

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

> Docket No. 5799-24 Ref: Signature Date

-
=

Daam	
Dear	
Dour	

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 10 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.

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. The aforementioned messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, MARADMIN 0421/09 provided guidance for Marines to successfully transfer education benefits (TEB). Included in this guidance was Marines were required to apply for transferability benefits through the TEB website; reenlist/extend to obtain the required 4-year additional service obligation from the date of election for those eligible to retire on or after 1 August 2012; and completion of the Post-9/11 GI Bill Educational Benefit Statement of Understanding.

A review of your record reflects you reenlisted on 15 December 2005 for 4 years and subsequently extended for 7 months. You submitted a TEB application on 15 September 2009 with less than 4 years remaining on contract and thereafter extended your enlistment for an aggregate of 12 months. On 4 June 2011, you reenlisted for 2 years. The Service rejected your TEB application on 3 October 2011 indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time." On 14 December 2013, you reached the Service limit for a Staff Sergeant and transferred to the Fleet Marine Corps Reserve effective 1 January 2014. Therefore, the Board determined you did not meet the eligibility criteria to TEB.

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.

01	neerery,	
		7/29/2024
	Deputy Director	
	Signed by:	

Sincerely,