



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

CRS
Docket No: 7309-00
21 June 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 20 June 2001. 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 the Awards Branch, Headquarters Marine Corps, dated 25 April 2001, 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
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1650

MMMA-4

25 APR 2001

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

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

Encl: (1) Copy of CMC ltr 1650 MMMA-2 of 2 Oct 97

1. As we indicated in the enclosure, once an award is approved, the decision becomes final. Subsequent reviews, including those as provided for by Subtitle C, Section 526 of the National Defense Authorization Act for Fiscal Year 1996, are warranted only when new and relevant information can be presented by the officer who originated the recommendation or another officer who has personal, first hand, knowledge of the Marine's actions, which was not available at the time the original award recommendation was considered.

2. Consequently, until such time as the officer who submitted the recommendation to award the Navy Achievement Medal with Combat "V" to then Corporal [REDACTED] or another officer having personal, first hand, knowledge of his actions, provides this Headquarters with additional and pertinent information which was not available at the time the award recommendation was originally considered by the various awards boards and the awarding authority, there is no basis that would warrant reconsideration of the previously approved award.

3. Finally, to now reconsider and support the changing of the Navy Achievement Medal with Combat "V" to either the Silver Star Medal or Bronze Star Medal with Combat "V" more than 32 years after the fact would be a repudiation of the judgment of the commander involved in the original award decision process. It would imply that the decision of commanders past, present, and future are relatively meaningless and subject to reversal based on the subjective opinion of officials that are not in the best position to have knowledge of the facts and merits of the recommendation.

[REDACTED]

Head, Military Awards Branch
Personnel Management Division
By direction of the
Commandant of the Marine Corps