

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

> Docket No. 1643-23 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 7 June 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. However, the Board concluded that pursuant Title 38 U.S.C. Chapter 33 the ability to transfer Post-9/11 GI Bill education benefits to eligible dependents became effective 1 August 2009. Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits published by Navy Administration (NAVADMIN) message 187/09, released on 26 June 2009 and NAVADMIN 203/09, released on 11 July 2009. Subsequently, Bureau of Naval Personnel Notice 1780 promulgated on 7 April 2010 prior to your retirement. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the abovementioned policies required a 2-year additional service obligation from the date of election for those eligible for retirement on or after 1 August 2010, and before 1 August 2011. Additionally, the policies directed Sailors to ensure their additional service obligation was properly documented in their electronic service record prior to initiating transferability request.

A review of your record indicates your Active Duty Service Date was 3 February 1991. You reenlisted on 9 October 2008 for a term of 2-years. On 16 March 2010, you advanced to Gunners Mate Senior Chief/E-8. You signed an agreement to extend your enlistment for 5-months on 10 August 2010. On 28 February 2011, you voluntarily transferred to the Fleet Reserve with 20-years and 7-days of active duty service, thereby failing to meet the 2-year requirement to transfer education benefits (TEB). Moreover, the Board could not find, nor did you provide evidence that you utilized/completed the TEB website/application for the purpose of electing to transfer any of your unused education benefits to your dependents before retiring; therefore, ineligible to TEB.

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,