



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

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Docket No. 5584-24
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 31 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.

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 daughter. 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 MARADMIN messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the basic criterion to transfer education benefits (TEB) includes the Marine must have served 6 years in the Armed Forces (active duty and/or Selected Reserve). There was no additional service obligation for

those eligible for retirement on 1 August 2009; however, Marines must apply for transferability benefits through the TEB website prior to retirement. Additionally, only family members listed in the Defense Enrollment Eligibility Reporting System (DEERS) may be selected to receive transferred entitlement and a child may not use benefits after reaching 26 years of age. Furthermore, the period during which an individual entitled to educational assistance under the Post-9/11 GI Bill may use such entitlement until the end of the 15-year period beginning on the date of the Marine's last discharge or release from active duty.

A review of your record reflects you retired from the Active Reserve program of the U.S. Marine Corps Reserve on 28 February 2005 and transferred to the Fleet Marine Corps Reserve. You then were ordered to involuntary recall in support of OPERATION IRAQI FREEDMOM from 15 March 2006 to 31 August 2009 and thereafter, transferred to the Retired List. DEERS shows your daughter turned 26 years of age on 6 April 2017, thereby rendering her ineligible to use Post-9/11 GI Bill education benefits, and entitlement to use education benefits will expire on 30 August 2024. Therefore, 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.

Sincerely,

8/15/2024

