



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

██████████
Docket No. 8539-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 February 2025. 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 Administrative message 0421/09, published Marine Corps guidance implementing the transfer of Post-9/11 GI Bill education benefits. Specifically, the ability to transfer education benefits to eligible dependents required Marines to have at least six years of service in the Armed Forces (active duty or Selected Reserve) on the date of approval and agree to serve 4-additional years from the date of election. This message also provided a provision that indicated if a Marine with at least 10 years of active duty and/or Selected Reserve service was prohibited from completing their service obligation as a result of Marine Corps or Department of Defense policy, or federal statute, the obligation would be adjusted to the maximum time allowed by that policy or statute.

A review of your record reflects that you transferred to the Temporary Disability Retired List effective 31 May 2010 with a total of 4 years, 5 months and 26 days of active duty service and did not meet the aforementioned criteria to transfer Post-9/11 GI Bill education benefits. Therefore, the Board determined a change to your record is not warranted. However, the Board noted that your dependents may be eligible for Survivors' and Dependents' Education Assistance (DEA). For additional information on Survivors' DEA you may visit the Department of Veterans Affairs website at <https://www.va.gov/family-and-caregiver-benefits/education-and-careers/dependents-education-assistance/>.

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,

2/14/2025

