



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

JLP:ddj
Docket No: 7002-01
8 January 2002



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 8 January 2002. 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 25 October 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
25 Oct 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 16 Oct 01
(b) Title 38, United States Code, Chapter 30

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

a. Recommend denial of [REDACTED]'s request to enroll in the Montgomery GI Bill (MGIB) Program. A review of ENS [REDACTED] master microfiche record indicates she disenrolled from the MGIB Program on 7 January 1987. Per reference (b), the decision to disenroll is irrevocable.

b. [REDACTED]'s record contains another DD Form 2366 dated 9 March 1995 for enrollment during the "open period." There was no open period enrollment in 1995. The legal open period enrollment was 1 December 1988 through 30 June 1989. Whether this was an administrative error or an intentional violation of reference (b), this form is invalid and ENS [REDACTED] should receive a refund of the \$1,200 she paid for erroneous MGIB Program enrollment. The Department of Veterans Affairs will not pay benefits for an invalid MGIB Program enrollment, even if the member has paid the \$1,200 enrollment fee.

2. PERS-604's point of contact is Mrs. [REDACTED] who can be reached at (DSN) 882-4275 or (C) 901-874-4275.

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