

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-01545

[REDACTED]  
[REDACTED]  
COUNSEL: [REDACTED]

HEARING DESIRED

NOV 13

Applicant requests that her late husband's discharge be upgraded to a general (under honorable conditions). Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

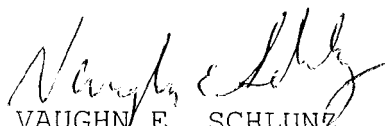
After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by the applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

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 staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Vaughn E. Schlunz, Mr. Loren S. Perlstein, and Mr. Terry A. Yonkers considered this application on 29 October 1998, in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.

  
VAUGHN E. SCHLUNZ  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

JUL 06 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS  
550C Street West Ste 11  
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

The applicant, while serving in the grade of airman basic, was discharged from the Air Force 06 Nov 72 under the provisions of AFM 39-12 (Misconduct-Frequent Involvement of a Discreditable Nature) with an undesirable discharge. He served 03 years 09 months and 01 day total active service.

Requested Action. Applicant's spouse is requesting an upgrade of his discharge to general/honorable.

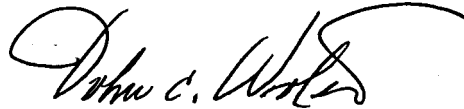
Basis for Request. Applicant has submitted several letters of recommendations and character statements in support of her appeal for an upgrade of the discharge her deceased husband received. She also states an undesirable discharge was excessive for the offense committed.

Facts. On 10 Oct 72, applicant was notified by his commander that involuntary discharge action had been initiated against him for his frequent involvement of a discreditable nature with military authorities. The commander indicated his reasons for his action were that on 31 Mar 71, applicant was convicted by a Special Court Martial for possession of marijuana and for attempting to sell marijuana. Also, applicant was AWOL during the period 14 Jul 71 to 15 Jul 71 and again from 17 Jul 71 to 02 Aug 71. In addition, he was arrested by civil authorities for driving under the influence of alcohol and again for being drunk in public. Applicant had resisted all efforts to counsel him and in fact, he demonstrated a belligerent and hostile attitude toward those who had attempted to help him. The applicant was advised that he had a right to consult legal counsel. After consulting an appointed military legal counsel, applicant signed a waiver of his right to a hearing before a board of officers. The case was reviewed by the base legal office and was found to be legally sufficient to support discharge. The discharge authority approved the recommendation for discharge on 27 Oct 72 and directed that the applicant be furnished an undesirable discharge certificate without probation and rehabilitation.

Discussion. This case has been reviewed for separation processing and 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.

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Recommendation. Applicant did not identify any specific errors in the discharge processing nor provide facts which warrant an upgrade of the discharge her deceased husband received. Accordingly, we recommend applicant's request be denied. She has not filed a timely request.



JOHN C. WOOTEN, DAF  
Military Personnel Mgmt Spec  
Separations Branch  
Dir of Personnel Program Management

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