



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

CRS
Docket No: 1120-01
27 June 2001



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 27 Jun 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 and supplement furnished by the Awards Branch, Headquarters Marine Corps, dated 27 March and 2 April 2001, 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 and supplement. 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

Enclosures



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1650

MMMA-4
27 MAR 2001

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Encl: (1) Extract from DoDINST 1348.38-M, Manual of Military
Decorations & Awards

1. As stated in the enclosure, any Defense decoration for a distinguished act, achievement, or service may be revoked if facts, later determined, would have prevented original approval of the decoration. From available information and the guidance delineated in the enclosure, it appears the awarding authority acted appropriately in the revocation of the Joint Service Commendation Medal in the case of Staff Sergeant [REDACTED].

2. Since this is a Department of Defense awards issue, it is recommended that this case be directed to that agency for an advisory opinion.

[REDACTED]

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

2. While Service members permanently assigned to staff or faculty positions of joint-Service schools are eligible for Defense awards, students of such schools are not.

3. Individuals permanently assigned to joint duty organizations are eligible for Defense awards consideration. However, eligibility for joint awards does not constitute eligibility for JDA credit, as governed by 10 U.S.C. 668 (reference (g)).

4. Individual mobilization augmentees (IMAs) permanently assigned to joint activities are also eligible for Defense awards consideration.

5. Being under operational control of a joint activity does not constitute Defense award eligibility. Personnel who are assigned to Military Department components that are subsequently attached to a joint activity for administrative or exercise purposes shall not be eligible for a Defense decoration. (Individual Service members performing as part of a unit whose mission is Service-specific (e.g., mobile training teams) are not eligible for Defense awards.)

6. DoD decorations will be awarded for recognition of outstanding achievement. In recognition of outstanding achievement (as defined in Chapter 1, subsection B. 3., above). Defense decorations may be awarded to Service members on temporary duty (TDY) to a joint activity. The achievement must be of a truly outstanding nature. Only under the most unusual circumstances will the Defense Distinguished Service Medal (DDSM), Defense Superior Service Medal (DSSM) or Defense Meritorious Service Medal (DMSM) be awarded as an impact award for outstanding TDY ACHIEVEMENT. The DDSM and the DSSM are specifically intended to recognize exceptionally distinguished service and exceptionally superior service, respectively, and to honor an individual's accomplishments over a sustained period. Likewise, the DMSM recognizes exceptionally meritorious service performed at levels up to but which do not merit recognition through the DSSM. For awards purposes, the word "service" is defined as "a period of time greater than 12 months and encompassing an individual's entire joint assignment."

7. No Defense decoration shall be awarded or presented to any Service member whose entire service during or after the time of the distinguished act, achievement, or service has not been honorable.

8. Any Defense decoration for a distinguished act, achievement, or service may be revoked if facts, later determined, would have prevented original approval of the decoration. Commanders or staff directors becoming aware of any such instances must immediately report the circumstances and make recommendations, through channels, to the awarding authority for review and determination of appropriate action. Awarding authorities must seek advice from their legal staff in all cases where there is doubt as to the appropriateness of the award action. A decoration also should be revoked if the basis for which it was awarded no longer exists (e.g., the Service member's permanent change of station (PCS) assignment was canceled). When the awarding authority has determined that a Defense decoration should be revoked, the original orders should be revoked and the Service member notified by the parent Military Service.

HEADQUARTERS MARINE CORPS
MANPOWER AND RESERVE AFFAIRS MMMA
3280 RUSSELL ROAD
QUANTICO VA 22134-5103
COMM: 703-784-9206/07, DSN: 278-9206/07
FAX: 703-784-9866

**HQMC, MMMA
(FAX)**



| | |
|-------------------------------|--------------------------------|
| To: Capt Dean Pfeiffer | From: [REDACTED] |
| Fax: [REDACTED] | Pages: 3, includes this |
| Phone: [REDACTED] | Date: 4/2/01 |

Amplification on the case of SSgt Hager

Please Reply Please Recycle

• **Comments:**

Capt Pfeiffer,

As per your phone call the following amplifying information on the [REDACTED] case is provided. The basis for our decision is the Department of Defense Awards Manual (DoD 1348.33M). Paragraph 3.b.7 was intended to be enclosed as a reference. Based on your phone call it was apparently not enclosed. I apologize for the administrative oversight on our part. The salient paragraph reads as follows:

"No Defense decoration shall be awarded or presented to any Service member whose entire service during or after the time of the distinguished act, achievement, or service has not been honorable"

I have included a copy of this page for your review.

The following paragraph in the same reference affords the commander who decisioned the award the authority to rescind the award. The letter provided to us in the original package had the award revoked by the Commanding General of United States Military Entrance Processing Command. The letter was signed

April 2, 2001

for the commander (by direction) but still is directive in nature. This level of command would have been authorized to both award and rescind the award.

I coordinated with my counter part on the Joint Staff. he concurred with my analysis and can see no way to provide relief in this case. It is the opinion of the Marine Corps Military Awards Branch that the award should remain rescinded.

I am sorry that we were unable to address the issue in our original submission. Pls give me a call if I can be of further assistance.

Very Respectfully,


Head, USMC Awards