



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

■
Docket No. 10733-23
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.

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 3 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.

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 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 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 Administration (MARADMIN) messages were published implementing the program. These messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents prior to separation. Specifically, MARADMIN 0421/09 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. However, completion of

service in the Individual Ready Reserve (IRR) does not qualify for SELRES time in accordance Department of Defense Directive-Type Memorandum 09-003.

A review of your record indicates only one dependent child (born on 16 September 2001) that you registered in the Defense Eligibility Enrollment Reporting System. On 8 July 2002, you were released from active duty and affiliated with the SELRES. You mobilized in support of Operations ■ from 14 January 2003 to 24 October 2003 and additional active duty tours from 12 November 2003 to 31 March 2004 and 8 April 2004 to 25 August 2004. Thereafter you transferred to the IRR effective 30 July 2009. On 10 March 2010, you affiliated with the ■ program, but you transferred back to the IRR on 19 February 2011, and remained assigned to the IRR until you resigned your commission and discharged on 1 June 2014. The Board determined that you did not have continuous qualifying service after 1 August 2009, therefore 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,

1/12/2024

■