



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. 1916-22
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 (U.S.C.). 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 19 October 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 record to account all qualifying active duty service time to establish eligibility for Post-9/11 GI Bill education benefits. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that your record accounts for your participation at the Naval Academy Preparatory School (NAPS) from 26 July 2011 through 27 June 2012, U.S. Naval Academy from 28 June 2012 through 22 May 2014, and commissioned service in the U.S. Marine Corps from 23 May 2014 through 22 May 2019. In accordance with Title 10, U.S.C., Section 8459(a)(2), each midshipman agrees upon graduation from the U.S. Naval Academy to accept appointment, if tendered, as a commissioned officer of the Regular Navy, Marine Corps, or Air Force and serve on active duty for at least 5 years immediately after such appointment. Pursuant to Title 38, U.S.C., Section 3311, generally, to be eligible for the Post-9/11 GI Bill education benefits, individuals must serve on active duty on or after 11 September 2001 for an

aggregate period ranging from 90 days to 36 months in the Armed Forces. If the aggregate service is less than 24 months, initial entry training does not count as qualifying active duty. However, a period of service on active duty of an officer pursuant to an agreement under Title 10, U.S.C., Section 8459 shall not be considered part of the period of active duty in which an individual's entitlement to educational assistance under the Post-9/11 GI Bill is based. Therefore, your initial entry training at NAPS cannot be credited because your active duty service obligation in the Marine Corps is not qualifying active duty service for the purpose of the Post-9/11 GI Bill eligibility.

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,

10/28/2022

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Deputy Director

Signed by: ■