



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

[REDACTED]
Docket No. 12154-24
Ref: Signature Date

[REDACTED]

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 September 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 this 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. Additionally, the Board also considered an advisory opinion (AO) furnished by the Secretary of the Navy Council of Review Boards, Navy Department Board of Decorations and Medals (CORB). Although you were given an opportunity to respond to the AO, you chose not to do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You commissioned as a Second Lieutenant in the U.S. Marine Corps on 13 August 1999. Between on or about 15 May 2004 and 12 November 2004 you deployed in support of Operation Iraqi Freedom (OIF). On 22 July 2004, you proffered that the convoy you were traveling in was subject to a VBIED attack in Iraq.

On 18 January 2018, Commander, [REDACTED] denied your request to receive the Combat Action Ribbon (CAR) based on the events related to the July 2004 VBIED attack. [REDACTED] stated, in pertinent part:

After careful review of the documents provided and in consideration of the guidelines of the award, the Commander, [REDACTED] [REDACTED] determined [Petitioner] did not meet the criteria for the Combat Action Ribbon.

On 23 February 2018, Headquarters, U.S. Marine Corps (HQMC) concurred with the [REDACTED] disapproval decision. On 1 December 2018, you retired from the Marine Corps.

You contended, in part, that: (a) HQMC incorrectly interpreted and applied CAR criteria, (b) MARADMIN 038/13 does not take into account the individual Marines who were assigned billets to joint units in support of OIF, and (c) HQMC's denial was based upon not receiving an endorsement from a battalion/squadron chain of command that did not exist.

Within the Department of the Navy, the CAR is awarded to Service Members who have rendered satisfactory performance under enemy fire while actively participating in a ground or surface engagement. Neither service in a combat area nor being awarded the Purple Heart automatically makes a service member eligible for the CAR. MARADMIN 038/01 clarified CAR eligibility criteria to include "direct exposure to the detonation of an IED, mine, or scatterable munition used by an enemy," as constituting active participation in a ground or surface engagement.

The CORB reviewed your contentions and the available records and issued an AO dated 30 July 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

Recommendations for awards previously considered by an awarding authority may be reconsidered only upon the presentation of new and relevant material evidence that was not available at the time the original recommendation was considered.

Direct exposure to the detonation of an IED used by an enemy...constitutes active participation in a ground engagement." Direct exposure is not explicitly defined in any of the references cited in this AO. Some latitude is therefore accorded CAR awarding authorities to exercise their judgment and experience to ensure awards made are consistent with the intent of the award, as is expressed in paragraph 2.a above. Awarding authorities are also guided by the empirical criteria manifest in the body of previously approved awards for similar actions and circumstances.

The essence of this case is the Petitioner is simply challenging the judgment of [REDACTED], [REDACTED], who on 18 Jan 2018 determined the Petitioner did not meet the CAR criteria...[REDACTED] had been delegated authority to approve or disapprove the CAR, so by longstanding regulations, his judgment in the matter was final...longstanding DoD and DON custom and policy...that discretionary

decisions by awarding authorities may only be reconsidered upon presentation of new and materially relevant evidence not available when the original decision was made. The Petitioner failed to present such evidence, and therefore reconsideration was denied.

[REDACTED] reviewed the same facts now presented to BCNR. MARCENT processed most of the CAR nominations for Marines during Operations IRAQI FREEDOM, NEW DAWN, ENDURING FREEDOM, INHERENT RESOLVE, and FREEDOM'S SENTINEL. Which is to say the command had a vast body of evidence, including hundreds of nominations stemming from IED incidents, upon which to base decisions as to whether the CAR was appropriate in a given situation. We are required to presume [REDACTED] acted in good faith and with due diligence in reviewing the relevant facts and applying CAR policy in both letter and intent. The Petitioner failed to present evidence sufficient to overcome the presumption.

[REDACTED] and HQMC were generous in their allowance of this nomination in the first place...by longstanding regulations and past practices, the Marine Corps has required individuals be nominated for the CAR in the same manner as for personal military decorations...The officer who originated the CAR nomination in 2017 did not have standing to do so...

The Petitioner asserts he did not have a traditional company/battalion chain of command in Jul 2004 because he was an individual augment to [REDACTED] [REDACTED]. Although that may be true, it isn't relevant. Every Marine has a chain of command.

The Petitioner provides no credible explanation why he was never properly nominated for the CAR, nor why he waited until 2016 – 12 years after the incident – to initiate any action himself to seek the CAR.

Anyone may personally agree or disagree with a discretionary decision made by a commander, but that is no basis for officially reversing the decision. DoD and DON regulations are crystal clear that such decisions may only be reconsidered in the presence of new, substantive, and materially relevant evidence that was not available when the original decision was made.

In summary, we found no evidence of material error or injustice in this case. [REDACTED]'s previous disapproval of the CAR was neither arbitrary nor capricious. HQMC's refusal to reconsider the case was likewise not arbitrary or capricious, but rather correct application of existing regulations. Therefore, we recommend BCNR deny relief.

The AO concluded, "We concluded the Petitioner is not entitled to the CAR 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." (Emphasis in original)

The Board, in its review of the entire record and petition, considered your contentions and your materials submitted. However, the Board unanimously determined, even after reviewing the evidence in the light most favorable to you, that you do not meet the qualifying criteria to receive the CAR. The Board determined that discretionary decisions by awarding authorities may only be reconsidered upon presentation of new and materially relevant evidence not available when the original decision was made. The Board noted that you failed to present such new and materially relevant that was not available when you first submitted your CAR request. Thus, the Board concluded there was no convincing evidence in the record that you rendered satisfactory performance under enemy fire while actively participating in a ground or surface combat engagement. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

This Board sincerely appreciates, respects, and commends you for your Honorable and faithful service during OIF and your entire stellar Marine Corps career.

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,

9/29/2025

[REDACTED]
Executive Director

Signed by: [REDACTED]