



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

JLP:ddj
Docket No: 6969092
3 December 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 3 december 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 7220 Pers 822 of 1 November 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
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1040
MRV

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

1. Major [REDACTED] entered active duty in the Marine Corps 29 May 1979. The Veterans Education Assistance Program (VEAP) was available for service members who first entered active duty between 1 January 1977 and 30 June 1985.
2. Major [REDACTED] records indicate he made VEAP contributions and has used 31 months and 3 days of his Chapter 32 (VEAP) benefits. This information was provided by the Department of Veterans Affairs.
3. Major [REDACTED] states that he should be afforded the opportunity to enroll in MGIB Educational Benefit program. There were two open enrollments for VEAP era participants to enroll in MGIB. The first enrollment period started 9 Oct 1996 and ended 8 Oct 1997 and the second period was from 1 Nov 2000 through 31 Oct 2001. The second enrollment period stipulated that the member had to have served on continuous active duty from 9 Oct 1996 through 1 Apr 2000. Due to Major [REDACTED] getting out of the Marine Corps 31 Jan 2000 he would not have been eligible for the second conversion but could have participated in the first conversion.
4. ALMAR 053/97 provided the guidelines for the first conversion, Major [REDACTED] should have been notified by his administrative section of his eligibility for the conversion. There are currently no provisions that would allow Major [REDACTED] the opportunity to enroll into MGIB, he would have had to enroll while on active duty as stipulated in Public Law 104-275 Section 106.
5. Based on the information that has been provided, this office recommends that no change be made to Major [REDACTED] permanent record.
6. My point of contact concerning this matter is SSgt [REDACTED] at COMM: (703) 784-9644 or DSN: 278-9644.

[REDACTED]