



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

█  
Docket No. 7894-23

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █  
XXX XX █ USMCR

Ref: (a) 10 U.S.C. §155  
(b) SECNAVINST 1650.1H

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)  
(4) Advisory Opinion of 11 Dec 23

1. Pursuant to the provisions of reference (a), Petitioner, a member of the Marine Corps Reserves, filed enclosure (1) requesting correction of his Meritorious Service Medal (MSM) to a Bronze Star Medal (BSM). Enclosures (1) through (4) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error on 12 January 2024, and pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes and regulations, including reference (b). The Board also considered enclosure (4), an advisory opinion (AO) furnished by the Navy Department Board of Decorations and Medals.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegation of error finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Marine Corps Reserve and, after a period of service, commissioned and served a second period of active service that ended on 1 June 2007. He began a third period of active service, relevant to this application, on 20 October 2013, which also ended upon completion of his required active service on 14 October 2014.

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d. Between 20 October 2013 and 3 March 2014, Petitioner deployed with Task Force [REDACTED]. Between 4 March 2014 and 30 September 2014, he deployed with [REDACTED]. On 18 June 2014, Commanding General (CG), [REDACTED] awarded Petitioner the Combat Action Ribbon (CAR) for his actions during an incident that occurred on 22 March 2014. On 22 December 2014, the CG awarded him the Meritorious Service Medal (MSM) for the period covering 25 October 2013 through 30 September 2014.

e. Petitioner contends he was awarded the MSM “for meritorious service...from 25 October 2013 to 30 September 2014 in support of Operation ENDURING FREEDOM.” During this period, he states he was exposed to hostile action and received the CAR after being personally targeted by enemy sniper fire, and by being an occupant of a vehicle struck by an IED. He argues that SECNAVM-1650.1, Tab 9 states, “the MSM is not authorized for recognition of meritorious achievement or service under combat conditions, i.e., if during the recognition period the awardee was personally exposed to hostile action, or at significant risk of exposure to hostile action.” He concludes, accordingly, the award of the MSM was not authorized under the circumstances of this award.

f. As part of the Board’s review, the Board considered enclosure (4). The AO states in pertinent part:

a. The Petitioner’s claim is valid.

b. DON policy and standards concerning award of the BSM have remained relatively consistent throughout the post 9/11 period. There have always been two fundamental criteria:

- 1) the degree of meritorious achievement or service must have exceeded that normally recognized by the Navy and Marine Corps Commendation Medal, but not risen to a level justifying the Legion of Merit; and
- 2) the recipient must have either been exposed to the effects of hostile (i.e. enemy) action or been at significant risk of exposure to hostile action during the merit period.

These standards were not only applied to Navy and Marine Corps awards, but also applied in making determinations whether to allow Marines and Sailors to accept and wear BSMs awarded by the Army and Air Force. Encl (1) clearly explains these standards as applied specifically to Marine Corps awards for actions within Iraq and Afghanistan.

c. Whether criterion #1 was met is not debatable. The Petitioner was nominated for and awarded the MSM. Since the MSM is the non-combat equivalent of the BSM, the degree of merit of the Petitioner’ service has been clearly established to be at the BSM-MSM level.

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d. Therefore, the only remaining question is whether criteria #2 was met, i.e. was the Petitioner exposed to hostile action or at significant risk of exposure to hostile action? He obviously was. As stated, he was awarded the CAR for having been exposed to direct fire from snipers during a patrol, and later being in a vehicle struck by an IED, on 22 Mar 2014.

e. As made clear in refs (g) through (i), the criteria for the CAR are more restrictive than are those for the "C" device. Therefore, if the circumstances satisfy the CAR criteria, they necessarily meet the "C" device criteria (and therefore the BSM criteria) as well. The "C" device cannot be awarded on the MSM. In a manner of speaking, an MSM with a "C" device is a BSM. Per DoD and DON policy, if the degree of merit is at the BSM/MSM level, and the performance took place while exposed to hostile action or a significant risk of such exposure, then the BSM is the appropriate award.

The AO concluded, "we recommend BCNR grant relief and direct the MSM previously awarded to the Petitioner be replaced with a BSM. We found evidence of material error, i.e., misapplication of official DoD and DON policy. Were BCNR to deny relief in this case, such action would be inconsistent with DoD and DON policy and with the standards applied to all other Service Members across the DoD."

## CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board concurred with the AO, and determined that an error exists with Petitioner's record that warrants relief. Specifically, Petitioner be awarded the BSM in lieu of the previously awarded MSM.

In view of the above, the Board directs the following corrective action.

## RECOMMENDATION

That the MSM previously awarded to Petitioner, on 22 December 2014, be replaced with a BSM.

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/29/2024

[REDACTED]

Executive Director

Signed by: [REDACTED]