

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

> Docket No. 4695-24 Ref: Signature Date

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 1 May 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 eligible dependents. 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 guidance implementing the transfer of Post 9/11 GI Bill education benefits published by Navy Administration (NAVADMIN) message 187/09, released on 26 June 2009 and NAVADMIN 203/09, released on 11 July 2009. Subsequently, Bureau of Naval Personnel Notice1780 promulgated on 7 April 2010. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the abovementioned policies required a 4-year additional service obligation from the date of election for those eligible to retire on or

after 1 August 2012. Additionally, an eligible individual may transfer entitlement only while serving on active duty or in the Selected Reserve (SELRES).

A review of your record reflects that you entered active duty on 23 November 1992. Your last reenlistment in the Navy was on 12 October 2007 for 5-years and thereafter, you extended for 2-months. You transferred to the Fleet Reserve effective 1 December 2012, 3-years, and 4-months after the Post-9/11 GI Bill transfer of education benefits (TEB) program became effective, thereby rendering you ineligible to TEB. Moreover, you submitted a TEB application on 28 March 2018 after being retired for over 5-years. The Service appropriately rejected the application on 29 March 2018 indicating "Disapproved – SM [Service Member] is not on active duty or participating in SELRES." Therefore, the Board agreed 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.

Sincerely.

	5/21/2024
Deputy Director	
Signed by:	