

ERECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00053

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

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

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APPLICANT CONTENDS THAT:

He would like his discharge upgraded to allow his family the opportunity to utilize his Department of Veterans Affairs (DVA) medical benefits.

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

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

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STATEMENT OF FACTS:

On 25 Jul 80, the applicant contracted his enlistment in the Regular Air Force. He served as an Apprentice Food Service Specialist.

On 6 Aug 81, the applicant's commander notified him that he was recommending his discharge from the Air Force for misconduct - frequent involvement of a discreditable nature. The specific reasons for the discharge action were that he received two Article 15s for failure to go, a Notification of Intent to Vacate Suspended Punishment for a dormitory violation, a Letter of Reprimand (LOR) for failure to go and departing his place of duty without proper authority, three Record of Counselings, Statements, and a memorandum for record (MFR) for being late for duty.

His commander advised him of his rights in this matter and on 6 Aug 81, he acknowledged receipt of the notification for discharge.

On 7 Aug 81, an evaluation officer was appointed to evaluate the applicant's case. On 21 Aug 81, the evaluation officer interviewed the applicant, reviewed his records and case file. On 24 Aug 81, the evaluation officer recommended the applicant be furnished a general discharge without probation and rehabilitation.

On 26 Aug 81, the legal office found the case to be legally sufficient and, on 28 Aug 81, the discharge authority directed the applicant be furnished a general discharge. He was so discharged on 11 Sep 81 and was credited with 1 year, 1 month, and 17 days of active service.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI) provided a copy of an Investigative Report, which is at Exhibit C.

On 11 Jun 12, a copy of the FBI Investigative Report and a request for post-service information was forwarded to the applicant for review and comment within 30 days (Exhibit D). As of this date, no response has been received by this office.

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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 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 his service and narrative reason for separation was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. In the interest of justice, we also considered upgrading the discharge based on clemency; however, the applicant has not submitted evidence that shows a successful post-service adjustment. Therefore, in the absence of evidence to the contrary, we find no basis upon which to recommend granting the relief sought.
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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material 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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-00053 in Executive Session on 26 Jul 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 6 Jan 12, w/atch.
- Exhibit B. Applicant's Master Military Personnel Records.
- Exhibit C. FBI Investigative Report.
- Exhigit D. Letter, AFBCMR, dated 11 Jun 12, w/atchs.

Panel Chair