



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. 2600-23
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 17 May 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 effective 15 February 2022. 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 Administrative (MARADMIN) messages published guidance on the transfer of Post-9/11 GI Bill education benefits. Specifically, MARADMIN 693/21 specified the option to transfer unused education benefits, required Marines to complete at least 6 years of creditable military service and obligate an additional 4 years of service at the time of election. Additionally, Enlisted Marines had 180 days from the date of transfer of education benefits (TEB) web application to incur the required obligated service or the TEB request would be rejected. Furthermore, the policy directed Marines to periodically check the status of their application; a denied TEB application required Marines to take corrective action and reapply with a new service obligation end date. In accordance with Marine Corps Order 1040.31, Marines may be eligible to request a standard reenlistment with more than 3 months, but less than 12 months remaining on the current contract.

A review of your record reflects your entered active duty on 19 November 2013. You reenlisted on 5 October 2018 for a term of 4 years. You married your spouse on 25 September 2020, and your child was born on █. On 4 October 2021, you extended your contract for a term of 28 months to “obligate service for assignment to █,” with an expiration of active service date of 4 February 2025. On 15 February 2022, you submitted your first TEB application, and on 10 May 2022, you requested to extend your contract for 13 months; the request was admin closed on 12 May 2022 with remarks indicating, “Please request TEB with FY23 reenlistment.” The Service rejected the TEB application on 22 September 2022 for insufficient time remaining on contract. On 4 November 2022, you reapplied for TEB, followed by submitting a request to reenlist on 14 November 2022 for a term of 48 months, the request was admin closed the same day with remarks stating, “SNM is a FY2025 Marine and is not eligible for reenlistment at this time. SNM may submit an extension in order gain obligated service for Transfer of Education benefits.” On 5 April 2023, the Service rejected your TEB application for insufficient time remaining on contract.

The Board determined at the time of your 15 February 2022 TEB application submission you had 2 years, 11 months, and 20 days remaining on contract, thereby not meeting the eligibility criteria to TEB. The Board recommended you resubmit your TEB request at the same time you submit your Reenlistment, Extension, Lateral Move request and inform your Command Career Planner you are reenlisting for TEB purposes.

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,

6/2/2023

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Deputy Director

Signed by: █