



The legal office conducted a legal review and the staff judge advocate (SJA) found the case legally sufficient to support separation and recommended a general (under honorable conditions) discharge without probation and rehabilitation. The SJA further noted it appears the applicant has met 1 through 5 and 7 of the retention criteria, but has not met the criteria for number 6. The applicant has support from members in his squadron for retention; however, those who support the applicant do not address the broader question of drug abuse on a base with a nuclear mission. Consideration should be given to the broader picture--the mission of the base, and the impact that drug abuse among members in sensitive positions would have on the mission--retention does not seem to be in the best interest of the Air Force. The applicant has not submitted evidence that justifies his retention.

On 24 Jun 96, the discharge authority directed the applicant be furnished a general (under honorable conditions) discharge and he was discharged on 26 Jun 96 and credited with 1 year, 9 months, and 12 days of active service.

A copy of a Federal Bureau of Investigation (FBI) report, provided pursuant to the Board's request, contained no entries subsequent to the applicant's discharge (Exhibit C).

On 27 Jun 12, the Board staff requested the applicant provide documentation concerning his activities since leaving military service (Exhibit D). In response, the applicant provides a chronology of his employment history and two character references. His complete response, with attachments, is at Exhibit E.

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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 an error or injustice. We took notice of the applicant's complete submission, to include his rebuttal, in judging the merits of the case; however, the Board majority finds 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 discharge authority'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. We considered upgrading the discharge based on clemency; however, the Board majority does 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, the Board majority finds no basis upon which to recommend granting the relief sought.

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RECOMMENDATION OF THE BOARD:

The majority of the panel finds insufficient evidence of error or injustice and recommends the application be denied.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01190 in Executive Session on 10 Oct 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

By majority vote, the Board voted to deny the application. voted to grant the relief requested but does not desire to submit a Minority Report. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 16 Feb 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Investigative Report.
- Exhibit D. Letter, AFBCMR, dated 27 Jul 12, w/atch.
- Exhibit E. Letter, Applicant, 23 Aug 12, w/atchs.

Panel Chair