



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

MEH
Docket No. 6989-08
6 Oct 08

[REDACTED]

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 6 October 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 CMC memo 1560 MRRV of 26 Aug 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
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO:
1560
MRRV

AUG 26 2008

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

[REDACTED] requests that the U.S. Marine Corps correct the error that reflects he received a Notice of Basic Eligibility (NOBE) for educational benefits. He states that he did not reenlist in the Marine Corps Reserve for 6 years in 1990 and he was not issued a NOBE. Additionally, he states that his eligibility for the Montgomery GI Bill-Selected Reserve (MGIB-SR) kicker was denied based on a report from the U.S. Marine Corps, verifying his ineligibility on 16 March 1990.

The NOBE is used to establish entitlement by eligible members of the Selected Reserve for MGIB-SR benefits. A Service member must enlist or reenlist for 6 years in order to qualify for MGIB-SR benefits and be issued a NOBE. Research of [REDACTED] Official Military Personnel File revealed a signed NOBE form (DD Form 2384) dated 2 August 1990 vice 16 March 1990, and a signed Enlistment/Reenlistment Document (DD Form 4/1) dated 2 August 1990 reflecting a 6 year reenlistment into the Marine Corps Reserve.

Service members have 10 years from the date of eligibility to utilize MGIB-SR benefits. Since [REDACTED] signed the NOBE on 2 August 1990, his MGIB-SR benefits expired on 2 August 2000. To qualify for a MGIB-SR kicker a Service member must have eligibility for the MGIB-SR. Because [REDACTED] MGIB-SR benefits expired on 2 August 2000, he was not eligible for the kicker when he reenlisted for 6 years into the Air Force Reserve in 2007. Although [REDACTED] reenlisted for another 6 years in the Air Force Reserve, Service members only have one opportunity in their military career to establish eligibility for MGIB-SR benefits.

Based on the information reviewed, Headquarters, U.S. Marine Corps (MRRV) recommends that no change be made to [REDACTED] record.

Our point of contact is Mr. Daryl R. Patrick, Education Program Specialist, MRRV at (703) 784-9550 or DSN 278-9550.


K. D. DUNN
By direction