



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

MEH
Docket No. 5582-08
4 Aug 08



Dear [REDACTED]

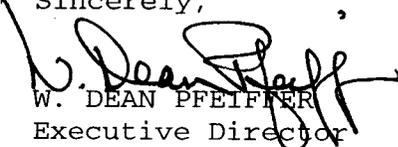
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 August 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. In addition, the Board considered the advisory opinion furnished by BUPERS memo 1780 BUPERS-262G of 21 Jul 08, 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 also 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
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1780
BUPERS-262G
21 Jul 08

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-31C)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-31C of 15 Jul 08
(b) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a).
Recommend denial of [REDACTED] request to enroll in the
Montgomery GI Bill (MGIB) Program.

a. A review of [REDACTED] master digital record revealed he
elected to disenroll from the MGIB Program on 31 December 1987.
[REDACTED] election was properly documented on a DD Form 2366.
He signed the Statement of Understanding acknowledging he
understood he was eligible for enrollment in the MGIB Program,
and the Statement of Disenrollment indicating although he was
eligible for enrollment, he did not desire to participate and
understood he would not be able to enroll at a later date. Per
reference (b), the decision to disenroll from the MGIB Program is
irrevocable.

b. [REDACTED] again chose not to enroll in the MGIB Program
during the open enrollment period of 1 December 1988 through
30 June 1989. This election was properly documented on a
DD Form 2366 on 26 January 1989.

c. It is our opinion that [REDACTED] failed to provide
substantial evidence to support his claim of an error or
injustice as required by reference (b).

2. BUPERS-262G's point of contact is Ms. Barbara Miller who can
be reached at (DSN) 882-4258 or (C) 901-874-4258.

A. T. SCHMITT
Head, GI Bill Programs Section
(BUPERS-262G)