

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00369

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 had no understanding about the effects of alcohol. He was discharged without being provided any type of intervention or determination regarding his problem. He was and still is an alcoholic. He served his country with honor and would like his discharge upgraded for medical reasons.

The applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force, on 26 Aug 81, for a period of four years.

On 12 Oct 84, the squadron commander notified the applicant of administrative discharge action for a pattern of misconduct. The specific reasons for the proposed action were: 1) on or about (o/a) 15 Oct 83, the applicant received an Article 15 for being drunk on station and communicating a threat; 2) o/a 12 Jul 84, he received a Letter of Reprimand (LOR) for making a profane statement using profane language and failing to produce his ID card when requested and willful attempt to damage government property; 3) o/a 5 Sep 84, he appeared before civil court for a charge of driving under the influence (DUI). For this offense, he was ordered into 36 months summary probation, ordered to pay a fine of \$663.00 and an administrative fee of \$30.00 to be paid in increments of \$50.00 a month. Also, to serve 20 hours with the county adult work program and to observe good conduct/obey all laws/have no similar offenses, not drive unless legally licensed and insured/not drive within six hours of consuming an alcoholic beverage, and to enroll within five days in DUI school and complete the school within 90 days.

After consulting with counsel, he submitted statements in his own behalf. The Staff Judge Advocate found the case file legally sufficient to support separation and recommended a general discharge, without probation and rehabilitation (P&R). The discharge authority approved the general discharge, without P&R.

On 6 Nov 84, the applicant was discharged under the provisions of AFM 39-10, by reason of misconduct - pattern discreditable involvement with military and civilian authorities, with service characterized as general (under honorable conditions). He was credited with 3 years, 2 months, and 11 days of active duty service.

The applicant appealed to the Air Force Discharge Review Board (AFDRB) to have his discharge upgraded; however, the AFDRB denied his application. They concluded the discharge was consistent with the procedural and substantive requirements of the discharge regulation, was within the discretion of the discharge authority, and the applicant was provided full administrative due process (see AFDRB Hearing Record at Exhibit B).

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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 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 during the discharge process. 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 his discharge on the basis of clemency; however, considering his overall record of service, the seriousness of the offenses which led to his administrative separation, the earlier decision of the AFDRB, and the lack of post-service documentation, we are not persuaded that an upgrade of the characterization of his discharge is warranted. 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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-00369 in Executive Session on 2 August 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 9 Jan 12.
- Exhibit B. Applicant's Master Personnel Records.

Panel Chair