



Docket No. 1117-23
Ref: Signature Date

Dear [REDACTED],

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 March 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 your 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, Navy Administration messages and Bureau of Naval Personnel Notice (BUPERSNOTE) 1780 were published outlining eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, BUPERSNOTE 1780 stipulated the ability to transfer education benefits (TEB) require at least 6-years of service in the Armed Forces (active duty and/or Selected Reserve) and agreement to serve four additional years in the Armed Forces from the date of election. BUPERSNOTE 1780 also provided a provision that indicated if a member with 10 years of

service in the Armed Forces was prohibited from completing the service obligation because of Navy or Department of Defense policy, or federal statute, the obligation would be adjusted to the maximum amount of time allowed by that policy or statute.

A review of your record indicates you entered active duty on 19 June 2001. On 12 April 2003 you married your spouse and acquired two stepchildren born 17 December 1994 and 14 November 1997 respectively. Your child was then born on 17 June 2004. Subsequently, you voluntarily extended your two time for an aggregate of 24 months. Thereafter, you were involuntarily extended 8-times in 6-month increments from June 2007 through June 2010. You requested to transfer unused education benefits to your aforementioned dependents on 27 August 2010; at the time you only had 9 years, 2 months and 12 days of qualifying service in the Armed Forces, thus the Service rejected your TEB application indicating you had not committed to the required additional service time. You transferred to the Permanent Disability Retired List on 28 October 2010 with 9 years, 4 months, and 10 days of total active duty service, thereby ineligible to transfer Post-9/11 GI Bill education benefits. Conversely, the Board recommended you contact the Department of Veterans Affairs to determine eligibility criteria for the Dependents' Educational Assistance program.

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,

3/28/2023

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Deputy Director

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