



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

BAN
Docket No. 06987-09
28 September 2009

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 September 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 furnished by HQMC memo 1400/3 MMPR-2 of 9 Sept 09, and HQMC memo 1650 MMMA-3 of 31 Aug 09, copies of which are attached.

After careful and conscientious consideration of the entire record, a majority of 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 opinions. 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 also 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
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
1400/3
MMPR-2
SEP 09 2009

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

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]

Ref: (a) BCNR Docket Number 06987-09 of 1 Jul 09
(b) NAVMC 118(5) from SNM's service record book
(c) DD 214 from SNM's service record book

1. Per reference (a), [REDACTED] asserts his record should reflect the rank of lance corporal.
2. References (b) and (c) verify that [REDACTED] was last promoted to the rank of private first class (E-2) with a date of rank of 1 February 1969 and an effective date of 18 February 1969 prior to being discharged 6 March 1970.
3. Based on the foregoing, it is recommended [REDACTED] record remain unchanged.


R. W. REILLY
Major, U. S. Marine Corps
Head, Enlisted Promotion Section



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

IN REPLY REFER TO:
1650
MMMA-3
31 Aug 09

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

Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF [REDACTED]

1. A thorough review of [REDACTED] records and the records at this Headquarters reveals that he is eligible for the following awards listed in order of precedence:

Combat Action Ribbon for service in Vietnam

National Defense Service Medal

Vietnam Service Medal with two bronze campaign stars

Republic of Vietnam Meritorious Unit Commendation
(Gallantry Cross Color with Palm and Frame) ribbon bar

Republic of Vietnam Meritorious Unit Commendation (Civil
Action Color with Palm and Frame) ribbon bar

Rifle Expert Badge

2. [REDACTED] is not entitled to a Presidential Unit Citation for 9th Marine Regiment. The citation's eligibility period is from January 2 to March 18, 1969. [REDACTED] did not join the 9th Marine Regiment until June 9, 1969.

3. [REDACTED] records failed to reveal his entitlement to the Vietnam Presidential Unit Citation. This award is authorized for humanitarian assistance during August and September 1954 in the evacuation of civilians from North and Central Vietnam. Therefore, he is not entitled to this award.

4. Point of contact at MMMA-3 is Mrs. D. McKinnon at (703) 784-9340.

E. HIMLER
Asst Head, Military Awards Branch