



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JLP:ddj
Docket No: 3821-98
9 February 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 February 1999. 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 MEMORANDUM 1780 ser 604 OF 19 AUGUST 1998, 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 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

1780
Ser 604
19 Aug 98

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Via: Assistant for BCNR Matters (Pers-00XCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO [REDACTED]
[REDACTED]

Ref: (a) BUPERS memo 5420 Pers-00XCB of 4 Aug 98
(b) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a):

a. A review of LT [REDACTED]'s master microfiche record indicates that he disenrolled from the Montgomery GI Bill (MGIB) on 12 May 1989. Per reference (b), the decision to disenroll is irrevocable.

b. A review of the documentation provided by LT [REDACTED] does not indicate any counseling inconsistencies. However, if he can provide additional documentation from the Commanding Officer or Briefing Officer where the alleged miscounseling occurred, or a signed statement from anyone who can substantiate his claim, a more favorable recommendation could be given.

2. The Pers-604 point of contact is [REDACTED] at (DSN) 882-2506.

[REDACTED]
N
Educational Benefit Programs
Manager (Pers-604)