

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 98-01845

COUNSEL: NONE

FEB 19 1999

HEARING DESIRED: NO

Applicant requests that his general discharge be upgraded to honorable. 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). Applicant's response to the advisory opinion is at Exhibit E.

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 adequately rebutted by 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 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. Michael P. Higgins, Mr. William E. Edwards, and Mr. Patrick R. Wheeler considered this application on 1 December 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


MICHAEL P. HIGGINS
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion
- E. Applicant's Response



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNELCENTER
RANDOLPH AIR FORCE BASE TEXAS

JUL 30 1998

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Record [REDACTED]

The applicant, while serving in the grade of airman basic, was discharged from the Air Force 11 Jun 65 under the provisions of AFM 39-17 (Misconduct-Frequent Involvement of a Discreditable Nature) with an under honorable conditions (general) discharge. He served 02 years 01 month and 26 days total active service.

Requested Action. Applicant is requesting an upgrade of his discharge to honorable.


Basis for Request. Applicant claims he was not given legal representation nor given a chance to defend himself

Facts. On 14 May 65, 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 and civil authorities. The commander indicated applicant had been given *At* 15 action because he consumed alcohol in the barracks, given a second *At* 15 for leaving his appointed place of duty, was convicted in civil court for petty larceny. Military counsel was appointed to assist the applicant. 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 17 Jun 65 and directed that the applicant be furnished a general 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 he received over 33 years ago. He was provided legal representation and he voluntarily waive his right to a board hearing. Accordingly, we recommend applicant's request be denied. He **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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