

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-03855  
COUNSEL: NONE  
HEARING DESIRED: NO

---

APPLICANT REQUESTS THAT:

His under other than honorable conditions (undesirable) discharge be upgraded to honorable.

---

APPLICANT CONTENDS THAT:

It was never explained to him as to why he was discharged.

The applicant's complete submission is at Exhibit A.

---

STATEMENT OF FACTS:

The applicant's military personnel records were destroyed by fire in 1973 at the National Personnel Record Center (NPRC). The available records indicate the following:

On 15 Feb 50, the applicant enlisted in the Regular Air Force and was progressively promoted to the grade of airman second class.

On 11 Jul 50, he received a special court-martial for taking the property of another owner, (specifically clothing) at a value of \$20.00. His punishment consisted of confinement at hard labor for three months and forfeiture of \$50.00 pay per month for three months.

On 16 Oct 52, he received a summary court-martial for wrongfully taking and using a portable vacuum cleaner, a value of about \$20.00, and was the property of the United States government. His punishment consisted of confinement at hard labor for one month, forfeiture of \$60.00 pay, and a reduction to the grade of basic airman.

On 18 Dec 52, he was convicted by civil authorities for driving a car without consent of the owner, and was sentenced to 90 days in jail.

On 13 Mar 53, he was discharged in the grade of airman basic, under the provisions of AFR 39-22, *Discharge of Airmen for Misconduct Because of Civil Court Dispositions*, by reason of

conviction by a Civil Court, with service characterized as under other than honorable conditions (undesirable). He served a total of two years, six months, and three days of active duty service.

On 2 Nov 12, a request for information pertaining to his post-service activities was forwarded to the applicant for response within 30 days (Exhibit C). As of this date, no response has been received by this office.

---

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 which 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. In the interest of justice, we considered upgrading the discharge based on clemency; however, we do not find sufficient evidence to compel us to recommend granting the relief sought on that basis, as the applicant did not provide any information pertaining to his activities since leaving the service. Should the applicant provide statements from community leaders and acquaintances attesting to his good character and reputation and other evidence of successful post-service accomplishments we would be willing to reconsider his appeal. In the absence of such evidence, favorable action on his request is not warranted. Therefore, based on the evidence, we find no basis upon which to favorably consider this application.

---

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.

---

The following members of the Board considered Docket Number BC-2011-03855 in Executive Session on 20 Dec 12, under the provisions of AFI 36-2603:

, Panel Chair  
, Member  
, Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 26 Sep 11.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, SAF/MRBC, dated 2 Nov 12.

Panel Chair