



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. 9034-23
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 24 January 2024. 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 change your transfer of Post-9/11 GI Bill education benefits obligation end date to align with your 5 July 2013 discharge due to medical reasons. 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 Administrative (NAVADMIN) messages were published implementing the program. Thereafter, Bureau of Naval Personnel Notice (BUPERSNOTE) 1780 promulgated. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, NAVADMIN 203/09 and BUPERSNOTE 1780 stipulated the ability to transfer education benefits (TEB) required a 4-year additional service obligation on active duty and/or the Selected Reserve (SELRES) at the time of election. The policies provided the criterion in which a Sailor would be considered to have completed his or her approved TEB related service agreement; weight control failure is not listed.

A review of your record indicates that on 6 August 2009 you were approved to TEB with an obligation end date of 5 August 2013. However, on 5 July 2013 you discharged with 14 years, 4

months, and 4 days of active duty service. Your DD Form 214, Certificate of Discharge or Release from Active Duty reflects you were discharged with Separation Code "HRC - Weight Control Failure," and a Reentry Code of "RE-3F." The Board could not find, nor did you provide evidence of a medical reason for your separation, therefore determined that a change to your record was 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,

2/6/2024

