

DEPARTMENT OF THE NAVY

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

JLP:ddi

Docket No: 3905-01 15 November 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 14 November 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 of 5 July 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



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND 5720 INTEGRITY DRIVE MILLINGTON TN 38055-0000

1780 PERS-604 5 Jul 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

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Ref: (a) CNPC memo 5420 PERS-00ZCB of 14 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. Per reference (b), the educational benefit program available to servicemembers entering active duty for the first time from 1 January 1977 through 30 June 1985 was the Veterans Educational Assistance Program (VEAP). VEAP was closed to new enrollment on 30 June 1985, but reopened for five months from 28 October 1986 to 31 March 1987. Servicemembers who did not enroll before these deadlines lost their eligibility.
- b. DD Form 2057, Contributory Educational Assistance Program Statement of Understanding, was used to document a servicemember's election to enroll or decline enrollment in VEAP. If a member elected to enroll in VEAP, Part 2 of the DD Form 2057 indicated the amount of pay per month a servicemember wanted deducted for his VEAP account. Part 2 of S DD Form 2057 was not completed and consequently a VEAP account was never established in his name. Reference (b) did not require armed services to retain copies of the DD Form 2057 in service records or on microfiche.
- c. Since was not able to provide a complete copy of his DD Form 2057 indicating he attempted to enroll in VEAP by contributing a specific amount per month from his pay, we recommend denial of request to be enrolled in VEAP.
- d. Reference (c) offered Montgomery GI Bill Program (MGIB) enrollment to active duty members with money in a VEAP account on 9 October 1996 (date of enactment). Per reference (d), an

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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 to convert from VEAP to the MGIB Program. Unfortunately, no provisions were made in reference (c) or (d) for members like April 3 who did not participate in VEAP.

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



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