



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

WJH  
Docket No. 11292-09  
20 Oct 2010

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

Subj: REVIEW OF NAVAL RECORD [REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) Dep. Dir. Casualty Assistance Branch (N135C) ltr of  
19 May 2010  
(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. Exnicios and Mr. George, reviewed Petitioner's allegations of error and injustice on 18 Oct 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 available under existing law and regulations within the Department of the Navy.

b. Subject, [REDACTED] was interned as a POW in Japan from 22 April 1943 to 3 September 1945. He was selected for promotion to pay grade E-7 effective

1 May 1943, but was not available to accept the promotion due to his internship.

c. Subject, [REDACTED], died on 12 January 2000. 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:

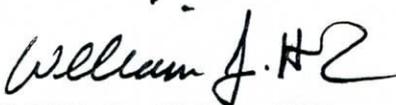
E-6 22 Apr 1943 - 30 April 1943  
E-7 1 May 1943 - 3 September 1945

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.

20 Oct 2010

  
W. DEAN PFEIFFER  
Executive Director