

DEPARTMENT OF THE NAVY

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

> Docket No. 1218-24 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.

A three-member panel of the Board, sitting in executive session, considered your application on 28 February 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 establish eligibility to transfer Post-9/11 GI Bill education benefits to your current spouse. 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 to 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. 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 early retirement. These MARADMIN messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, MARADMIN 642/18, notified Marines of the change to Department of Defense policy, whereby all applicants must be eligible to be retained for 4 years from the date of election and not be prevented from doing so in order transfer education benefits (TEB) to their eligible dependents. This requirement was reiterated in MARADMIN messages 391/19, 017/20, and 693/21.

A review of your record indicates your last reenlistment was on 2 June 2018 for 4 years and you married your current spouse on 3 March 2021. Thereafter, you executed two extensions for 6

months each with an expiration of active service on 1 June 2023. On 31 May 2023, submitted a TEB application and requested to allocate 35 months of education benefits to your spouse; the request was rejected the same day for failure to commit to the required additional service. The Board could not find, nor did you provide evidence that you submitted an application via the Milconnect TEB portal to transfer education benefits to any of your dependents before your transfer to the Fleet Marine Corps Reserve on 31 May 2023 under the Temporary Early Retirement Authority. Therefore, the Board 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.

