



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:ddj

Docket No: 7316-98

30 March 1999

[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 30 March 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 SER 604/0091 of 3 February 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
Ser 604/ 0091
03 Feb 99

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

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO YNCS
[REDACTED]

Ref: (a) Pers 00ZCB/NPC-00ZCB memo 5420 of 7 Jan 99
(b) Title 38, United States Code, Chapter 32
(c) Veterans Improvement Act of 1996 (PL 104-275)

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

a. The Veterans Educational Assistance Program (VEAP) was a voluntary contributory program in which Navy matched each dollar contributed by the member with two dollars. VEAP participants may contribute a maximum of \$2,700 for a total return of \$8,100 in educational benefits. Section 3223 of reference (b) provides the option for participants to disenroll from VEAP by requesting a refund of contributions.

b. Reference (c) provided the opportunity for VEAP participants to enroll in the Montgomery GI Bill (MGIB) Program provided they were on active duty and had contributions in a VEAP account on 9 October 1996 (date of enactment). Unfortunately, current legislation does not provide a conversion option for members who chose to disenroll from VEAP and withdraw their contributions.

c. A review of [REDACTED] record indicates he disenrolled from VEAP by withdrawing his contributions on 23 May 1991 and maintained a zero balance until November 1996. Therefore, he was not eligible for conversion to the MGIB Program. However, if [REDACTED] can provide proof that he attempted to start his latest VEAP allotment before the date of enactment, a more favorable response can be given. His latest allotment ran from November 1996 to 16 October 1998 after which he withdrew his contributions. [REDACTED] currently has a zero balance in his VEAP account. [REDACTED] retains VEAP as an educational benefits program and may re contribute to his VEAP account at any time prior to separation from active duty.

2. NPC-604's point of contact is [REDACTED] who can be reached at (DSN) 882-4258 or (C) 901-874-4258.

[REDACTED]
Educational Benefits Program
Manager (NPC-604)