



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

JLP:ddj
Docket No: 3735-01
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
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 14 Jun 01
(b) Title 38, United States Code, Chapter 30

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

a. Recommend the Board deny [REDACTED] request to enroll in the Montgomery GI Bill (MGIB) Program. The MGIB Enrollment/Disenrollment Form (DD Form 2366) is the official form used to document a servicemember's decision to enroll or disenroll in the MGIB Program. Per reference (b), the decision to disenroll is irrevocable.

b. It is standard procedure that all recruits be thoroughly briefed on the MGIB Program during the first week of training at Recruit Training Command, Great Lakes, Illinois before signing their DD Form 2366. Recruits opting not to enroll in the MGIB Program are counseled individually to ensure they fully understand the provisions of the MGIB Program. After counseling, each recruit is provided an opportunity to reverse their decision before the DD Form 2366 becomes part of the master record. A review of AA [REDACTED] master microfiche record indicates he elected to disenroll from the MGIB Program on 12 April 2000. It is the opinion of this office that [REDACTED] was properly briefed on the provisions of the MGIB Program and given ample opportunity to change his decision while in recruit training. No counseling inconsistencies exist that would support his claim for relief. Additionally, the provisions of the MGIB Program are documented on the DD Form 2366 that AA Barton signed on 12 April 2000.

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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]

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