



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

■
Docket No. 8738-22
Ref: Signature Date



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 27 February 2023. 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, an advisory opinion (AO) provided by Headquarters United States Marine Corps Military Awards Branch (MMMA-3) dated 9 February 2023, and applicable statutes, regulations, and policies.

On 9 November 1965, you received Notice of Obligated Service with the Marine Corps. On 12 November 1965, you began a period of active duty. On 9 November 1967, you were honorably discharged from the Marine Corps by reason of released from active duty.

The Board carefully weighed all of the factors you presented to support your request to be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) reflecting missing awards and a correction to your middle name. You contend you have received a previous decision document concerning your missing awards, but have not yet received a DD Form 215 reflecting the corrections. The Board noted that MMMA-3 has replied directly to you via separate correspondence, on 9 February 2023, regarding your awards and the correction to your middle name on your DD Form 214. Further the Board noted MMMA-3 has also sent a copy of your findings to the Manpower Management Records Research and Reconstruction Section (MMPR-10) to correct your record. The Board noted your honorable and



faithful service in the Navy, however, upon review of the evidence provided the Board concurred with Headquarters United States Marine Corps Military Awards Branch (MMMA-3) advisory opinion (AO). Specifically, the Board determined the Marine Corps has already taken action regarding your request and insufficient evidence exists that an error or injustice exists with your record. The Board also determined insufficient time has elapsed to conclude that the Marine Corps failed to take the action promised in their letter of 9 February 2023. 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,

3/21/2023

