RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2009-01953

INDEX CODE: 106.00

XXXXXXX COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His Under Other Than Honorable Conditions (UOTHC) discharge be upgraded to General.

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APPLICANT CONTENDS THAT:

The circumstances surrounding his discharge are that he was involved in a civil check writing case. He was young and impressionable and did not understand the ramifications of his actions on the rest of his life. He truly regrets the incident and offers his apologies to the Air Force. Since his discharge, he has lived a moral and honest life, not committing any other violations of law. He has paid his debt to society and wants to clear his name before it’s too late and give his children the knowledge that their father was a good and decent man.

In support of his request, the applicant provides a letter of explanation and copies of his DD Forms 214, *Report of Separation From the Armed Forces of the United States.*

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 Jul 55 as an airman basic (E-1) for a period of four years and was progressively promoted to the grade of airman first class (E-4) effective and with a date of rank of 1 Jun 57. Applicant reenlisted on 12 Jul 57 for a period of six years.

On 21 Aug 58, the applicant’s commander recommended his involuntary discharge from the Air Force for his arrest and conviction by civil authorities for forgery.

On 3 Sep 58, the discharge authority approved the commander’s request, directing the involuntary discharge of the applicant. On 19 Sep 58, the applicant was involuntarily discharged from the Air Force with his service characterized as Under Other Than Honorable Conditions (UOTHC). He was credited with 2 years, 11 months and 25 days of total active service.

The applicant responded to the Board’s request for post-service information by providing a copy of his resume and two character references (Exhibit D).

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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 UOTHC discharge for his criminal conviction by civil authorities 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 UOTHC 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-2009-01953 in Executive Session on 20 Oct 09, under the provisions of AFI 36-2603:

Ms. Rita S. Looney, Panel Chair

Ms. Mary Jane Mitchell, Member

Ms. Glenda H. Scheiner, Member

The following documentary evidence was considered:

Exhibit A.  DD Form 149, dated 22 May 09, w/atchs.

Exhibit B.  Applicant's Master Personnel Records.

Exhibit C.  Letter, AFBCMR, dated 4 Aug 09.

Exhibit D.  Post Service Documentation Provided by the

Applicant.

RITA S. LOONEY

Panel Chair