

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00717

COUNSEL: NONE

HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

When he entered the Air Force in 1995, he was very enthusiastic. He was young and immature and made some poor decisions which led to his separation from the military. His life has spiraled since.

Over the past year, he has made some notable changes in his life. He attended and graduated at the top of his class for heating, air conditioning and refrigeration. He is now looking for employment and an honorable discharge would help. It will also allow him to receive his G.I. Bill.

In support of his appeal, the applicant submits a personal statement, a statement from the Director of Education, transcripts and certificates.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 9 February 1995. On 3 May 1996, the applicant was notified of his commander's intent to discharge him from the Air Force for conduct prejudicial to good order and discipline and drug abuse. Specifically, the applicant received two Article 15s, a Letter of Reprimand and two Letters of Counseling. The applicant consulted counsel and submitted matters on his behalf. On 20 May 1996, the staff judge advocate found the discharge legally sufficient. On 20 May 1996, the commander directed the applicant be separated with a general (under honorable conditions) discharge. His narrative reason for discharge was

listed as misconduct. He was credited with 1 year, 3 months and 20 days of active duty service.

Pursuant to the Board's request, the Federal Bureau of Investigation, Clarksburg, West Virginia provided a copy of an investigation report (Exhibit C).

On 25 June 2012, the FBI investigation and a request for post-service information were forwarded to the applicant for 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 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 during the discharge process. 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, or unduly harsh. Additionally, due to the lack of evidence of a successful post-service adjustment and in view of the information contained in the FBI investigative report, we do not find it would be in the interest of justice to upgrade his discharge on the basis of clemency. Therefore, in the absence of evidence to the contrary, we find no basis upon which to recommend granting the relief sought.

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 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-2012-00717 in Executive Session on 31 July 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 14 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Investigative Report.
- Exhibit D. Letter, AFBCMR, dated 25 Jan 12.

Panel Chair