



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

JLP:ddj
Docket No: 5347-02
4 September 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 4 September 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 1 August 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
1 Aug 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



Ref: (a) CNPC memo 5420 PERS-00ZCB of 1 Jul 02
(b) Title 38, United States Code, Chapter 30


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

a. Per reference (b) the decision to enroll/disenroll in the MGIB Program is irrevocable.  entered active duty in the U. S. Marine Corps on 8 Jun 89. His eligibility for the MGIB Program is correctly recorded at the Defense Manpower Data Center (DMDC), showing he declined MGIB enrollment on 12 Jun 89. He admits he declined MGIB upon entry in the Marines and the \$1,200 was never reduced from his pay.

b. The form letter issued by NRD San Diego was a standard form letter given to all new recruits.  was a prior service recruit and was not eligible for a second chance opportunity to enroll in the MGIB Program. This office will notify NRD San Diego that prior service recruits should not be given these form letters.

2. This office cannot recommend approval of this request based on receipt of a form letter. Personnel entries to prevent the automatic deduction of \$1,200 were correctly submitted upon his entry onto active duty with Navy.

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


Head, Federal Education Programs
Branch (PERS-604)