



**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. 1451-23  
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 5 April 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 reconsideration of the Board's decision dated 25 January 2023 (Docket Number 165-23) to establish eligibility to transfer Post-9/11 GI Bill education benefits to eligible dependents due to the information contained in Marine Corps Administrative MARADMIN 0389/09 and MARADMIN 0421/09. 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 MARADMIN 0389/09 and MARADMIN 0421/09 implemented the Marine Corps transfer of Post-9/11 GI Bill education benefits. However, since release of aforementioned messages, several additional messages were released providing updates to the Marine Corps transfer of education benefits (TEB) process. Specifically, MARADMIN 704/13 and MARADMIN 642/18 were germane at the time you submitted your TEB application. The aforementioned messages all indicated that a 4-year additional service obligation at the time of election was required to TEB and the consequences of failing to complete the obligation.

Additionally, the messages provided provisions that indicated if a Marine with 10 years of service was prohibited from completing their service obligation as a result of Marine Corps 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. In July 2019, Department of Defense Instruction 1341.13 discontinued the 10-year provision, but service members would be considered to have completed his or her previously approved TEB-related service agreement in instances when discharged or released from active duty or the Selected Reserve, with an honorable discharge, due to twice failing to be selected for promotion.

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. You were brought into the "below zone" for the Fiscal Year (FY) 2021 Reserve Lieutenant Colonel Selection Board, and were not selected as you were in the below zone. The result of this selection board did not constitute as being passed over. Your first failure for selection to the next higher grade and being passed over was during the FY 2022 Reserve Lieutenant Colonel Selection Board. Thereafter, your name was deleted from the consideration list for the FY 2023 Reserve Lieutenant Colonel Selection Board due to your voluntary request, and subsequent approval, for transfer to the Retired Reserves effective 1 March 2022. As such, your retirement was not due to any reduction in force or force shaping initiatives, nor was your retirement due to any statute or departmental policy, thereby forfeiting your eligibility to transfer Post-9/11 GI Bill education benefits to your dependents.

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,

4/12/2023

