



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

JLP:ddj
Docket No: 3992-99
21 September 1999

[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 21 September 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 BUPERS memorandum 1780 PERS 604 of 19 August 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



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1780
PERS-604
19 AUG 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO HM1(SW)
[REDACTED]

Ref: (a) NPC memo 5420 PERS-00ZCB of 4 Aug 99
(b) Veterans Benefits Improvement Act of 1996
(PL 104-275)

1. The following is provided in response to reference (a):

a. Reference (b) allowed Veterans Educational Assistance Program (VEAP) participants who were on active duty and had money in a VEAP account on 9 October 1996 to elect to participate in the Montgomery GI Bill (MGIB) Program. Eligible VEAP participants were required to make an MGIB Program election prior to 9 October 1997. Members who did not make an election before the legislated deadline lost the opportunity to convert to MGIB.

b. This office released a Naval Administrative Message (NAVADMIN 298/96) in December 1996, announcing the criteria for VEAP to MGIB Program enrollment procedures under PL 104-275. In an effort to reach all eligible VEAP participants, the Defense Finance and Accounting Service, Cleveland included a statement on all servicemembers' "Leave and Earnings Statement" advising them to contact this office concerning their VEAP to MGIB Program eligibility. Additionally, this office released a final notification via NAVADMIN 209/97, advising commands and servicemembers to contact this office if they had not received a VEAP to MGIB Program conversion package.

c. A review of [REDACTED]'s record indicates he disenrolled from VEAP and withdrew \$900 in contributions on 18 February 1983. Since he did not have contributions in his VEAP account on the date of enactment of PL 104-275, he is not eligible for conversion to the MGIB Program. With regard to HM1(SW) Delgado's claim of miscounseling, at the time of withdrawing his VEAP contribution, VEAP to MGIB conversion requirements were unknown, therefore counseling could

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FELIX C. DELGADO, USN, 067-40-7799

not be given. [REDACTED] retains VEAP as his educational benefit program and may recontribute up to a maximum amount of \$2700 any time prior to his separation from active duty.

2. PER-604's point of contact is EM1(SW) Thompson who can be reached at (DSN) 882-4262 or (C) 901-874-4262.



T. J. CEPAN
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Director, Navy Drug & Alcohol,
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