



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

MEH
Docket No. 6010-08
8 Sep 08

[REDACTED]

Dear [REDACTED]

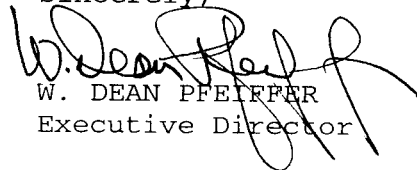
This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 September 2008. 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 1560 MRRV of 20 Aug 08, 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. However, as noted in the advisory opinion, you are entitled to receive a refund of the \$1,800.00 you have contributed. You should contact Headquarters Marine Corps (MRRV) at 703 784-9550 to initiate the refund process. 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 also 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
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO:
1560
MRRV

AUG 20 2008

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED]

[REDACTED] requests to use Montgomery GI Bill (MGIB) benefits. He states that after receiving an Honorable Discharge from the U.S. Air Force, he called the Department of Veterans Affairs and they erroneously informed him that he could withdraw the monies in his Veterans Education Assistance Program (VEAP) account, and participate in the MGIB program when he entered the U.S. Marine Corps. When he entered the U.S. Marine Corps in 1988, [REDACTED] was not informed of his ineligibility for MGIB. He subsequently enrolled in the program and paid \$1200. He also paid \$600 for the MGIB Buy Up/Additional Contribution.

[REDACTED] first entered active duty with the U.S. Air Force on 22 October 1982, which made him eligible to participate in VEAP. VEAP era Service members were allowed to convert and contribute to the MGIB program during two conversion periods in 1996 and 2001, if they opened and made contributions to their account between 1 January 1977 and 1 April 1987. [REDACTED] record indicates he was eligible to convert from VEAP to the MGIB during the second conversion period, 1 November 2000 to 31 October 2001. [REDACTED] did not convert to MGIB during this time frame. MARADMIN 111/01 was released, and advertisements were placed in the Navy Times, Stars & Stripes, local installation papers, and military websites to inform Service members of both conversion opportunities. Prospective participants were also notified of the new legislation on their Leave and Earning Statements.

Based on the information reviewed, Headquarters Marine Corps (MRRV) does not recommend that [REDACTED] be given the opportunity to enroll. [REDACTED] is entitled to receive a refund of the \$1800.00 he contributed. If the board concurs, [REDACTED] should contact MRRV to initiate the refund process.

Our point of contact is Mr. Daryl R. Patrick, Education Program Specialist, MRRV at (703) 784-9550 or DSN 278-9550.


K. D. DUNN
By direction