

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-02212

FEB 25 1999

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that his 10 April 1950 general discharge be changed to honorable. Applicant's submission is at Exhibit A.

The facts surrounding his separation from the Air Force are unknown inasmuch as the discharge correspondence is not available.

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 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, Mrs. Barbara A. Westgate, Mr. Henry Romo Jr., and Mr. Kenneth L. Reinertson, considered this application on 28 January 1999 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.



BARBARA A. WESTGATE
Panel Chair

Exhibits:

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



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

OCT 20 1998

MEMORANDUM FOR AFBCMR

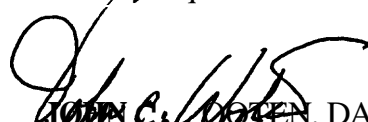
FROM: HQ AFPC/DPPRS
550 C Street West, Suite 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

The applicant, while serving in the grade of private, was discharged from the Air Force on 10 Apr 50 under the provisions of AFR 39-14 (Convenience of the Government) with an under honorable conditions (general) discharge. He served 02 years 01 month and 12 days active service.

Requested Action. The applicant is requesting his discharge be changed to honorable. He states he went to Los Angeles one night with his buddies and on the way back they saw an empty car that supposedly belong to a Col and they stripped the car in spite of his protest. Because he was with them, he was charged with being an accessory to the fact and even though the court cleared him, he was given a general discharge from the Air Force.

Conclusion and Recommendation. Denial. Applicant's master personnel records indicate he was reduced in grade to private on 20 Mar 50 for misconduct which was less than one month prior to his discharge date. The discharge authority could have issued either an honorable or an under honorable conditions (general) discharge in accordance with AFR 39-14 and the discharge authority determined the under honorable conditions (general) discharge appropriately characterized the applicant's service. He has not filed a timely request.


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