



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No: 5895-22

Ref: Signature date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 31 October 2022. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, and an advisory opinion (AO) provided by Headquarters United States Marine Corps, Military Awards Branch (MMMA-3A), dated 6 September 2022. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the Marine Corps on 25 April 1963 and began a period of active duty. On 29 July 1966, you were honorably discharged by reason of completion of required active duty service. On 20 September 2001, MMMA-3 reviewed your service record and determined that you are not entitled to the Combat Action Ribbon for your service in Vietnam.

The Board carefully weighed all of the factors and evidence you presented to support your request to be awarded the Combat Action Ribbon. As part of the Board's review, it considered the AO. It stated in pertinent part:

A review of [Petitioner's] official military records could not substantiate his entitlement to the Combat Action Ribbon. To be entitled to the Combat Action Ribbon, it is necessary to have actively participated in a bona fide ground or surface engagement. Personnel subjected to sustained incoming mortar/artillery/rocket attacks must have participated in retaliatory or offensive action. There is no

evidence that [Petitioner] met this requirement. In order to be considered for the Combat Action Ribbon, he will need to follow the instructions which are contained in enclosure (1).

The AO concluded, “[a]fter reviewing all of the evidence available and the applicable statutes and policies, this Headquarters has verified that [Petitioner] is not entitled to the Combat Action Ribbon.”

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. While the Board noted your honorable and faithful service in the Marine Corps, unfortunately, upon review of the evidence provided, the Board concurred with the AO that insufficient evidence exists to grant you the Combat Action Ribbon. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

11/21/2022

