

310 Second Street, S.E.
Washington 3, D. C.

14 October 1954

Colonel Thomas H. King
Merrick and King
1624 Eye Street, N.W.
Washington 6, D. C.

Dear Colonel King:

In accordance with your request I am returning herewith the copy of the Board Proceedings which you sent me on 8 October 1954.

Although I fully concur in the soundness of your proposal that you go back at the Board and ask that they reconsider the matter from the standpoint of my having in fact performed the duties that would have been substantially performed by me had I been in uniform, I think, unless I am seriously in error, there is one more consideration which ought to be emphasized before the Board. It relates to the irregular nature of the mechanics of my separation from the Service in 1941. If I am not mistaken, the separation was made in an irregular manner in that (1) there was at the time I was on active duty a statutory requirement that officers who are on active duty and who become incapacitated be given the opportunity of appearing before a regular Army Retirement Board before final action is taken to retire him, and (2) this requirement was not met in my case. Had the Army authorities conformed to requirement just stated one of the following events might have occurred: (1) the Army Retiring Board might have found me only temporarily incapacitated--this later became a fact, as shown by the Army Retiring Board which sat in my case on 25 September 1946--in which event I would have been given convalescent leave, after which I would have been found fit for return to duty; or (2) the Army Retiring Board might have declared me permanently incapacitated for active duty and directed that I be hospitalized for a sufficient length of time to make some recovery before being separated. In this event I would have had more than sufficient time to have accumulated a total of 20 years' service.

I am of the opinion that the former contingency would, indeed, have occurred. I am further of the opinion that the action of the Army authorities in my case in 1941 was really too hasty--much more so than was warranted. Had the facilities at Walter Reed Hospital been at all adequate at that time, I would have made a much quicker recovery than I did--for my recovery was actually retarded by the hospitalization. The fact is, that I began to recover the day I left Walter Reed.

If you find cogency in the foregoing argument, please telephone me, as I'd really like to know what you think. Perhaps the very same argument

was part of your statement when you appeared before the Board in my behalf in June 1953; however, the Board's findings and conclusions makes no reference to the irregularities in my separation and I want to make sure that they give definite consideration to my contention as set forth in this letter.

Sincerely,

WILLIAM F. FRIEDMAN

Incl:
a/s