



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 6065-21
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 11 January 2022. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with DODD 1332.16 of 18 June 2002, it is DoD policy that eligible individuals who do not decline the Montgomery GI Bill (MGIB) Program shall be entitled to educational assistance, as determined and adjudicated by the Department of Veterans' Affairs (DVA) under Chapter 30 of 38 U.S.C. The Secretaries of the Military Departments shall ensure all eligible active duty Service members are counseled and given the opportunity to dis-enroll from the MGIB Program within 2 weeks of entry on active duty. The DD Form 2366, "Montgomery GI Bill Act of 1984 (MGIB)," shall be used for enrollment or disenrollment.

On 31 July 2012, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) and were appointed an Ensign in the inactive U.S. Navy Reserve with a present grade date of 12 July 2023. Furthermore, you were issued a designator code of 1975 (An Unrestricted Line Officer under instruction in the Armed Forces Health Professions Scholarship Program (Medical/Osteopathic)).

On 25 March 2016, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) and were appointed a Lieutenant in the active U.S. Navy with a present grade date of 25 March 2016. Furthermore, you were issued a designator code of 2100 (Staff Corps Officer billet requiring Medical specialty). On 2 April 2016, you entered active duty.

On 14 April 2016, you signed a Montgomery GI Bill Act of 1984 (MGIB) Basic Enrollment (DD Form 2366) acknowledging your understanding of your eligibility or lack of eligibility for benefits under the MGIB Act of 1984. This form states you are automatically enrolled unless you exercised the option to dis-enroll, however, you documented your election to decline enrollment for benefits under the MGIB. Additionally, you signed the statement of disenrollment "I do not desire to participate in MGIB. I understand the benefits of the MGIB program and that I will not be able to enroll at a later date."

On 23 July 2021, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) and were appointed a Lieutenant in the inactive U.S. Navy Reserve with a present grade date of 25 March 2016. Furthermore, you were issued a designator code of 2105 (A Medical Corps Officer).

On 31 July 2021, you honorably resigned after completing required active service.

You requested to appeal the BCNR's decision to deny your petition to correct your DD 2366 to reflect your desire to opt in to the Montgomery GI Bill (MGIB) rather than the Post-9/11 GI Bill. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were automatically enrolled in the MGIB. However, you made a decision to dis-enroll when you understood that decision was irrevocable.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

2/14/2022

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Deputy Director
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