

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00185

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records be corrected to show his character of service as honorable instead of general (under honorable conditions).

APPLICANT CONTENDS THAT:

He was discharged for inadaptability/unsuitability because he kept getting sick during training from the food he ate at the chow hall. His commanding officer was angry when the applicant's doctors told him the applicant could no longer eat in the mess hall.

In support of his appeal, the applicant provides a copy of his DD Form 214, *Report of Separation from the Armed Forces of the United States*.

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

STATEMENT OF FACTS:

The applicant began his military service on 6 Jan 54.

On 25 Aug 54, the applicant's commander recommended he be administratively discharged for unsuitability in accordance with AFR 39-16. The reason for the action included the applicant's repeated great emotional instability, marked nervousness, and lack of physical stamina. It was also noted the applicant had been directed to not consume fried foods, fatty foods, citrus juices, or carbonated or alcoholic drinks, making it practically impossible for him to eat at a regular Air Force dining hall.

On 25 Aug 54, the applicant acknowledged receipt of the action and, after consulting with legal counsel, waived his right to appear before a board of officers and requested he be discharged. The commander's recommendation was approved on 30 Sep 54 and the applicant was furnished a general (under honorable conditions)

discharge on 12 Oct 54 after serving for nine months and six days of total active service.

In accordance with the Board's request, the Federal Bureau of Investigation (FBI) provided a report indicating they were unable to locate an arrest record pertaining to the applicant based on the information provided.

On 3 Jul 12, a request for post-service information was forwarded to the applicant for review and comment. In response, the applicant indicates he led what he believes to be an exemplary life, raising two children who have advanced degrees in education who, in turn, have raised their children who are also pursuing advanced degrees. He has also owned a business, which did business with the government, and he has held two carry permits.

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 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 the absence of any evidence pertaining to his activities since leaving the service, we are not compelled to recommend granting the relief sought on that basis. Should the applicant submit additional documentation that demonstrates a successful post-service transition, we would be inclined to reconsider his case on the basis of new evidence. Therefore, in the absence of evidence to the contrary, we conclude that no basis exists to upgrade the applicant's general (under honorable conditions) discharge.

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.

The following members of the Board considered AFBCMR Docket Number BC-2012-00185 in Executive Session on 30 Jul 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00185 was considered:

- Exhibit A. DD Form 149, dated 14 Jan 12, w/atc.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFBCMR, dated 26 Jun 12, w/atc.
- Exhibit D. Letter, SAF/MRBR, dated 26 Jun 12.

Panel Chair