



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

JLP:ecb  
Docket No: 2324-01  
17 July 2001

[REDACTED]

[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 17 July 2001. 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 dated 30 May 2001, 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  
30 May 01

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 1 May 01  
(b) Title 38, United States Code, Chapter 30

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

a. Per reference (b), the law governing the Montgomery GI Bill (MGIB) Program, members who served less than 36 months of a three-year or longer enlistment must receive an Honorable Discharge and separate for one of the following reasons to be eligible for MGIB Program benefits: pre-existing medical condition, service connected disability, reduction in force, hardship, certain physical or mental conditions, or for the convenience of the government (COG) after serving a minimum of 30 months of active duty.

b. A review of Midshipman [REDACTED]'s record indicates she entered active duty on 19 May 1997 with a six-year term of enlistment. Midshipman [REDACTED] elected to enroll in the MGIB Program and paid the required \$1,200. On 24 August 1998, after 27 months of active duty, she was honorably discharged for COG to enter the Naval Reserve Officer Training Corps Program. Since Midshipman [REDACTED] did not meet the minimum active duty service obligation of 30 months, she is ineligible for MGIB Program benefits. We cannot recommend approval of Midshipman [REDACTED] request to extend her length of service from 27 months to 30 months. If the Board does change Midshipman [REDACTED] record to reflect 30 months of active duty service, she will be eligible to receive her MGIB Program benefits.

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[REDACTED]

2. PERS-604's point of contact is Ms. [REDACTED] who can be reached at (DSN) 882-4260 or (C) 901-874-4260.

[REDACTED]

Captain, U.S. Navy  
Director, Navy Drug & Alcohol,  
Behavioral Health, Federal  
Education, & Partnerships  
Division (PERS-60)