

On 3 Jun 86, the applicant was furnished a General (Under Honorable Conditions) discharge for misconduct—drug abuse and credited with two years, three months, and six days of total active service.

On 30 Dec 88, the applicant submitted a DD Form 293, *Application for the Review of Discharge or Dismissal from the Armed Forces of the United States*, to the Air Force Discharge Review Board (AFDRB) requesting to upgrade his discharge. The AFDRB carefully considered all evidence presented and denied his request on 8 May 89.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI) provided a copy of the applicant's Criminal History Record, which is at Exhibit C.

On 3 Jul 12, a copy of the FBI Report and a request for post-service information were forwarded to the applicant for review and comment 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 on the basis of clemency; however, we do not find the evidence presented is sufficient for us to recommend granting the relief sought on that basis at this time. Therefore, in the absence of evidence to the contrary, we conclude that no basis exists to grant the relief sought in this application.

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 the application.

The following members of the Board considered AFBCMR Docket Number BC-2012-00456 in Executive Session on 6 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 3 Feb 12, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report.
- Exhibit D. Letter, AFBCMR, dated 3 Jul 12 w/atch.

Panel Chair