



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. 9203-23
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 22 November 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 change your Montgomery GI Bill (MGIB) education benefits to Post-9/11 GI Bill and establish eligibility to transfer unused Post-9/11 GI Bill education benefits to your oldest daughter. 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 guidance implementing the transfer of Post 9/11 GI Bill education benefits published by Marine Corps Administration (MARADMIN) message 0389/09, released on 29 June 2009 and MARADMIN 0421/09, released on 15 July 2009 with various updates prior to your transfer to the Fleet Reserve. The aforementioned messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, MARADMIN 0421/09 provided guidance for Marines to successfully transfer education benefits (TEB). Included in this guidance was Marines were required to apply for transferability benefits through the TEB website; reenlist/extend to obtain the required 4-year additional service obligation from the date of election for those eligible to retire on or after 1 August 2012; and completion of the Post-9/11 GI

Bill Educational Benefit Statement of Understanding. During the TEB application process, a Service member will make the irrevocable decision to convert MGIB education benefits to Post-9/11 GI Bill education benefits.

A review of your record indicates you entered active duty on 19 August 1997. Your oldest daughter was born on 24 February 2006. On 20 November 2008, you reenlisted for 4 years and 10 months and thereafter, extended for an aggregate of 5 months. However, 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 eligible dependents before voluntarily retiring under the Temporary Early Retirement Authority effective 1 April 2014. Additionally, your official military personnel file does not contain a copy of the required "Statement of Understanding." The Board noted your request for corrective action is untimely and determined that 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,

11/30/2023

