



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

TRG

Docket No: 174-08
13 August 2008

[REDACTED]

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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 2008. 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.

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.

You were honorably discharged on 20 February 2006 by reason of pregnancy with a separation program designator (SPD) of KDF. This code indicates that your discharge was voluntary. At that time, you had completed 1 year, 11 months and 12 days of active service. The DD Form 214 indicates that at the time of your discharge you had accumulated 24 days of accrued leave.

In your application, you are requesting that your record be corrected to show that you had two years of active service so that you will be eligible for the Montgomery G.I. Bill (MGIB). You suggest that the record be corrected to show that you departed on terminal leave on 20 February 1996 and remained in that status until you were discharged with two years of active service. However, in order to be eligible for MGIB you must serve three years of a four year enlistment and the suggested correction to your record will not establish entitlement to the MGIB.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If your SPD indicated that your discharge was involuntary you might be eligible for a limited amount of benefits. However, the

documentation to support your early discharge is not filed in your record and a determination as to the proper SPD cannot be made. If you believe that you can establish that your separation was involuntary you may make that case in a future application.

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