



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

█
Docket No. 5265-22
Ref: Signature Date

█
Dear Petitioner:

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 panel members 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 the Board. Documentary material considered by the Board consisted of the enclosures, relevant portions of your naval record, and applicable statutes, regulations and policies, to include Title 38 U.S.C. Chapter 33¹ and MARADMIN 703/14.²

The Board, having reviewed all the facts of record pertaining to your allegations of error and injustice, found that, before applying to this Board, you exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

You reenlisted on 17 March 2012 for a term of 4 years.

¹ Title 38 U.S.C. Chapter 33, the Post-9/11 Veterans Educational Assistance Act (Post-9/11 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective on 1 August 2009. The bill provides financial support for education and housing for service members with at least 90 days of service on or after 11 September 2001. The act also includes provision for qualifying service members to transfer education benefits to their eligible dependents. General descriptions of the essential components of the law were widely available beginning in summer 2008 but specific implementing guidance was not published until summer 2009.

² MARADMIN 703/14, specified the option to transfer a Marine's unused education benefits to an eligible dependent required a 4-year additional service obligation at the time of election but provided enlisted Marines 60 days from submitting TEB application to incur the required obligated service. Furthermore, the policies directed Marines to periodically check the status of their application; a denied TEB application required the Marine to take corrective action and reapply with a new service obligation end date.

You submitted transfer of education benefits (TEB) application on 26 October 2015.

You reenlisted on 4 November 2015 for a term of 3 years.

On 25 March 2016, the Service rejected your application indicating, service member “has not committed to the required additional service time.”

You transferred to the Fleet Marine Corps Reserve effective 1 March 2017 with 22 years, 3 months and 24 days of active duty service.

You contend you submitted “all required GI Bill TEB documents to my units Career Planner” but takes responsibility for not following up on your TEB application before retiring. Additionally, you believe the denied application to be an error because you served ample active duty time from reenlisting on 17 March 2012 until you retired on 1 March 2017.

Upon review and consideration of all the evidence of record, the Board concluded that your request does not warrant favorable corrective action. In this regard, the Board determined that the Marine Corps Transferability of Post-9/11 GI Bill policy clearly outlined the requirements and procedures to transfer education benefits. You submitted a TEB application, thereby appearing to be aware of the process but failed to take corrective action in a timely manner, therefore, relief is not warranted.

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,

8/17/2022

█

