



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 7168-25

Ref: Signature Date

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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) and your AO rebuttal submission.

You originally enlisted in the U.S. Marine Corps on 17 July 2000. In 2005, you were deployed to Iraq in support of █ (█). You argue that you should have been awarded the Combat Action Ribbon (CAR) for your deployment in █, █ while assigned to █ in February 2005. You contend, in part, that you actively helped destroy/disable enemy emplaced improvised explosive devices (IED).

On 15 April 2025, Headquarters, U.S. Marine Corps (HQMC) determined that your request to receive the CAR could not be processed. HQMC stated that it lacked the necessary administrative requirements such as a legitimate originator and chain of command endorsements.

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 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 9 September 2025. As part of the Board’s review, the Board considered the AO. The AO stated in pertinent part:

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

...only a commissioned officer can originate a nomination for a CAR; the potential recipient cannot nominate himself for the CAR. The Petitioner failed to submit the required documentation and evidence...The Petitioner claims to have lost contact with his chain of command, but this is not a valid reason to waive these fundamental requirements.

In his personal statement, the Petitioner claims to have *"actively helped destroy enemy emplaced IEDs."* Paragraph 2.e provides clarification pertaining to [MARADMIN 038/13] stating, *"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 Petitioner claims he was not in the vicinity of the blast area of the IEDs he alleges to have destroyed by stating that he *"drove off to detonate."* [MARADMIN 038/13] clarifies that actions employing remote mine-clearing systems or direct fire weapons to neutralize or destroy the mine or IED from outside the anticipated blast area during a combat firefight do not satisfy criteria for the CAR.

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

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 to overcome the presumption.

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, as well as your AO rebuttal. 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, in part, that unofficial non-governmental sources, such as personal letters, diaries, and photos, and commercially published books, newspapers, and magazines cannot form the factual basis for an award and will not be included in any personal military documentation nomination. Therefore, 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 squarely 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 faithful service during OIF.

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

