

AND REFER TO

NAVY DEPARTMENT  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
WASHINGTON 25, D. C.



MEMORANDUM TO U. S. MARINE CORPS

OCT 24 1945

Discipline Section, Room 4228, Arlington Annex

In the following summary courts martial cases the sentence of the court includes a bad conduct discharge.

SUMMARY COURT MARTIAL

MULLEN, Thomas P., PFC, USMCR

The proceedings, findings and sentence are legal.

*J. C. Caldwell, Jr.*  
J. C. CALDWELL, JR.  
By direction.

T. L. GATCH  
Judge Advocate General of the Navy

399336  
DGO-1c

15 November, 1945.

MEMORANDUM FOR DIRECTOR OF PERSONNEL, MARINE CORPS:

Private First Class Thomas Patrick MULLEN, USMCR, was tried by summary court martial 19 Sep 1945 by MCBSg-245, MA Gr-45, 4th MAF, FMF, c/o FPO, San Francisco, Calif, for Misrepresentation, forgery, and fraudulent possession of US property intended for Naval service thereof (watch, value \$13.43) and (2) Wearing insignia of a superior rank, pleaded guilty, convicted, and sentenced to EPD 3 mos and BAD CONDUCT DISCHARGE. CA appd 22 Sep 1945 remitting EPD. ISIC appd 26 Sep 1945 subject to remarks.

Did not desire counsel.

DC...14Apr44 - Disobedience of lawful order of CO - Red to NIR,  
EPD 30 das.

SCM..17May44 - Theft of auto, property of civilian - Conf 1 mo, EPD 3 mos

Accused did not desire to make statement.

Born - 27Sep23

Age - 22 yrs 2 mos

Enl. - 11May42

Service - 3 yrs 5 mos

ACTION:

*Recommend:*

*Execute BCD*

*Return Court, contents noted.*

ORDERED  
JAN 11 1946

DELIVER TO  
ENL. PERF. DIVISION  
RECHARGE CASE

*Case rec'd from  
Discipline 11 Jan 46  
orders wired same date.  
J. A.*

RECOMMENDATION APPROVED

OTHER ACTION

(please type, if possible)

Date January 16, 1946

Navy Department  
Board of Review, Discharges and Dismissals  
1602 Tompo Bldg. 2, 19th and D Streets, N.W.  
Washington, D.C.



Petition to Review Discharge.

I hereby request that I be granted a Review of Discharge. I am being discharged with a B. C. D. and I feel that I should be granted an Under Honorable Conditions Discharge. In May 1942 I enlisted in the USMCR. I have had a consistently high service rating all during my service in the Marine Corps and the last rating I received prior to my last Court averaged 4.3. I have had one deck and two summary courts since Apr. 1944. The deck court which occurred in Apr. 1944 was based on a charge of direct disobedience of lawful orders. This incident was the discharging of a machine gun. I had noticed the feed of my machine gun to be out of line so I charged it to test the proper feeding of ammunition. Due to the conditions under which I was operating I neglected to clear and the gun discharged accidentally. The gun was later proven to be defective. I was given a deck court for loading the gun while on deck. I lost one rate and received 30 days EPD. The 1st summary court I received in May 1944.

cont-

*Thomas Patrick Mullen*  
Signature

431 W Godfrey Ave., Philadelphia, Pa.  
Address to which notices are to be sent

(Local reproduction authorized)



continuation

At this time I was charged with stealing an automobile. I was on authorized liberty with a buddy at the time. We had been drinking and in mischief, with no intent of malice, did appropriate a car not belonging to us or any one known to us. My buddy was driving and we were involved in an accident the financial extent of which was \$ 600.00 which my buddy and I paid in equal shares. The incident was settled to the satisfaction of the car owner but we were later given a summary court with a resultant 30 day confinement and 90 days EPD. My 2nd summary court was in Sept 1945. At that time I secured a watch at Ulithi Atoll. I was in a flight crew and had never been issued a watch which I needed. There had been general appropriation of needed articles, though unofficial, and I signed as a S/ Sgt in order to secure a watch. I was apprehended and returned the watch I was then given a summary court for impersonating a senior Non-Commissioned Officer. I was given a BCD discharge on this last offense. At no time did I commit any misdemeanor of sufficient gravity, in my opinion, to deserve a BCD. I feel that the BCD was given me on the basis that I was acting in a dishonest and fraudulent manner to which I object. I feel I have justly paid for the military infractions I am accused of committing and though they occurred through accident, or as the result of unthinking but not malicious intent, I feel I should not leave the service with an inference of fraud nor theivery which my BCD implies.

