

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00118
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He was discharged for reporting heroin abuse in Tan Son Nhut, Vietnam in 1971.

He was discharged very suddenly and warned not to continue his efforts or he could end up in Leavenworth prison. He did not realize the Pentagon papers had been released the same month or that it may have created an atmosphere of hyper-vigilance. He knew the Air Force did not want heroin use amongst its ranks, but did not know the complexity of the situation.

He was puzzled by his sudden discharge. He was given a general discharge, yet his personnel records do not show any negative incidents with his service.

He became a sergeant in less than two years of service; there were no records of misconduct.

His job was to identify problems and he was doing his job. He considered his commander a top rate officer (he was Brigadier General select) and they seemed to get along.

The general discharge greatly hampers his job prospects. If given an honorable discharge, he would be a more productive part of society.

He just became aware that General L. has had his service record corrected and wondered if a correction for him is warranted.

The new release of formerly classified information about the Vietnam war should set the record straight.

In support of his request, the applicant provides copies of his DD Form 214, *Armed Forces of the United States Report of Discharge*; DD Form 293, *Application for Review of Discharge* or

Separation from the Armed Forces of the United States, and a personal statement.

His complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

On 4 Mar 1969, the applicant enlisted in the Regular Air Force.

On 29 Aug 1971, his commander notified him he was recommending he be discharged under the provisions of AFM 39-12, *Separation for Unsuitability, Unfitness, Misconduct, Resignation, or Request for Discharge for the Good of the Service and Procedures for the Rehabilitation Program*, for a pattern of repeated attempts to secure a discharge from the Air Force. The specific reason for this action was an evaluation was made of the applicant's mental status on 15 Aug 1971 and he was found to have a character and behavior disorder, passive-aggressive personality.

On 29 Aug 1971, the applicant acknowledged receipt of the discharge notification.

On 15 Sep 1971, the Staff Judge Advocate (SJA) found the discharge legally sufficient.

On 23 Sep 1971, the applicant was discharged from the Air Force, with a general (under honorable conditions) discharge. He served 2 years, 6 months, and 20 days of total active service including 6 months and 25 days of foreign service.

On 24 Feb 1972, the Air Force Discharge Review Board evaluated his application and concluded that a change in the type or nature of his discharge was not warranted.

On 22 May 2012, a request for post-service information was forwarded to the applicant for review and comment within 30 days (Exhibit C).

The applicant responded on 5 Jun 2012 and provided copies of a personal statement, several letters of appreciation and an article regarding a mobile home park he and his wife sold to a non-profit organization.

Since leaving the military, he attended college and received a degree in sociology. He worked for the county as a counselor for at-risk children. He was promoted to senior duty probation officer. He retired early so he could manage a mobile home park he and his wife owned. He is now retired and lives on a small farm.

His complete response, with attachments, is at 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 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 the evidence presented is sufficient 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 in this application.
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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.

The following members of the Board considered this application in Executive Session on 21 Jun 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered in AFBCMR BC-2012-00118:

- Exhibit A. DD Form 149, dated 29 Dec 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFBCMR, dated 22 May 2012, w/atch.
- Exhibit D. Letter, Applicant, dated 5 Jun 2012, w/atchs.

Panel Chair