

JUL 07 1998

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 96-02225

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His undesirable discharge be upgraded to general.

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APPLICANT CONTENDS THAT:

He is not looking for any benefits. He is just trying to leave a clean slate for his children. He is 63 years old and does not have much time left to make things right. The worst thing he did in the Air Force was being absent without leave (AWOL). He has become a productive citizen and would like for the Board to consider his request.

In support of his appeal, the applicant provided two supportive statements (Exhibit A).

Pursuant to the Board's request, the applicant's wife provided additional documentation, which included her statement, several supportive statements, and other post-service documentation (Exhibit C).

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 1 Mar 50 for a period of four years.

Applicant's available military personnel records indicate that in August 1950, the applicant was sent to Radio Mechanics School, but failed the course due to excessive authorized absences.

Applicant was assigned to the 667<sup>th</sup> Aircraft Control and Warning Squadron on 28 Oct 50, but was absent without leave (AWOL) until 15 Nov 50.

On 6 Dec 50, he was convicted by summary court-martial of being AWOL from Hamilton AFB from 28 Oct 50 to 15 Nov 50. He was ordered to forfeit \$50.00 and restricted to the base for 30 days.

On 25 Jan 51, the applicant was convicted by summary court-martial for sleeping on his post on 24 Jan 51. He was sentenced to be confined for 30 days and to forfeit \$30.00.

On 11 Apr 51, he was convicted by summary court-martial of wrongfully using marijuana on 2 Mar 51. He was sentenced to be confined for 30 days (suspended) and to forfeit \$50.00.

On 9 July 51, the applicant received squadron punishment for failure to repair and being AWOL. He was restricted to the base for two weeks.

On 7 Sep 51, he received squadron punishment for failure to obey the order of a noncommissioned officer (NCO). He received three days of extra duty.

On 6 Nov 51, the applicant was convicted by summary court-martial for being AWOL from his unit from 6 Oct 51 to 26 Oct 51. He was sentenced to be confined for 30 days and to forfeit \$50.00.

On 19 Nov 51, a board of officers convened under the provisions of AFR 39-17. The board recommended that the applicant be discharged with an undesirable discharge. On 27 Nov 51, the discharged authority approved separation without rehabilitation.

Applicant was discharged on 6 Dec 51 under the provisions of AFR 39-17 (Unfitness) with a undesirable discharge. He was credited with 1 year, 9 months, and 6 days of active duty service. He had 105 days of lost time.

Pursuant to the Board's request, the Federal Bureau of Investigation, Washington, D.C., provided an investigative report which is attached at Exhibit D.

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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. The evidence of record reflects that the applicant was discharged for unfitness. No evidence has been presented which would lead us to believe his discharge was improper or contrary to the directive under which it was effected. However, we noted that the

applicant was discharged in 1951. In view of the passage of time and the post-service documentation provided by the applicant, we believe the continued stigma of an undesirable discharge is unduly harsh and no longer serves any useful purpose. Therefore, we are of the opinion that upgrading the applicant's discharge to general, based on clemency, would be appropriate in this case. Accordingly, we recommend that the applicant's undesirable discharge be upgraded to general.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that, on 6 Dec 51, he was discharged with service characterized as general (under honorable conditions).

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The following members of the Board considered this application in Executive Session on 15 May 98, under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chair  
Mr. Steven A. Shaw, Member  
Mr. Parker C. Horner, Member

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

Exhibit A. DD Form 149, undated, w/atchs.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, applicant's wife, undated.  
Exhibit D. FBI report.



LEROY T. BASEMAN  
Panel Chair