

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00016
COUNSEL: NO
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

His discharge was the result of a misunderstanding.

The applicant did not provide any documentation in support of his request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

On 31 Mar 92, the applicant enlisted in the Regular Air Force.

On 27 Sep 94, the applicant was notified of his commander's intent to recommend his discharge from the Air Force under the provisions of AFR 39-10, *Administrative Separation of Airmen* for a pattern of misconduct. The applicant acknowledged receipt of the notification of discharge. The specific reason for the proposed action was:

Between 21 Apr 93 and 7 Sep 94, the applicant had one instance of disorderly conduct; one instance of voluntarily riding in a vehicle being driven by an individual who was under the influence of alcohol; one instance of AFR 35-10, *Dress and Personal Appearance of Air Force Personnel* violation, and one instance of failing to report to the Senior Enlisted Advisor when asked to. For these instances of misconduct, the applicant received two letters of reprimand (LOR) and an Article 15, Uniform Code of Military Justice (UCMJ).

The applicant after consulting with counsel elected to waive his right to submit a statement on his own behalf.

On 5 Oct 94, the Staff Judge Advocate (SJA) reviewed the case and found it legally sufficient to support a discharge and

recommended that he receive a general (under honorable conditions) discharge without probation and rehabilitation.

On 6 Oct 94, the discharge authority approved the applicant's discharge. On 21 Oct 94, the applicant was discharged with service characterized as general (under honorable conditions) in the grade of airman first class. He served 2 years, 6 months and 21 days of total active service.

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 process. Based on the available evidence of record, it appears the applicant's general, under honorable conditions discharge for misconduct was consistent with the substantive requirements of the discharge regulation and within the discharge authority's discretion. He has provided no evidence which would lead us to believe otherwise. We considered upgrading the discharge based on clemency; however, in view of the lack of any evidence regarding the applicant's activities since leaving the service, we find no basis to recommend granting the relief sought on that basis. However, should the applicant decide to submit documentation related to his post-service activities, we may be inclined to reconsider his request based on new evidence. Therefore, in the absence of evidence to the contrary, there is no basis for us to recommend the relief sought in 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-2012-00016 in Executive Session on 5 Nov 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 5 Jan 12.
Exhibit B. Applicant's Master Personnel Record.

Panel Chair