



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

█  
Docket No. 3249-25  
Ref: Signature Date

█  
█  
█

Dear █

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 16 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 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. The Board also considered an advisory opinion (AO) furnished by Navy Department Board of Decorations and Medals (NDBDM). Although you were provided 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 were commissioned in the Marine Corps and began a period of active duty on 2 February 2004. You deployed in support of Operation Iraqi Freedom from 31 December 2006 to 8 August 2007. On 3 June 2007, Commanding General, █MEF FWD, disapproved your Combat Action Ribbon (CAR) nomination. On 15 June 2014, you were released from active duty with an Honorable characterization of service and transferred to the Marine Corps Reserve.

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 CAR and your contentions that: (1) your training had stressed that positive identification (PID) was required before engaging with the enemy. (2) the summary of action submitted with your CAR recommendation clearly illustrates a ground engagement under enemy fire, (3) showing restraint while seeking PID should not be held against the Marines engaged with the enemy, and (4) you were not aware that awards could be appealed until recently and you are looking for someone to apply applicable criteria to the fact pattern and make an unbiased decision.

As part of the Board's review, the Board considered the AO provided by NDBDM. The AO stated in pertinent part:

The Petitioner's claim to the CAR is without merit.

The Petitioner states in his petition that he is not offering additional factual evidence but only requesting a review of the facts and application of CAR criteria. He says his unit was pinned down by a sniper, and he was unable to acquire "PID" [Positive Identification] and that this lack of PID precluded him from returning fire or otherwise actively participating in the engagement.

We must presume [Awarding Authority] discharged his official duties in good faith and with due diligence in applying the CAR award criteria to the Petitioner's case, and that his determination of "No Award/ZZ" was neither arbitrary nor capricious, nor the result of material error. The Petitioner failed to present any actual evidence to overcome that presumption. His personal opinions about the CAR criteria are not probative and do not establish probable material error or injustice.

The AO concluded, "Petitioner **is not entitled** to the CAR and [NDBDM] found no evidence of material error or injustice. Therefore, we recommend the Board deny relief. Were the Board 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)

After a detailed review of your record, the Board determined that your record does not provide the necessary evidence to substantiate your request for the CAR. In making this finding, the Board concurred with the AO that the CAR criteria requires that a service member participated in a bona fide firefight in which the member actually engages with enemy combatants; an element you admit is missing. While the Board was sympathetic to your arguments, absent evidence you engaged with the enemy by returning fire, the Board determined insufficient evidence exists to warrant your entitlement to the CAR. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board appreciates your faithful and Honorable service to this country. The Board also agreed with the sentiment expressed in the AO that nothing in the foregoing is intended to diminish the value of your military service.

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,

9/17/2025

