



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. 7185-23
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 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 establish eligibility to transfer Post 9/11 GI Bill education benefits to your dependent son. You assert you were denied the transfer of your GI BILL to your son because the Navy stated that you had already retired. You also assert you requested to transfer the GI BILL prior to retiring, but due to the lengthy review process you had retired. You provided the Board with an email from yourself to Congressman █ requesting a waiver to transfer GI Bill to your son as evidence. 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 you did not meet the criteria to transfer education benefits (TEB) in accordance with Bureau of Naval Personnel Notice 1780. Specifically, the policy indicates the term "Armed Forces" is defined as those on active duty or in the Selected Reserve (SELRES) service in a drill pay status (this does not include service in the Individual Ready Reserve or assignment in a voluntary training unit (VTU)). Generally, an individual who serves a minimum of 90 aggregated days of qualifying active duty on or after 11 September 2001, and receives an honorable discharge will be eligible for educational assistance under the Post-9/11 GI Bill. Any member in the Armed Forces on or after 1 August 2009, who is eligible for the Post-9/11 GI Bill and who, at the time of approval of the individual's request to transfer his or her unused Post-9/11 GI Bill entitlement has served at least 6 years (active duty and or SELRES), and agrees to serve at least 4 additional continuous years in the Armed Forces from the date the individual elects to transfer.

A review of your record indicates you completed qualifying active duty service during your mobilization from 29 July 2011 to 23 August 2012. Upon demobilizing you returned to a SELRES unit until your voluntary transfer to the VTU on 19 August 2015 through 31 December 2016. On 1 January 2017, you transferred back to SELRES status through 15 January 2018. Thereafter, you voluntarily transferred to the VTU on 16 January 2018. While assigned to the VTU, "Post 9-11 GI Bill Transfer of Education Benefits Statement of Understanding" Administrative Remarks was uploaded to your electronic service record on 9 September 2018, and verified on 11 September 2018 indicating you acknowledged "I understand by signing this NAVPERS 1070/613, I certify that I am retainable under all statutes and Navy policies for 4 years and I agree to complete 4 more years in the Armed Forces (Active or SELRES) from the date I request transferability of Post 9/11 GI Bill education benefits to my dependents or family members using the Defense Manpower Data Center (DMDC) milconnect web site." You involuntarily transferred to the Retired Reserve effective 1 February 2023.

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 dependent. Moreover, you did not have a continuous 4-year eligibility period to TEB as a result of your voluntary transfers to the VTU. 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,

10/26/2023

