



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 2272-01  
12 June 2001

MIDN TAVIER  
564 REYNOLDS AVE  
BRONX NY 10465

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 12 June 2001. 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 14 May 2001, 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  
14 May 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 1 May 01  
(b) Title 38, United States Code, Chapter 30

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

a. Per reference (b), the law governing the Montgomery GI Bill (MGIB) Program, members who served less than 36 months of a three-year or longer enlistment must receive an Honorable Discharge and separate for one of the following reasons to be eligible for MGIB Program benefits: pre-existing medical condition, service connected disability, reduction in force, hardship, certain physical or mental conditions, or for the convenience of the government (COG) after serving a minimum of 30 months of active duty.

b. A review of Midshipmen [REDACTED] record indicates he entered active duty on 29 May 1998 with a six-year term of enlistment. Midshipmen [REDACTED] elected to enroll in the MGIB Program and paid the required \$1,200. On 28 August 2000, after 27 months of active duty, he was honorably discharged for COG to enter the Naval Reserve Officer Training Corps Program. Since Midshipmen [REDACTED] did not meet the minimum active duty service obligation of 30 months, he is ineligible for MGIB Program benefits. We cannot recommend approval of Midshipman McIntyre's request to extend his length of service from 27 months to 30 months; however, defer to the Board to determine if an injustice exists that warrants relief.

2. PERS-604's point of contact is MM1 Philip [REDACTED] who can be reached at (DSN) 882-4245 or (C) 901-874-4245.

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