

DEPARTMENT OF THE NAVY

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

> Docket No. 6234-22 Ref: Signature Date

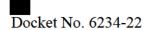


Dear

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 21 September 2021. 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.

You requested 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 you do not meet the criteria to transfer education benefits (TEB) in accordance with Bureau of Naval Personnel Notice 1780. Specifically, the policy indicates in order to TEB you must first be eligible for the Post-9/11 GI Bill. The criterion for Post-9/11 GI Bill requires individuals to serve a minimum of 90 aggregated days of qualifying active duty on or after 11 September 2001. Qualifying service for the Selected Reserve (SELRES) includes executing active duty orders under Title 10 U.S.C., sections 688, 12301(a), 12301(d), 12303(g), 12302, or 12304. Initial training (recruit training and "A" school) is excluded for the purpose of accruing service for Post-9/11 GI Bill eligibility unless a member serves 24 months or more aggregate qualifying service. Additionally, the policy specifies SELRES enlisted personnel 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), have sufficient time on contract to meet the additional service requirement and complete/submit electronic transfer election using the MilConnect TEB portal within 30-days of reenlisting. Thereafter, Navy



Administrative message 236/18, updated the TEB process by establishing an online, self-service Statement of Understanding (SOU) that is to be completed by all Sailors effective 1 October 2018.

A review of your record indicates you signed the "Post-9/11 GI Bill" NAVPERS 1070/613, Administrative Remarks on 26 February 2017 and it was uploaded to your ESR. However, you are not eligible to TEB because you have not executed qualifying active duty orders to meet the 90-day aggregate requirement—you reenlisted on 22 January 2022 for a term of 4 years, but submitted your TEB application on 28 June 2022 and have not completed the TEB SOU.

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,

