

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00744  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

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

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APPLICANT CONTENDS THAT:

At the time of his discharge he was informed that he would not be eligible for benefits to further his education. An upgrade would allow him those benefits.

The applicant provided no documentation in support of his request. His complete submission is at Exhibit A.

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STATEMENT OF FACTS:

On 5 Jun 1987, the applicant enlisted in the Regular Air Force.

On 23 May 1988, his commander notified him he was recommending he be discharged under the provisions of AFM 39-10, *Administrative Separation of Airmen*. The specific reasons for this action were:

On 10 Feb 1988, he was involved in a family dispute requiring the response of civil authorities as evidenced by a Letter of Counseling dated 11 Feb 1988.

On 24 Feb 1988, he was involved in a domestic disturbance which resulted in an investigation by civil authorities as evidenced by a Letter of Reprimand (LOR) dated 28 Feb 1988.

On 3 May 1988, he was involved in a domestic disturbance that resulted in his arrest by civil authorities and a charge of felony assault and battery as evidenced by a LOR dated 11 May 1988.

On 23 May 1988, the applicant acknowledged receipt of the discharge notification.

On 26 May 1988, the Staff Judge Advocate found the discharge legally sufficient.

On 27 May 1988, the applicant was discharged from the Air Force, with service characterized as general (under honorable conditions). He served 11 months and 23 days of total active service.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Washington, D.C., provided an investigative report at Exhibit C.

On 19 Jun 2012, a copy of the FBI Report was forwarded to the applicant for review and comment within 30 days (Exhibit D). As of this date, this office has received no response.

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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. In the interest of justice, 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 in this application.

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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 this application in Executive Session on 14 Aug 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered in AFBCMR BC-2012-00744:

- Exhibit A. DD Form 149, dated 13 Feb 2012.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report, dated 7 May 2012.
- Exhibit D. Letter, AFBCMR, dated 19 Jun 2012.

Panel Chair