

DEPARTMENT OF THE NAVY

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

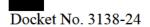
> Docket No. 3138-24 Ref: Signature Date

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.

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your spouse. 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 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 Administrative (NAVADMIN) message 187/09 released on 26 June 2009 and NAVADMIN 203/09 released on 11 July 2009 published Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits. Subsequently, Bureau of Naval Personnel Notice 1780 promulgated on 7 April 2010 with several policy updates prior to your retirement. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the policies indicate the option to transfer a Service member's unused education benefits to an eligible dependent requires a 4-year additional service obligation at the time of election. Enlisted personnel are required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election and have 30 days to submit their transfer of education benefits (TEB) application following a 4-year reenlistment. Moreover, the



policies directed members to periodically check the status of their application; a denied TEB application requires members to take corrective action and reapply with a new service obligation end date. NAVADMIN 236/18, updated the TEB process by establishing on online, self-service Statement of Understanding to be completed by all Sailors prior to submitting a TEB application effective 1 October 2018.

A review of your record reflects you entered active duty on 31 July 2002. Subsequently, you reenlisted on 12 July 2013 for 6 years and married your spouse on 12 June 2018. You submitted your initial TEB application on 8 March 2019 with less than 4 years remaining on contract despite the aforementioned policy guidance and the caution message provided by the Service in the MilConnect TEB portal. On 11 March 2019, the Service rejected your application indicating, "[d]isapproved – SM [Service Member] has not committed to the required additional service time." You reenlisted on 23 May 2019 for 3 years and submitted a second TEB application on 10 January 2022 with less than 4 years remaining on contract; the Service disapproved the application accordingly. Thereafter, you executed two extensions for an aggregate of 15 months. On 23 June 2023, Department of Veterans Affairs denied your claims for Post-9/11 GI Bill benefits because your spouse was not approved for the transferability program. You completed the Post 911 Statement of Understanding on 25 July 2023 and voluntarily transferred to the Fleet Reserve effective 1 August 2023 with 21 years of service. 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.

