RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-02668

INDEX CODE: 106.00

XXXXXXXXXXXXXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His under honorable conditions (general) discharge be upgraded to honorable.

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APPLICANT CONTENDS THAT:

At the time he was disciplined, he requested that he be discharged and was subsequently rendered a general discharge. Prior to this, his record was good and all of his Airman Performance Reports (APRs) were excellent. He has been a model citizen since his separation from the Air Force and believes he represents the professional image he learned in the Air Force. He has promoted the Air Force as a great place for young men, and his son has just completed Air Force Basic Military Training (BMT). While revisiting Lackland AFB during his son’s graduation from BMT, he was proud and became inspired to research how to upgrade his discharge.

Applicant’s complete submission is at Exhibit A.

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 16 December 1985, and served continuously as an aircraft armament systems specialist until his discharge. On 17 October 1989, he was notified of his commander’s intention to recommend him for a general discharge for misconduct (discreditable involvement with military or civil authorities); specifically:

a. Letter of Reprimand (LOR) on 28 April 1989 for, on or about 24 April 1989, performing maintenance not applicable to his career field without using the available proper technical data.

b. LOR on 1 June 1989 for, on or about 2 April 1989, writing a check to the Ramstein NCO Open Mess for $125.00, and thereafter failing to maintain sufficient funds in his account to cover the check.

c. LOR and placement on the Control Roster on 9 August 1989 for, from January 1989 to August 1989, writing checks to Non-Appropriated Funds which were returned for insufficient funds and became 60 days overdue.

d. Article 15 on 31 August 1989 for, between 18 July 1989 and 28 July 1989, writing checks to Merchant’s Bank for a total of $400.00, and thereafter failing to maintain sufficient funds in his account to cover these checks. Punishment consisted of a reduction to the grade of airman first class (E-3), 45 days restriction, and 45 days extra duty.

The commander informed the applicant of his rights and, on 30 October 1989, after consulting with counsel, he submitted a statement in his own behalf, requesting that he be offered an opportunity for probation and, if a discharge was still deemed necessary, he be rendered an honorable discharge since his financial difficulties did not affect his outstanding job performance. On 1 November 1989, the Staff Judge Advocate recommended the applicant be discharged with a general discharge, and he not be afforded probation and rehabilitation opportunities.

On 2 January 1990, the applicant was discharged in the grade of airman first class (E-3) for misconduct – pattern of discreditable involvement with military or civil authorities, with a general service characterization. He completed a total of 4 years and 17 days of active service.

The applicant’s Airman Performance Report profile follows:

PERIOD ENDING EVALUATION

15 Dec 1986 9 (firewall)

6 May 1987 9

3 Feb 1988 9

2 Jun 1988 9

2 Jun 1989 9

Pursuant to the Board’s request, the Federal Bureau of Investigation (FBI), Clarksburg, WV, has indicated at Exhibit C that they are unable to identify the applicant with an arrest record. On 30 October 2008**,** a request for post-service information was forwarded to the applicant for response within 30 days. However, as of this date, no response has been received by this office.

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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 error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we find no evidence of an error or injustice that occurred in the discharge processing. Based on the available evidence of record, it appears the discharge was consistent with the substantive requirements of the discharge regulation and within the commander's discretionary authority. The applicant has provided no evidence that would lead us to believe the characterization of the service was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. We considered upgrading the discharge based on clemency; however, in the absence of documentation pertaining to his post-service accomplishments, we cannot conclude that it is warranted. Should he provide documentary evidence pertaining to his post-service activities, we would be willing to reconsider his appeal. Therefore, we find no basis upon which to recommend granting the relief sought.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of 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.

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The following members of the Board considered Docket Number BC-2008-02668 in Executive Session on 16 December 2008, under the provisions of AFI 36-2603:

Ms. Charlene M. Bradley, Panel Chair

Mr. Alan A. Blomgren, Member

Mr. Elwood C. Lewis, III, Member

The following documentary evidence was considered in BC-2008-02668:

Exhibit A. DD Form 149, dated 10 Sep 08.

Exhibit B. Applicant's Available Master Personnel Records.

Exhibit C. USDOJ FBI Response.

Exhibit D. Letter, AFBCMR, dated 30 Oct 08, w/atch.

CHARLENE M. BRADLEY

Panel Chair