



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

JLP:ddj
Docket No: 6019-01
23 October 2001

[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 23 October 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 NPC memorandum 1780 Pers 604 of 13 September 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
13 Sep 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 29 Aug 01
(b) Title 38, United States Code, Chapter 30

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

a. A review of [REDACTED]'s master microfiche record indicates he entered the Navy on 5 August 1996 with a six-year term of enlistment. He elected to enroll in the Montgomery GI Bill (MGIB) Program on 6 August 1996 and paid the required \$1,200. ENS [REDACTED] was released from active duty on 26 August 1998 for the convenience of the government (COG), to enter an officer training program.

b. Reference (b), the law that governs the MGIB Program, states servicemembers must serve on active duty at least 30 months for a three-year or longer obligation when released for COG to be eligible to receive their MGIB Program benefits. ENS [REDACTED] is requesting a waiver of the active duty service shortage to allow him to be eligible to receive his MGIB Program benefits. Since the law does not allow for waivers of these requirements, I cannot recommend approval; however, defer to the Board to determine if an injustice exists that warrants relief.

2. PERS-604's point of contact is MS2(SW) [REDACTED] who can be reached at (DSN) 882-4244 or (C) 901-874-4244.

[REDACTED]

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