



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

JLP:ddj
Docket No: 3720-01
21 August 2001

[REDACTED]

[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 21 August 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 12 July 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
12 Jul 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
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Ref: (a) CNPC memo 5420 PERS-00ZCB of 14 Jun 01
(b) Title 38, United States Code, Chapter 32

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

a. Recommend the Board deny ██████████ request to enroll in the Montgomery GI Bill (MGIB) Program. Eligibility for any federally legislated educational benefit is determined by which benefit was available at the time of a servicemember's initial entry onto active duty. Veterans Educational Assistance Program (VEAP) was the program available at the time of ██████████'s initial entry onto active duty. Per reference (b), VEAP was closed to new enrollments on 30 June 1985, but reopened for five months from 28 October 1986 to 31 March 1987. Members who did not enroll before these deadlines lost their eligibility. MGIB Program was available to servicemembers who initially entered active duty after 30 June 1985. MGIB Program did not exist prior to 1 July 1985.

b. ██████████ initially entered active duty on 5 March 1984, during the time period when VEAP was the only educational assistance benefit available to servicemembers. On 26 June 1985, ██████████ signed a NAVPERS 1070/613 acknowledging he was aware if he did not enroll in VEAP before 30 June 1985, he would lose eligibility for VEAP benefits as well as enrollment in any other veteran's educational benefit program. Notification of the open period and final closure of VEAP was given the widest dissemination via NAVOP messages, Navy Times articles and by placing a statement on the Leave and Earnings Statements of all active duty members for several months. Because ██████████ did not enroll in VEAP before the legislated deadlines, he lost eligibility for VEAP and any other federally legislated educational program. There was no need to counsel ██████████ about MGIB Program enrollment because the program did not exist at the time of his enlistment and he could never gain eligibility without special legislation.

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[REDACTED]

2. PERS-604's point of contact is Mr. [REDACTED] who can be reached at (DSN) 882-4246 or (C) 901-874-4246.

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