



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

BJG
Docket No: 9174-13
15 October 2014

[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.

You requested that your "MBK5" (expiration of term of service) separation code and "RE-1A" (eligible for reenlistment code) reentry code issued on 22 May 2011 be changed on your Certificate of Release or Discharge from Active Duty (DD Form 214). The Board assumed that you are requesting that "condition, not a disability" be used as the basis for separation.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 October 2014. 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.

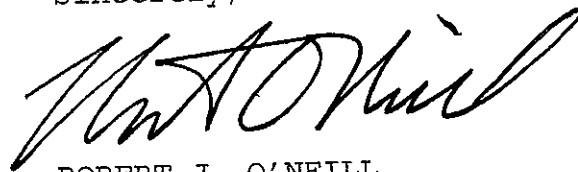
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You entered a period of active duty in the Marine Corps Reserve on 1 November 2010 after more than four years of prior honorable service. You were not the subject of any disciplinary action. On 22 May 2011, you were released from active duty back to your reserve unit with an honorable characterization at the completion of your required active service, and assigned an RE-1A (eligible for reenlistment) reentry code. On 11 May 2012, it was determined that you were not physically qualified for retention in the reserve component after being diagnosed with musculoskeletal dysfunction.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and desire to modify your DD Form 214. However, the Board concluded that your separation code and reentry code were correctly assigned in light of your diagnosis almost a year after leaving active duty. You are advised that a DD Form 214 is only issued upon a release or discharge from active duty. In view of the above, 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,



ROBERT J. O'NEILL
Executive Director