



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

██████████
Docket No. 6111-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 March 2025. 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, applicable statutes, regulations, and policies, and an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM); dated 27 January 2025. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the U.S. Marine Corps and began a period of active duty on 16 January 1967. From 14 October 1967 to 1 June 1968, you were deployed to ██████████ in support of combat operations during the ██████████ conflict. On 13 March 1970, you were discharged with an Honorable characterization of service by reason of expiration of active-duty commitment. On 22 February 2024, you submitted a request to Headquarters United States Marine Corps' Manpower Management Divisions Military Awards Section (HQMC MMPB-3) regarding your desire to be awarded the Silver Star Medal (SSM) for your actions during the Vietnam conflict. MMPB-3 denied your request on the grounds that there is no evidence supporting your eligibility for the SS Medal.

The Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your request to be awarded the SS Medal and your contentions

that you should have received the SS Medal for your actions in ██████████ on 14-15 February 1968 and that the denial of the award by HQMC MMPB-3 in 2024 was unjust.

In reviewing your case, the Board considered the AO. The AO stated in pertinent part:

The totality of evidence suggests the most likely reason the Petitioner was not nominated for any personal decoration is that his performance did not merit such recognition. That conclusion is bolstered by review of the documents accompanying the petition. None of them testifies to any singular act of personal heroism by the Petitioner that could be construed as rising above the standard normally expected from a commissioned officer commanding a platoon of Marines in combat. The actions attributed to the Petitioner are essentially those expected of a Marine platoon commander and are not consistent with the singular acts of heroism historically associated with award of the SSM.

We are required to presume the official records are complete and accurate, and that the officers in the chain of command exercised due diligence, acted in good faith, and were not arbitrary or capricious in their decisions. The official records contain evidence the Petitioner was not nominated for a personal decoration because the officers in his chain of command determined his performance did not merit special recognition. The Petitioner failed to present sufficient evidence to overcome the presumption.

The AO concluded, "Petitioner is not entitled to the SSM and found no evidence of material error or injustice. Therefore, 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."

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, in reviewing your record, the Board concurred with the assessments of HQMC MMPB-3 and the AO; specifically, that your record does not support the awarding of the SS Medal and that there is no evidence of material error or injustice. As discussed in the AO, there is a presumption of regularity to support official actions of public officers and, in the absence of substantial evidence to the contrary, this Board will presume that they have properly discharged their official duties. Ultimately, the Board determined the evidence you submitted was insufficient to overcome this presumption. Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

Notwithstanding the Board's decision to deny your request, it acknowledges your heroic, selfless, and Honorable service to our country.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

3/27/2025

