



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 7548-21
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your applications on 28 December 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of 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, relevant portions of your naval record and applicable statutes, regulations and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the U.S. Marine Corps and began a period of active duty on 3 July 1941. You served in Pacific area from January 1943 until March 1945 and, you participated in action against the enemy in defense of the ██████████, during the shelling of the ██████████ airfields, ██████████ Islands, and in defense of the ██████████ Islands and the ██████████ Islands. During your time at ██████████, your unit received a Commendation Letter from the Commander Aircraft, ██████████ Islands for "untiring efforts and unselfish devotion to duty during the shelling of the ██████████ airfields." On 6 April 1944 you were convicted at a Summary Court-Martial (SCM) for insolence to a superior officer and insolence to a senior non-commissioned officer. You were subsequently reduced in rank to Technical Sergeant. You were discharged on 27 September 1945 with an Honorable characterization of service at the completion of your required active service.

The Board carefully reviewed your application, weighed all potentially mitigating factors, and considered your contention that you tried to do the right thing in grounding the aircraft in an

effort to save both the pilot and the aircraft while stationed at [REDACTED] Islands. You assert that although you took an aggressive approach in doing so, your intent was only to ensure the safety of the pilot and aircraft. The Board noted that you do not argue the facts for which you were charged and concluded there was insufficient evidence of an error or injustice that warrants granting clemency in removing your SCM from your record.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to your contentions above, your character of service, and devotion to duty and sacrifice to this Nation during a pivotal time in Marine Corps history. The Board noted your admirable service during World War II and commends you during your time at war and the sacrifices you took against enemy forces. However, based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your Commander felt it necessary your actions warranted appropriate measures given your actions during the time of war, and the reduction in rank was appropriate. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

1/7/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]