



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

JLP:ddj
Docket No: 5093-01
10 October 2001

[REDACTED]

[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 10 October 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 NPC memorandum 1780 PERS 604 of 13 September 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

Enclosure



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

1780
PERS-604
13 Sep 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
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 14 Aug 01
(b) Title 38, United States Code, Chapter 30
(c) Veterans Benefits and Health Care Improvement Act of
2000 (PL 106-419)

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

a. Recommend the Board deny [REDACTED] request to add Navy College Fund (NCF) Program guarantee as an enlistment option to his master record. NCF Program is not offered to every recruit based solely upon the recruit meeting the basic eligibility criteria outlined in reference (b). NCF Program is offered based upon the availability of funding and quotas at the specific time of a recruit's enlistment. A predetermined amount of quotas and funds are set aside each fiscal year for the NCF Program. NCF Program quotas are closely monitored by the classifier to avoid overspending. This is why the NCF Program is offered only at the discretion of the classifier, not the field recruiter. If NCF Program funding and quotas are exhausted at the time of enlistment, classifiers may offer recruits other enlistment incentives; i.e., guaranteed "A" school and/or types of duty even though the recruit qualifies for NCF Program eligibility in all other aspects. [REDACTED] may have not been offered the NCF Program because no NCF Program quotas existed at the time of his enlistment.

b. Enlistment Document (DD Form 4) is the only official document used to identify enlistment guarantees. A review of the annex to [REDACTED] DD Form 4 indicates he was guaranteed "Divefarer - SPEC Volunteer," but not NCF Program. [REDACTED] reviewed and initialed the annex to his DD Form 4 acknowledging he understood no other guarantees would be made to him other than those listed on this form. Since the documents clearly do not guarantee NCF Program and contain written evidence [REDACTED] was aware of this, he is not entitled to receive NCF Program benefits.

2. [REDACTED] as a federal educational benefit program. He elected to enroll in Montgomery GI Bill (MGIB) Program on 6 February 1995 and is entitled to receive 36 months of benefits. The current educational benefit is \$650 per month for full time

