



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

Docket No. 8143-16
JUL 05 2017

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 May 2017. 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, your naval record and applicable statutes, regulations and policies. The advisory opinion provided in CNRFC letter 5420 Ser N1/181 dated 14 March 2017 was sent to you on 27 March 2017 for an opportunity to comment prior to being considered by the Board. A copy of this advisory opinion is again enclosed. Your reply was received on 7 May 2017 and your case was presented to the Board.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board felt that you were sufficiently notified of the requirements involved in the successful transfer your education benefits, established in 38 U.S.C. §3319, NAVADMIN 203/09, and NAVADMIN 187/09. Although you logged on to the transfer portal on 8 August 2011, you did not successfully submit a request to transfer. You knew at the time that a successful transfer request had not been submitted, yet you took no further action to attempt to rectify the situation. Furthermore, there is no evidence that you completed the required Page 13 committing to additional service until 16 October 2011, after your system login. Finally, even if you had successfully transferred benefits, you retired on 1 September 2013 without completing the required additional period of obligated service. The Post 9/11 GI Bill Program is a retention tool, which is why an additional service obligation is required from the point of successful transfer of benefits. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board.

Docket No. 8143-16

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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

A long black rectangular redaction box covering a line of text.