*Thomas Patrick Mullen*





26 March 1946

Navy Department  
Board of Review, Discharge and Dismissal  
1602 Temporary Building 2  
19th and D Streets, NW.  
Washington, D.C.

Subject: Review of Discharge, case of THOMAS PATRICK MULLEN (Marine Corps)

Gentlemen:

Thomas P. MULLEN served as my radio-gunner for a period of eighteen months. Ten months of this duty was served in the States, the remainder overseas in the Marshall Islands and in the Western Caroline Group.

During this time his performance of duties was exceptionally outstanding. MULLEN was always alert and eager to learn new things in connection with his task of being an aircrewman. This was proven by his excellent handling of his job at flight quarters.

MULLEN always rendered the proper military courtesies to me and the other officers in the squadron at all times. His numerous friends in the enlisted ranks proved that he was not socially undesirable.

MULLEN rates the highest mark possible in loyalty and service during the months he served with me.

*Orlo E. Stokoe*

ORLO E. STOKOE  
1stLt. USMCR

Present duty Address:

Marine Fighter Squadron Five Thirteen  
Marine Aircraft Group Thirty Three  
Marine Corps Air Station  
El Toro, (Santa Ana), Calif.



3-March-46  
Sgt. W. W. Ling  
U.S. T.B. 231  
U.S.S. Vella Gulf.  
% Fleet Post Office  
San Francisco Calif.

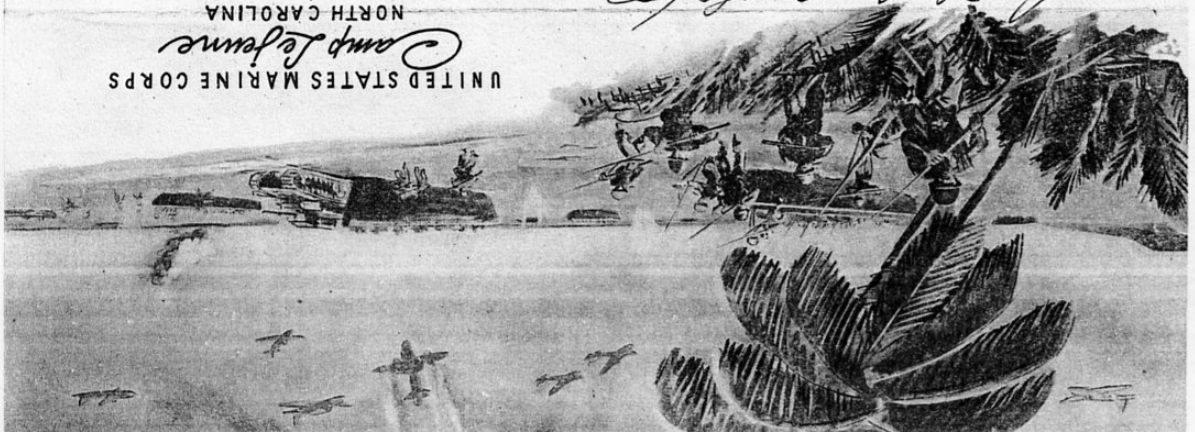
To whom it may concern;

I have been with Tom Mullen for the past three years. I have flew wing on wing with him, also lived in the same tent with him. I have found Tom Mullen to be honest, ambitious, clean, and always trying to better himself.

Thomas Mullen got two bad breaks in the U.S.M.C. that he did not have coming to him. Tom has many friends every place he goes his word is as good as gold. I am 29 yrs. old and feel I am a good judge of character and find him my highest and best friend.

Sincerely,  
Sgt. W. W. Ling.

UNITED STATES MARINE CORPS  
Camp Lejeune  
NORTH CAROLINA



February 14, 1946

A F F I D A V I T

City of Los Angeles  
State of California

This letter is to certify that I have known Tom P. Mullins, former Private T. P. Mullins, USMCR, for the past two and one-half years, and will also certify that always during my acquaintance with him I found him to be a most trustworthy, dependable, industrious, and loyal citizen.

