



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

[REDACTED]
Docket No. 458-17

FEB 12 2018

[REDACTED]
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 25 January 2018. 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 advisory opinion provided in HQMC memo 7220 MPO dated 22 August 2017 was sent to you on 6 November 2017 for an opportunity to comment prior to being considered by the Board. A copy of this advisory opinion is again enclosed. After the 30 day period for comment expired without a response, the case was presented to the Board.

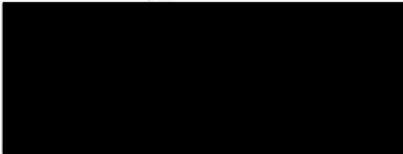
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Per 38 U.S.C. §3319, MARADMIN 389/09, and MARADMIN 421/09, to successfully transfer Post-9/11 GI Bill educational benefits (TEB), a service member must be on active duty or in the selective reserve at the time of the transfer, must comply with program requirements, and must serve an additional period of service as determined by program guidance. Although your service obligation would have been three years from the date of your approved TEB request, Department of Defense Instruction 1341.13 dated 31 May 2013 notified service members that graded service obligation periods based on retirement eligibility would "no longer be in effect on August 1, 2013" and on or after that date all members would be obligated to a four year additional service obligation regardless of retirement eligibility date. The Board carefully considered your argument that you were unaware of your obligation to take affirmative actions to complete an online TEB request to "start the clock" on the required additional service period. The Board also considered your assertion that reservists don't receive the same information regarding program policy implementation. Unfortunately, the Board disagreed with

your rationale for relief. The Board felt that all of the policy guidance was widely publicized in various reserve and retiree publications. Further, when you submitted your TEB request in the MilConnect system on 8 October 2015, you acknowledged the four year additional service obligation with the end of obligation (EOD) date of 8 October 2019. Your desire to retire prior to your EOD is not in keeping with the program's retention goals. The Board noted that you can continue to serve in the selective reserve until your EOD and your dependents can begin to use the Post 9/11 GI Bill benefits while you complete your obligation. Accordingly, your application has been denied.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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. 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,



Executive Director

