



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. 2349-23
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 26 September 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 transfer Post-9/11 GI Bill education benefits to your dependent daughter. You assert that you were repeatedly provided incorrect information by trusted experts, assumed to be knowledgeable and reliable sources of information, around policies and requirements to transfer GI Bill benefits to dependents and you subsequently made life and career decisions based on this information that proved to be incorrect. And despite your best intentions, you now find yourself in a situation where you have Post 911 GI Bill benefits remaining, the desire to transfer them to your daughter, have already fulfilled service obligations to transfer your benefits to dependents, but you are not able to due to administrative limitations.

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 you did not meet the criteria to transfer education benefits (TEB) to your daughter in accordance with Department of Defense Instruction (DODI) 1341.13 and Bureau of Naval Personnel Notice (BUPERSNOTE) 1780. DODI 1341.13 defines eligibility as follows, "Service Member. An individual serving on active duty or in the Selected Reserve. Does not include other members of the Ready Reserve (such as Individual Ready Reserve, standby Reserve, or retired Service members, unless they are

serving on active duty).” BUPERSNOTE 1780 indicates, “Designation of Transferee. (3) The transfer may modify (add new dependents, change entitlement for existing dependents, or revoke entitlement) while serving in the Armed Forces.” Armed Forces is defined as those on active duty or in the Selected Reserve. Per Bureau of Naval Personnel Instruction 1001.39F, Voluntary Training Units (VTU) are a subset of the Individual Ready Reserve not the Selected Reserve.

Furthermore, a review of your record indicates that you submitted your second TEB application on 1 January 2015 and requested to allocate 1-month of education benefits to your spouse. The Service approved your TEB application with an obligation end date of 1 January 2019. Prior to completing your TEB service obligation, you modified months of allocated benefit to your spouse on two occasions. On 1 October 2019, you transferred to the VTU, which puts you in an ineligible status to TEB to new dependents (i.e. daughter born in March 2022) while still assigned to the VTU. Therefore, the Board determined that your inability to TEB is due to your assignment in a VTU and that you have not completed any qualifying active duty since the birth of your daughter to allow TEB at this time. However, you are still eligible to allocate benefits to your spouse.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

10/17/2023