Mullins served in my Marine Corps Scout Bombing Squadron, VMSB 132 in the United States, and VMSB 245 overseas, and during his service in my Squadron overseas Mullins flew on many strikes against the enemy. He was a radio gunner of the highest type and always seeking means of improving his skill as an aircrewman to better his ability to annihilate the enemy of the United States. He sought every opportunity to fly in his capacity of a radio gunner in order that he might utilize all his skill, training, and resources against the enemy of the United States. On the numerous occasions that Mullins flew with me, he always conducted himself in a most commendable manner, and performed his other duties very satisfactorily and enthusiastically.

I sincerely hope that after a further investigation of Mullins case, he will be given favorable consideration for an honorable discharge from the United States Marine Corps.

Subscribed and sworn to before me this

14<sup>th</sup> day of February, 1946

R. L. Schling Notary Public  
In and for the County of Los Angeles, State of California

My Commission Expires July 9, 1948

Nelson E. Jacobs  
Nelson E. Jacobs  
First Lieutenant  
USMCR (Inactive)  
026268

Residence Address: 617 E. Norwood Place  
San Gabriel, California



20 March 1946



Navy Department  
Board of Review, Discharge and Dismissal  
1602 Temporary Building 2  
19th and D Streets, NW.  
Washington, D.C.

Subject: Review of Discharge, case of THOMAS PATRICK MULLEN (Marine Corps)

Gentlemen:

I am writing you regarding Thomas P. Mullen after carefully going over the evidence he has presented in his case.

As Executive Officer of the squadron (VMSB-132) to which Mullen was attached, I know him and the disturbance he caused by his two offenses concerning the discharge of his aircraft machine gun, and the stolen car mentioned in his petition. Mullen was a qualified aircrewman in the squadron. Both of these offenses, in my opinion, knowing the situation and the after events, have been properly settled and charged off.

Mullen is an individual who is young and inclined to be swayed by the goading of others who do not possess his essential qualities of character which would be more evident if he would associate with higher caliber companions.

The undersigned was not overseas with Mullen and consequently does not know about the full details of the offense concerning his misrepresentation for procurement of a watch, the kind usually issued to naval aviators and aircrewmen. From the siftings of the story plus the personal experience of being a Commanding Officer of a Scout Bombing Squadron and Air Group overseas, and knowing how courts are composed etc. in naval procedure, it is my considered opinion that:

1. The original court (overseas) erred in making no alternative punishment other than a Bad Conduct Discharge, making it practically mandatory that a BCD be given or Mullen to go free with no punishment.
2. The gravity of the offense, although serious, is not of the severe nature of misdeeds that warrant the never-ending punishment that goes with a Bad Conduct Discharge.
3. If the Board of Review grants a recision of Mullen's Bad Conduct Discharge, it can be sure that Mullen's mental concern and grief of realization of what a BCD really means, which he has and is currently undergoing, Mullen will not have gone unpunished for his misrepresentation. I am personally convinced that he has learned his lesson thoroughly.

*Winston E. Jewson*  
WINSTON E. JEWSON  
Major USMCR

Present duty Address: Security Officer, Marine Corps Air Station, El Toro, Calif.

WEJ:J

THE AMERICAN LEGION

WASHINGTON HEADQUARTERS

1608 K STREET, N. W.  
WASHINGTON 6, D. C.

June 5, 1946

Navy Department  
Board of Review of Discharges and Dismissals  
Washington 25, D. C.

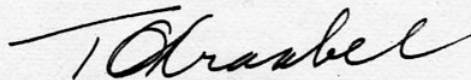
MULLEN, Thomas P.  
SN 399 336

Gentlemen:

The above-captioned applicant for review of discharge has advised us that he does not expect to appear personally before your Board.

Since we have been designated as counsel in his application, you are advised that we will be pleased to appear for a hearing any time designated by your organization.

Very truly yours,



T. O. KRAABEL, Director  
National Rehabilitation Committee



WGS:atr

DEC 11 1946

Mr. Thomas P. Mullen  
431 W. Godfrey Avenue  
Philadelphia, Penna.

