of the statement of understanding required by the aforementioned policies.

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,

3/24/2022

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Deputy Director

Signed by: █