



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

JLP:ddj

Docket No: 405-00

24 October 2000

SK1 [REDACTED] USN

Dear PETTY OFFICER [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 2000. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 9 May 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1780
PERS-604
9 May 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO SK1
[REDACTED] USN, [REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 3 May 00
(b) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a):

a. This office recommends denial of SK1 [REDACTED] request to enroll in the MGIB Program. A review of SK1 [REDACTED]'s master microfiche record indicates he disenrolled from the Montgomery GI Bill (MGIB) Program on 20 September 1988. Per reference (b), the decision to disenroll is irrevocable.

b. SK1 [REDACTED] case has been reviewed. Without a statement from the briefing official, miscounseling cannot be documented. If SK1 [REDACTED] can provide documentation from the briefing official where the alleged miscounseling occurred stating he provided incorrect information during his brief, a more favorable recommendation could be given.

2. PERS-604's point of contact is Ms. [REDACTED] who can be reached at (DSN) 882-3227 or (C) 901-874-3227.

[REDACTED]
[REDACTED]
[REDACTED]
Commander, U.S. Navy
Deputy Director, Navy Drug &
Alcohol, Fitness, Education, and
Partnerships Division (PERS-60)
Acting