RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-01667

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Under Conditions Other Than Honorable (Undesirable) discharge be upgraded to general or honorable.

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APPLICANT CONTENDS THAT:

He served many good years, but accepts that there were bad ones as well. His first discharge was honorable and he received a good conduct medal. He had a drinking problem which is now resolved.

In support of his request, the applicant provides copies of his DD Forms 214, *Report of Separation From the Armed Forces of the United States*, and a statement of support from the XXXXX County, XXXXXXXXX Veterans Service Officer.

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

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STATEMENT OF FACTS:

Applicant’s military records indicate he enlisted in the Regular Air Force on 5 Dec 51 for a period of four years and was progressively promoted to the grade of staff sergeant (E-5) effective and with a date of rank of 11 Feb 55. Applicant re-enlisted on 5 Dec 55 for a period of four years.

On 10 May 59, the applicant was notified by his commander of his intent to recommend him for involuntary discharge from the Air Force for unfitness due to his established pattern showing dishonorable failure to pay just debts and his established pattern of being Absent Without Leave (AWOL).

The reasons for the action were:

a. He did, on or about 17 Apr 58, without proper authority, absent himself from his unit and did remain so absent until on or about 1205 hours, on 19 Apr 58 in violation of Article 86, Uniform Code of Military Justice (UCMJ), for which he was tried by summary court-martial and demoted to airman first class, effective 28 Apr 58.

b. On 13 Jan 59, he was convicted, and subsequently confined, on a worthless check charge by civil authorities.

c. He did, at or about 0800 hours, on 26 Feb 59, fail to go at the time prescribed to his appointed place of duty, to wit: Base Installations Office Tool Crib in Violation of Article 86, UCMJ (failure to repair) for which he received an Article 15 and demotion to airman second class, effective 5 Mar 59.

d. He did, on or about 9 Apr 59, absent himself from his unit without proper authority, and did remain so absent until on or about 27 Apr 59 in violation of Article 86, UCMJ (AWOL), for which he was tried via special court-martial and sentenced to three months of hard labor and reduced to the grade of airman basic, effective 1 May 59.

On 21 Sep 59, the discharge authority approved the commander’s request, directing the involuntary discharge of the applicant. On 6 Oct 59, the applicant was involuntarily discharged from the Air Force with his service characterized as Under Conditions Other Than Honorable. He was credited with 7 years, 4 months, and 21 days of active service.

Pursuant to the Board’s request, the Federal Bureau of investigation (FBI) provided a copy of an investigative Report, which is at Exhibit C.

By undated letter, the applicant responded to the Board’s request for post-service information with an additional statement describing his efforts to beat alcoholism in the years since his discharge. He started going to Alcoholics Anonymous in 1960. During the following years, he apparently sought inpatient treatment at least twice for his drinking problem. He indicates he has been sober for approximately 30 years now and has worked in a variety of capacities (including self-employment) until retiring in 1994. Since then, he has worked part-time until 2007 (Exhibit E).

By letter, dated 27 Jul 09, Mr. XXXXXXXXXX, XXXXXXX County Veterans Service Officer, attests to the applicant’s good character, eluding to his struggle with alcohol and citing the lack of help for alcoholics in “the old days” (Exhibit F).

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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 an 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 applicant’s general discharge for unfitness based on his established failure to pay just debts and established pattern of being AWOL was consistent with the substantive requirements of the discharge regulation and within the commander’s discretionary authority. He has provided no evidence which would lead us to believe the characterization of his service was improper or contrary to the provisions of the governing directive. 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. In view of the foregoing, and in the absence of evidence to the contrary, we conclude that no basis exists to upgrade the applicant’s general discharge.

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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 AFBCMR Docket Number BC-2009-01667 in Executive Session on 1 Sep 09, under the provisions of AFI 36-2603:

Mr. Robert H. Altman, Panel Chair

Ms. Glenda H. Scheiner, Member

Mr. Joseph D. Yount, Member

The following documentary evidence for AFBCMR Docket Number BC-2009-01667 was considered:

Exhibit A. DD Form 149, dated 27 Apr 09, w/atchs.

Exhibit B. Applicant's Master Personnel Records.

Exhibit C. FBI Report.

Exhibit D. Letter, AFBCMR, dated 23 Jul 09.

Exhibit E. Letter, Applicant, undated.

Exhibit F. Letter, XXXXXXX County Veterans Service Officer,

dated 27 Jul 09.

ROBERT H. ALTMAN

Panel Chair