



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

██████████
Docket No. 5270-24
Ref: Signature Date

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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 28 August 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. 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. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the aforementioned policies required a 3-year additional service obligation on active duty and/or the Selected Reserve (SELRES) at the time of election for those eligible for retirement on or after 1 August 2011 and

before 1 August 2012. However, completion of service in the Individual Ready Reserve (IRR) does not qualify for SELRES time per Office of the Under Secretary of Defense Directive-Type Memorandum (DTM) 09-003: Post-9/11 GI Bill.

A review of your record reflects you were assigned as an Individual Mobilization Augmentee from 1 December 2008 through 18 November 2010. You transferred to the IRR effective 19 November 2010 and was mobilized from the IRR on 1 February 2011. On 14 August 2011, you completed 20 years of qualifying service for a non-regular retirement. While mobilized you submitted a transfer of education benefits (TEB) application on 17 February 2012; the Service approved your TEB application with an obligation end date of 17 February 2015. However, upon demobilizing on 10 February 2013, you transferred back to the IRR and subsequently transferred to the Retired Reserve awaiting pay effective 1 January 2014. Thereafter, the Service rescinded your TEB approval indicating, "Disapproved – SM [Service Member] is not on active duty or participating in SELRES." The Board could not find, nor did you provide evidence of maintaining three consecutive qualifying periods of service on active duty or in the SELRES after 1 August 2009 to meet the eligibility criteria to TEB, 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.

Sincerely,

9/11/2024

