DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 605-99
24 February 200

[redacted]

Dear [redacted]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 February 2000. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 7 January 2000, a copy of which is enclosed.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
MMMA-2
1650

07 JAN 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF MAJOR [redacted]

1. A review of his records, those of this Headquarters, and the Navy Department Board of Decorations and Medals indicate that on June 5, 1995, the Officer in Charge, Special Operations Training Group, II Marine Expeditionary Force recommended Major [redacted] for the Legion of Merit for his service from August 1, 1989 to August 1, 1993. The award recommendation was forwarded through the chain of command to the Commandant of the Marine Corps for approval. The Commandant approved the awarding of the Meritorious Service Medal to Major [redacted]

2. Once an award has been considered, and reviewed by boards and the awarding authority, the decision becomes final. Subsequent reviews including those as provided by the Subtitle C, Section 526 of the National Defense Authorization Act for Fiscal Year 1996, are warranted only when new and relevant evidence can be presented by the officer who originated the recommendation or another officer who has personal knowledge of the Marine's actions, which was not available at the time the original award recommendation was considered. Unfortunately, in Major [redacted] case there is no basis to warrant reconsideration.

3. It is function of the delegated authority awards board to adjudicate the degree of heroism or meritorious service in each instance and their recommendation for approval of a specific award is based upon the service described in the recommendation.

4. Many recommendations for various decorations when studied are found to warrant a higher or lower award than recommended. From comparison of recommendations, the final awarding authority is in a position to determine the degree of heroism or meritorious service performed in each instance.

Sincerely,

[redacted]

Head, Military Awards Branch
Personnel Management Division
By direction of
the Commandant of the Marine Corps