

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00852
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

His characterization of service was too severe for just receiving two Article 15s. He was led to believe his discharge would be upgraded automatically.

In support of his appeal, the applicant provides a copy of his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*.

The applicant's complete submission, with attachment, 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 Inventory Management Specialist from 30 October 1968 to 3 September 1971.

On 22 April 1971, the applicant received Article 15 punishment for making himself absent from his organization, without authority, on or about 16 March 1971 until on or about 14 April 1971, in violation of Article 86, Uniform Code of Military Justice (UCMJ). His punishment consisted of reduction in grade from sergeant (E-4) to airman first class (E-3), forfeiture of \$126.00 pay, and to serve 30 days in the Base Correctional Custody Facility.

On 19 July 1971, the applicant submitted an application for discharge based on being a conscientious objector.

On 6 August 1971, the applicant received Article 15 punishment for making himself absent from his organization, without authority, on or about 10 June 1971 until on or about 5 July 1971, in violation of Article 86, UCMJ. His punishment consisted of reduction in grade from airman first class (E-3) to airman (E-

2) and to serve 30 days in the Base Correctional Custody Facility.

On 10 August 1971, the applicant's request for discharge based on being a conscientious objector was disapproved.

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. Additionally, due to the lack of evidence of a successful post-service adjustment, we do not find it would be in the interest of justice to upgrade his discharge on the basis of clemency. Therefore, the applicant's request 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-2012-00852 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-2012-00852:

- Exhibit A. DD Form 149, dated 27 Feb 12, w/atch.
- Exhibit B. Applicant's Master Personnel Records.

Panel Chair