



Docket No. 4681-25
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.

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 26 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 the 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 enlisted in the Marine Corps and began a period of active duty on 23 May 1986. You deployed in [REDACTED] from 2 January 1993 to 11 February 1993 while attached to [REDACTED]. On 21 August 1998, you were discharge from the Marine Corps with an Honorable characterization of service.

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: (1) your unit was pinned down under fire and your team remained in a combat-ready posture with weapons loaded and free to engage as soon as they received an order to return fire, (2) you believe that these incidents demonstrate your involvement in direct combat and, that the actions you and your team took during that deployment, merit the CAR, and (3) it is your understanding that the previous denial was based on whether or not previous documentation had been submitted, rather than a thorough review of the paperwork submitted.

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.

We found no evidence in his OMPF substantiating that he ever actively participated in a bona fide fire fight or combat action under enemy fire. Although his record seems to have been otherwise meticulously maintained, we did not find a fitness report covering his time in Somalia that described any of his activities there... It seems reasonable that if he had participated in ground combat, this fact would have merited mention by his superiors in some official form.

The Petitioner was never properly nominated for the CAR, and therefore we do not have an official statement of his individual actions on 5 Jan 1993. His own statement about his own actions cannot form the factual basis for any personal award.

The statement submitted from his former OIC does not describe the Petitioner's individual actions, but rather only the actions of the detachment as a whole. Nevertheless, if we took the general description and applied it specifically to the Petitioner, his actions would not qualify for the CAR.

What we must conclude from this description is that the Marines of the ■ including the Petitioner, did not return fire on the "hostiles", and therefore according to the longstanding standards applied by the Marine Corps, did not actively participate in the engagement and did not merit the CAR.

We do not consider the squadron commander's statement dated 18 Dec 2021 to be probative. He was not deployed to Somalia and was not in operational command of the mission in question or the detachment of Marines from his squadron who were deployed there. Nor did he have the authority to award the CAR to those Marines, even if he believed at the time that they had qualified. He could, however, have nominated them, but he did not.

The presumption of regularity requires we presume the official records accurate and complete, and that officers in the chain of command act in good faith and with

due diligence to ensure their Marines are appropriately recognized for their actions. Had the Petitioner met the CAR criteria, we presume his command would have initiated the steps to nominate him. The absence of such a nomination presumes there was no basis for one. The Petitioner failed to present evidence sufficient to overcome the presumption.

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 from your record. 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,

11/20/2025

