



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

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Docket No. 1752-24
Ref: Signature Date

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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 3 April 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.

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your dependents. 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, Marine Corps guidance implementing the transfer of Post 9/11 GI Bill education benefits published by Marine Administrative message (MARADMIN) 0389/09, released on 29 June 2009, and MARADMIN 0421/09, released on 15 July 2009 with various updates prior to your retirement. These MARADMIN messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the basic criterion to transfer education benefits (TEB) includes the Marine must have served 6 years in the Armed Forces (active duty and/or Selected Reserve) and agree to serve 4 additional years in the Armed Forces from the date of election. Completion of service in the Individual Ready Reserve (IRR) does not qualify for Selected Reserve time in accordance with Department of Defense Instruction 1341.13.

A review of your record relevant to your eligibility to TEB reflects you reenlisted on 15 January 2008 for a term of 4 years and was unable to apply for TEB due to your contract ending less than 4 years from the date the program became effective on 1 August 2009. On 4 October 2011, you reenlisted for 4 years while a member of the Selected Marine Corps Reserve. This gave you 4 years of obligated service in which you could have used to apply for TEB, however you transferred to the IRR effective 2 June 2014 and remained assigned to the IRR until your transfer to the Retired Reserve awaiting pay effective 1 October 2015. Moreover, 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 education benefits to your dependents before retiring. Therefore, the Board determined a change to your record is not warranted in accordance with the aforementioned policies.

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,

4/18/2024

