



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

JLP:ddj
Docket No: 4652-02
20 August 2002

[REDACTED]

Dear [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 20 August 2002. 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 NPC memorandum 1780 Pers 604 of 9 July 2002, 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
9 Jul 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 14 Jun 02
(b) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a). Recommend the Board deny [REDACTED] request to enroll in the Montgomery GI Bill (MGIB) Program. Per reference (b), an MGIB Program "open period" existed from 1 December 1988 through 30 June 1989. During that time period, members who entered active duty after 30 June 1985 and were not enrolled in the MGIB Program, could elect to enroll. A review of [REDACTED] master microfiche record indicates she was afforded the opportunity to enroll during the MGIB Program open period and declined. This is documented on a Page 13 memorandum entry annotated with "I understand that I am eligible to enroll in the MGIB during the "open period" and I choose not to enroll." [REDACTED] s Page 13 entry on her MGIB Program open period declination was signed and witnessed on 29 March 1989. Per reference (b), the MGIB Program election is irrevocable.

2. PERS-604's point of contact is MS2 [REDACTED] who can be reached at (DSN) 882-4262 or (C) 901-874-4262.

[REDACTED]
Head, Federal Education Programs
Branch (PERS-604)