



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

JLP:ecb
Docket No: 6291-03
28 October 2003

[REDACTED]

Dear [REDACTED]

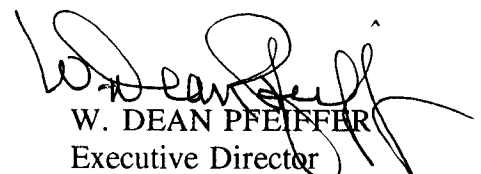
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 October 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 dated 3 October 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
3 Oct 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 12 Sep 03
(b) Title 38, United States Code, Chapter 32
(c) Title 38, United States Code, Chapter 30
(d) Veterans Improvement Act of 1996 (PL 104-275)
(e) Veterans Benefits and Health Care Improvement Act of
2000 (PL 106-419)
(f) Title 10, United States Code, Chapter 1606

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

a. Recommend denial of [REDACTED] request to enroll in the Montgomery GI Bill (MGIB) Program. He entered active duty on 19 February 1982, and per reference (b), the education program available to him was the Veterans Educational Assistance Program (VEAP). VEAP was closed to new enrollments on 30 June 1985, but reopened for five months from 28 October 1986 to 31 March 1987. Notification of the open period and final closure of VEAP was given the widest dissemination. A review of [REDACTED] record indicates he did not enroll in VEAP before the legislated deadlines and cannot be enrolled now. When [REDACTED] reentered active duty in 1989, per reference (c), he would not have been allowed to enroll in the MGIB Program because it was not his initial entry onto active duty.

b. Reference (d) offered MGIB Program enrollment to active duty members with money in a VEAP account on 9 October 1996 (date of enactment). Per reference (e), 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. Unfortunately, no provisions were made in references (c) or (d) for members like [REDACTED] who did not participate in VEAP. Since [REDACTED] was not a VEAP participant, he was not eligible for conversion to the MGIB Program.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

c. Regarding [REDACTED] request for enrollment in the MGIB-Selected Reserve (MGIB-SR), per reference (f), one of the eligibility requirements for the MGIB-SR is members must enlist, reenlist or extend drill obligation in the SELRES for a period of not less than 6 years on or after 1 July 1985. [REDACTED] Statement of Service does not reflect a 6-year period of service in the SELRES. Additional information on [REDACTED] reserve service or eligibility for the MGIB-SR can be obtained from the Commander, Naval Reserve Force (N122E).

2. PERS-604's point of contact is PNC [REDACTED] who can be reached at (DSN) 882-4259 or (C) 901-874-4259.

[REDACTED]
Head, Retired Activities and
GI Bill Programs Branch
(PERS-604)