



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

CRS
Docket No: 7150-00
8 March 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 7 March 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 10 January 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-2

10 JAN 2001

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

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

1. A review of his records, those of this Headquarters, the Navy Department Board of Decorations and Medals indicate that on 28 October 1973, the Commanding Officer, Marine Barracks, U.S. Naval Station, Annapolis, Maryland, recommended [REDACTED] for the Navy Commendation Medal for his service on March 20, 1973. The recommendation was forwarded through the chain of command to the Commandant of the Marine Corps for approval. On 19 June 1973, the Commandant approved the awarding of a Commandant of the Marine Corps Certificate of Commendation to him. Subsequently, the award recommendation was referred to the Navy Department Board of Decorations and Medals for final review. That Board concurred with the Commandant's decision to award a Certificate of Commendation to then Corporal [REDACTED].

2. Once an award has been considered, and reviewed by boards and the awarding authority, 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 the officer who originated the recommendation or another officer who has personal, first hand, knowledge of the Marine's actions, submits new and relevant information, which was not available at the time the original award recommendation was considered. In his case there is no basis to warrant reconsideration.

3. It is a function of the delegated authority awards boards to adjudicate the degree of heroism or meritorious service in each instance and their recommendation for approval of a specific award is based upon the service described in the recommendation.

4. Many recommendations for various decorations when studied are found to warrant a higher or lower award than recommended. From comparison of recommendations, the final awarding authority is in a position to determine the degree of heroism or meritorious service performed in each instance.

[REDACTED]

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