

DEPARTMENT OF THE NAVY

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

> Docket No. 775-23 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 15 February 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.

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 eligible dependents effective 28 August 2019. 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. The transfer of education benefits (TEB) is not an entitlement and pursuant to the aforementioned law, Marine Corps guidance updating the TEB published by Marine Corps Administration message 391/19, released on 11 July 2019 outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the message stipulated the basic criterion for transferring education benefits required at least 6 years Active Duty and or Selected Reserve service and agreement to serve four additional years from the date of election. Rejected TEB applications required Marines to take corrective action and reapply with a new obligation end date.

A review of your record indicates you reenlisted on 30 November 2016 for a term of 4 years. On 18 August 2019, you submitted a TEB application with 1 year, 3 months, and 11 days remaining on contract, the application was rejected on 28 October 2019 for not committing to the required additional obligated service. On 4 January 2020, you submitted your second TEB application with 10 months and 25 days remaining on contract. On 29 January 2020, you refused orders to Recruiting Duty and signed NAVMV

118(11), Administrative Remarks acknowledging assignment of reenlistment code "RE-3O" which rendered you ineligible "for promotion, reenlistment, commissioning or warrant officer programs, special pay, education programs, or involuntary separation pay." The Board noted that on 13 February 2020, you attempted to extend 33 months to obligate service for TEB, however, it was cancelled due to your refusal of orders. Subsequently, your second TEB application was rejected on 4 June 2020 for not committing to the required additional obligated service. Your record does not reflect the 4-year additional service time required to garner approval to transfer Post-9/11 GI Bill education benefits and with the assignment of the reenlistment code "RE-3O", you are ineligible for the retention programs to which you could obtain the required additional service obligation.

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.

