



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

Docket No. 11219-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 30 April 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. In addition, the Board considered an advisory opinion (AO) from the Navy Department Board of Decorations and Medals. Although you were offered an opportunity to respond to the AO, you chose not to do so.

You accepted a commission into the U.S. Marine Corps and began a period of active duty on 20 July 1996. On 29 June 2021, you deployed to [REDACTED]. On 13 August 2022, you were awarded, by the Army Commanding General, the Army Legion of Merit (LOM) with "C" device for your service in Kuwait.

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 for the LOM to be awarded to you and contentions that the correction should be made to ensure that the award provided by the Commanding General is included in your official record as approved. You contend that the MARADMIN clearly states that Marine may accept, retain, and wear other service combat awards, with Marine Corps concurrence, only in situations where joint awards are clearly inappropriate for combat service.

As part of the Board review process, the BCNR requested an AO to review your record for awards you were entitled to. The AO stated in pertinent part:

It is doubtful whether BCNR has authority to revoke the Army LOM and approve a DSSM or other Defense/Joint PMD in its place. Although the Board has authority to direct the Army LOM be placed in the Petitioner's record, such action would not only contradict DoD, DON, and Dept of the Army regulations, but would also be inconsistent with the standards applied to all other Service Members across DoD. The Petitioner's circumstances were in no way unique, and in no way merit such extraordinary special treatment. Countless Navy and Marine Corps personnel served on JTF, CJTF, and CJSOTF staffs in combat conditions during the past 24 years. No aspect of the current case sets it apart from those many others.

The AO concluded, “[We] concluded the Petitioner is not entitled to accept, retain, and wear the Army LOM with “C” device approved by [REDACTED] on 13 Aug 2022. We found no evidence of material error or injustice and therefore 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 thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concurred with the AO and determined you are not entitled to accept, retain, and wear the Army LOM with "C" device. As explained in the AO, although the Board has authority to direct the Army LOM be placed in your record, such action would not only contradict DoD, DON, and Department of the Army regulations, but would also be inconsistent with the standards applied to all other Service Members across DoD. Further, the Board was unwilling to grant your request to approve another award in place of the Army LOM; as your case is in no way unique from other service members. The Board agreed with the AO that there is no evidence of material error or injustice.

Finally, the Board noted that Commandant of the Marine Corps (MMMA), revealed that you were not eligible to be awarded the Army Legion of Merit based on your individual assignment to a joint command. Due to your permanent assignment to a joint duty activity, an appropriate joint award should be considered in place of this award. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your continued 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,

5/14/2025