



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. 7755-23
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 27 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 eligible dependent children. 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 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 was promulgated on 7 April 2010 with several updates 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 4-year additional service obligation from the date of election and directed Sailors to ensure their additional service

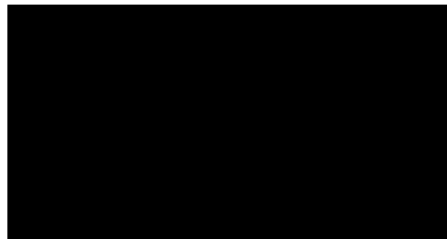
obligation was properly documented in their electronic service record prior to initiating transferability request. Enlisted personnel were required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election. Additionally, the policy directed members to periodically check the status of their application; a denied transfer of education benefits (TEB) application required members to take corrective action and reapply with a new service obligation end date. Moreover, when submitting an application via the MilConnect TEB portal, all service member must acknowledge a series of requirements before proceeding with their application. Included in these requirements is “I understand and agree to remain in the Armed Forces for the period required. I understand that failure to complete that service may lead to an overpayment by the Department of Veterans Affairs for any payment made.”

A review of your record indicates you reenlisted on 10 October 2008 for 4 years and reenlisted on 7 February 2012 for 3 years. Thereafter, you extended for 3 months to incur obligated service for orders. On 14 November 2012, you submitted your initial TEB application with 2 years, 5 months, and 22 days remaining on contract. The Service rejected the TEB application indicating, “SM [service member] has not committed to the required additional service time.” You reenlisted on 30 January 2015 for 4 years and submitted your final TEB application. The Service approved the TEB application with an obligation end date of 29 January 2019. However, you voluntarily transferred to the Fleet Reserve effective 1 August 2018, thereby forfeiting the right to transfer Post-9/11 GI Bill education benefits.

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,

10/6/2023

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