



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

██████████  
Docket No. 2082-25  
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 31 July 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.

You requested to establish eligibility to transfer Post-9/11 GI Bill (PGIB) 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 with several updates prior to your retirement. 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 (TEB) includes the Marine must have served 6-years in the Armed Forces (active duty

and/or Selected Reserve), and agree and be able to complete four additional years of service from the TEB request date. Marines in the Individual Ready Reserve, Standby Reserve, or Retired Reserve may not request to TEB. The policy further directs Marines to submit applications in the Defense Manpower Data Center TEB website and not to presume that the request is automatically approved. Department of Defense Instruction 1341.13 specifies, the number or months of benefits transferred by an individual must not exceed the lesser of: the months of Post-9/11 GI Bill unused benefits available, or 36 months.

A review of your record reflects that you utilized 31 months of Montgomery GI Bill (MGIB) - Chapter 30 education benefits with your last payment on 2 July 2014; leaving 5-months of education benefits remaining to transfer to your eligible dependents prior to your retirement and the Rudisill v. McDonough decision being made. However, the Board could not find, nor did you provide evidence of making an irrevocable change from MGIB to PGIB education benefits or submitting a TEB application prior to transferring to the Retired List effective 1 September 2023. Therefore, the Board determined a change to your record is not warranted.

Information on qualification of additional entitlement under the Rudisill v. McDonough decision can be located on the Department of Veterans Affairs website: <https://www.va.gov/education/about-gi-bill-benefits/post-9-11/>. Additional questions regarding your eligibility should also be directed to the Department of Veterans Affairs at (800) 698-2411 as they are responsible for determining eligibility for education benefits.

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,

8/20/2025

