

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 2495-24 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 10 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.

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 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 Corps Administration (MARADMIN) message 0389/09, released on 29 June 2009, and MARADMIN 0421/09, released on 15 July 2009 with various updates thereafter. These MARADMIN messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, MARADMIN 017/20 indicates the basic criterion to transfer education benefits (TEB) includes having six or more years of creditable service on the TEB request date and agree

to serve 4 additional years on active duty or Selected Reserve with no break in service from the date of election. MARADMIN 017/20 also specified Enlisted Marines had 150 days from the date of TEB web application to incur the required obligated service or the TEB request will be rejected. Furthermore, the policies direct Marines to periodically check the status of their application; a denied TEB application requires Marines to take corrective action and reapply with a new service obligation end date.

A review of your record reflects that you completed 6 years of active duty service on 28 November 2017. You reenlisted on 30 March 2018 for 6 years. On 13 May 2020, you submitted a TEB application with less than 4 years remaining on contract and requested to transfer 1-month of unused education benefits for each of your dependent children. The Service denied your TEB application on 23 October 2020 indicating "SM [Service Member] has not committed to the required additional service time." On 14 May 2021, you accepted a regular commission in the U.S. Marine Corps. Therefore, the Board determined a change to your record is not warranted and recommended that you consult with your unit Career Planner on the process to garner TEB approval.

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.

