



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

JRE

Docket No. 01228-07  
18 April 2008

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

Subj: FORMER [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was hospitalized for 31 days in US Navy Hospital, San Pedro, California in 1945, and that he was discharged in the rate of radioman third class, Rdm3c, vice seaman first class, Slc.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 March 2006, and pursuant to its regulations, determined that the partial 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. Petitioner entered active duty in the Navy on 12 January 1945. He was admitted to U.S. Naval Hospital, Long Beach, California, on 19 May 1945. He was returned to duty at Reception Station, Terminal Island, San Pedro, California, on 23

July 1945. He was released from active duty on 7 August 1946. The Notice of Separation from U.S. Naval Service issued to him on that date shows his rate as "S1C".

c. Petitioner submits a copy of a letter dated 16 August 1946, in which his former commanding officer notified him that he had been advanced to RdM3c effective 1 July 1946. His naval record does not contain a copy of that letter. In a letter dated 28 September 1950, Petitioner was advised by the Commandant, Eighth Naval District, that the records of the Bureau of Naval Personnel did not show that he had been advanced to RdM3 during his prior enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that the letter of 16 August 1946 from Petitioner's former commanding officer is genuine. Accordingly, the Board finds the existence of an injustice warranting the following corrective action.

The Board concluded further that as Petitioner's record already shows an extended period of hospitalization in 1945, and as there is no corroborating evidence of any other period of hospitalization, there is no basis for correcting his record to reflect an additional period of hospitalization.

RECOMMENDATION:

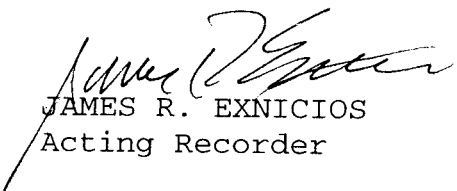
a. That Petitioner's naval record be corrected to show that he was advanced to RdM3c effective 1 July 1946.

b. That so much of his request for corrective action that exceeds the foregoing be denied.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

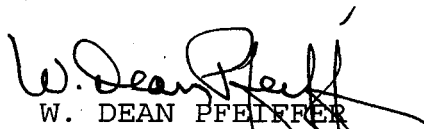
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JAMES R. EXNICIOS  
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.

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W. DEAN PFEIFFER  
Executive Director