



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

JLP:ecb
Docket No: 4703-03
29 July 2003

[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 29 July 2003. 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 PERS memorandum 1780 PERS-604 of 1 July 2003, 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 Jul 03

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 25 Jun 03
(b) Veterans Improvement Act of 1996 (PL 104-275)
(c) Veterans Benefits and Health Care Improvement Act of
2000 (PL 106-419)
(d) CNO WASHINGTON DC 031700Z May 01 (NAVADMIN 105/01)
(e) Title 38, United States Code, Chapter 32

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

a. Recommend denial of [REDACTED] request to convert from the Veterans Educational Assistance Program (VEAP) to the Montgomery GI Bill (MGIB) Program. He did not meet the eligibility requirements of reference (b) and did not make an election when afforded the opportunity by reference (c).

b. Reference (b) offered MGIB Program enrollment to active duty members with money in a VEAP account on 9 October 1996 (date of enactment). Review of [REDACTED] VEAP account record reflects he received a refund of his contributions on 18 June 1982, and did not recontribute to his account after that date. [REDACTED] VEAP account had a zero balance on 9 October 1996 which made him ineligible to convert to the MGIB Program under Public Law 104-275. [REDACTED] is correct when he stated he was not notified of this conversion opportunity by PERS-604. Only those members who were eligible to convert to the MGIB Program were notified of the opportunity.

c. Per reference (c), an individual who was a VEAP participant on or before 9 October 1996 and served continuously from that date through at least 1 April 2000 was allowed an opportunity to convert from VEAP to the MGIB Program. The deadline to convert was 31 October 2001. Following enactment of reference (c), Navy attempted widest dissemination of the opportunity for eligible personnel to convert to the MGIB

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[REDACTED]

Program. This included NAVADMIN 105/01 (reference (d)), notification on all Leave and Earnings Statements from January through May 2001 with final notice in September 2001 and individual letters. [REDACTED] notification letter was mailed to him at UIC 62102 in April 2001. Records indicate [REDACTED] transfer date from that UIC was 15 August 2001, which means the letter should have reached his command long before he detached. If [REDACTED] didn't receive the letter from PERS-604, the notifications on his LES' were provided in ample time for him to contact PERS-604 or his personnel office about eligibility before the legislated deadline.

d. Since [REDACTED] is a VEAP participant and did not convert to the MGIB Program, he retains VEAP as his educational benefit program. Per reference (e), while [REDACTED] is on active duty, he can contribute up to \$2,700 to his VEAP account.

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, Retired Activities and
GI Bill Programs Branch
(PERS-604)