



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

JLP:ecb
Docket No: 4755-03
29 July 2003

[REDACTED]

Dear [REDACTED]

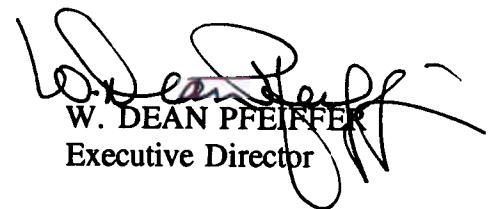
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 July 2003. 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 PERS memorandum 1780 PERS-604 of 1 July 2003, 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
1 Jul 03

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 25 Jun 03
(b) Title 38, United States Code, Chapter 32
(c) Veterans Improvement Act of 1996 (PL 104-275)
(d) Veterans Benefits and Health Care Improvement Act of
2000 (PL 106-419)

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

a. Per reference (b), VEAP was available to members who entered the military for the first time between 1 January 1977 and 30 June 1985. VEAP participants may contribute a maximum of \$2,700 to their VEAP account. Section 3223 of reference (b) provides the option for participants to request a refund of their contributions.

b. Reference (c) provided an opportunity for active duty VEAP participants to enroll in the Montgomery GI Bill (MGIB) Program provided they were on active duty and had contributions in a VEAP account on 9 October 1996 (date of enactment). Those who converted at this time were required to pay \$1,200 for enrollment in the MGIB Program.

c. Per reference (d), an individual who was a VEAP participant on or before 9 October 1996 and served continuously from that date through at least 1 April 2000 was allowed an opportunity to convert from VEAP to the MGIB Program. Opportunity for eligible personnel to convert ended 31 October 2001. Those who converted were required to pay \$2,700 within 18 months from the date of their election.

d. The Board has changed records of Navy personnel, some who were VEAP participants and some who were not, to reflect enrollment in the MGIB Program for \$1,200. However, we must

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[REDACTED]

recommend denial of [REDACTED] request to be enrolled in the MGIB Program under Public Law 104-275. Review of his record revealed [REDACTED] was a VEAP participant, but was not eligible for conversion under reference (c) because he did not have money in his VEAP account on 9 October 1996. [REDACTED] elected to convert to the MGIB Program on 28 September 2001, but lost eligibility to benefits because he did not pay the \$2,700 required by reference (d).

e. We are aware some eligible members did not convert because of requirement to pay \$2,700. We are also aware some who converted found they could not pay the required \$2,700 within 18 months. Members have stated that the requirement to pay \$2,700 for conversion to the MGIB Program creates a financial hardship and is seen as an inequity when those who have not served as long can enroll for only \$1,200. While we understand their concerns, we must abide by the law governing the conversions.

f. [REDACTED] retains VEAP as his educational benefits program and may recontribute to his VEAP account any time while on active duty.

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

[REDACTED]

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