



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

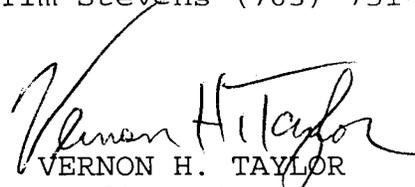
IN REPLY REFER TO:

1560
MRV
30 MAR 1997

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTIONS OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF CPL. [REDACTED] 013
58 0024

1. Cpl [REDACTED] had an opportunity to be enrolled in the Montgomery GI Bill (MGIB) program but declined. Under Chapter 30, Title 38, U.S.C., eligible Marines are enrolled in the MGIB upon their initial entry on active duty unless they exercise their option to disenroll. Cpl Hoyt declined enrollment in the MGIB on April 15, 1997.
2. The DD Form 2366 which Cpl [REDACTED] signed, states that he understands that he is eligible for the MGIB, that he will be automatically enrolled, but that if he elects to disenroll, "the option to enroll WILL NOT be available" at a later date. Cpl [REDACTED] decision to decline participation in the MGIB is, by federal law, irrevocable.
3. Cpl [REDACTED] alleges that he was told to just sign it and not worry about it. It is not the Marine Corps policy to discourage participation in the MGIB. The MGIB is strictly a voluntary educational assistance program. There is no pressure for anyone to elect or decline participation. The declination line he signed specifically states that "he will not be able to enroll at a later date".
4. My Point of Contact is GySgt Tim Stevens (703) 751-9550/1 or DSN 278-9550/1.


VERNON H. TAYLOR
By direction



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

JLP:tj
Docket No: 97-99
25 May 1999

CPL [REDACTED] USMC
US MARINE CORPS FORCES KOREA
UNIT 15708
APO AP 96205-0708

Dear CORPORAL [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 25 May 1999. 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 CMC Memorandum 1560 MRV of 30 March 1999, 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