



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

TRG
Docket No: 11034-07
25 November 2008

[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 13 November 2008. 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.

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.

You enlisted in the Navy on 28 July 2001 at age 18. At that time, you elected to participate in the Montgomery G. I. Bill (MGIB). The portion of the MGIB agreement as it applies to your application states that you had to serve on active duty for a period of 36 months in order to be eligible. A copy of your agreement is enclosed.

On 10 December 2001 you reported to the [REDACTED]. Apparently because you were pregnant, you were transferred to shore duty in [REDACTED] and reported there on 17 September 2002. Subsequently, you indicated that you could not comply with the provisions of the Family Care Plan Certificate because you had no one to care for your child when it was born. Your daughter was born on 12 March 2003.

On 28 March 2003, your command recommended that you be discharged by reason of parenthood or custody of minor children. After review, the separation authority directed separation and you were honorably discharged on 12 June 2003. The separation code entered on your DD Form 214 indicates that your discharge from the Navy was voluntary. At that time, you had completed 1 year, 9 months and 15 days of active service.

In some cases an individual may be eligible for benefits based on the actual time served (in your case 21 months) if the separation or discharge was considered to be involuntary. Your record shows that you desired separation and did not contest the discharge proceedings.

Since you do not meet the time in service requirement and your separation was clearly voluntary, the Board concluded that you are not entitled to MGIB benefits and a correction to your record is not warranted.

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.

Enclosure

