

Administrative Separation of Airmen, for a Pattern of Minor Disciplinary Infractions, and was credited with seven years, five months, and ten days of total active service.

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

On 7 Sep 12, a copy of the FBI report and a request for post-service information was forwarded to the applicant for review and 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 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 for misconduct 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 his general (under honorable conditions) discharge was improper or contrary to the provisions of the governing directive. In the interest of justice, we considered upgrading the discharge based on clemency; however, in the absence of any evidence related to his activities since leaving the service, 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 to recommend granting the relief sought in this application.
4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

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-2012-00478 in Executive Session on 31 Oct 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 20 Jan 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Investigative Report.
- Exhibit D. Letter, AFBCMR, dated 7 Sep 12, w/atch.

Panel Chair