

were the applicant received numerous counseling's, memorandums regarding his behavior, appearance, and defective attitude toward training and learning. He was also disenrolled from the aircraft maintenance course and was not recommended for promotion.

His commander advised him of his rights in this matter. On 10 Apr 80, the applicant acknowledged receipt of the notification and, after consulting with legal counsel, submitted a conditional waiver of his right to an administrative discharge board contingent upon his receipt of an honorable discharge.

On 8 May 80, the legal office reviewed the case and found it legally sufficient and recommended the discharge authority accept the applicant's conditional waiver, and that he be furnished an honorable discharge.

The discharge authority concurred with the findings and recommendations and directed the applicant be furnished an honorable discharge without probation and rehabilitation. He was discharged on 8 May 80 and credited with 8 months and 12 days of active service.

AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial noting the applicant did not submit any evidence or identify any errors or injustices that occurred in the discharge processing. He provided no facts warranting a change to his separation code or narrative reason for separation. Furthermore, based on the documentation on file in the master personnel records, the discharge, to include the applicant's characterization of service, was consistent with the procedural and substantive requirements of the discharge manual and was within the discretion of the discharge authority.

The complete AFPC/DPSOS evaluation is at Exhibit C.

APPLICANT REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 27 Apr 80, for review and comment within 30 days. As of this date, no response has been received by this office.

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 an injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion the applicant has not been the victim of an error or injustice. Based on the available evidence of record, it appears the applicant's honorable discharge for unsuitability 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 discharge was improper or contrary to the provisions of the governing directive, or the SPD code and narrative reason for separation issued in conjunction with it were erroneous or inappropriately assigned. Therefore, in the absence of evidence to the contrary, we conclude that no basis exists to upgrade the applicant's UOTHC discharge. In the interest of justice, we also considered upgrading on the basis of clemency; however, he has not provided sufficient information of post-service activities and accomplishments for us to conclude that his discharge should be upgraded based on this basis. Therefore, in the absence of documentation concerning his post-service activities, we find no basis to recommend granting the relief sought in this application.

The following members of the Board considered AFBCMR Docket Number BC-2012-00579 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 7 Feb 12, w/atc.
- Exhibit B. Applicant's Master Military Personnel Records.
- Exhibit C. Letter, AFPC/DPSOS, 23 Apr 12.
- Exhibit D. Letter, SAF/MRBR, dated 27 Apr 12.

Panel Chair