



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

█  
Docket No. 3982-24  
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 7 October 2024. 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. In addition, the Board considered an advisory opinion (AO) provided by the Navy Department Board of Decorations and Medals (NDBDM), dated 29 August 2024, and your response to the AO.

You enlisted in the Marine Corps and began a period of active duty on 18 November 1965. During your period of active duty, you participated in multiple combat operations while deployed to the Republic of Vietnam. On 17 November 1967, you were honorably discharged from the Marine Corps.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your desire to be awarded the Combat Action Ribbon (CAR) and your contentions that you have met the qualifications to be awarded the CAR for your actions during the Vietnam conflict.

As part of the Board's review, they considered the AO. The AO states in pertinent part:

Although is not truly a personal decoration, the CAR is a "personal", i.e. individual, award. Except for ships, which including their crews are atomic

instrumentalities of war, the CAR is never awarded to entire units. Just because a unit, e.g. company or battalion, may have engaged in combat with the enemy, that fact does not entitle every Marine and Sailor assigned to that unit to wear the CAR. Those Marines and Sailors must still qualify for the CAR based on their own individual actions.

There is no evidence in the Petitioner's OMPF that can substantiate his qualification for the CAR. He was assigned to █ from 24 Jan 1967 to 4 Jul 1967 as an Admin Man (Military Occupational Specialty 0141). A Marine with this MOS would normally not be expected to actively engage the enemy unless in a defensive action, such as a command post being attacked or a convoy being attacked.

The AO concluded, "we recommend BCNR deny relief. Were BCNR to grant relief in this case, such action would be inconsistent with the criteria and standards applied to all other Service Members."

In response to the AO, you provided additional arguments in support of your case.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concurred with the AO that there is insufficient evidence in your record to substantiate your contention. As explained in the AO, your record fails to substantiate you ever actively participated in a ground surface engagement, including taking retaliatory or offensive actions in response to an indirect fire attack by the enemy. Absent substantial evidence to the contrary, the Board relied on the presumption of regularity to conclude you do not qualify for the CAR. The Board agreed with the AO that the evidence you provided was insufficient to overcome the presumption of regularity in your case. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your faithful and selfless service to this country.

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,

10/29/2024

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Executive Director

Signed by: █