

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

> Docket No. 10777-23 Ref: Signature Date



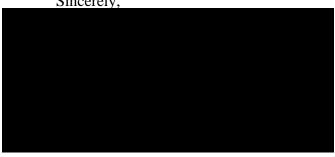
Dear

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.

A three-member panel of the Board, sitting in executive session, considered your application on 2 October 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. In addition, the Board considered the advisory opinion contained in Navy Personnel Command memorandum 1780 PERS-311 of 13 September 2024 and your response to the opinion.

You requested to establish eligibility to transfer unused Montgomery GI Bill (MGIB) education benefits to your dependent son. 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 Title 38 U.S.C. Section 3020(a) specifies, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit an individual who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents the unused portion of entitlement. Title 38 U.S.C. Section 3020(b) indicates a member of the Armed Forces refers to an individual who, while serving on active duty or in the Selected Reserve at the time of approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section, has completed six years of service in the Armed Forces. Public Law 107-107 Section 3020(b) reiterates the aforementioned and includes the following additional criteria: either has a critical military skill or a military specialty designed by the Secretary concerned for purposes of this section. A review of your record reflects that you transferred to the Fleet Reserve as a Personnelman (PN) Chief effective 1 February 2006. The Board determined the Navy chose not to implement the ability to transfer MGIB education benefits in accordance with the option authorized by Title 38 U.S.C. Section 3020(a). Moreover, you would not have met the criteria to transfer MGIB education benefits because the PN rating was not a critical military skill, and your son was not born until after your retirement. Therefore, in this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion, and determined 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,