RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2008-02670

INDEX CODE: 106.00

XXXXXXXXXXXXXXXXX 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:

His military service was very honorable and impeccable for three years and six months prior to his discharge. He proudly served with his Security Police Squadron without incident, was posted in various positions of high security needs and DOE weapons transport by aircraft, and was used on sensitive posts during Inspector General Inspections due to his outstanding military appearance, in-depth knowledge, and overall military professionalism.

He regrets the poor judgment he showed in his decision that became the basis for his discharge, but he does not believe that he should carry the load of the blame for the actions leading up to this incident. His squadron was very racially biased towards non-whites at the time as they had programs such as the Black Police Officer Association, Most Beautiful Black Baby Contest, Hispanic Heritage Month, and other programs for non-whites. He does not have a problem with these programs and contests as long as they are equally distributed for everyone and he is not briefed on them during a guard mount when the issue has nothing to do with him. Every six months, the Affairs Office would come and talk to them and hand out questionnaires to see if there were any problems that needed looking into. Nothing was ever said or done by their upper office concerning the questionnaires, so a few of them came up with the idea to join the local Ku Klux Klan (KKK) to get the attention needed to fix their problems.

Although military members are prohibited from participating or joining any organization or religious group that is racially biased, this seems to apply only to certain members. He was involved with the KKK for less than two weeks and had already disassociated himself from them as he had figured out that his affiliation with them would not do him any good or help with the problems described above. His squadron commander wanted to press court-martial charges and he was all for it so the truth would finally come out, but the base and wing commanders ordered his squadron commander to give all of them involved general discharges and get them off base within 48 hours.

He has paid dearly for his actions which have hung over his head and affected him personally, spiritually, and with his family. It has been eighteen years since his discharge and he asks that he be allowed to put this behind him by granting him an honorable discharge. It is time that we both admit our mistakes and forgive each other for his poor judgment so long ago. He is not asking for this because of a job, but for his own peace of mind that his country can recognize that one incident should not overshadow all of the good he has done before and after his discharge. This will not change the past, but it will help our future.

In support of his appeal, he has provided copies of a personal statement and his DD Form 214.

Applicant’s complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force for a period of four years on 6 June 1986, and served as a security specialist until his discharge. Although not used as a basis for discharge, the applicant’s records contain the following documented incidents of misconduct:

1. Letter of Reprimand (LOR) for, on or about 7 November 1987, improperly using a security police shield to purchase beer from a local liquor store while underage.
2. Letter of Counseling (LOC) for, on or about 21 and 22 December 1987, being late for the performance of building and vehicle searches prior to being officially posted for these days.
3. Record of Individual Counseling (RIC) for, on or about 24 June 1989, having a portable AM/FM clock radio on his post.
4. LOR for, on or about 10 February 1990, attending a KKK rally as opposed to attending a wedding for which he had been given the day off.

On 14 February 1990, the applicant was notified of his commander’s intention to recommend him for a general discharge for commission of a serious offense; specifically, for actively participating in a public KKK rally on or about 3 February 1990. The commander informed the applicant of his rights and, on 16 February 1990, he submitted a statement in his own behalf after consulting with counsel. On 20 February 1990, the Staff Judge Advocate recommended that he be discharged with a general discharge without further probation and rehabilitation opportunities.

On 20 February 1990, the applicant was discharged in the grade of senior airman (E-4) for misconduct – other serious offenses, with a general service characterization. He completed a total of 3 years, 8 months, and 15 days of net active service.

The applicant’s Airman/Enlisted Performance Report profile follows:

PERIOD ENDING EVALUATION

1 Nov 1987 9 (firewall)

1 Nov 1988 9

1 Nov 1989 4

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 an arrest record. On 14 August 2008, a request for post-service information was forwarded to the applicant for response within 30 days. In response to our request, the applicant provided post-service information, which is attached at Exhibit E.

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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, we do not find the evidence presented is sufficient to compel us to recommend granting the relief sought on that basis. Therefore, in the absence of evidence to the contrary, 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-2008-02670 in Executive Session on 7 October 2008, under the provisions of AFI 36-2603:

Mr. Joseph D. Yount, Panel Chair

Ms. Barbara J. Barger, Member

Ms. Mary Jane Mitchell, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 9 Jul 08, w/atchs.

Exhibit B. Applicant's Available Master Personnel Records.

Exhibit C. USDOJ Negative FBI Response.

Exhibit D. Letter, AFBCMR, dated 14 Aug 08, w/atch.

Exhibit E. Letter, Applicant, undated

JOSEPH D. YOUNT

Panel Chair