

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00592
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His under other than honorable conditions (UOTHC) discharge be upgraded to an honorable discharge.

APPLICANT CONTENDS THAT:

His behavior and actions were not appropriate; however, he requests his discharge be upgraded based on clemency in order to regain some self-pride, honor and integrity.

The applicant does not provide any evidence in support of his appeal.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant is a former member of the Regular Air Force who served on active duty as a Law Enforcement Specialist from 21 June 1973 to 7 November 1974. On 18 April 1974, the applicant was found guilty on two specifications of being absent from his organization; and, on 10 May 1974, he was found guilty of stealing United States currency of a value of \$80, the property of another airman. The applicant's military record indicates he was Absent without Leave (AWOL) on three occasions for civil confinement, one occasion for desertion, and one occasion for pre-trial confinement.

On 10 October 1974, the applicant was notified by his commander that he was recommending the applicant for an undesirable discharge under the provisions of Air Force Manual 39-12, Chapter 2, Section B, paragraph 2-15a, for a pattern of frequent involvement of a discreditable nature with civil or military authorities. The commander cited the Article 15 and two court-martial convictions the applicant received during the period of 18 January 1974 and 10 May 1974, in addition to several incident/complaint reports and citations. The applicant acknowledged receipt of the commander's intent and was afforded the opportunity to submit statements in his own behalf.

On 25 October 1974, the discharge authority approved the recommended separation and directed the applicant be discharged with a UOTHC discharge without probation or rehabilitation. The applicant was discharged in the grade of airman basic (E-1) effective 7 November 1974 after serving 1 year, 4 months, and 16 days on active duty

AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial. DPSOS states the applicant's service characterization appropriately characterizes the misconduct for which he was court-martialed and subsequently discharged. Based on the documentation on file in the master personnel records, the discharge, to include his characterization of service, was consistent with the procedural and substantive requirements of the discharge instruction and was within the discretion of the discharge authority. The applicant did not provide any evidence of an error or injustice that occurred in the discharge processing.

The complete DPSOS evaluation is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 27 April 2012, for review and comment within 30 days (Exhibit D). As of this date, this office has received no response.

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. Furthermore, we do not find clemency is appropriate in this case since the applicant has not provided any evidence concerning his post-service activities. Based on the foregoing, 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-2012-00592 in Executive Session on 2 October 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered in connection with AFBCMR Docket Number BC-2012-00592:

- Exhibit A. DD Form 149, dated 9 Feb 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOS, dated 9 Apr 12.
- Exhibit D. Letter, SAF/MRBR, dated 27 Apr 12.

Panel Chair