Dear Mr. Mullen:

Reference is made to your petition dated 16 January 1946, requesting a review of your Bad Conduct Discharge from the U. S. Marine Corps Reserve.

Such a review has been completed. This Board has decided that no change, correction, or modification in your Bad Conduct Discharge given you on 19 January 1946, is warranted.

The Secretary of the Navy has reviewed the proceedings of the Board of Review and approved its action.

The original certificate of discharge in question is returned herewith.

Sincerely yours,

ELIOT H. BRYANT,  
Captain, U. S. Navy,  
President, Board of Review,  
Discharges and Dismissals.

Encl:  
Original discharge certificate.  
cc:  
American Legion.

20  
cc  
f



# REVIEW OF DISCHARGE

NAVEXOS-2408

WGS:atr

## NAVY DEPARTMENT

BOARD OF REVIEW, DISCHARGES AND DISMISSALS

TO: SECRETARY OF THE NAVY

REVIEW OF THE DISCHARGE OF: MULLEN, Thomas Patrick, ex-Pvt., 399336, USMCR

CHARACTER OF DISCHARGE RECEIVED  
BCD (SCM)

### SUMMARY OF PETITIONER'S CLAIM

I request a review of my discharge and feel I should receive an Under Honorable Conditions Discharge. I have had consistently high marks in the service. I had one deck and two Summary Courts since 1944. The deck was listed as disobedience of orders when I accidentally discharged my machine gun. The first Summary I received was for stealing a car. We were on authorized liberty and had been drinking. While a member of a flight crew, I needed a watch and signed my name as a staff sergeant to get it and was given a BCD for impersonating an NCO.

### PETITIONER'S REPRESENTATIVE

AL, Mr. A. N. McCurry

### PETITIONER PRESENT

☒ No ☐ Yes

### RECORD OF PROCEEDINGS OF REVIEW MADE

☒ No ☐ Yes

### DATE OF REVIEW

21 Nov. 1946

### FINDINGS

DATE OF ENTRY IN NAVAL SERVICE	AGE	LENGTH OF SERVICE	RATINGS HELD	AVERAGE PROFICIENCY IN RATING MARK	AVERAGE CONDUCT MARK
11 May 1942	18/8	3Y, 8M, 8D	Pvt., PFC, Corp., PFC, Pvt.	3.76	4.7

### SUMMARY OF COMMENDATIONS

Served overseas for 12 months at Ulithi and Majuro.  
Rifle marksman and pistol sharpshooter.  
Awarded air crew insignia with 3 stars.

### SUMMARY OF OFFENSES

14 Apr 1944 - DC - Disobedience of the lawful order of his commanding officer. Reduction to the next inferior rank and EPD for 30 days.  
29 Apr 1944 - SCM - Wilfully take and use an automobile, the property of Norman LaBuddawithout permission of the said owner. To be confined for 1 month and to perform EPD for a period of 3 months.  
21 Jul 1945 - SCM - (1) Attempted Fraud. (2) Impersonating a superior officer. Bad Conduct Dis

### MEDICAL RECORD

No bearing on discharge.

### REASON, AUTHORITY, AND DATE OF DISCHARGE

Bad Conduct Discharge "pursuant to the sentence of a Summary Court Martial" on 19 Jan 1946 by authority MarCorps Dispatch 120020 dated 11 Jan 1946.

### CONCLUSION

After careful consideration of the facts presented in the above man's service record and of the claims submitted by him the Board concludes that ~~no~~ change in his discharge is warranted.

REMARKS: The Board concludes that petitioner's discharge is proper under reasonable standards of Naval Law and Discipline. Petitioner was convicted by a SCM on 19 Sept 1945 for attempted fraud and impersonating a superior officer. In order to enable him to procure a wrist watch he had misrepresented himself as one "Staff Sergeant Joseph J. H. Hueghs", a fictitious person and forged this name on a quartermaster memorandum receipt. To enable him to misrepresent himself, he wore the insignia of a Staff Sergeant. In view of the seriousness of the offense, it is the opinion of the Board that petitioner's discharge is proper.

### DECISION: NO CHANGE. ~~NO CHANGE~~

It is the decision of the Board that the discharge BCD (SCM) heretofore awarded MULLEN is proper and that no change, correction, or modification be made in the discharge issued him.

