



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

JLP:ddj  
Docket No: 7306-01  
26 March 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 26 March 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 9 November 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  
9 Nov 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

HM2 [REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 16 Oct 01  
(b) Title 38, United States Code, Chapter 32  
(c) 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 Veterans Educational Assistance Program (VEAP) or the Montgomery GI Bill (MGIB) Program. Per reference (b), VEAP was available to members initially entering active duty from 1 January 1977 to 30 June 1985. VEAP 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.

b. DD Form 2057 was used to document member's election to enroll or decline enrollment in VEAP. There was no requirement for individual counseling or to retain documentation of a member's election. 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.

c. Per reference (c), enrollment in the MGIB Program is available to members initially entering active duty after 1 July 1985. Enrollment election is made within the first two weeks of entering active duty. Additionally, there was an "open period" for enrollment in the MGIB Program from 1 December 1988 through 30 June 1989. Enrollment during this period was limited to members who entered active duty after 1 July 1985 and initially declined enrollment. Members who initially entered active duty during the VEAP era were not eligible for MGIB Program enrollment.

d. [REDACTED] initially entered active duty with the Navy on 14 February 1983. The federal education program available to him was VEAP. HM2 Super did not elect to participate in VEAP at that time nor during the VEAP open enrollment period. Although HM2 Super was not eligible for enrollment in the MGIB Program, he

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[REDACTED]

was allowed to sign an MGIB Program Enrollment Form (DD Form 2366) on 28 February 1989. Apparently the erroneous enrollment was realized because no money was collected from HM2 Super for the MGIB Program. This was confirmed with the Defense Finance and Accounting Service, Cleveland.

e. Since [REDACTED] did not enroll in VEAP before the legislated deadlines, he is not eligible for VEAP benefits. Additionally, since [REDACTED] is not eligible for enrollment in the MGIB Program and to avoid any future confusion regarding education benefits, we recommend the DD Form 2366 dated 28 February 1989 be removed from his record.

2. PERS-604's point of contact is Ms. [REDACTED] who can be reached at (DSN) 882-4260 or (C) [REDACTED]

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