



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

MEH
Docket No. 10032-09
16 Nov 09

[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 16 November 2009. 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, 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, VIRGINIA 22134-5103

IN REPLY REFER TO:
1560
MRRV

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) Chapter 1606, Title 10, U.S.C.
(b) Chapter 1607, Title 10, U.S.C.
(c) Public Law 110-252, Post 9/11 Educational Assistance Act of 2008

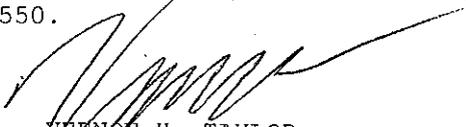
1. Per reference (a), [REDACTED] became eligible for Montgomery GI Bill - Selected Reserve (MGIB-SR) benefits on 17 November 1985, when he completed his Initial Active Duty for Training and reported to his reserve unit. He maintained eligibility for benefits until his eligibility period expired on 17 November 1995. Service members had 10 years from the date of eligibility to utilize their MGIB-SR benefits.

2. Per reference (b), a Service member who serves on active duty in support of a contingency operation for 90 consecutive days or more is eligible for the Reserve Educational Assistance Program (REAP). [REDACTED] became eligible for REAP benefits on 2 June 2003. He finished his mobilization on 2 October 2005 and transferred back to the Individual Ready Reserve. He remained eligible for REAP benefits until he retired on 30 November 2005.

3. Per reference (c), Service members who serve at least 90 days after 11 September 2001, may be eligible for Post 9/11 GI Bill benefits. According to [REDACTED] records he served on active duty from 3 March 2003 to 2 October 2005, which qualifies him for a percentage of Post 9/11 GI Bill benefits.

4. [REDACTED] does not have any recourse available to him with regards to receiving MGIB-SR or REAP benefits. However, he can apply for Post 9/11 GI Bill benefits via the Department of Veterans Affairs website at www.GIBILL.va.gov.

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


VERNON H. TAYLOR
By direction