



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

██████████
Docket No. 5550-24
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 16 October 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 eligible dependent children. 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, 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 Notice 1780 was promulgated on 7 April 2010 with various updates before your retirement. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the aforementioned policies required a 4-year additional service obligation on active duty and/or the Selected Reserve (SELRES) at the time of election; completion of service in the Individual Ready Reserve (IRR) does not qualify for SELRES time. Furthermore, the policies indicate, that failure to complete the service obligation would result in the right to the transferred entitlement being forfeited. Moreover, when submitting an application via the MilConnect TEB portal, all service members must acknowledge a series of requirements before proceeding with

their application. Included in these requirements is “I understand and agree to remain in the Armed Forces for the period required. I understand that failure to complete that service may lead to an overpayment by the Department of Veterans Affairs for any payment made.”

A review of your record reflects that you reenlisted on 5 June 2015 for 4 years and signed “Post 9/11 GI Bill Transferability (4 More Years or to Statutory Limit)” NAVPERS 1070/613, Administrative Remarks (Page 13) acknowledging the requirement to complete four more years in the SELRES; this was verified in your electronic service record on 10 June 2015. You submitted your TEB application on 17 June 2015 and the Service approved your application with an obligation end date of 16 June 2019. However, on 6 May 2016, you voluntarily transferred to the IRR and remained assigned to IRR until your transfer to the Retired Reserve with pay effective 15 October 2017. The Board determined that by signing the 5 June 2015 Page 13 and accepting the requirements in the MilConnect TEB portal you recognized that failure to complete the service obligation would lead to termination of entitlement to transferability, therefore 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, _____

10/29/2024

