

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01253

COUNSEL: NONE

HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

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

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APPLICANT CONTENDS THAT:

He suffered from Post-Traumatic Stress Disorder (PTSD) which was caused by his service as an Army Combat Infantryman. His service connected mental disability was not considered during his time in the Air Force. He was rated 100 percent disabled by the Department of Veterans Affairs (DVA) and he was also rated disabled by the Social Security Administration.

He requests his discharge be reviewed for upgrade due to this evidence not being considered during his Air Force service.

In support of his appeal, the applicant submits a personal statement, DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*, DVA Rating, DVA Summary of Benefits, Social Security Benefit, DD Form 214s, *Report of Separation from Active Duty*.

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

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 5 January 1972. On 3 July 1973, he was tried and convicted by a special court-martial for being absent without leave (AWOL), in violation of Article 86, Uniform Code of Military Justice. He was sentenced to a bad conduct discharge, reduction to the grade of airman basic and to be confined with hard labor for two months. The convening authority approved the sentence on 11 September 1973.

On 30 May 1977, the Air Force Discharge Review Board (AFDRB) upgraded the applicant's service characterization from a bad conduct discharge to general (under honorable conditions). On 19 March 1979, the AFDRB denied the applicant's request to upgrade his discharge from general to honorable.

Pursuant to the Board's request for information, the FBI indicated that, on the basis of the evidence provided, they were unable to locate an arrest record pertaining to the applicant.

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AIR FORCE EVALUATION:

AFLOA/JAJM recommends denial. The applicant requests his discharge be upgraded to honorable. While they were unable to review the record of trial, the applicant alleges no error or injustice in the processing of the special court-martial. The applicant pled guilty to the charge and specifications during the trial. The military judge explained the elements of the offenses and the applicant explained in his own words why he believed he was guilty.

The applicant contends that his PTSD should have been considered during his court-martial; however, there is no indication that condition was known at the time. The DVA did not grant the applicant's full disability until 2001. Additionally, he did not allege stress or combat disorder during the court. He only stated that he went AWOL on two separate occasions because he did not want to leave for an unaccompanied tour and believed he could make more money as a bricklayer in his home town.

Clemency in this case would be unfair to those individuals who honorably served their country while in uniform.

The complete JAJM evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant states he truly believes serving as an Infantryman in Vietnam played a significant role in his breaking the law. Prior to his court-martial the Psychologists acknowledged that he suffered from anxiety and depression and that he had to learn to cope with it.

The applicant's complete response 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 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 during the discharge process. 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, or unduly harsh. In the interest of justice we considered upgrading the discharge based on clemency; however, there was no evidence submitted 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.

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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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-01253 in Executive Session on 30 August 2012, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence pertaining to BCMR Docket Number BC-2012-01253 was considered:

- Exhibit A. DD Form 149, dated 6 Mar 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFLOA/JAJM, dated 31 May 12.
- Exhibit D. Letter, SAF/MRBR, dated 8 Jun 12.
- Exhibit E. Letter, Applicant's Response, dated 17 Jun 12.

Panel Chair