



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

TRG
Docket No: 7449-00
20 February 2001

[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 13 February 2001. 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.

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.

The Board found that you enlisted in the Naval Reserve on 9 July 1943 at age 18 and reported to active duty on 16 July 1943. The record shows that you reported to the USS LST 558 on 8 May 1944. While serving on board that vessel you participated in an excellent manner in numerous campaigns and engagements throughout the Pacific Area. On 1 February 1945 you were advanced to quartermaster third class (QM3). About eight months later, on 31 October 1945, you received nonjudicial punishment for sleeping on watch. The punishment imposed was three days of confinement on bread and water. You were honorably discharged on 21 March 1946.

Documentation in the record shows that you are entitled to wear the Asiatic Pacific Campaign Medal with 4 stars, the Philippine Liberation Ribbon with 2 stars, the American Area Medal, the Navy Occupation Service Medal with Asia Clasp, the Victory Medal, and the Philippine Republic Presidential Unit Citation.

In your application, you contend, in effect, that you improperly received nonjudicial punishment for sleeping on watch and this adverse action caused you to lose your advancement to

quartermaster second class (QM2). There is no documentation in the record giving the circumstances which led to your being placed on report for sleeping on watch. However, the regulations in effect at the time required that you be afforded the opportunity to appear before the commanding officer and explain your side of the story. In the absence of evidence to the contrary, the Board could not conclude that the commanding officer abused his discretion when he imposed nonjudicial punishment in your case. Further, the punishment of three days of confinement on bread and water is not very severe since punishment could have included a reduction in rate.

There is no documentation in the record to show that you were ever advanced to QM2 or were eligible to be advanced to that rating. In this regard, you were advanced to QM3 on 1 February 1945 and would only have had seven months time in rate on VJ day, 2 September 1945, and you may not have been eligible to be advanced. Since the war was over, the Board believed that advancement opportunities after VJ day would have been very rare. However, given the passage of time, advancement regulations from World War II were not available, and the Board can only speculate on the time in rate requirements and advancement opportunities available. The Board concluded that a change in your record is not warranted. 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