

DEPARTMENT OF THE NAVY

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

> Docket No. 1142-24 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.

A three-member panel of the Board, sitting in executive session, considered your application on 31 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. In addition, the Board considered the advisory opinion contained in Commander, Navy Reserve Forces Command letter 5420 Ser N1/392 of 12 June 2024, which was previously provided to you for comment.

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 establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependent children. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded the ability to transfer Post-9/11 GI Bill education benefits to eligible dependents is a recruiting and retention tool that became effective 1 August 2009 in accordance with Title 38 U.S.C. § 3319. Pursuant to this law, Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits published by Navy Administration (NAVADMIN) message 187/09, released on 26 June 2009 and NAVADMIN 203/09, released on 11 July 2009. Subsequently, Bureau of Naval Personnel Notice1780 was promulgated on 7 April 2010. These policies outlined eligibility, processing, service obligation, and reference information germane to

transferring education benefits to eligible dependents. Specifically, the aforementioned policies require a 4-year additional service obligation on active duty and/or the Selected Reserve (SELRES) at the time of election. However, completion of service in the Individual Ready Reserve (IRR) does not qualify for SELRES time. Additionally, all officers were required to have a NAVPERS 1070/613, Administrative Remarks, prepared by their command in the Navy Standard Integrated Personnel System Electronic Service Record (ESR), agreeing to serve the required additional years of service prior to initiating their electronic transfer election.

A review of your record reflects you served on active duty from 26 September 1996 to 30 June 1997 and was released from active duty for enrollment in service academy. You attended the U.S. Naval Academy from 1 July 1997 to 24 May 2001 and entered active duty on 25 May 2001 to 31 March 2010. You affiliated with the SELRES on 1 April 2010 to 26 February 2013 and thereafter transferred to the IRR due to civilian work conflict from 27 February 2013 until your discharge from the Navy Reserve effective 1 July 2016, thereby rendering you ineligible to transfer education benefits. The Board could not find, nor did you provide evidence that you utilized/completed the Transfer of Education Benefits website/application for the purpose of electing to transfer any of your unused educational benefits for your dependents and your ESR does not contain the required NAVPERS 1070/613, Administrative Remarks. In this connection, the Board concurred with the comments contained in the 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.

