



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

[REDACTED]  
Docket No. 3062-25  
Ref: Signature Date

[REDACTED]

Dear [REDACTED]

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 25 September 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.

On 30 November 2001, you signed the Montgomery GI Bill Act of 1984 (DD Form 2366) and witnessed with the understanding that you were going to be automatically enrolled in the program.

In March 2005 you married [REDACTED] and in May 2007 your dependent child [REDACTED] was born.

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 28 November 2001 to 30 October 2008 upon completion of required active service.

In accordance with Title 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 Navy Administration (NAVADMIN) 187/09 published on 26 June 2009, the Post 9-11 GI Bill becomes effective 1 August 2009. This education assistance program offers sailors and their families a tax-free option to pay for college and should be considered as you plan your Navy career and support your family's education needs.

The Department of Veterans Affairs (DVA) is responsible for final determination of service member eligibility. Navy is responsible for verifying applications for transferability. General eligibility criteria are as follows: a. sailors are eligible for Post 9-11 GI Bill if they have accrued specific active-duty service, on or after, 11 September 2001 of: (1) at least 30 continuous days if discharged due to a service-connected disability or; (2) between 90 days and 36 months or more of total qualifying active duty service. b. Qualifying active-duty service is defined as: (1) For active-duty members, active duty served in the regular component of the navy. (2) For Selected Reserve members (SELRES), ordered to active-duty service under title 10, sections 688, 12301(a), 12301(d), 12301(g), 12302 and 12304 (orders in support of contingency operations, i.e., mobilization). c. Sailors must have received an honorable discharge to be eligible for the benefit.

In accordance with NAVADMIN 203/09 published on 11 July 2009, this NAVADMIN explains transferability policies and the application process. This process is complicated and service members must consult with their career counselors to fully understand it. This NAVADMIN is broken into four parts: eligibility, process, service obligation policy, and reference information.

The transferability option must be elected while the member is serving in the armed forces. Active members who separate, retire, transfer to the Fleet Reserve or who are discharged prior to 1 August 2009 are not eligible to elect transferability. SELRES members who transfer to the Retired Reserve (with or without pay), transfer to the Individual Ready Reserve or who are discharged prior to 1 August 2009, are not eligible to elect transferability.

On 27 September 2009, you were honorably discharged from the Naval Reserve.

You requested to establish eligibility to transfer Post-9/11 GI Bill education benefits to your eligible dependent daughter. 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, Navy guidance implementing the transfer of Post 9/11 GI Bill education benefits published by NAVADMIN message 187/09, released on 26 June 2009 and NAVADMIN 203/09, released on 11 July 2009. These policies outlined eligibility, processing, service obligation, and reference information germane to transferring education benefits to eligible dependents. Specifically, personnel that separated, retired, transferred to the Fleet Reserve, or discharged prior to 1 August 2009 are not eligible to transfer education benefits (TEB). Moreover, the aforementioned policies required a 4-year additional service obligation on active duty and/or the SELRES at the time of election. Completion of service in the Individual

Ready Reserve (IRR) does not qualify as SELRES status. You were released from active duty and transferred to the Navy Reserve –IRR on 30 October 2008. Thereafter, you were assigned to the IRR from 31 October 2008 to 27 September 2009, thereby not meeting the eligibility criteria to TEB.

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,

11/14/2025

