



**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. 165-23  
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 25 January 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.

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 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 15 July 2009 published Marine Corps guidance implementing the transfer of Post 9/11 GI Bill education benefits. Thereafter, additional MARADMIN messages promulgated prior to your retirement. The aforementioned messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, MARADMIN 704/13 and 642/18 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 on active duty or in the Selected Reserve and the consequences of failing to complete the obligation. Moreover, when submitting an application via the MilConnect Transfer Education Benefits (TEB) portal, all service members must acknowledge a series of requirements before proceeding with their application. Included in these requirements is "I understand and agree to remain in the

Armed Forces, with no break in Active Duty or Selected Reserve service for greater than 24 hours, for four years from the date of this transfer request... I understand that failure to complete my service may lead to my dependent(s) losing their entitlement. If the Department of Veterans Affairs has already made payments before the entitlements were lost, these payment become overpayments.”

A review of your record indicates that you requested to TEB on 27 November 2018. The Service approved your application with an obligation end date of 26 November 2022. However, you voluntarily transferred to the Retired Reserve awaiting pay at age 60 effective 1 March 2022, thereby forfeiting the right to transfer unused education benefits.

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,

1/26/2023

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Deputy Director

Signed by: ■