



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

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Docket No. 8991-23
Ref: Signature Date

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Dear █,

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 21 March 2024. 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. In addition, the Board considered the advisory opinion contained in Navy Personnel Command memorandum 1780 PERS-311 of 19 December 2023, which was previously provided to you for comment.

You requested your record be corrected to reflect enrollment in the Montgomery GI Bill (MGIB) Program. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. A review of your record indicates you entered active duty on 23 September 2020 and declined participation in the MGIB program on 25 September 2020. By signing DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB) – Basic Enrollment, block 5, Statement of Disenrollment you acknowledged understanding the benefits of the MGIB program and that you would not be able to enroll at a later date, thereby rendering you ineligible to change your election. Because the election to enroll or disenroll is irrevocable, the DD Form 2366 you signed on 12 October 2023 is invalid. In this connection, the Board substantially concurred with the comments contained in the advisory opinion and determined that a change to your record is not warranted. However, the Board noted that you may be eligible for Post-9/11 GI Bill education benefits. Generally, to be eligible for the Post-9/11 GI Bill, individuals must serve on active duty on or after 1 September 2001, for at least 30 continuous days with a discharge due to a service-connected disability; or an aggregate period ranging from 90 days to 36 months or more. Eligibility and administration of the Post-9/11 GI

Bill are the responsibility of the Veterans Affairs. Additional information regarding Post-9/11 GI Bill education benefits can be found on www.va.gov/education/about-gi-bill-benefits/post-9-11.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

3/28/2024

