

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00156

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

1. He was foolish, immature, developed a poor work ethic and drank excessively. He is sorry and apologizes for the actions that led to his discharge.

2. He is 65 years old, disabled, and just wants to clear his military record.

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 7 Jun 65, the applicant entered the Regular Air Force.

On 28 Aug 67, the applicant was evaluated and diagnosed with having an emotional unstable personality, passive-aggressive type, manifested by an inability to tolerate stress, frustration or the demands of society.

On 5 Sep 67, the applicant was notified of his commander's intent to recommend he be discharged from the Air Force under the provisions of AFR 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 character and behavior disorder, apathy, defective attitudes and inability to expend effort constructively. The reasons for the proposed action were:

1). He received 13 letters of counseling for failure to report to work on time.

2). He received four Article 15s, Uniform Code of Military Justice (UCMJ) for failure to repair.

On 5 Sep 67, the applicant acknowledged receipt of the discharge notification.

On 12 Sep 67, the applicant was interviewed by the evaluation officer and elected to waive his right to submit a statement on his own behalf.

On 13 Sep 67, the evaluation officer recommended to the Air Base Group Commander that the applicant be discharged and issued a general discharge. On 18 Sep 67, the discharge authority approved the applicant's discharge under the provisions of, AFR 39-12. On 22 Sep 67, the applicant was discharged from the Air Force with a general (under honorable conditions) discharge, without probation and rehabilitation. He served 2 years, 4 months and 16 days of total active service.

Pursuant to the Board's request, the Federal Bureau of Investigations (FBI), Clarksburg, WV, provided a copy of an Investigative Report (Exhibit C).

On 22 May 12, a copy of the Investigative Report was 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 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, based on the contents in his FBI Report, we

are not inclined 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.

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-2012-00156 in Executive Session on 18 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 18 Dec 11.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report of Investigation, dated 28 Feb 12.
- Exhibit D. Letter, SAF/MRBC, dated 22 May 12.

Panel Chair