



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

BJG
Docket No: 10363-10
13 October 2010

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

Subj: EX [REDACTED]
FINNEGAN, USMC; REVIEW OF NAVAL RECORD

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

Encl: (1) Subject's DD Form 149 dtd 6 Aug 10 w/attachments

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board, in effect, that the applicable naval record be corrected by issuing a statement of service showing that Ex-Quarter [REDACTED], also known as [REDACTED], served on active duty in the Marine Corps from 29 April 1908 to 26 December 1909, when he died. Since Petitioner is now deceased, his great nephew filed the application.

2. The Board, consisting of Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED], reviewed allegations of error and injustice on 30 September 2010, 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 which were available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the Marine Corps on 29 April 1908 under the alias of [REDACTED]. His real name was [REDACTED]. He died on active duty on 26 December 1909 from complications of typhoid fever, which he had contracted in Panama.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting the following corrective action.


RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a statement of service to show that [REDACTED] real name was [REDACTED] and that he served on active duty in the Marine Corps from 29 April 1908 to 26 December 1909.

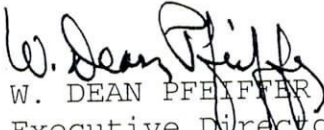
b. That a copy of the statement of service issued be provided to this Board for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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


BRIAN S. GEORGE
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.


W. DEAN PFEIFFER
Executive Director