



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 5228-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ██████████,
USN, ██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1780.1
(c) Title 38 U.S.C. § 3031¹

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPC (PERS-311), 28 Jul 25
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to remove statement of disenrollment from DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 4 February 2026 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 12 October 1993, Petitioner enlisted in the Naval Reserve for 8 years, of which 4 years was an active duty obligation. On 8 February 1994, Petitioner entered active duty.

¹ Indicates the time limitation for use of entitlement expires at the end of 10 years beginning on the date of discharge or release from active duty. However, there are exceptions in the law that include, in the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of 10-year period for the use of entitlement under this chapter otherwise applicable under this section because of physical or mental disability which is not the result of the individual's own willful misconduct, such 10-year period shall not run during the period the individual is so prevented from pursuing such program; and shall again begin running on the first day after the individual's recovery from such disability on which it is reasonably feasible, as determined under regulations prescribed by the Secretary, for the individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

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b. On 11 February 1994, Petitioner signed DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB) in three places, rendering his intended decision to enroll or disenroll unclear. The Witnessing Official signed the form on 11 April 1994.

c. On 7 June 1994, Petitioner completed Recruit Basic Military Training.

d. On 25 August 1994, Petitioner reported to first permanent duty station, [REDACTED] ([REDACTED] for duty.

e. On 7 October 1997, Petitioner was honorably released from active duty and transferred to the Navy Reserve due to Reduction in Force. Petitioner issued DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 8 February 1994 to 7 October 1997; 3 years and 8 months of active duty service.

f. On 11 October 2001, Petitioner was honorably discharged from the Navy Reserve.

g. On 6 May 2025, Petitioner issued notification from Department of Veterans Affairs outlining the summary of his benefits. Petitioner has a combined disability rating of 90% that includes service-connecting rating of 70% “for post traumatic stress disorder, persistent depressive disorder (Dysthymia) with anxious distress, not in remission, late onset, with persistent major depressive episode, moderate and alcohol use disorder, in sustained remission, moderate.”

h. On 14 August 2025, Petitioner acknowledged MGIB payment requirement.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that the Petitioner met the eligibility criteria to enroll in MGIB in accordance with reference (b).² However, Petitioner failed to properly complete the DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB) and the form was not signed by the witnessing official in a timely manner. The Board surmised that as a recruit, Petitioner would have relied on the administrators to assist him with properly completing the DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB). Moreover, had the administrators thoroughly reviewed the Petitioner’s MGIB form in a timely manner, the Petitioner could have made a clear election to enroll in the program within the prescribed time. Although the appropriate administrative requirements were not completed, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

² Members are automatically enrolled in MGIB unless they elect to disenroll via DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB). If a member wants to disenroll, he or she must make a decision within the first 2 weeks of active duty. A one-time opportunity to either remain enrolled or disenrolled will be provided with the first 2 weeks. If a member elects to disenroll, there will be no opportunity to enroll at a later date. Members enrolled agree to a \$100/month pay reduction during their first 12 months of active duty.

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That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner signed DD Form 2366, Montgomery GI Bill Act of 1984 (MGIB) and elected to enroll in the MGIB program on 11 February 1994.

Note: Waiver of the \$1,200 MGIB payment will not be granted. To complete the MGIB enrollment and payment into the program process, Petitioner must contact the Navy Personnel Command (PERS-311) at askmncc@navy.mil with a copy of this decision letter.

A copy of this report of proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above titled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/4/2026

