

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JUN 12 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03074

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His discharge be changed to general.

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APPLICANT CONTENDS THAT:

Applicant does not claim an injustice in the under other than honorable discharge he received but states that he has changed for the better.

In support of the appeal, applicant submits statements reflecting upon his post-service record.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

On 29 Sep 81, the applicant enlisted in the Regular Air Force in the grade of airman basic (E-1).

On 19 Dec 81, applicant was involved in an incident of disorderliness on station. On 21 Dec 81, he was referred to the Alcohol Evaluation Process and received an Article 15 on 22 Dec 81.

On 22 Jan 82, applicant submitted a request for discharge under paragraph 2-78, Air Force Manual 39-12, for the good of the service, because he was subject to court-martial action. Applicant did consult counsel. He also indicated that he fully understood that if the discharge were approved, it may result in his receiving a discharge under other than honorable conditions, regardless of the recommendation of his commander. On 26 Jan 82, the commander recommended the request for discharge be approved for the following reasons: Applicant exhibited violent and impulsive tendencies with a total lack of respect for military rules and regulations. He was apprehended by the Security Police on 17 Jan 82 for assault in an incident also involving assault of

a Security Police officer, use of provoking speeches and gestures, disobedience to a lawful order, resist of apprehension, drunkenness and disorderliness, and disrespect to an officer.

On 29 Jan 82, the applicant while serving in the grade of airman basic, was discharged under provisions of AFM 39-12 (Request for Discharge for the good of the service) with an under other than honorable conditions discharge. He served 4 months and 1 day of active service.

Pursuant to the Board's request, the Federal Bureau of Investigation, Washington, D.C., indicated on the basis of the data furnished they were unable to locate an arrest record.

A complete copy of the evaluation is attached at Exhibit C.

AIR FORCE EVALUATION:

The Military Personnel Management Specialist Separations Branch, AFPC/DPPRS, reviewed the application and states that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion or the discharge authority and that the applicant was provided full administrative due process. Therefore, they recommend denial of applicant's request.

A complete copy of the evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reviewed the Air Force evaluation and states that he is not disputing the facts that occurred on 22 Jan 82. He is guilty of the events listed. He states the Air Force conducted the procedures to his discharge appropriately and professionally. He states that he can not present any tangible evidence; but he can however sincerely and truthfully apologize for his disgraceful behavior and uncalled for actions that night. He states that alcohol played a big factor on that day and robbed him of the life he shall never know.

Applicant's complete response is attached at Exhibit F.

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 warranting upgrading of applicant's discharge to entry level separation. After reviewing the evidence of record, the Board believes that the type of discharge applicant received was unduly harsh. While applicant's separation from the Air Force was appropriate, based on his overall record, we believe that applicant should have been given an entry level separation. In addition, we note that the applicant states that he realizes that alcohol played a big factor on that day and robbed him of the life he shall never know. He also states that he can however sincerely and truthfully apologize for his disgraceful behavior and uncalled for actions that night. In view of the above and in the interest of equity, recommend his discharge be changed to an entry level separation. Applicant's request for a general discharge was considered; however, in view of his misconduct and length of time served, we do not believe a general discharge is justified.

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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 29 January 1982, under the provisions of AFM 39-12, he was discharged with an entry level separation.


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The following members of the Board considered this application in Executive Session on 7 April 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair  
 Mr. Robert W. Zook, Member  
 Mr. Michael P. Higgins, Member  
 Ms. Phyllis L. Spence, Examiner (without vote)

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

- Exhibit A. DD Form 149, dated 30 Jun 93.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFMPC/DPMAJ, dated 10 Nov 93.
- Exhibit D. Letter, AFPC/DPPRS, dated 3 Dec 97.
- Exhibit E. Letter, AFBCMR, dated 11 Nov 93.
- Exhibit F. Applicant's Response, undated.

  
VAUGHN E. SCHLUNZ  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUN 12 1998

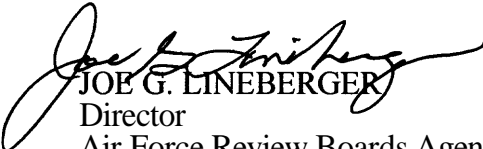
Office of the Assistant Secretary

AFBCMR 97-03074

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 29 January 1982, under the provisions of AFM 39-12, he was discharged with an entry level separation.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency