



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

[REDACTED]  
Docket No. 6383-17  
MAR 29 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 22 February 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.

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. The Post-9/11 Veterans Education Assistance Act (Post 9/11 GI Bill, Public Law 110-252), effective 1 August 2009, is a Department of Veterans Affairs (VA) program. 38 U.S.C. §3319 establishes the program, and requirements for transferability are further delineated in NAVADMIN 203/09 and NAVADMIN 187/09. To successfully transfer education benefits, a service member must commit to the prescribed period of additional obligated service. Failure to complete the obligation period results in the denial of your transfer of education benefits (TEB) request. The Board noted that the Post 9/11 GI Bill is a retention tool, which is why additional service is required from the point of an approved TEB request. The Board carefully considered your assertions that you chose to retire due to a family emergency and, that before you effectuated your transfer to the Retired Reserve, you confirmed with your Career Counselor that all of the requirements associated with your GI Bill benefits transfer had been met.

Unfortunately, the Board did not agree with your rationale for relief. The Board felt that there was insufficient evidence to support either of your assertions. The Board also highlighted the fact that you signed a Page 13 acknowledging your additional four year service commitment, and the fact that your TEB request approval specifically stated your obligation end date of 25 July 2017. The Board concluded that you received sufficient notice of the service obligation associated with your TEB and that you did not otherwise provide evidence in support of your assertions or why the provided notice was insufficient. 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,

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

Executive Director