



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. 5085-22
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 27 July 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 establish eligibility to transfer Post-9/11 GI Bill education benefits to your spouse. 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 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, Marine Corps Administrative (MARADMIN) message 0389/09 released on 29 June 2009 and MARADMIN 0421/09 released on 14 July 2009 published Marine Corps guidance implementing the transfer of Post 9/11 GI Bill education benefits with various updates prior to your transfer to the Fleet Marine Corps Reserve effective 1 February 2022. The aforementioned MARADMIN messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, MARADMIN 704/13 and 391/19 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; both messages provided an allowable period for enlisted Marines to incur the obligated service. Additionally, Marines were directed to periodically check the status of their application; a denied transfer of education benefits (TEB) application required Marines to take corrective action and reapply with a new service obligation end date. Department of Defense Instruction 1341.13 revised on 12 July 2018 specified "An individual may not normally add family members after retirement or separation from the Uniformed Services; a limited exception is provided for in section 3119 of Reference (c) [Title 10 U.S.C] upon the death of the originally designated dependent."

A review of your record reflects you submitted TEB applications on 29 January 2019 and 30 September 2019. The Service rejected both applications for not committing to the required additional service time. On 31 January 2022, you transferred to the Fleet Marine Corps Reserve and thereafter married your current spouse on 22 February 2022, thereby rendering you ineligible to transfer unused education benefits to her.

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,

8/12/2022

