

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00845
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He does not feel he deserves the character of discharge he was given. While in the service he was given very little training if any and was never counseled regarding his performance.

In support of the applicant's request, he submits a personal statement and documents extracted from his military personnel records.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 25 September 1961.

The applicant was notified by his commander of his intent to recommend his discharge from the Air Force under the provisions of AFR 39-16. The specific reasons follow:

a. The applicant had knowledge of a lawful order not to park or stop a vehicle within 50 feet from an aircraft, an order which it was his duty to obey, he did fail to obey on 18 February 1963. For this misconduct he received punishment under the Uniform Code of Military Justice, Article 15.

b. On 19 April 1963, the applicant failed to repair to his place of duty. For this misconduct he received a summary court-martial.

He was advised of his rights in this matter. The discharge authority concurred with the recommendation and directed a general (under honorable conditions) discharge. The applicant was discharged on 24 May 1963. He served 1 year and 8 months on active duty.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Clarksburg, West Virginia, was unable to identify with an arrest record on the basis of information furnished.

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 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 the evidence presented did not demonstrate the existence of an error or injustice; the application was denied without a personal appearance; and 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-2012-00845 in Executive Session on 20 September 2012, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-00845 was considered:

- Exhibit A. DD Form 149, dated 27 February 2012, w/atch.
- Exhibit B. Applicant's Master Personnel Record.