



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

██████████  
Docket No. 6959-23  
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 19 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.

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 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 with several updates before your transfer to the Retired Reserve without pay. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents.

Some of the basic criteria to transfer education benefits (TEB) included the requirement for service members to serve on active duty on or after 11 September 2001 and complete an aggregate period of qualifying active duty from 90 days to 36 months or more; qualifying active duty does not include completion of Annual Training orders. Additionally, the policy required enlisted Selected Reserve members to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record (ESR), have sufficient time on contract to meet the additional service requirement and complete/submit electronic transfer election using the TEB web application. Effective 1 October 2018, the NAVPERS 1070/613, Administrative Remarks requirement was replaced by the online self-service Statement of Understanding. Furthermore, the policies directed members to periodically check the status of their application; a denied TEB application required members to take corrective action and reapply with a new service obligation end date.

A review of your record indicates you reenlisted on 21 July 2013 for 6 years, but at that time you had not completed a minimum of 90 aggregate days of qualifying active duty, thereby rendering you ineligible to TEB at that time. On 8 January 2018, you reenlisted for 3 years, which was not enough time to garner TEB approval and thereafter, you executed mobilization orders on 28 September 2018. On 25 June 2019, you submitted a TEB application with 1 year, 6 months, and 14 days remaining on contract. The Service rejected the application on 26 June 2019 and advised you to contact the service representative to resolve your status. You demobilized on 1 November 2019 and submitted another TEB application on 7 December 2019, with 1 year, 1 month, and 2 days remaining on contract. The Service rejected this application on 9 December 2019 indicating you “had not committed to the required additional service time.” On 23 December 2019, you executed mobilization orders and completed the required TEB SOU on 30 December 2019. In December 2020, a 9-month extension was submitted to your ESR and on 7 September 2021, you demobilized with 1-month remaining on contract. Subsequently, you transferred to the Retired Reserve without pay effective 1 December 2021 without meeting the criteria to TEB, therefore, the Board determined a change to your record is not warranted.

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,

10/19/2023

