

**DEPARTMENT OF TRANSPORTATION
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction of
Coast Guard Record of:

BCMR Docket
No. 135-96

FINAL DECISION

██████████ Attorney-Advisor:

This is a proceeding under the provisions of section 1552 of title 10, United States Code. It was commenced on July 16, 1996, by the filing of an application for relief with the BCMR.

This final decision, dated July 31, 1997, is signed by the three duly appointed members who were designated to serve as the Board in this case.

Applicant's Request for Relief

The applicant, a petty officer first class (██████; pay grade E-6), enlisted in the Coast Guard on November 7, 1983. She asked the BCMR to allow her to participate in the Montgomery G. I. Bill (MGIB) in order to receive educational benefits after discharge. She alleged that the MGIB was opened for new enrollment in 1992, but she was never "given the chance to either decline or participate" in the program.

The applicant stated that she has nearly 13 years of active service in the Coast Guard. She stated that she wants to be "given the chance to better [herself] after retirement."

Views of the Coast Guard

On July 1, 1997, the Coast Guard recommended denying relief. The Service stated that the applicant was "statutorily ineligible for MGIB benefits in 1992, because she first became a member of the armed forces in 1983." The Coast Guard asserted that according to Title 38, United States Code, § 3011, eligibility to participate in the MGIB is restricted to those members of the military who entered active duty after June 30, 1985.

The Coast Guard stated that at the time of the applicant's enlistment in the Coast Guard, she could have enrolled in the Post-Vietnam Era Veteran's Assistance Program (VEAP), which was the only educational assistance program offered to service members who entered active duty on or after January 1, 1977.

The Service stated that the VEAP expired on June 30, 1985, but that the expiration date was extended due to some confusion regarding MGIB and VEAP enrollment. On October 28, 1986, legislation was passed which extended the VEAP expiration date to March 31, 1987. The Coast Guard stated that the extended period "allowed for enrollments in VEAP to those members who entered active duty between 01 Jan 77 and 30 Jun 85."

The Coast Guard stated that members who were eligible to enroll in VEAP during the extended period were notified as to this eligibility in ALCOAST 056/86.* The Service stated that during the "window" to enroll in VEAP, the applicant was a yeoman in the personnel division of her unit. That division handled all administrative functions of the unit, including "coordinating issues such as enrolling members in educational programs." The Coast Guard stated that the applicant was therefore in an excellent position to be made aware of the second opportunity to enroll in VEAP at the time that ALCOAST 056/86 was distributed.

Applicant's Response to the Views of the Coast Guard

On July 3, 1997, the applicant was sent a copy of the Coast Guard's views, and was encouraged to respond. The BCMR did not receive a response from the applicant.

RELEVANT REGULATION

ALCOAST 056/86 discussed the "Veterans Educational Assistance Program [VEAP] Enrollment." According to ALCOAST 056/86, the VEAP was scheduled to be terminated after the introduction of the MGIB on June 30, 1985. However, legislation was passed which reopened VEAP enrollment to active duty personnel who missed the June 30, 1985 deadline. The revised VEAP enrollment deadline was March 31, 1987.

ALCOAST 056/86 stated that "[e]ligible personnel who [did] not enroll [in the VEAP] by 31 Mar 87 [would] be ineligible for any other legislated educational benefit program." The ALCOAST further provided that "VEAP eligibles [were] not eligible for the [MGIB]."

* ALCOASTs are bulletins distributed to all Coast Guard districts and divisions.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submission, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to section 1552 of title 10, United States Code. The application was timely.

2. The applicant's record shows that she enlisted in the Coast Guard in 1983. The MGIB did not become effective until its introduction on June 30, 1985. Only members who enlisted and entered active duty after June 30, 1985 were eligible for enrollment in the MGIB. Prior to the inception of the MGIB, the VEAP was in effect, and it was open for enrollment of members who entered active duty during the period of January 1, 1977 through March 31, 1987. The applicant was therefore eligible to enroll in the VEAP prior to its termination.

3. Upon the introduction of the MGIB, the VEAP became obsolete. However, the Coast Guard provided eligible members an opportunity to enroll in the VEAP before its termination. Coast Guard members were notified of the extended VEAP enrollment option through ALDIST 056/86. No new enrollments were allowed in the VEAP after the March 31, 1987 termination deadline passed. The applicant did not enroll during this period.

4. The applicant is ineligible to enroll in the MGIB. She does not satisfy the base requirements of having entered active duty after June 30, 1985. The applicant was only eligible for VEAP benefits, and it is evident from her record that she never enrolled in that program.

5. Accordingly, the application should be denied.

ORDER

The application for correction of the military record of
USCG, is denied.

