

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBERS: 64-844
95-02698

[REDACTED]
[REDACTED]
COUNSEL: THE AMERICAN LEGION

HEARING DESIRED: YES

JUL 31 1998

APPLICANT REQUESTS THAT:

His undesirable discharge be upgraded to honorable.

APPLICANT CONTENDS THAT:

He has been a good, productive citizen since his discharge. As he looks back at his service, he feels great shame and sorrow because he did not have the self discipline to take advantage of the opportunities offered to him. He has suffered for 37 years because of his undesirable discharge and it would be a great personal feeling if he could receive an honorable discharge and join the American Legion.

The applicant's complete submission, which consists of three character reference statements, is at Exhibit D.

RESUME OF THE CASE:

The applicant is a former Regular Air Force enlisted member who was discharged on 14 Dec 59 under the provisions of AFR 39-17 (Unfitness) with an other than honorable conditions (undesirable) discharge. He was credited with 4 years, 6 months, and 20 days of total active duty service. Pertinent extracts from the applicant's military personnel records are attached at Exhibit B.

On 8 Dec 60, the Air Force Discharge Review Board considered and denied the applicant's request that his undesirable discharge be upgraded to honorable.

On 1 May 64, the Air Force Board for Correction of Military Records (AFBCMR) considered and denied an application (SAFCB 64-844) for correction of military records pertaining to the applicant, in which he requested that his undesirable discharge be upgraded to honorable (Exhibit A).

On 25 Aug 95, the applicant submitted an application (AFBCMR 95-02698) requesting that his undesirable discharge be upgraded to honorable. On 21 Nov 95, a determination was made that since the application contained the same request which was previously considered and denied by the Board, it did not meet the criteria for reconsideration by the Board (Exhibit C).

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

THE BOARD CONCLUDES THAT:

Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. In earlier findings, the Board determined that there was insufficient evidence to warrant any corrective action regarding the applicant's request for upgrade of his undesirable discharge. In his most recent submission, the applicant did not provide any evidence that the discharge action was improper or contrary to the prevailing regulation. However, a majority of the Board noted that the applicant was discharged in 1959. In view of the passage of time and the post-service documentation provided by the applicant, the Board majority believes the continued stigma of an undesirable discharge is unduly harsh and no longer serves any useful purpose. The Board majority does not believe an honorable discharge is warranted due to the limited documentation provided by the applicant regarding his activities since his discharge from the service. However, the Board majority is of the opinion that upgrading the applicant's discharge to general, based on clemency, would be appropriate. Accordingly, a majority of the Board recommends that the applicant's undesirable discharge be upgraded to general.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that, on 14 Dec 59, he was discharged with service characterized as general (under honorable conditions).

The following members of the Board considered this application in Executive Session on 15 May 98, under the provisions of AFI 36-2603:

Mr. LeRoy T. Baseman, Panel Chair
Mq. Steven A. Shaw, Member
Mr. Parker C. Horner, Member

By a majority vote, the Board voted to correct the records, as recommended. Mr. Shaw voted to deny the appeal but did not desire to submit a minority report. The following documentary evidence was considered:

- Exhibit A. Letter, SAFCB, dated 1 May 64, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFBCMR, dated 21 Nov 95, w/atc.
- Exhibit D. DD Form 149, dated 10 Nov 96, w/atchs.


LEROY T. BASEMAN
Panel Chair