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

JLP:ddj
Docket No: 3312-01
31 July 2001

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 31 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 BUPERS memorandum 1780 PERS 604 of 26 June 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

1780
PERS-604
26 Jun 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

Ref: (a) CNPC memo 5420 PERS-00ZCB of 7 Jun 01
        (b) Title 38, United States Code, Chapter 32
        (c) Veterans Improvement Act of 1996 (PL 104-275)
        (d) Veterans Benefits and Health Care Improvement Act of
            2000 (PL 106-419)

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

    a. Recommend the Board deny▓▓▓▓▓▓▓▓▓ request to enroll
in the Veterans Educational Assistance Program (VEAP). Per
reference (b), VEAP was available to members who entered the
military for the first time between 1 January 1977 and
30 June 1985. It was closed to new enrollments on
30 June 1985, but reopened for five months from 28 October 1986
to 31 March 1987. Members who did not enroll before these
deadlines lost their eligibility. Reference (b) did not require
armed services to retain documentation of a member's election to
enroll or decline enrollment in VEAP in their service records or
microfiche. There was no requirement for individual counseling
for VEAP enrollment upon entry on active duty or during the open
period.

    b. Reference (c) offered Montgomery GI Bill (MGIB) Program
enrollment to active duty members with money in a VEAP account on
9 October 1996 (date of enactment). Per reference (d), an
individual who was a VEAP participant on or before 9 October 1996
and served continuously from that date through at least
1 April 2000 will be allowed an opportunity to convert from VEAP
to the MGIB Program. Unfortunately, no provisions were made in
references (c) and (d) for members like▓▓▓▓▓▓▓▓▓who did not
participate in VEAP.

    c. A review of ▓▓▓▓▓▓▓▓ record indicates he did not
enroll in VEAP before the legislated deadline and, therefore, is
not eligible for VEAP benefits. Additionally, since▓▓▓▓▓▓▓▓
was not a VEAP participant, he is not eligible for conversion to
the MGIB Program.

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO ███████████

2. PERS-604's point of contact is Ms. ██████████ who can be reached at (DSN) 882-3227 or (C) 901-874-3227.

███████████

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