



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

JLP:ddj
Docket No: 278-02
22 January 2003

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Series of Documents
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he elected to participate in the MGIB Program when first eligible.
2. The Board, consisting of Messrs. Pfeiffer, Grove, and Nicholson, reviewed Petitioner's allegations of error and injustice on 22 January 2003 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

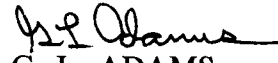
RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that on 29 June 1985, prior to the expiration of the VEAP Program, he elected to participate in the VEAP with a \$25.00 contribution and further corrected to show that on 20 October 1996, during the VEAP to MGIB conversion period, he executed a MGIB Election Form (DD Form 2366) and that this election form reflects that he elected to participate in the MGIB Program.

a. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


G. L. ADAMS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

22 January 2003


W. DEAN PFEIFFER
Executive Director

CONTRIBUTORY EDUCATIONAL ASSISTANCE PROGRAM STATEMENT OF UNDERSTANDING

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: Title 38, U.S. Code, Sections 1621, 1622, and 1623.

PRINCIPAL PURPOSE: To establish eligibility to participate in the Educational Benefits Program of the Post-Vietnam Era Veterans' Educational Assistance Act of 1977 (VEA).

ROUTINE USES: Information will be used as a source document indicating participation status of each service member in the VEA. Information is routinely forwarded through Military Personnel and Finance and Accounting channels, and to the Veterans Administration for the purpose of counseling concerning the program and acquisition of educational benefits.

DISCLOSURE: Disclosure of your social security number and other personal information is voluntary. However, enrollment cannot be processed if requested information is not provided.

PART I - TO BE COMPLETED PRIOR TO ENTRY ON ACTIVE DUTY

1. Prior to my entry on active duty, I was informed that:

- a. My entry in the Armed Services of the United States on this date makes me eligible to participate in the educational benefits program of the Post-Vietnam Era Veterans' Educational Assistance Act of 1977 (VEA). Under that program, I can voluntarily establish an educational matching fund by making monthly contributions from my military pay. The Veterans Administration (VA) will provide additional monies to the amount that I contribute, thus creating a fund from which I can receive up to 36 months of educational benefit payments. The number of months of payments I can receive and the amount of these payments is tied to the number of months and the amount of contributions that I made. These payments will generally only be available to me after I have completed my first obligated period of active duty.
- b. I will be further briefed on the specific provisions of the VEA during my in-processing at the reception station or at an initial duty station. I can decide whether or not I wish to enroll in the program at that time. Some of the provisions of the VEA, however, are as follows:
 - (1) The VEA establishes a voluntary educational assistance program under which I can contribute between \$25 to \$100 a month from my military pay (to a maximum of \$2,700) to an educational fund. The VA will provide matching funds of \$2 for each \$1 that I contribute.
 - (2) I can enroll in the program at any time during my service on active duty.
 - (3) Once enrolled in the program I must participate for at least 12 consecutive months, unless I am discharged or released from active duty or allowed to suspend participation or disenroll due to personal hardship (as determined under regulations issued by the VA and the Secretary of Defense).
 - (4) I will be automatically disenrolled from the program if I am discharged or released from active duty with other than an honorable or general discharge before I complete my first obligated tour of duty or if I do not use the benefits within 10 years after my discharge or release from active duty.
 - (5) If before completing 12 continuous months of participation, I disenroll from the program for any reason other than for reasons of personal hardship, only the amount of money that I have contributed to the fund will be returned to me. The refund normally will be paid only after my discharge or release from active duty, although refunds may be made earlier in certain instances of hardship or other good reason.
 - (6) Provisions will be made at the time of my enrollment to provide for the refund of monies that I have contributed to the fund to my beneficiary or beneficiaries in the event of my death while participating in the program.

2. I have also been informed that I am not eligible for the noncontributing educational benefits provided by the GI Bill that terminated on 31 December 1976. Regardless of what else I may have seen or read in any source or have been told by any person, I understand that no one who enters on active duty or the Delayed Entry Program after 31 December 1976 is eligible for the noncontributing educational funds that were available to service members who enlisted before that date.

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| NAME OF WITNESSING OFFICIAL (Last, First, Middle Initial) [Redacted] PNT, [Redacted] | PAY GRADE E4 | NAME OF APPLICANT (Last, First, M.I.) [Redacted] | SOCIAL SECURITY NUMBER [Redacted] |
| SIGNATURE OF WITNESSING OFFICIAL [Signature] By direction | | SIGNATURE OF APPLICANT [Redacted] | DATE (YYMMDD) 85/2/15 |