



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

JLP:yrj
Docket No: 2460-02
9 July 2002

[REDACTED]

Dear [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 9 July 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 12 June 2002, 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 Jun 02

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 May 02
(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. Per reference (b), members entering active duty on or after 1 July 1985 are automatically enrolled in the MGIB Program unless they elect to disenroll. Their election to disenroll must be in writing using the MGIB Program Enrollment/Disenrollment Form (DD Form 2366). Review of [REDACTED] microfiche record indicates his DD Form 2366 was completed and witnessed in accordance with DOD policy. [REDACTED] signed the Statement of Understanding indicating he understood he was eligible for enrollment and the Statement of Disenrollment indicating although he was eligible he did not desire to participate in the MGIB Program. Per reference (b), the decision to decline enrollment is irrevocable.

b. [REDACTED] states he was informed money was collected for MGIB Program enrollment. He may have received this information based on his MGIB Program electronic record with the Defense Manpower Data Center. This was apparently an erroneous entry since the Defense Finance and Accounting Service, Denver has confirmed no money was collected from [REDACTED] for MGIB Program enrollment. PERS-604 has corrected [REDACTED] electronic MGIB Program record accordingly.

c. [REDACTED] declined enrollment in the MGIB Program in writing on 29 March 1991 and no money was collected for enrollment. Per reference (b), he is not eligible for MGIB Program enrollment or benefits.

2. PERS-604's point of contact is Ms. [REDACTED] who can be reached at (DSN) 882-4260 or (C) 901-874-4260.

[REDACTED]
Head, Federal Education Programs
Branch (PERS-604)