



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

JLP:ecb
Docket No: 5531-00
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 23 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
23 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
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Ref: (a) CNPC memo 5420 PERS-00ZCB of 15 May 01
(b) Title 38, United States Code, Chapter 34
(c) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a):
 - a. Per reference (b), the educational benefit program ██████████ was eligible for was the Vietnam Era GI Bill (VEGIB) Program. This program was available to members who entered active duty from 1 February 1955 through 31 December 1976. Opportunity to draw education benefits from the VEGIB Program ended on 31 December 1989.
 - b. VEGIB Program members who were on active duty any time between 19 October 1984 and 1 July 1985 and served continuously from that date through 30 June 1988, or through 30 June 1987 followed by four years in the Selected Reserves, had their remaining entitlement converted to Montgomery GI Bill (MGIB) Program. Any break in service between these dates disqualifies a member from conversion to the MGIB Program. The law does not provide for exceptions to this service requirement.
 - c. A review of ██████████ master microfiche record indicates he entered active duty 24 September 1974 and served until 29 October 1981. Mr. ██████████ re-entered Navy on 10 September 1982 and served until 13 May 1988. He re-entered Navy on 23 August 1989 and served until 30 November 1996 when he transferred to the Fleet Reserve. Due to ██████████ break in service on 13 May 1988, he is not eligible for conversion to the MGIB Program. I cannot recommend changing Mr. ██████████ discharge date; however, if the Board changes his discharge date from 13 May 1988 to 1 July 1988, Mr. ██████████ would be eligible for MGIB Program benefits.

