



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

Docket No. 6529-24
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 29 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 dependents. 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) message 187/09 released on 26 June 2009 and NAVADMIN 203/09 released on 11 July 2009 published Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits. Subsequently, Bureau of Naval Personnel Notice 1780 promulgated on 7 April 2010 with several policy updates prior to your retirement. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the policies indicate the option to transfer a Service member's unused education benefits to an eligible dependent requires 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. Moreover, the policies directed members to periodically check the status of their application; a denied transfer of education benefits (TEB) application requires members to take corrective action and reapply

with a new service obligation end date. Effective 1 October 2018, all Sailors are required to complete an online, self-service Statement of Understanding before submitting a TEB application per NAVADMIN 236/18.

A review of your record reflects you initially entered active duty on 20 July 1995, had 11 months and 18 days break in active duty service before returning to active duty on 6 July 2000. You executed your last reenlistment on 15 August 2015 for 3 years, extended for 5 months and thereafter, submitted your TEB application on 31 December 2018 with less than 4 years remaining on contract, despite the aforementioned policy guidance. You transferred to the Fleet Reserve effective 1 January 2019 with 22 years, 5 months and 25 days of active duty service. On 2 January 2019, the Service rejected your application indicating, "Disapproved – SM [Service Member] has not committed to the required additional service time." The Board determined that at no time after 1 August 2009 did you execute a 4-year contract to TEB nor did you complete the required Statement of Understanding before submitting your TEB application, 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,

11/19/2024

