



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

██████████
Docket No. 2954-23
Ref: Signature Date

██████████
██
██████████

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 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 8 June 2023. 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. In addition, the Board also considered the advisory opinion by Navy Personnel Command memorandum 1780 PERS-311 of 24 April 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

You requested your record be corrected to reflect enrollment in the Montgomery GI Bill (MGIB) Program. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that the election to participate in or decline MGIB is irrevocable in accordance with Title 38, United States Code, Chapter 30. A review of your record indicates you entered active duty on 3 August 2022 and declined participation in the MGIB program on 10 August 2022. By signing DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB) – Basic Enrollment, block 5, Statement of Disenrollment you acknowledged understanding the benefits of the MGIB program and that you would not be able to enroll at a later date, thereby rendering you ineligible to change your election. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

The Board noted that Post-9/11 Veterans Educational Assistance Act (Post-9/11 GI Bill, Public Law 110-252) was signed into law on 30 June 2008 and became effective on 1 August 2009. The bill provides financial support for education and housing for service members with at least

90 days of service on or after 11 September 2001. You are eligible for the Post 9/11 GI Bill education benefit. However, benefits under the Post-9/11 GI Bill are based on a percentage, as determined by a Service Member's length of qualifying active duty service. Additionally, if aggregate service is less than 24 months, initial entry training does not count as qualifying active duty. Additional information regarding Post-9/11 GI Bill education benefits can be found on www.va.gov/education/about-gi-bill-benefits/post-9-11.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is 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,

6/16/2023

