



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

MEH  
Docket No. 8083-08  
29 Sep 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 29 September 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 10 Sep 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  
10 Sep 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 9 Sep 08  
(b) Title 38, United States Code, Chapter 30  
(c) SECNAVINST 5420.193

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] digital service record revealed  
he elected to disenroll from the MGIB Program on 31 October 1989.  
[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] indicates his recruiter misinformed him of how  
the MGIB Program could be used, which caused him to decline  
enrollment. [REDACTED] would have received a briefing on the  
MGIB Program upon initial entry as an officer candidate, which  
would have provided him the correct benefit information. It is  
our opinion that [REDACTED] failed to provide substantial  
evidence to support his claim of an error or injustice as  
required by reference (c).

2. PERS-262G's point of contact is Mr. Chuck Singletary who can  
be reached at (DSN) 882-4258 or (C) 901-874-4258.

*A. T. Schmitt*

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