



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. 3985-22
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. 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 April 2023. 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. In addition, the Board considered the advisory opinions by the Bureau of Naval Personnel (BUPERS-00J) memorandum of 13 March 2023 and Navy Personnel Command (PERS-311) memorandum of 17 November 2022, which were previously provided to you for comment.

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 naval record to establish eligibility to receive 100% educational 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 in accordance with Department of Defense Directive-Type Memorandum 09-003: Post-9/11 GI Bill "The Department of Veterans Affairs is responsible for determining eligibility for educational benefits under the Post-9/11 GI Bill. Generally, to be eligible for the Post-9/11 GI bill, individuals must serve on active duty on or after September 11, 2001, for at least 30 continuous days with a discharge due to a service-connected disability; or an aggregate period ranging from 90 days to 36 months or more. Benefits under the Post-9/11 GI bill are based on a

percentage, as determined by a Service Member's length of qualifying active duty service, as shown in Table 1" of the policy.

A review of your record indicates you served 34 months and 25 days, active duty service from 11 September 2001. However, Block 29 of your DD Form 214, Certificate of Release or Discharge from Active Duty, reflects time lost from 4 August 2003 to 4 August 2004, which, is 1-year and 1-day of non-creditable service, after 11 September 2001. Your allegations of error or injustice were previously addressed in the approval of Docket No. 5067-21 and denial of Docket No. 2879-22 to include consideration of time lost. With no new matters of error and/or injustice presented nor discovered, the Board concluded the results of the aforementioned Docket Numbers were equitable, therefore, relief is not warranted. In this connection, the Board substantially concurred with the comments contained in the advisory opinions.

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,

5/5/2023

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Deputy Director

Signed by: ■