



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

TRG  
Docket No: 7614-08  
27 October 2008

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) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed an application with this Board requesting recharacterization of the bad conduct discharge he received on 14 July 1947.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 21 October 2008 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 consider the application on its merits.

c. Petitioner enlisted in the Navy Reserve on 23 February 1944 at age 18. On 17 May 1944 he reported aboard the USS PRINGLE (DD 477). While on board PRINGLE he participated in numerous campaigns and engagements throughout the Pacific Area of operations which included the seizure and occupation of Saipan, Tinian and Guam, the defense of Leyte Gulf, the invasion of Mindoro Island and the assault and occupation of Okinawa. In April 1945 the PRINGLE was sunk by enemy action. A service record entry states that he served in a commendable manner as a survivor of the PRINGLE. After he was rescued, Petitioner reported to the receiving ship in San Francisco on 12 May 1945

and was granted leave to expire on 19 June 1945. He reported to the receiving ship on 19 June 1945.

d. On 21 June 1945 Petitioner began a period of unauthorized absence which lasted until he surrendered on 15 October 1945, a period of about 115 days. A general court-martial convened on 25 January 1946 and convicted him of that period of unauthorized absence. The sentence of the court included, as mitigated, reduction to apprentice seaman, 18 months confinement at hard labor, forfeiture of all pay and allowances and a bad conduct discharge. On 8 June 1946 he was restored to duty on 12 months probation. On 27 June 1946 he began another period of unauthorized absence which lasted until he was apprehended about 28 days later. His probation was terminated and he was returned to complete the remainder of his court-martial sentence. The bad conduct discharge was issued on 14 July 1947.

e. Petitioner states in his application, that he believes that he was suffering from Post Traumatic Stress Disorder when he committed the offenses which led to his discharge. He is now almost 83 years old and desires a change in his discharge so that he will be entitled to veterans' benefits.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. It is clear that Petitioner served in an excellent manner from 23 February 1944 until his return to the United States on 19 June 1945. His ship was in action against the enemy on numerous occasions and was ultimately sunk by enemy action. The Board weighed his period of excellent service against his periods of unauthorized absence, most of which occurred after the Japanese had surrendered on 15 August 1945, and concluded that he has been adequately punished and that his separation should now be recharacterized to a general discharge.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reasons for the change in the characterization of service.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 14 July 1947 he received a general discharge by reason of misconduct vice the bad conduct discharge now of record.

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

naval record.

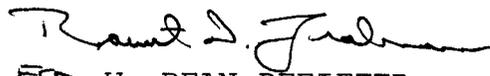
c. That the Department of Veterans Affairs be informed upon request that Petitioner's application was received by the Board on 6 August 2008.

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

  
BRIAN J. 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.

  
For W. DEAN PFEIFFER  
Executive Director