



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

██████████
Docket No. 8796-25
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 13 March 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.

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.

In accordance with 38 U.S. Code § 3319 - Authority to transfer unused education benefits to family members. "Eligible Individuals. An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, has completed at least—(1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or (2) the years of service as determined in regulations pursuant to section (k)."

In accordance with MARADMIN 0389/09 published on 29 June 2009, "[o]n 30 June 2008, the president signed into law a new veteran's educational assistance act, the POST 9-11 GI Bill, which becomes effective 1 August 2009."

In accordance with MARADMIN 0421/09 published on 15 July 2009, "transfer eligibility and additional service policies. per ref b [Department of Defense (DOD) Policy on Post 9-11 GI Bill], members of the armed forces who elect to transfer benefits: a. Must, at the time of the approval of the individual's request to transfer educational benefits, be eligible for the Post 9-11 GI Bill itself.

b. Must have served 6 years in the armed forces (Active and/or SELRES) and agree to serve 4 additional years in the armed forces from the date of election...”

On 1 December 2010, you enlisted in the U.S. Marine Corps Reserve for 8 years with an EOS of 30 November 2018.

You were released from active duty and transferred to the Naval Reserve with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 14 March 2011 to 22 December 2014 due to reduction in force. Furthermore, block 12c (NET active service this period) listed 3 years, 9 months, and 9 days.

As of 8 March 2025, your Benefits for Education Administrative Service Tool and Defense Enrollment Eligibility Reporting System (DEERS) listed no dependents.

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your spouse; 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 that 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. These MARADMIN messages outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, the basic criterion to transfer education benefits includes the Marine must have served 6 years in the Armed Forces (active duty and/or Selected Reserve). Service time in the Individual Ready Reserve (IRR) does not count for the purposes of transferring education benefits. You were released from active duty on 22 December 2014 with 3 years, 9 months and 9 days of active-duty service, thereby rendering you ineligible to transfer education benefits to your spouse. Additionally, only family members listed in the Defense Enrollment Eligibility Reporting System (DEERS) may receive transferred entitlement and your DEERS record does not reflect you having any dependents while in service. 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.

Sincerely,

3/17/2025

