

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-05057

COUNSEL: NONE

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

In May of 1983, he found a set of golf clubs after completing a round of golf. Because it was after hours, he planned on putting an advertisement in the base paper and posting them as found on the golf course board. He did not have a set so he used them. The owner of the clubs saw him using them and called the police. He later purchased the clubs from the owner. He explained what happened but later agreed to the loss of rank during the Article 15 process. He thought that was the end of it but later found out he was being discharged for unsatisfactory performance.

He arrived at Minot AFB in January 1982. By February 1982, he placed himself on second shift. He did the work and received a only a satisfactory rating. He never received a write-up or was told that any of his work was unsatisfactory. He believes the discharge was additional punishment for the golf club incident.

He only agreed to the discharge because they were phasing out his job and he did not want to go through the retraining process. He also agreed because he and his wife were away from home for the first time and wanted to go back home to spend more time with their family.

He has been denied loan eligibility because he did not have enough time in the service. He was told he would receive full benefits.

In support of his request, the applicant provides a personal statement and his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

The applicant's complete submission, with attachment, is at Exhibit A.

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 24 September 1981. On 8 June 1983, he was notified of his commander's intent to discharge him from the Air Force for unsatisfactory performance. Specifically, the applicant received an Article 15, a Letter of Reprimand and eight Records of Counseling. The applicant acknowledged his right to counsel and to submit a statement on his behalf. He consulted counsel and submitted a statement. On 6 July 1983, the case was found legally sufficient. On 11 July 1983, the commander approved the applicant's discharge. His service was characterized as general (under honorable conditions). He was credited with serving 1 year, 9 months and 25 days of active duty service.

Pursuant to the Board's request, the Federal Bureau of Investigation, Clarksburg, West Virginia provided a copy of an investigation report (Exhibit C).

On 14 March 2012, the FBI investigation and a request for post-service information were forwarded to the applicant for response within 30 days. As of this date, no response has been received by this office (Exhibit D).

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 during the discharge process. 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, or unduly harsh. We considered upgrading the discharge based on clemency; however, there was no evidence submitted 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.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

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 AFBCMR Docket Number BC-2011-05057 in Executive Session on 17 May 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 22 Dec 11, w/atchs.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. FBI Investigative Report.
Exhibit D. Letter, SAF/MRBC, dated 14 Mar 12.

Panel Chair