

DEPARTMENT OF THE NAVY

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

> Docket No. 3644-24 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 18 September 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 reconsideration of the Board's denial of your request to transfer unused Post-9/11 GI Bill education benefits to your dependent daughter. . via Docket Number NR20230002349. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions and emails that were not previously considered by the Board. However, the Board concluded that you do not meet the eligibility criteria to transfer education benefits (TEB) to your daughter in accordance with Department of Defense Instruction (DoDI) 1341.13, Chief of Naval Operations Instruction (OPNAVINST) 1780.4, and Military Personnel Manual (MILPERSMAN) 1780-011. DoDI 1341.13 defined a Service member as an individual serving on active duty or in the Selected Reserve (SELRES), and specifically excluded other members of the Ready Reserve such as the Individual Ready Reserve, Standby Reserve, and retired Service members unless they were serving on active duty. OPNAVINST) 1780.4 further expounded members of the Voluntary Training Unit (VTU) were excluded from this definition for the purpose of transferring unused Post-9/11 GI Bill educational benefits. Lastly, MILPERSMAN 1780-011 cautioned after separating from the Uniformed Services (active duty and/or SELRES), the transferor may only modify entitlement for existing dependents who received at least 1-month of transferred

entitlement or revoke entitlement from any or all dependents. Furthermore, entitlements may not be transferred to a new dependent, or any existing dependent with 0 (zero) months of transferred entitlement, once the transferor is no longer a member of the Uniformed Services.

A review of your record indicates you were transferred to the VTU effective 1 October 2019, prior to receiving erroneous counseling on 22 December 2020 regarding eligibility to TEB to your future wife and kids while assigned to the VTU, therefore your transfer to the VTU did not occur as a result of this inaccurate counseling. You remained assigned to the VTU and did not complete any qualifying periods of active duty before your transfer to the Retired Reserve effective 1 July 2023, thereby rendering you ineligible to TEB to new dependents after 1 October 2019.

After an exhaustive review of the laws, regulations, and policies pertinent to the transfer of unused Post-9/11 GI Bill education benefits to eligible family members, there are no authorized waivers, specifically, for the prohibition of adding new family members after a service member is no longer an active duty and/or SELRES member of the Armed Forces. Consequently, the Board determined that 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.

