



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7617-98

25 May 1999

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 May 1999. 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 Navy Department Board of Decorations and Medals dated 7 April 1999, a copy of which is enclosed.

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  
OFFICE OF THE SECRETARY  
1000 NAVY PENTAGON  
WASHINGTON, D. C. 20350-1000

Ser NDBDM/150  
April 7, 1999

From: Senior Member, Navy Department Board of Decorations and Medals

To: Chairman, Board for Correction of Naval Records

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF  
[REDACTED]

Ref: (a) SECNAV ltr Ser NDBDM/185 of 19 Feb 88

Encl: (1) SECNAVINST 1650.32 (Adjudication of Extraordinary Heroism)  
(2) BCNR File w/encls

1. Reference (a) awarded the Navy and Marine Corps Medal to BMCS [REDACTED], USN with the determination that [REDACTED] would not be accorded the benefits of Extraordinary Heroism upon transfer to the Fleet Reserves. Therefore, he is not entitled to an additional 10% retainer pay and Block #4 of the Fleet Reserve Message is correct.

2. The accordance of "Extraordinary Heroism" is not an automatic entitlement (Enclosure (1) outlines) upon receipt of an award for heroism. The Secretary of the Navy makes that determination on a case by case basis. For information purposes, none of the service members who received an award for heroism in regards to the STARK incident were cited for "Extraordinary Heroism".

3. I trust this information is helpful. Enclosure (2) is returned as requested.

[REDACTED]  
By direction

Enclosures



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20350

EXTRA

SECNAVINST 1650.32  
NDBDM:CEC  
23 June 1969

SECNAV INSTRUCTION 1650.32

From: Secretary of the Navy  
To: Distribution List

Subj: Adjudication of Extraordinary Heroism

Ref: (a) Section 6330, Title 10, U. S. Code

Encl: (1) Criteria for adjudication of extraordinary heroism

1. Purpose. To establish revised procedures for the adjudication of extraordinary heroism and to prescribe policy guidance and pertinent administrative procedures.

2. Cancellation. Secretary of the Navy's letter of 29 September 1959 (NOTAL), same subject, is superseded and cancelled.

3. Authority. 10 U.S.C. 6330 provides that each enlisted member of the Regular Navy or Regular Marine Corps who is transferred to the Fleet Reserve or Fleet Marine Corps Reserve under this section and who has been credited by the Secretary of the Navy with extraordinary heroism in line of duty, is entitled to an increase of 10 percent in his retainer pay.

\* Reference (a) further states that the determination of extraordinary heroism by the Secretary of the Navy is final and conclusive for all purposes.

4. Discussion

a. An affirmative determination that extraordinary heroism was involved will now be made by the Secretary of the Navy at the time the award is processed. Awards approved by delegated authorities will contain a recommendation as to the eligibility of the individual for the benefits of the additional retainer pay. The Navy Department Board of Decorations and Medals (NDBDM) will review all awards and, in those instances in which extraordinary heroism is considered justified, will forward an affirmative recommendation to the Secretary of the Navy. If approved by the Secretary

SECNAVINST 1650.32

23 June 1969

of the Navy, the recipient will be advised by the Chief of Naval Operations or the Commandant of the Marine Corps as appropriate. The NDBDM will forward those cases in which extraordinary heroism is not considered justified to Chief of Naval Operations or Commandant of the Marine Corps for retention in the individual's record. If requested by the individual at the time of his transfer to the Fleet or Fleet Marine Corps Reserve, the NDBDM will again review his awards correspondence.

b. The adjudication of extraordinary heroism for decorations awarded prior to implementation of this directive will be made when the serviceman applies for transfer to the Fleet or Fleet Marine Corps Reserve.

5. Action. Upon receipt the following procedures are effective for the determination of extraordinary heroism benefits:

a. Commanders possessing delegated award authority - Review all heroic awards approved and provide recommendation as to whether or not the individual qualifies for extraordinary heroism within the criteria contained in enclosure (1).

b. Chief of Naval Operations and Commandant of the Marine Corps -

(1) When an individual applies for transfer to the Fleet or Fleet Marine Corps Reserve, forward correspondence concerning any act of heroism, not previously adjudicated, to the NDBDM. Every attempt should be made to provide all supporting documents including copy of award citation, award recommendation, witnesses statements and other documentation as appropriate.

