

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00013
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

She was a young vulnerable female who was sexually harassed by her supervisor. Because she ignored her supervisor's approaches he constantly harassed her. Those in charge felt they needed to chastise her and began an overwhelming process to discharge her from the Air Force. She further states she had a stellar career prior to the harassment.

In support of the applicant's appeal, she provides a personal statement, character reference letters and documents extracted from her military personnel records.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 9 July 1991.

On 19 July 1993, the applicant was notified by her commander of his intent to recommend that she be discharged from the Air Force under the provisions of AFR 39-10. The specific reasons are as follows:

a. On or about 6 August 1992 the applicant received non-judicial punishment under Article 15, Uniform Code of Military Justice (UCMJ) for operating a motor vehicle while under the influence of alcohol.

b. On or about 23 May 1993, 24 June 1993 and 25 June 1993, the applicant received Letters of Reprimand (LORs) for operating a motor vehicle while under the influence of alcohol and making a false official statement to a superior.

She was advised of her rights in this matter and elected not to consult with counsel or submit a statement on her own behalf. In a legal review of the case file, the acting staff judge advocate found the case legally sufficient and recommended discharge. The discharge authority concurred with the recommendation and directed a general discharge. The applicant was discharged on 27 July 1993. She served 2 years and 19 months on active duty.

On 19 April 1999, the Air Force Discharge Review Board (AFDRB) considered and denied the applicant's request that her general discharge be upgraded to honorable (Exhibit B).

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Clarksburg, West Virginia, provided an arrest record which is at Exhibit C.

On 21 May 2012, a copy of the FBI Report of Investigation and a request for information pertaining to her post-service activities was forwarded to the applicant for review and response within 30 days (Exhibit D). The applicant provided additional documentation in support of her appeal (Exhibit E).

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, the evidence submitted was insufficient for us to recommend granting the relief sought on that basis. The Board notes the applicant's allegations of being sexually harassed and that the treatment she suffered at the hands of her superiors contributed to the misconduct that led to her discharge. Unfortunately, she has not provided independent corroborative

evidence of her allegations and the record available to us only details the misconduct on her part. Should she provide supporting statements or independent corroboration of her account, it may justify reconsideration of her appeal.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of an error or injustice; the application was denied without a personal appearance; and 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-2012-00013 in Executive Session on 28 June 2012, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00013 was considered:

- Exhibit A. DD Form 149, dated 26 December 2011, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Federal Bureau of Investigation Report.
- Exhibit D. Letter, AFBCMR, dated 21 May 2012.
- Exhibit E. Letter, Applicant, dated 20 June 2012, w/atchs.