



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

BJG  
Docket No: 3244-02  
20 December 2002

LTCO [REDACTED] MC RET  
[REDACTED]  
[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 Meritorious Service Medal be removed from your naval record, or that you be awarded the Legion of Merit (LOM) award.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 December 2002. 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 Headquarters Marine Corps, dated 9 July 2002, a copy of which is attached. They also considered your rebuttal letter dated 12 August 2002.

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. They were unable to find you would have received the LOM award your command recommended, had the command submitted a "reclama." They felt your dissatisfaction with the award you received did not justify removing it from your naval record. 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 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  
9 Jul 02

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

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

1. LtCol [REDACTED] declined to accept the Meritorious Service Medal awarded to him for his service in the U.S. Marine Corps and subsequently returned the citation to this Headquarters. The reply that he received (13 Oct 2000) is the standard reply to Marines who return their properly tendered citations to this Headquarters. It notifies them that since the award is a matter of record it cannot be removed from their OMPF even though they have returned the citation.

2. As stated in the response to [REDACTED] (20 Sep 2001) the Legion of Merit award recommendation was properly boarded and decisioned by the Commandant of the Marine Corps as a level of service of a Meritorious Service Medal. If a command does not agree with the level of award that is decisioned they may "reclama" by submitting new and relevant information regarding the service of the individual and the award will be looked at again. [REDACTED] command did not reclama this award.

3. The acceptance or rejection of an award is not an option available to the LtCol [REDACTED]. The Meritorious Service Medal was properly decisioned and tendered and as such is a matter of record. No error was made in the processing of this award and cannot be deleted from his official military personnel file.

[REDACTED]

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