

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00511
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His general (under honorable conditions) discharge be upgraded to honorable.
2. He be awarded any service medals for his deployment.
3. His foreign service be updated for his service in Southwest Asia.

APPLICANT CONTENDS THAT:

He was advised that he could request a change to character of service on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, after several years had passed. Additionally, he was deployed in support of DESERT SHIELD in 1988 and never received service awards for that deployment. The Department of Veterans Affairs (DVA) employment office advised him that his records could be corrected.

In support of his request, the applicant provides a copy of his DD Form 214.

His complete submission, with attachment, is at Exhibit A.

STATEMENT OF FACTS:

The applicant enlisted into the Regular Air Force on 15 May 85.

The applicant was notified by his commander of his intent to recommend his discharge from the Air Force under the provisions of AFR 39-10, Chapter 5, Section H, paragraph 5-47b, for a pattern of misconduct - conduct prejudicial to good order and discipline. After a legal review, the deputy staff judge advocate found the case legally sufficient and recommended discharge. The applicant received a general (UHC) discharge on 1 Nov 89 after serving 4 years, 5 months, and 17 days on active duty.

On 2 Aug 12, a request for information pertaining to his post-service activities was forwarded to the applicant for response within 30 days. As of this date, this office has received no response.

The SWASM criteria: This award, authorized by Executive Order 12754, 12 Mar 91, is awarded to members of the U.S. Armed Forces who served in support of Operations Desert Shield or Desert Storm between 2 Aug 90 and 30 Nov 95 in one or more of the following areas: Persian Gulf, Red Sea, Gulf of Oman, Gulf of Aden, that portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude, and the land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar and the United Arab Emirates; or individuals serving in Egypt, Israel, Turkey, Syria and Jordan (including territorial airspace and waters) directly supporting combat operations between 17 Jan 91 and 30 Nov 95.

AIR FORCE EVALUATION:

AFPC/DPSIDR recommends denial of awarding the applicant the SWASM based on the fact that the Directorate of Assignments was unable to locate any documentation substantiating foreign service. Although the applicant was not specific on the award he is requesting, they believe he is referring to the SWASM. Further, the applicant was released from active duty before the start date of Operation DESERT SHEILD (ODS).

The complete DPSIDR evaluation is at Exhibit C.

AFPC/DPAPP recommends denial of correcting the applicant's record to reflect he served in ODS based on the fact that his record does not reflect any foreign service time.

The complete DPAPP evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

In a personal statement, the applicant provided a resume of his accomplishments since he left the Air Force. He also provides many certificates of recognition.

This applicant's complete submission, with attachments, is at Exhibit G.

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 regarding the applicant's request to have his discharge upgraded. In this respect, 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 his 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 based on clemency; however, we do not find the evidence presented is sufficient to recommend granting the relief sought on that basis. With regard to the applicant's request to be given foreign service credit and awarded service medals for service he claims to have performed during a deployment, other than his own assertions, we have seen no evidence by the applicant to substantiate this claim. Consequently, we agree with the opinions and recommendations of the Air Force office of primary responsibility and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

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.

The following members of the Board considered AFBCMR Docket Number BC-2012-00511 in Executive Session on 21 Aug 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 29 Jan 12, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSIDR, dated 3 May 12.
- Exhibit D. Letter, AFPC/DPAPP, dated 2 Apr 12.
- Exhibit E. Letter, SAF/MRBR, dated 11 May 12.
- Exhibit F. Letter, AFBCMR, dated 2 Aug 12.

Panel Chair