

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01160
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

Many years ago he became eligible for this status change and did not take advantage of it at that time. This eligibility came about through an act of congress or possibly by presidential decree.

He has no health insurance. A particular insurance company application requires that he has an honorable discharge.

In support of his request the applicant provides a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

His complete submission, with attachment, is at Exhibit A.

STATEMENT OF FACTS:

On 27 Nov 1970, the applicant enlisted in the Regular Air Force.

On 19 Apr 1972, his commander notified him that he was recommending he be discharged under the provisions of AFM 39-12, *Separation for Unsuitability, Unfitness, Misconduct, Resignation, or Request for Discharge for the Good of the Service and Procedures for the Rehabilitation Program*. The specific reason for this action was he was diagnosed with a character and behavior disorder best described as an emotionally unstable personality.

On 20 Apr 1972, the applicant acknowledged receipt of the discharge notification.

On 10 May 1972, the applicant provided a statement to the appointed evaluation officer asserting the military has no part in his life and had he realized this he would never have joined

the military. He also stated he would refuse probation and rehabilitation if it were offered.

On 15 May 1972, the appointed evaluation officer recommended the applicant be discharged and given a general discharge without probation and rehabilitation.

On 22 May 2012, the discharge authority approved the applicant's discharge under the provisions of AFM 39-12.

On 24 May 1972, the applicant was discharged from the Air Force, with a service characterized as general (under honorable conditions). He served 1 year, 5 months and 28 days of total active service.

Pursuant to the Board's request, the Federal Bureau of investigation, Washington, D.C., indicated on the basis of the data furnished they were unable to locate an arrest record (Exhibit C).

On 9 Aug 2012, a request for post-service information was forwarded to the applicant for review and comment within 30 days (Exhibit D).

At 20 years of age, he had the audacity to show his emotions imprudently and perhaps thoughtlessly. In short, the misbehavior that led to his discharge from the Air Force represented a last resort that stemmed from what felt like a deep compromise to his personal beliefs and values.

Although his expression of such values was incompatible with the military way of life, he has in fact, lived his life in strong adherence to honorable principles aimed at making a positive contribution to the world in which he lives. In the 40 years since his discharge, he has shown a more commendable side to his character. After his discharge from the military, he used the GI Bill to attain an associate's degree in Agronomy. During the time he was attending Agriculture College he lived a portion of one of his summers on a Methodist Mission research farm in northern Costa Rica where he developed gardening techniques in the tropics. After graduating from Agriculture College he worked in farming, viticulture and apiculture. He was also employed at a small winery in Upstate New York where he performed all tasks from vineyard work and processing the grape juice into wine, including all laboratory work necessary for producing wine, the tasks of bottling, labeling and delivering the product, bookkeeping, and even leading winery tours.

The applicant's complete response, with attachments, is at Exhibit E.

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.

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 this application in Executive Session on 25 Sep 2012, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered in AFBCMR BC-2012-01160:

- Exhibit A. DD Form 149, dated 22 Mar 2012, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report, dated 16 Jul 2012.
- Exhibit D. Letter, AFBCMR, dated 9 Aug 2012.
- Exhibit E. Letter, Applicant, dated 4 Sep 2012, w/atchs.

Panel Chair