

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

> Docket No. 3449-24 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 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 waive eligibility requirements to transfer Post-9/11 GI Bill education benefits to your eligible dependents based on being a Purple Heart recipient. 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 release on 29 June 2009, and MARADMIN 0421/09 released on 15 July 2009 with various updates before your discharge from the U.S. Marine Corps Reserve (USMCR). Specifically, the aforementioned messages required a 4-year additional service obligation in the Armed Forces (active duty and/or Selected Reserve (SELRES) from the date of election but did not include service in the Individual Ready Reserve (IRR). Subsequently, Directive-Type Memorandum 18-006, Transferability of Unused Post-9/11 GI Bill Education Benefits by Recipients of the Purple Heart was released authorizing recipients of the Purple Heart who were in the Military Services (active or SELRES) on or after 31 August 2018 to retain existing transfer of educational benefits. However, there was no retroactive provision.

A review of your record reflects you mobilized in support of OPERATION on 5 July 2004, awarded the Purple Heart on 26 September 2004 and demobilized on 4 July 2005. You completed 7 months and 29 days active service in the Active Reserve (AR) on 30 May 2008, reenlisted on 4 June 2008 for 3 years in the USMCR, and mobilized from 14 September 2008 to 5 April 2009 in support of OPERATION on 11 June 2010, you transferred to the IRR with 1-year, 10 months, and 2 days remaining on contract. You joined the AR on 1 August 2010, extended your enlistment for 3 months on 17 February 2011, and then reenlisted on 9 August 2011 for 4 years. On 2 September 2011, you were released from active duty and transferred to the IRR through 15 September 2011. Thereafter, you were assigned to the Individual Moblization Augmentee program from 16 September 2011 to 4 June 2012. You transferred to the IRR on 5 June 2012 and remained assigned to the IRR until your discharge from the USMCR on 8 August 2015.

The Board determined a change to your record is not warranted because you did not meet the eligibility requirements to transfer education benefits and provisions for Purple Heart recipients does not apply to you as you were not in the Military Services on or after 31 August 2018.

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,

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