

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00261
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He believes his general discharge should be upgraded to honorable.

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

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 22 July 1982.

On 28 January 1985, the applicant was notified by his commander of his intent to recommend that he be discharged from the Air Force under the provisions of AFR 39-10. The specific reason was that on or about 31 December 1984, the applicant wrongfully used marijuana in the hashish form. For this misconduct he received punishment under Article 15, Uniform Code of Military Justice.

He was advised of his rights in this matter and after consulting with counsel the applicant elected to waive his right to submit a statement on his own behalf. In a legal review of the case file, the deputy staff judge advocate found the case legally sufficient and recommended discharge. The discharge authority concurred with the recommendation and directed a general discharge. The applicant was discharged on 5 March 1985. He served 2 years, 7 months and 14 days on active duty.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Clarksburg, West Virginia, was unable to identify with an arrest record on the basis of information furnished.

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. Additionally, due to lack of evidence of a successful post-service adjustment, we do not find it would be in the interest of justice to upgrade his discharge on the basis of clemency. 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 an 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-2012-00261 in Executive Session on 11 September 2012, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00261 was considered:

- Exhibit A. DD Form 149, dated 13 January 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.