



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

TRG  
Docket No: 2047-01  
6 June 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioners, the daughter and grandson of a former enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that his record be corrected to show a better characterization of service than the bad conduct discharge issued to him on 18 January 1919.

2. The Board, consisting of Mr. Frankfurt, Mr. Neushafer and Ms. Davies, reviewed Petitioner's allegations of error and injustice on 22 May 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Subject, enlisted in the Naval Reserve Force on 4 October 1917. On 8 January 1918 he was discharged from that component to enlist in the Regular Navy. He then served in an excellent manner for about 10 months. On 8 November 1918, he was convicted by a summary court-martial of an unauthorized absence of about 12 hours. The court sentenced him to a bad conduct discharge, which was suspended for a probationary period of four months. On 14 January 1919 he was convicted by another summary court-martial of

an unauthorized absence of about two days. The court sentenced him to a bad conduct discharge. He was so discharged on 18 January 1919.

d. At the outbreak of World War II, Subject applied for reenlistment in the Navy. Subsequently, he was granted a waiver and reenlisted in the Naval Reserve on 3 October 1942 at age 46. At that time he was married with five dependent children. The record shows that he left the United States on 13 January 1944. During the next 18 months he participated in numerous campaigns and engagements throughout the Pacific area. On 25 October 1944 he was commended by his commanding officer for the industry and energy he displayed as a member of a shore party supporting a Marine Combat Team during the invasion of Saipan Island. He returned to the United States on 3 July 1945 and was honorably discharged on 18 July 1945. On 20 September 1945 he was awarded the Presidential Unit citation for his service with the 4th Marine Division.

e. Subject's family has submitted evidence showing that Subject's request to recharacterize the 1919 discharge was denied by the Board of Review, Discharges and Dismissals on 8 January 1945. Apparently, he was a good citizen all of his life. He died on 22 October 1985 at age 82.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that although proper at the time, a bad conduct discharge resulting from unauthorized absences totaling about two and a half days is very severe from today's perspective. The Board also believes that his excellent voluntary service during World War II is sufficient to overcome the bad conduct discharge issued on 18 January 1919. Therefore, the Board concludes that the discharge should now be recharacterized to a general discharge, which is under honorable conditions.

#### RECOMMENDATION:

a. That Subject's naval record be corrected to show that on 18 January 1919 he was issued a general discharge by reason of misconduct vice the bad conduct discharge actually issued on that date.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's

review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



FOR W. DEAN PFEIFFER  
Executive Director