

DEPARTMENT OF THE NAVY

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

> Docket No. 944-23 Ref: Signature Date

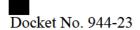
Dear ,

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 22 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 retroactive eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependents effective 10 July 2021 or earlier. 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 guidance updating the transfer of education benefits (TEB) published by Marine Corps Administration (MARADMIN) message 704/13, released on 31 December 2013 and MARADMIN 017/20, released on 14 January 2020 outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the references stipulate 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. However, MARADMIN 704/13 provide a 60-day grace period from the time of TEB election to incur the obligated service; MARADMIN 017/20 authorized TEB applications to be held in a pending status for no more than 150 days to allow Marines to request to extend or reenlist, when necessary. Additionally, the policies directed Marines to check the status of their application; a denied TEB application required the Marine to take corrective action and reapply with a new service obligation.

A review of your record indicates you became eligible to transfer benefits on 3 November 2014. Thereafter, you reenlisted on 5 November 2016 for a term of 4 years but failed to submit your TEB application until 10 July 2019; the request was rejected on 12 September 2019 for failure to incur the required 4-year additional service obligation at the time of election. On 18 November 2021, you reenlisted for a term of 4 years and submitted your second TEB application on 22 November 2021. You then executed a 1-month extension and on 24 January 2023, the Service approved your TEB application with an obligation end date (OED) of 21 November 2025. The Board could not find, nor did you provide evidence to warrant retroactive TEB approval since your expiration of active service is 17 December 2025, which is beyond your TEB OED of 21 November 2025 and you are not retirement eligible until 3 November 2028.

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.