Auth: Sec. 301 of Servicemen's Readjustment Act of 1944, P.L. 346-78th Cong.

### BOARD MEMBERS

CHAIRMAN <i>Frederick J. Karch</i> Frederick J. Karch, Lt.Col., USMC	MEMBER <i>William W. Mitchell</i> William W. Mitchell, Major, USMC
MEMBER <i>Eliot H. Bryant</i> Joseph R. Motelewski, Capt., USMC	MEMBER <i>A. J. Zuska</i> A. J. Zuska, Lieut., MC, USN

RECORDER  
*William G. Shoop*  
William G. Shoop, Major, USMC

The foregoing action of the Board is submitted for your review

### REVIEWED AND APPROVED

*John L. Sullivan*  
John L. Sullivan, Acting Secretary of the Navy

*Eliot H. Bryant*  
ELIOT H. BRYANT,  
Captain, U. S. Navy.

PRESIDENT, BOARD OF REVIEW, DISCHARGES AND DISMISSALS

6 DEC 1946

399336  
DGM-jef

1st Endorsement

27 January 1947

HEADQUARTERS U. S. MARINE CORPS, WASHINGTON, D. C.

From: 864912

To:

Via:

Subject:

Director of Personnel, Marine Corps.  
(Enlisted Performance Division)  
Veterans Administration,  
Philadelphia, Pennsylvania.  
The Chief of the Bureau of Medicine  
and Surgery.

Request for information regarding  
Thomas Patrick MULLEN, Claim No.  
12,970,803.

1. Returned. The records of this office show that Thomas Patrick Mullen, born on 27 September 1923, at Philadelphia, Pennsylvania, enlisted in the Marine Corps Reserve on 11 May 1942, at Philadelphia, Pennsylvania, and was assigned to active duty the same date. He was discharged with a bad conduct discharge, (not honorable), pursuant to the sentence of a summary court-martial, on 19 January 1946, at Marine Corps Air Depot, Miramar, San Diego, California, with the rank of private. No other service in the Marine Corps.

2. The records show that Mullen was tried and convicted by the following courts-martial:

14 April 1944, tried by deck court, convicted of "disobedience of the lawful order of his commanding officer", and sentenced to be reduced to the next inferior rank, and to perform extra police duty for a period of thirty days.

17 May 1944, tried by summary court-martial, convicted of "wilfully taking and using an automobile, without the permission of said owner", and sentenced to be confined for a period of one month, and to perform extra police duty for a period of three months.

19 September 1945, tried by summary court-martial, convicted of (1) "attempted fraud", (2) "impersonating a superior officer", and sentenced to be discharged from the U. S. Naval service with a bad conduct discharge. This sentence was carried into effect as shown in paragraph one.

3. For copies of the courts-martial proceedings in this case, contact the Judge Advocate General of the Navy, Navy Department, Washington, D. C.



599336  
DGM-jef

2

27 January 1947

-----  
Subject: Request for information regarding  
Thomas Patrick MULLEN, Claim No.  
12,970,803.  
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4. On 21 November 1946, the Board of Review, Discharges and Dismissals, Navy Department, reviewed this case, and rendered the decision that the bad conduct discharge awarded Mullen was proper, and that no change, correction, or modification, be made. The decision of the Board was approved by the Secretary of the Navy.

P. J. COSTELLO  
by direction

-----  
Copy to: Veterans Administration,  
Philadelphia, Pennsylvania.  
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HUGH D. SCOTT, JR.  
SIXTH DISTRICT, PENNSYLVANIA

ARNON M. GULICK  
SECRETARY

COMMITTEE:  
INTERSTATE AND FOREIGN COMMERCE

PHILADELPHIA OFFICE:  
ROOM 4049A U. S. COURT HOUSE  
9TH AND CHESTNUT STREETS

**Congress of the United States**  
**House of Representatives**  
Washington, D. C.

Philadelphia,  
July 12, 1948.

Gen. Clifton B. Cates,  
Commandant,  
U. S. Marine Corps,  
Washington, D. C.

Dear General:

Re: Pvt. Thomas Patrick Mullen  
399336.

