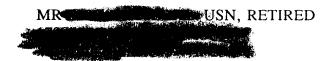


## DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS 2 NAVY ANNEX WASHINGTON, D.C. 20370-5100

JLP:ddi

Docket No: 4627-00 24 October 2000





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 24 October 2000. 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 7 September 2000, 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

0 7 SEP 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

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

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO

MR.

Ref:

- (a) CNPC memo 5420 PERS-00ZCB of 22 Aug 00
- (b) Veterans Improvement Act of 1996 (PL 104-275)
- (c) Title 38, United States Code, Chapter 32
- 1. The following is provided in response to reference (a). Reference (b) allowed Veterans Educational Assistance Program (VEAP) participants who were on active duty and had money in a VEAP account on 9 October 1996 to elect to participate in the Montgomery GI Bill (MGIB) Program. Eligible VEAP participants were required to make an MGIB Program election prior to 9 October 1997 and contribute \$1,200 for enrollment. Members who did not make an election before the legislated deadline lost the opportunity to convert programs.
- 2. This office released a Naval Administrative Message (NAVADMIN 298/96) December 1996, announcing the criteria for VEAP to MGIB Program enrollment procedures under PL 104-275. In an effort to reach all eligible VEAP participants, the Defense Finance and Accounting Service, Cleveland included a statement on all servicemembers, "Leave and Earnings Statement" advising them to contact this office concerning their VEAP to MGIB Program eligibility. Additionally, this office released a final notification via NAVADMIN 209/97, advising commands and servicemembers to contact this office if they had not received a VEAP to MGIB Program conversion package.
- 3. Mr. failed to respond prior to the deadline date of 8 October 1997 and did not contribute the required \$1,200 for enrollment. Navy does not have the authority to overrule this legislation. Per reference (c), Mr. retains VEAP as his educational benefits program. According to the Veterans Affairs Office, he currently has \$75 in his VEAP account. Due to his separation from active duty, Mr. is no longer eligible to

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contribute to his VEAP account. He can request a refund of his VEAP money by contacting the Department of Veterans Affairs at 1-888-442-4551.

4. PERS-604's point of contact is MS2(SW) who can be reached at (DSN) 882-4244 or (C) 901-874-4244.

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