



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

JSR
Docket No: 11028-08
21 May 2009

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 naval record be corrected by amending your DD Form 214 ("Certificate of Release or Discharge from Active Duty") for your release from active duty in the Marine Corps on 5 November 1994 to reflect your grade as corporal (pay grade E-4) vice lance corporal (pay grade E-3) and to show you were awarded the Combat Action Ribbon (for service in Somalia), the United Nations Medal (also for service in Somalia) and the Kuwait Liberation Medal (for service in the Persian Gulf during Operation Cease-Fire).

It is noted that Headquarters Marine Corps (HQMC) has issued you a DD Form 215 ("Correction to DD Form 214") reflecting your grade as corporal and showing you were awarded the United Nations Medal and the Kuwait Liberation Medal.

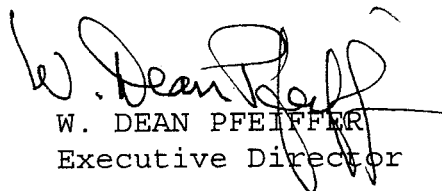
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 May 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 opinions from HQMC dated 10 December 2008 with references (b) and (c), 22 January 2009 with enclosures, and 26 February 2009 with enclosure (DD Form 215), copies of which are 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 dated 22 January 2009 in concluding you have not established you were eligible for the Combat Action Ribbon. Accordingly, your application for relief beyond that effected by HQMC 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

Enclosures