

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

[REDACTED]  
[REDACTED]

DOCKET NUMBER: 98-00297

COUNSEL: NONE

JAN 13 1999

HEARING DESIRED: YES

---

APPLICANT REQUESTS THAT:

His discharge be overturned and he be reinstated in a retirement status.

---

APPLICANT CONTENDS THAT:

He was falsely charged with disobeying an order and was made to pay for exposing unfair practices on the part of that Administration."

The applicant states that in 1983 he had a single car accident off-base. He was charged with not reporting the accident within the prescribed time. He contends that he did report the incident within the prescribed time. He was told that the new regulation was written on the back side of the temporary vehicle registration. When he proved that this wasn't so, he was then told he had personally been informed by the Group Commander.

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

---

STATEMENT OF FACTS:

On 6 October 1980, the applicant reenlisted in the Regular Air Force.

On 28 July 1983, the applicant was notified by his commander that action **was** being initiated to discharge him from the Air Force for misconduct without probation and rehabilitation and that his service would be characterized as general (under honorable conditions).

**An** Administrative Discharge Board of Officers convened on 16 August 1983 to consider the evidence against the applicant and found the applicant had committed acts of misconduct as evidenced by the following: (1) off-base DUI (2) Art 15 for his failure to obey an order; (3) two letters of indebtedness; (4) letter of reprimand for possession and discharging an air rifle in the barracks room; (5) letter of counseling for failure to show on

time; (6) letter of counseling for failure to go; (7) letter of counseling for failure to go; (8) a reprimand for disobeying a regulation. The board recommended the applicant be discharged for misconduct with a general discharge, but that he be offered rehabilitation opportunities with a conditional suspension of his discharge.

On 28 November 1983, the applicant applied for lengthy service consideration and submitted an application for retirement in lieu of discharge action to be effective 1 November 1984.

On 30 January 1984, the Secretary of the Air Force directed that the approved administrative discharge be executed and denied lengthy service probation.

On 22 February 1984, the applicant was discharged in the grade of staff sergeant under the provisions of AFR 39-10 (Misconduct-Pattern Conduct Prejudicial to Good Order and Discipline) with a general (under honorable conditions) discharge. He served 19 years 04 months and 18 days total active service.

---

AIR FORCE EVALUATION:

The Separations Branch, AFPC/DPPRS, reviewed this application and states there are no errors or irregularities causing an injustice to the applicant. The discharge complies with directives in effect at the time of his discharge. The records indicate member's military service was reviewed and appropriate action was taken. Therefore, they recommend denial of his request.

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

---

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant on 18 March 1998 for review and response within 30 days. However, as of this date, no response has been received by this office.

---

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. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We

took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

---

**THE BOARD DETERMINES THAT:**

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

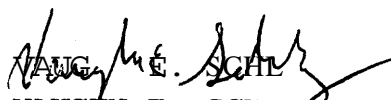
---

The following members of the Board considered this application in Executive Session on 29 October 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair  
Mr. Loren S. Perlstein, Member  
Mr. Terry A. Yonkers, Member  
Mr. Phillip E. Horton, Examiner (without vote)

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 15 Dec 97, w/atchs.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, AFPC/DPPRS, dated 3 Mar 98.  
Exhibit D. Letter, AFBCMR, dated 18 Mar 98.

  
VAUGHN E. SCHLUNZ  
Panel Chair