DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

[redacted]
Docket No. 5865-25
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 19 December 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 provided an opportunity to respond to the AO, you chose not to do so.

You originally enlisted in the U.S. Navy on 3 September 1997. In 2005, you deployed to [redacted] in support of [redacted] ([redacted]). You argue that you met the criteria for the Combat Action Ribbon (CAR) while serving as an Explosive Ordnance Disposal Corpsman during your deployment. You contend, in part, that you were directly exposed to the detonation of an improvised explosive device (IED), mine, or munition used by an enemy, and that you also took direct action in disabling multiple IEDs.

On 12 January 2025, Headquarters, U.S. Marine Corps (HQMC) disapproved your request to receive the CAR. HQMC advised you that the only way for you to receive CAR consideration from them was if you were able to provide new and relevant evidence that was not previously presented.

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 038/13 (Revised Eligibility Criteria for Award of the Combat Action Ribbon (CAR) and Updated Coordinating Instructions), 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. MARADMIN 038/13 also included as qualifying criterion: "Direct action taken to disable, render safe, or destroy an active enemy-emplaced IED, mine, or scatterable munition while in the immediate proximity of the weapon such that the individual is at increased risk from the anticipated effects of the weapon if detonated." The MARADMIN further clarifies, "actions taken solely to mark a suspected mine or IED do not satisfy this criterion, nor does employing remote mine clearing systems or direct fire weapons to neutralize or destroy the mine or IED from outside the anticipated blast area of the weapon."

The CORB reviewed your contentions and the available records and issued an AO on 16 September 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

> [SECNAV M-1650.1, Navy and Marine Corps Awards Manual of 16 Aug 2019] provides amplifying guidance for improvised explosive devices (IEDs): "Retroactive to 7 October 2001, the following constitute active participation in a ground or surface engagement as applied to IEDs, mines, and scatterable munitions, with or without the immediate presence of enemy forces: (1) Direct exposure to the detonation of an IED, mine, or scatterable munition used by an enemy, (2) Direct action taken to disable, render safe, or destroy an active enemy-emplaced IED, mine, or scatterable munition while in the immediate proximity of the weapon such that the individual is at increased risk from the anticipated effects of the weapon if detonated."
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> …there are no official records or documentation indicating the Petitioner engaged in combat, ever received training for disabling IEDs, or was directly exposed to any IED detonation. The Petitioner's training education and qualification history found in his official service record confirms he had no training for disabling IEDs during his deployment or prior to his deployment.
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> The Petitioner claims he "was part of all 3 operations [[redacted], [redacted], and [redacted]] but wasn't included on the award given to individuals who were a part of the operation." The Petitioner asserts "[[redacted]] (Batallion [sic] Surgeon), [[redacted]] [redacted]), [[redacted]] [redacted] whom he identifies as participants in [redacted] while assigned to [redacted] all received the CAR. A review of the Improved Awards Processing System (iAPS) confirmed that these Service Members were awarded the CAR.
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> The CAR is awarded on an individual basis. This means each Service Member must individually qualify, regardless of whether others nearby, even within the

same squad, platoon, or company receive the CAR. The individual must be nominated for the CAR with an accompanying description of the individual's specific actions during the combat engagement. This typically requires the Service Member to have initiated or returned fire with the enemy.

We found no evidence in the Petitioner's Official Military Personnel File substantiating that he actively participated in a bona fide fire fight or combat action under enemy fire. Under the presumption of regularity in government affairs, we must presume the Petitioner's official service record to be accurate and complete, and that the officers in the chain of command act in good faith and with due diligence to ensure Service Members 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.

Neither HQMC nor this office interpreted the CAR criteria so strictly that a corpsman would not qualify simply because he or she had not returned fire on the enemy, nor taken hands on direct actions to disarm, destroy, or render safe an enemy-emplaced IED. Clearly those actions are not the primary duties of a corpsman in any combat unit. Rather, it is the corpsman's role to render medical treatment to friendly combatants wounded in action. Historically, a typical award of a CAR to a corpsman involves the Sailor rendering medical treatment while under enemy fire. In this present case, there is no evidence the Petitioner performed any such action. Further, the intent of the CAR criteria concerning IEDs was to recognize the inherent danger to which a Service Member exposed himself by deliberately approaching an enemy-emplaced IED to disarm, destroy, or disable it. It seems tactically unsound in all but the most extraordinary circumstances for an EOD team to employ the only medically trained member of the team to approach enemy-emplaced IEDs and risk being severely injured themselves with no one else to render them medical treatment. In fact, none of the witnesses or members of the EOD team who provided statements testify to personally observing the Petitioner doing so. Only in his own statement does he claim to have done so. It is longstanding regulation and past practice that no personal award, such as the CAR, can be based solely on the testimony of the potential recipient of the award.

The CORB 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."

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 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. The Board also concluded that you also did meet the MARADMIN 038/13 clarifying guidance regarding enemy emplaced IEDs, mines, or scatterable munitions. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board sincerely appreciates, respects, and commends you for your Honorable and faithful service during OIF and your entire stellar Navy career to date.

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,

1/9/2026

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