



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. 5597-24
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 26 June 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 10 months of your Post-9/11 GI Bill education benefits obligation be waived. 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 Administrative (MARADMIN) messages were published implementing the program. These messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, MARADMIN 017/20 stipulated the ability to transfer education benefits (TEB) required a 4-year additional service obligation on active duty and/or the Selected Reserve at the time of election. Additionally, the message specified, that failure to complete the service obligation would result in the right to the transferred entitlement being forfeited and cautioned Marines to seek guidance

from Reserve Affairs (RAM-1) before a possible break in service. 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 agreeing to remain in the Armed Forces for the period required and understanding 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 submitted your TEB application on 17 July 2021 and your request was approved with an obligation end date of 14 July 2025. However, on 21 August 2023, subsequent to the approval of your retirement request with an effective date of 1 October 2024, the Service changed your TEB approval to a rejection due to not committing to the required additional service time. The Board determined your voluntary retirement does not meet the criteria for an adjusted obligation end date in accordance with Department of Defense Instruction 1341.13, therefore, 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,

7/19/2024

