



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

JLP:ddj  
Docket No: 6603-02  
29 October 2002

[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 29 October 2002. 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 19 September 2002, 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  
19 Sep 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
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Ref: (a) CNPC memo 5420 PERS-00ZCB of 12 Sep 02  
(b) Title 38, United States Code, Chapter 32  
(c) PL 98-525  
(d) PL 99-576

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

a. This office cannot recommend approval of this request since the Department of Veterans Affairs (DVA) is the final authority on eligibility for enrollment in veterans education benefits programs and payment of benefits.

b. Per reference (b), the education benefit program available to servicemembers entering active duty for the first time from 1 January 1977 through 30 June 1985 was the Veterans Educational Assistance Program (VEAP). VEAP was closed to new enrollments on 30 June 1985 per reference (c), but reopened for five months from 28 October 1986 to 31 March 1987 per reference (d). Servicemembers who did not enroll before these deadlines lost their eligibility. DVA maintains VEAP accounts for members/veterans and reviews account records prior to issuing benefit payments. Since FTCS Diamond did not enroll in VEAP by opening a VEAP account prior to the legislated deadlines, he is not eligible for VEAP benefits or conversion to the Montgomery GI Bill (MGIB) Program.

2. PERS-604's point of contact is ██████████ who can be reached at (DSN) 882-4260 or (C) 901-874-4260.

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Head, Retired Activities and  
GI Bill Programs Branch  
(PERS-604)