

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00651  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His general (under honorable conditions) discharge be upgraded to an honorable discharge.

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APPLICANT CONTENDS THAT:

He has been discharged for over 20 years and hopes he has a chance at an honorable discharge. He knows that when he served alcohol to minors at a party, that it was wrong; however, he was immature at the time and has since learned from his mistake. He is a good upstanding citizen with a good family and job; and, is pursuing a college degree. He is well known and volunteers in his community, and is well-respected at his job. He would like to apply for a home loan through the Department of Veterans Affairs and feels an honorable discharge would make it easier.

In support of his appeal, the applicant provides three character references.

The applicant's complete submission, with attachments, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant is a former member of the Regular Air Force who served as a Security Specialist and was promoted to the grade of senior airman (E-4).

On 15 March 1990, the applicant was notified by his commander that he was recommending the applicant for a general discharge under the provisions of Air Force Manual 39-12, paragraph 5-47b, for a pattern of misconduct. The commander cited the four Letters of Reprimand (LOR), two Letters of Counseling (LOC) and one verbal counseling the applicant received during the period of 22 February 1987 and 14 February 1990. The applicant acknowledged receipt of the commander's intent and after consulting counsel, submitted a conditional waiver requesting an honorable discharge in lieu of having a board of officers be appointed to consider his separation from the service. On 14 May 1990, after the Acting Staff Judge Advocate considered the

applicant's conditional release and recommended the commander deny the applicant's request for an honorable discharge as inappropriate, the commander disapproved the applicant's request for a conditional waiver.

On 5 June 1990, the Acting Staff Judge Advocate found the case to be legally sufficient. On 6 June 1990, the discharge authority approved the applicant's general discharge without probation or rehabilitation.

The applicant was discharged from active duty in the grade of senior airman effective 11 June 1990 with a general (under honorable conditions) discharge. His narrative reason for separation was "Misconduct-Pattern Conduct Prejudicial to Good Order and Discipline. He served 7 years, 2 months, and 19 days on active duty.

Pursuant to the Board's request, the FBI indicated that on the basis of the data furnished, they were unable to locate an arrest record pertaining to the applicant.

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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. We considered upgrading the discharge based on clemency; however, we do not find the evidence presented is sufficient to compel us to recommend granting the relief sought on that basis. Therefore, in the absence of evidence to the contrary, we find no basis upon which to recommend granting the relief sought

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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-00651 in Executive Session on 20 September 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00651 was considered:

- Exhibit A. DD Form 149, dated 9 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.

Panel Chair