

DEPARTMENT OF THE NAVY

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

> Docket No. 5923-24 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 24 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 change your transfer of Post-9/11 GI Bill education benefits obligation end date to align with your 2009 transfer of education benefits (TEB) application. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, 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 Administrative (NAVADMIN) messages were published implementing the program. Thereafter, Bureau of Naval Personnel Notice (BUPERSNOTE) 1780 promulgated on 7 April 2010 with several updates prior to your retirement. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, NAVADMIN 203/09 and BUPERSNOTE 1780 stipulated the ability to TEB required a 4-year additional service obligation at the time of election. Enlisted personnel are required to have sufficient time on contract to meet the additional service requirement prior to initiating their electronic transfer election and have 30 days to submit their TEB application following a 4-year reenlistment. Furthermore, the policies directed members to periodically check the status of their application; a denied TEB application required members to take corrective action and reapply with a new service obligation end date. The policies also specified

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 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 reenlisted on 10 July 2009 for 3 years and subsequently extended for 3 months. You submitted your initial TEB application on 27 March 2011 with less than 4 years remaining on contract. As such the Service rejected your TEB application on 28 March 2011 indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time." On 15 April 2012, you reenlisted for 3 years and thereafter submitted six TEB applications on 20 April 2012, 7 May 2012, 4 June 2012, 10 June 2012, 28 May 2013, and 15 October 2013. The Service rejected the six TEB applications for not committing to the required additional service time. You reenlisted on 15 April 2014 and submitted your final TEB application on 25 May 2014. The Service approved your application with an obligation end date of 14 May 2018, but you voluntarily transferred to the Fleet Reserve effective 1 November 2017; more than 6 months prior to your TEB obligation end date. 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.

