

ADDRESS REPLY TO
OFFICE OF THE JUDGE ADVOCATE GENERAL



NAVY DEPARTMENT

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

AND REFER TO

JAG:I:RKY:jlr
(SC)A17-24/AK97
Doc.#164234

1 MAY 1945

End--5

To: BuShips
Via: (1) CNO
(2) BuMed -
(3) BuPers -
(4) USCG -
(5) BuSanda
(6) BuOrd -
(7) BuDocks

Subj: Ct. of Inq. - Explosion aboard and loss of USS
SERPENS (AK97); deaths of and injuries to U.S.
naval personnel; conv. by ComNavBases, South
Solomons Sub-Area, SoPacFor, PacFlt, 30 Jan. 1945.

1. Forwarded for recommendation.
2. Inasmuch as the dead, missing and injured U.S. Army personnel were not members of the U.S. naval service, no determination of the questions of line of duty and misconduct is necessary in their cases.
3. Although the bodies of U.S. naval personnel listed as missing were not recovered, the circumstances attendant upon their disappearances in this case justify a conclusion that they are dead.
4. While the court in this case did not express an opinion thereon, it is the opinion of the Judge Advocate General, from the evidence adduced in the record, that the injuries to U.S. naval personnel occurred on 29 January 1945, not as the result of their own misconduct.
5. It is the opinion of the Judge Advocate General that the death of U.S. naval personnel occurred on 29 January 1945, not as the result of their own misconduct.
6. It is noted that no expression of opinion on the question of line of duty is set forth in the record in the cases of U.S. naval personnel referred to in paragraph 4 hereof. Although it is not necessary at this time to determine the question of line of duty, the court in these cases should have expressed an opinion thereon. C.M.O. 10, 1937, 5, 6.
7. The determination of the question of line of duty is not now necessary in the cases of U.S. naval personnel referred to in paragraph 5 hereof.

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8. Subject to the above remarks, and to the remarks of the convening authority, the proceedings, findings, opinion and recommendations in the attached case and the action of the convening authority thereon, are legal.

By direction of the Judge Advocate General:

The transmission of this document by
airmail, within the domestic
territory of the United States and
possessions and therefore, is hereby
authorized.


H. A. SALLOR
Captain, U.S.N.

NOTED:
Amplification
and Study Unit
W.H.W.
By... 8/25/45

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