



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

JLP:ecb  
Docket No: 6294-03  
28 October 2003

[REDACTED]

Dear [REDACTED]

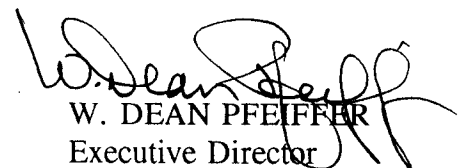
This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 October 2003. 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 PERS memorandum 1780 PERS-604 dated 2 October 2003, 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  
2 Oct 03

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 12 Sep 03  
(b) Title 38, United States Code, Chapter 32

Encl: (1) [REDACTED] DD Form 214 of 23 Jan 83  
(2) [REDACTED] DD Form 214 of 10 Dec 86  
(3) Preseparation Counseling Checklist (DD Form 2648)  
ICO [REDACTED] of 23 Jul 01

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

a. Recommend denial of [REDACTED] request to pay into (enroll in) the Veterans Educational Assistance Program (VEAP). VEAP closed to new enrollments on 31 March 1987. As documented by the DD Form 2057 included with [REDACTED] petition, it was her decision not to participate in VEAP upon entry onto active duty in March 1979. [REDACTED] did not enroll in VEAP during the open period from 28 October 1986 through 31 March 1987. Block 15 of [REDACTED]'s DD Forms 214 dated 23 January 1983 and 10 December 1986 (enclosures (1) and (2)) also documents she did not participate in VEAP.

b. It is unclear why [REDACTED] asked the personnel officer if she was able to only pay \$1,250 to receive benefits that she "earned" for education through VEAP. Members elect enrollment and pay into federal education benefit programs; benefits are not "earned." Even if [REDACTED] had been a VEAP participant, the maximum contribution is \$2,700. [REDACTED] feels she should have the opportunity to "pay back into" VEAP. She cannot pay into an account she never established. [REDACTED] should have known she didn't enroll in VEAP since (1) she had her DD Form 2057 which reflected the decision not to enroll, (2) she never contributed money to a VEAP account, and (3) her previous

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[REDACTED]

DD Forms 214 reflected no VEAP participation. Due to contributing factors, the personnel office probably presumed [REDACTED] knew she couldn't enroll in and contribute to VEAP at that time. These factors are [REDACTED] rating (Navy Counselor); she waived pre-separation counseling, which included education benefits (enclosure (3)); and her previous DD Forms 214 reflected no VEAP participation.

c. It is also unclear whether [REDACTED] thinks she lost eligibility for her benefits on 1 November 2001 after retiring from active duty, or if she means she was not counseled when VEAP closed to new enrollments. If the first, she did not lose eligibility on 1 November 2001, she actually lost eligibility when she did not enroll at her final opportunity, which was during the open enrollment period. If the second, it is not expected that [REDACTED] would remember any counseling given over 16 years ago; however, closure of VEAP was given the widest dissemination.

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, Retired Activities and  
GI Bill Programs Branch  
(PERS-604)