



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

JLP:ddj
Docket No: 4988-02
24 September 2002



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 September 2002. 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 27 August 2002, 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

27 Aug 02

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 26 Aug 02
(b) Title 38, United States Code, Chapter 34

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

a. When [REDACTED] states he was promised a "VA benefit package" for enlistment in the Navy, it appears he is referring to loan guaranty benefits, not education benefits. As stated in the letter from the Department of Veterans Affairs, which [REDACTED] included in his petition, he did not serve enough time to be considered a veteran.

b. Regarding education benefits, [REDACTED] entered active duty on 23 December 1976. Per reference (b), the education benefit program at that time was the Vietnam Era GI Bill (VEGIB) Program. To establish eligibility for the VEGIB Program, members must have served 181 or more continuous days of active duty. Since [REDACTED] did not serve 181 continuous days of active duty, he was not eligible for VEGIB Program benefits. Additionally, even if he had been eligible, opportunity to use VEGIB Program benefits ended 31 December 1989.

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

[REDACTED]
Head, Federal Education Programs
Branch (PERS-604)