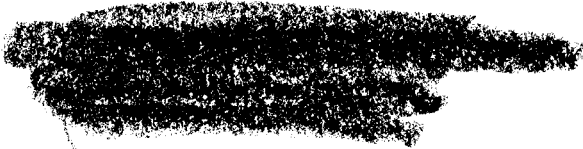




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SRB
Docket No. 4694-06
4 Oct 06



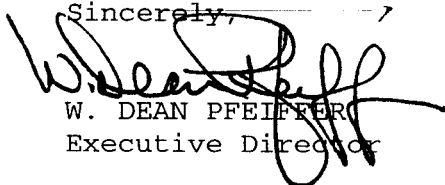
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 October 2006. 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 675 of 30 June 2006, 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-675
30 Jun 06

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-31C)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS [REDACTED]

Ref: (a) CNPC memo 5420 PERS-31C of 26 Jun 06
(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 Veterans Educational Assistance Program (VEAP) was available to members who entered the military for the first time between 1 January 1977 and 30 June 1985. It was closed to new enrollments on 30 June 1985, but reopened for five months from 28 October 1986 to 31 March 1987. Notification of the open period and final closure of VEAP was given the widest dissemination. Only those members who elected to enroll in VEAP and had their disbursing office start an allotment to a VEAP account are considered participants. A review of [REDACTED] record indicates he initially entered active duty (other than for training) on 14 November 1984. [REDACTED] records further indicate he did not participate in VEAP before 1 July 1985, or by the end of the VEAP open period, 31 March 1987. Since these were legislated deadlines, [REDACTED] should not be allowed to participate now.

b. Reference (c) offered the Montgomery GI Bill (MGIB) Program enrollment to active duty members with money in a VEAP account on 9 October 1996 (date of enactment). Per reference (d), an individual who was a VEAP participant on or before 9 October 1996 and served continuously from that date through at least 1 April 2000 was allowed an opportunity to convert from VEAP to the MGIB Program. Unfortunately, no provisions were made in references (c) or (d) for members like [REDACTED] who did not participate in VEAP.

c. We recommend denial of [REDACTED]'s request. HT1 Smith indicates he didn't receive proper counseling on VEAP and there is no documentation in his field service record to indicate he was afforded the opportunity to elect or decline enrollment VEAP. We note this counseling was to have taken place over 20 years ago and he has submitted no evidence that he tried to remedy the miscounseling

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS [REDACTED]

in the interim years. For veterans and members like [REDACTED] who entered during VEAP era and were not eligible for MGIB Program enrollment, we would not expect to find a GI Bill program document in their service record. This does not mean the individual was not afforded the opportunity to enroll VEAP, but rather a matter of service record maintenance. It is extremely rare to find a Contributory Educational Assistance Program Statement of Understanding for VEAP (DD Form 2057) in a member's service record. This is because throughout the years of a member's career, usually prior to each reenlistment, the service record is reviewed and documents purged. While the DD Form 2057 should have been retained, historically, it was most often among the purged documents. Normally, if a VEAP-era member or veteran produces their DD Form 2057, it's because they kept a copy in their own personal files. To determine if an individual is a VEAP participant, we check a Defense Finance and Accounting Service (DFAS) system for a Navy VEAP account. We can also check with the Department of Veterans Affairs for record of all VEAP accounts, regardless of branch of service.

d. VEAP was never a very popular program, and it is only now when members/veterans are nearing retirement or considering further education that they are requesting enrollment in VEAP with conversion to the more beneficial MGIB Program. Although we believe all who have served on active duty deserve quality education benefits, allowing those who didn't participate in VEAP before the legislated deadlines to enroll now, with or without subsequent enrollment in the MGIB Program, would create an inequity to the thousands of other Sailors who also didn't participate and now have no education benefits.

2. PERS-675G's point of contact is PSC Miller who can be reached at (DSN) 882-4259 or (C) 901-874-4259.

A. T. Schmitt

A. T. SCHMITT
Head, GI Bill Programs Section
(PERS-675G)