



DEPARTMENT OF THE AIR FORCE
WASHINGTON, D. C.

Office of the Assistant Secretary

AFBCMR 96-02643

NOV 04 1957

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that on 19 February 1955, he was discharged with service characterized as general (under honorable conditions).


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 96-02643

COUNSEL: NONE

NOV 04 1997

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His discharge be upgraded to General, Under Honorable Conditions.

APPLICANT CONTENDS THAT:

He is not, and has never been a homosexual.

The applicant states that he was the one that reported to his commanding officer an attempted seduction by the Manager of the Airman's Club. He did not entertain this homosexual act with this airman and found it thoroughly repulsive. He served honorably for 3 years and 5 months. He was also commended for volunteering to dig out a plane that was stranded on a ice cap in Greenland in 35 degree below zero weather. He states that he entered the Air Force at age 17 directly from high school. He never received any written documentation from the officer review board, but was told by his adjutant that they voted that he not be discharged. He notes that he has raised two wonderful children.

The applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 18 September 1951 for a period of four years.

On 28 June 1954, the applicant told his commander that he had engaged in a homosexual act.

In a letter, dated 29 October 1954, the applicant's commander indicated that the incident described by applicant required a thorough investigation and forwarded the information for processing. The commander also indicated that based on observation of the applicant for over a period of 9 months, he recommended no further action be taken.

On 13 August 1954, a Board of Officers convened and found that the applicant participated in a homosexual act with another airman. Since the applicant was highly recommended by his superior, they recommended he be retained on active duty. However, the MAJCOM recommended the applicant received a general discharge.

On 28 January 1955, upon the recommendation of the Air Force Personnel Board, the Secretary of the Air Force directed that the applicant be discharged and issued an undesirable discharge certificate.

On 19 February 1955, the applicant was discharged with service characterized as undesirable. He served 3 years, 5 months, and 2 days of active service.

On 26 August 1955, the Air Force Discharge Board considered and denied applicant's request for an upgrade of his discharge.

Pursuant to the Board's request, the Federal Bureau of Investigation, Washington, D.C., was requested to provide an investigative report on the applicant; however, on the basis of the data furnished, they were unable to locate an arrest record.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After thoroughly reviewing the evidence of record and noting the applicant's contentions, we believe the applicant may have been the victim of an error or injustice. We note that prior to the apparent isolated incident in question, the applicant had no prior history of any homosexual acts. Furthermore, had the applicant not been truthful and immediately reported the incident to his commander, action would never have been taken to administratively discharge him. At the time the applicant was being processed for administrative discharge, he was highly recommended by his superior officers and enlisted associates as to his character, efficiency, and his present and future value to the Air Force. In view of the above, we believe the applicant's characterization of service should be described as general, under honorable conditions. Therefore, we recommend his records be corrected to the extent indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that on **19** February 1955, he was discharged with service characterized as general (under honorable conditions).

The following members of the Board considered this application in Executive Session on **23** September **1997**, under the provisions of AFI **36-2603**:

Mr. David C. Van Gasbeck, Panel Chairman
Mr. William E. Edwards, Member
Mr. Frank J. Colson, Member
Mr. Phillip E. Horton, Examiner (without vote)

All members voted to correct the records, as recommended. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 5 Sep **96**, w/atch.
Exhibit B. Applicant's Master Personnel Records.


DAVID C. VAN GASBECK
Panel Chairman