

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

DEC 18 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-02565

[REDACTED]  
COUNSEL: NONE

[REDACTED]  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His bad conduct discharge be upgraded.

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APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

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STATEMENT OF FACTS:

The Air Force Discharge Review Board (AFDRB) denied applicant's request on 11 December 1997. In accordance with policy, the application was forwarded to this Board for further consideration. The relevant facts pertaining to this application are contained in the AFDRB Hearing Record (Exhibit C). Accordingly, there is no need to recite these facts in this Record of Proceedings.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the AFDRB Hearing Record was forwarded to the applicant on 29 January 1998, for review and response within 30 days. However, as of this date, no response has been received by this office.

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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 to warrant upgrading the applicant's discharge to general (under honorable conditions). In support of the appeal, the applicant has provided an administrative decision from the Department of Veterans Affairs (DVA) indicating that they consider the applicant's service to have been under honorable conditions for DVA purposes. The decision of the AFDRB is noted; however, after thoroughly reviewing the evidence of record and noting the applicant's contentions, we believe the punishment the applicant received as pertains to the bad conduct discharge he received, was too severe. While this Board does not condone the applicant's misconduct which led to his discharge, given his young age at the time of the offenses and noting the minor nature of the charges against him, we believe his service can be more justly characterized as general (under honorable conditions). Therefore, we recommend his records be corrected as indicated below.

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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 13 July 1988, 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 26 March 1998, under the provisions of AFI 36-2603:

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FC 97-02565

Ms. Martha Maust, Panel Chair  
Mr. William E. Edwards, Member  
Mr. Mike Novel, 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 10 Aug 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFDRB Hearing Record, dated 23 Dec 97.
- Exhibit D. Letter, SAF/MIBR, dated 29 Jan 98.

  
MARTHA MAUST  
Panel Chair

FC 97-02565



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, D. C.

Office of the Assistant Secretary

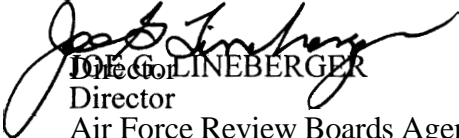
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AFBCMR 97-02565

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 13 July 1988, he was discharged with service characterized as general (under honorable conditions).

  
Director  
Air Force Review Boards Agency