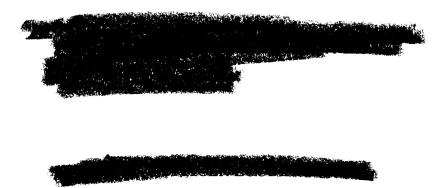


DEPARTMENT OF THE NAVY BOARD FOR CORRECTION OF NAVAL RECORDS 2 NAVY ANNEX WASHINGTON DC 20370-5100

JLP:ddj Docket No: 3720-01 21 August 2001



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 21 August 2001. 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 PERS 604 of 12 July 2001, 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



DEPARTMENT OF THE NAVY NAVY PERSONNEL COMMAND 5720 INTEGRITY DRIVE MILLINGTON TN 38055-0000

1780 PERS-604 12 Jul 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO

Ref: (a) CNPC memo 5420 PERS-00ZCB of 14 Jun 01 (b) Title 38, United States Code, Chapter 32

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

a. Recommend the Board deny MGIB Program. Frequest to enroll in the Montgomery GI Bill (MGIB) Program. Eligibility for any federally legislated educational benefit is determined by which benefit was available at the time of a servicemember's initial entry onto active duty. Veterans Educational Assistance Program (VEAP) was the program available at the time of New Source Source

b. March 1984, during the time period when VEAP was the only educational assistance benefit available to servicemembers. On 26 June 1985, March Signed a NAVPERS 1070/613 acknowledging he was aware if he did not enroll in VEAP before 30 June 1985, he would loose eligibility for VEAP benefits as well as enrollment in any other veteran's educational benefit program. Notification of the open period and final closure of VEAP was given the widest dissemination via NAVOP messages, Navy Times articles and by placing a statement on the Leave and Earnings Statements of all active duty members for several months. Because the bound did not enroll in VEAP before the legislated deadlines, he lost eligibility for VEAP and any other federally legislated educational program. There was no need to counsel the because the bound of the time of his enlistment and he could never gain eligibility without special legislation.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO

2. PERS-604's point of contact is Mr. r who can be reached at (DSN) 882-4246 or (C) 901-874-4246.

Commander, U.S. Navy Director, Navy Drug & Alcohol, Behavioral Health, Federal Education, & Partnerships Division (PERS-60)