



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 834-17
FEB 06 2018

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 U.S.C. § 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 January 2018. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations and policies. The advisory opinion provided in NPC memo 1780 PERS-314 of 30 June 2017 was sent to you on 27 September 2017 for an opportunity to comment prior to being considered by the Board. A copy of this advisory opinion is again enclosed. After the 30-day period for comment expired without a response, the case was presented to the Board.

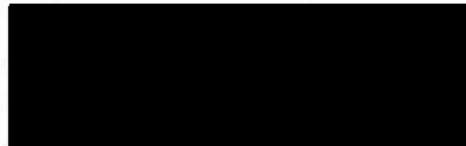
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. In your application you state, "I inadvertently disenrolled by signing the form twice. To my understanding, I was under the impression that I was to receive the GI Bill if I chose to leave the service (separation or retirement)." The Board found and concurred with the advisory opinion that you signed the MGIB form (DD Form 2366) on 2 December 2010 acknowledging in section 5. (STATEMENT OF DISENROLLMENT) - "I DO NOT desire to participate in MGIB. I understand the benefits of the MGIB program and that I WILL NOT be able to enroll at a later date." The Board found that you have provided no proof that you were miscounseled or misled regarding disenrollment from the MGIB program. Accordingly, your application has been denied.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s)

involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director

