

DEPARTMENT OF THE NAVY

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

> Docket No. 195-24 Ref: Signature Date

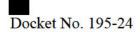
Dear ,

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 July 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to change your naval record to reflect your last active duty period ended on 16 July 2009 in order to change your Post-9/11 GI Bill limiting date. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that in accordance with the Office of the Under Secretary of Defense, Directive-Type Memorandum 09-003: Post-9/11 GI Bill specified eligible individual entitlements, under the Post-9/11 GI Bill, expire at the end of a 15-year period beginning on the Service member's last date of discharge or release from active duty of at least 90-consecutive days (30-days if released or discharged for service-connected disability). This requirement applied to Service members whose last release from active duty, or discharge from active duty, occurred prior to 1 January 2013.



A review of your record reflects that you enlisted in the U.S. Marine Corps Reserve on 16 July 2003 for 8 years. You completed Initial Active Duty Training from 21 January 2004 through 3 August 2004. Followed by three periods of Annual Training: 1 April 2005 to 15 April 2005 (15 days); 28 July 2006 to 10 August 2006 (14 days); and 15 April 2007 to 30 April 2007 (15 days). Thereafter, you executed active duty orders for Recruiter's Assistance in from 6 April 2009 to 19 June 2009 for a period of 2 months and 14 days. On 20 June 2009, you were joined back to a Selected Marine Corps Reserve drilling status until your transfer to the Individual Ready Reserve (IRR) effective on 22 March 2010. You remained in the IRR until your discharge from the U.S. Marine Corps Reserve on 15 July 2011. The Board could not find, nor did you provide evidence of completing active duty of at least 90-consecutive days after 3 August 2004, therefore the Board 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.

