



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

WJH
Docket No. 11898-08
6 July 2009

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

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Dir. Casualty Assistance Branch (N135C) ltr of
15 May 2009
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject's widow, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to establish entitlement to World War II Prisoner of War (POW) Promotion Back Pay.

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalmán, and Mr. George, reviewed Petitioner's allegations of error and injustice on 6 July 2009 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. Subject, [REDACTED] was interned as a POW in the Philippines from 8 January 1942 to 3 April 1945.

c. Subject, [REDACTED] died on 25 September 2006. At the time of his death, he was married to Petitioner, [REDACTED]

d. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Subject's naval record be corrected, where appropriate, to show that:

a. On 31 December 2006, Petitioner, [REDACTED] made a timely claim for payment of back pay by reason of being the surviving spouse of Subject, [REDACTED] who served as a POW during World War II and was not available to accept promotions.

b. The breakdown of Subject's captivity is as follows:

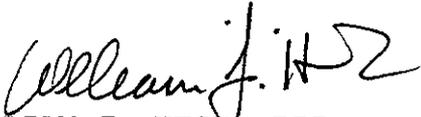
E-5 8 January 1942 - 31 July 1942
E-6 1 August 1942 - 31 January 1944
E-7 1 February 1944 - 3 April 1945.

c. This change will entitle Petitioner to World War II Prisoner of War (POW) Promotion Back Pay.

d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

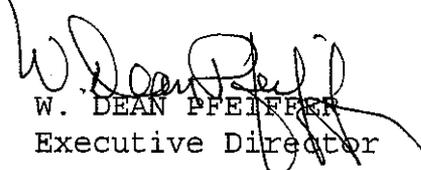
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS, III
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.

6 July 2009


W. DEAN PFEIFFER
Executive Director