



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

█
Docket No. 6096-22
Ref: Signature Date

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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 7 September 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 reconsideration to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependents. 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 Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits published by Navy Administration (NAVADMIN) message 187/09, released on 26 June 2009 and NAVADMIN 203/09, released on 11 July 2009. Subsequently, Bureau of Naval Personnel Notice 1780 promulgated on 7 April 2010 with various updates thereafter. Specifically, the policies, outlined eligibility, processing, service obligation, and reference germane to transferring education benefits to eligible dependents. Generally, the option to transfer a Service member's unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel

System Electronic Service Record (ESR), agreeing to serve the required additional years of service prior to initiating their electronic transfer election. Furthermore, the policy directed members to periodically check the status of their application; a denied transfer of education benefits (TEB) application required members to take corrective action and reapply with a new service obligation end date. On 24 September 2018, NAVADMIN 236/18 updated the TEB process by establishing an online, self-service Statement of Understanding (SOU) that replaced the NAVPERS 1070/613, Administrative Remarks effective 1 October 2018.

A review of your record indicates you requested TEB on 30 May 2014, 3 August 2015, 1 September 2021, and 9 September 2021. The Service rejected the applications indicating, Service Member “has not committed to the required additional service time.” Although the “Agreement to Obligate for Transferability of Post-9/11, REAP, or MGIB-SR Education Benefits” NAVPERS 1070/613, Administrative Remarks was entered into your ESR on 8 September 2017, there is no record of you submitting another TEB application until 1 September 2021 at which time the TEB SOU replaced the NAVPERS 1070/613, Administrative Remarks and was required to garner approval; there is no record of you completing a TEB SOU. Moreover, you were issued BUPERS Order: 2371 (Official Retirement Orders) on 25 August 2021 when you submitted your last two TEB applications; therefore, would not have completed the 4-year obligation required to TEB.

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,

9/21/2022

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Deputy Director

Signed by: █