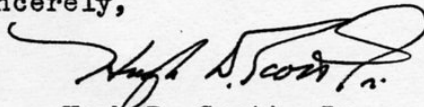
Mullen received a Bad Conduct Discharge from the Marine Corps pursuant to a sentence of Summary Court Martial, September 26, 1945, on a charge of obtaining a wrist watch under false pretense, etc.

I understand his case was before the Board of Review, Discharges and Dismissals, and the decision was reached that no change, correction, or modification of his BCD was warranted.

If there is any possible way by which this matter can properly receive further consideration it will be much appreciated. I have read the statement filed by Major Winston E. Jewson USMCR, under date of 20 March 1946, as well as statement by 1st Lt. Orlo E. Stokoe, USMCR, of 26 March 1946, and am of the opinion they outline sufficient reason for more favorable action.

Will you be good enough to have this matter given further attention and advise me? Thank you.

Sincerely,

  
Hugh D. Scott, Jr.

S-CMC # 6-42  
To *Discipline Div*

Prepare reply for signature of  
Director of Personnel.

ACKNOWLEDGED BY  
POSTCARD

*pc*

*file out*

399336  
DGO-vw

15 July 1948.

My dear Mr. Scott:

Your letter of July 12, addressed to the Commandant of the Marine Corps regarding the bad conduct discharge of Thomas Patrick Mullen from the Marine Corps has been referred to me for acknowledgment and consideration.

Mr. Mullen's case was thoroughly reviewed by the Board of Review, Discharges and Dismissals on 21 November 1946, at which time the statements of Major Jewson and Lieutenant Stokoe were taken into consideration. The board concluded that the bad conduct discharge awarded Mr. Mullen was proper under reasonable standards of Naval law and discipline and rendered decision that no change, correction or modification should be made.

The board's decision was made final upon its approval by the Secretary of the Navy on 6 December 1946, and I regret, in view of your interest, that further action is impracticable unless additional evidence can be submitted to substantiate a reopening of his case.

Sincerely yours,

R. H. PEPPER,  
Brigadier General, U. S. Marine Corps,  
Director of Personnel, Marine Corps.

Hon. Hugh D. Scott, Jr., M. C.,  
Room 4049A, U. S. Court House,  
9th and Chestnut Streets,  
Philadelphia, Pennsylvania.



Data Processing Division  
South Road  
Poughkeepsie, New York

Telephone: Globe 4-1000

*International Business Machines Corporation*

October 9, 1959

Commandant of Marine Corps (DGK)  
Headquarters Marine Corps  
Washington 25, D. C.

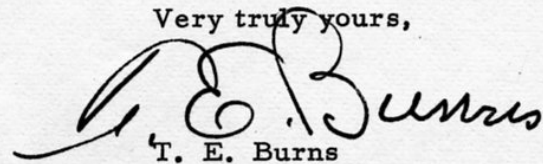
Dear Sir:

✓ We are presently considering for employment Mr. Thomas P. Mullen, 2760 Stanwood Lane, Cornwells Heights, Pennsylvania.

Mr. Mullen has advised us that he received a Bad Conduct Discharge and has given us the authority to investigate the circumstances for this discharge. We are, therefore, enclosing a release, signed by Mr. Mullen, and we would appreciate it if you would advise us of the circumstances which caused this discharge.

We appreciate very much your cooperation in this matter. We are enclosing a pre-addressed franked envelope for your convenience.

Very truly yours,

  
T. E. Burns

Personnel Placement Representative

TEB:lms  
Enclosures

ack 10-16  
mb



DOK-6-jfs  
399336

29 Oct 59

International Business Machines Corporation  
South Road  
Poughkeepsie, New York  
ATTN: T. E. Burns, Personnel Placement Representative

My dear Mr. Burns,

Further reference is made to your letter of 9 October 1959 in which you requested information concerning the Marine Corps service of Thomas Patrick Mullen.

Marine Corps records show that Thomas Patrick Mullen, 399336, born 27 September 1923 at Philadelphia, Pennsylvania was convicted by a summary court martial, approved 26 September 1945, for attempted fraud and impersonating a superior officer. He was sentenced to be discharged from the U. S. Naval Service with a bad conduct discharge.

Sincerely yours,

C. R. OLIVER  
Chief Warrant Officer, U. S. Marine Corps  
Head, Discharged Personnel Unit, Records Service Section  
By direction of the Commandant of the Marine Corps