

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00854

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His General (Under Honorable Conditions) discharge be upgraded to Honorable.

APPLICANT CONTENDS THAT:

His record is not unjust. He simply requests that his discharge be upgraded so that, in the event of his death, his family will be able to accompany him to his last resting place with full military honors.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant entered active duty on 1 May 86.

On 2 Sep 87, the applicant's commander notified him he was recommending him for discharge, and recommended him for discharge from the Air Force for irresponsibility in the management of personal finances and minor disciplinary infractions. The proposed discharge was based on the following actions he received between 6 Feb 87 and 5 Aug 87:

a. Six Letters of Reprimand (LORs), one with a Unfavorable Information File (UIF); four for financial irresponsibility, one for missing a military dental appointment, and one for being continuously late for work.

b. Five counseling sessions or formal Letters of Counseling (LOCs) for being late for work.

c. Three Letter of Debt Complaints/Dishonored Check Letters.

On 24 Sep 87, the applicant waived his right to counsel and to submit a statement on his own behalf.

On 2 Oct 87, the case was reviewed and found to be legally sufficient, and on 7 Oct 87 the discharge authority directed his discharge.

On 14 Oct 87, he was furnished a General (Under Honorable Conditions) discharge for misconduct-pattern of minor disciplinary infractions, and was credited with 1 year, 5 months, and 14 days of active service.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI) provided a copy of an Investigative Report, which is at Exhibit C.

On 23 Jul 12, a copy of the FBI Investigative Report and a request for post-service information was forwarded to the applicant for review and comment 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 an error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we do not find the documentation presented sufficient to conclude the applicant has been the victim of an error or injustice. Based on the available evidence of record, it appears the applicant's General (Under Honorable Conditions) discharge for misconduct was consistent with the substantive requirements of the discharge regulation and within the discharge authority's discretion. He has provided no evidence which would lead us to believe otherwise. In the interest of justice, we considered upgrading his discharge on the basis of clemency; however, in the absence of any evidence for us to consider in determining whether his post-service accomplishments were sufficient to overcome the misconduct that formed the basis of his discharge, we are not inclined to grant the relief sought on that basis. Therefore, in the absence of evidence to the contrary, we conclude that no basis exists for us to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of material 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-2012-00854 in Executive Session on 6 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 9 Jan 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report.
- Exhibit D. Letter, AFBCMR, dated 23 Jul 12.

Panel Chair