(2) At the time of application for transfer, advise the applicant that his awards correspondence for heroism will be reviewed, although previously adjudicated, if he so requests, and if requested forward the pertinent correspondence to the NDBDM.

(3) Provide notification to personnel whose acts of heroism have been affirmatively determined by the Secretary of the Navy as qualifying for the additional retainer pay.

CRITERIA FOR ADJUDICATION OF EXTRAORDINARY HEROISM

1. The following guidelines will be used in considering cases of extraordinary heroism:

a. An individual whose action in line of duty is determined to have been such as to entitle him to the benefits of extraordinary heroism, is allowed 10% additional pay upon his transfer to the U. S. Navy Fleet Reserve or Fleet Marine Corps Reserve. The basic law does not stipulate any qualifications for extraordinary heroism. The determination is thus left entirely within the prerogatives of the Secretary of the Navy.

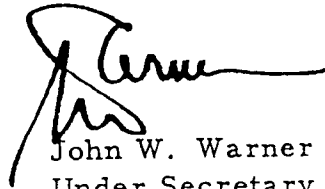
b. Before an individual can be considered at all for the benefits of extraordinary heroism he must have been commended for a specific act (or acts) and this commendation must be a matter of record. The commendation need not necessarily be in connection with the award of a medal or ribbon and need not be made by an officer more senior than the individual's commanding officer, provided that the act has been properly reported by a person authorized to do so.

c. The cases of those individuals who have fulfilled the requirements set forth in paragraph b, above, are eligible for consideration. In making its recommendation to the Secretary of the Navy, for or against the awarding of the benefits of extraordinary heroism in any particular case, the NDBDM and where appropriate, the delegated authority, will examine the record to determine which of the following questions can be answered affirmatively, keeping in mind that the absence of an affirmative answer is not necessarily disqualifying. When the wording of the citation or commendation is not sufficiently descriptive by itself to support either a recommendation for or against extraordinary heroism, reference is made to other official reports such as logs, action reports and war diaries.

(1) Was the act or acts recognized by the award of a medal?  
Although it is legal and possible to find extraordinary heroism for acts not recognized by the award of a medal, this is the exception rather than the rule. As a rule, acts deserving to be classified as extraordinarily heroic would have been recognized by the award of a medal. The absence of such an award is not disqualifying.

ENCLOSURE (1)

c. Navy Department Board of Decorations and Medals. Research and evaluate each case received, including all awards approved by delegated authority, to determine if the individual concerned qualifies within the criteria contained in enclosure (1) and forward its recommendation to the Secretary of the Navy.



John W. Warner  
Under Secretary of the Navy

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(2) Was the act extraordinary, in fact? Individuals are singled out when they are given an award of any kind for heroism. To qualify, then, for extraordinary heroism, it would follow that the individual must have distinguished himself even above those who have already won distinction for heroism.

(3) Did the individual perform a worthwhile act or one that he would have had reason to believe was worthwhile at the time? For example, needless and foolish risking of life or tempting of fate, would not be considered worthwhile.

(4) Was the act performed voluntarily? This requirement should not be applied so strictly that a person would be excluded from consideration who in carrying out his orders does more on his own volition than could ordinarily be expected of him under the circumstances.

(5) Did the individual choose not to seek cover or did he leave a place of comparative safety to perform the act without direct orders or without being forced into the more dangerous situation by circumstances over which he had no control?

(6) Had the individual not performed the act that he did perform, would there be no cause for censure or blame? A person who failed to perform the duties that are expected of one of his rank and experience and for which he had been trained might be considered a candidate for censure rather than praise.

(7) Is all doubt removed that the act performed by the individual may have been motivated by a desire for self-preservation alone?

d. In summary, the delegated authority and the NDBDM, in recommending that an individual be accorded the benefits of extraordinary heroism, should compare his act (or acts) with other acts of heroism and believe that it stands out well above ordinary acts of heroism.