

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

XXXXXXX

DOCKET NUMBER: BC-2012-01423

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. His general (under honorable conditions) discharge be upgraded to honorable.
 2. His narrative reason for separation (Misconduct/Other Serious Offenses) be changed to reflect an honorable discharge.
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APPLICANT CONTENDS THAT:

The primary reason he was discharged was due to his failure to maintain body fat standards. He was charged with Driving Under the Influence (DUI) on base; however, he did his time in correctional custody for this offense. In the twenty plus years since he left the Air Force he has only received a speeding ticket.

He recently graduated from college and requested his DD Form 214, *Certificate of Release or Discharge from Active Duty*, to attain veteran status and apply for government jobs. He was aware of his general discharge and planned to request an upgrade, however he was not aware of the narrative reason for separation.

In support of his request, the applicant provides a copy of his DD Form 214.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 17 Aug 1988.

On 27 Jan 1992, the applicant was notified by his commander that he was recommending his discharge from the Air Force under the provisions of AFR 39-10, *Administrative Separation of Airman*, paragraphs 5-26 and 5-49. The specific reasons for this action were:

He exceeded body fat standards six times. On or about 7 Sep 1991, he did operate a passenger car while drunk. For this action he received an Article 15, dated 16 Sep 1991.

On 27 Jan 1992, the applicant acknowledged the discharge notification and provided a response.

On 5 Feb 1992, the Staff Judge Advocate found the discharge action legally sufficient.

On 7 Feb 1992, the discharge authority directed the applicant be discharged for misconduct and unsatisfactory performance without probation and rehabilitation.

On 7 Feb 1992, the applicant was discharged from the Air Force with a general (under honorable conditions) characterization. His narrative reason for separation was "Misconduct-Other Serious Offenses." He served 3 years, 5 months, and 21 days of active service.

On 16 Jul 2012, a request for post-service information was forwarded to the applicant for review and comment within 30 days (Exhibit D), as of this date, no response has been received by this office.

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. Therefore, we find no basis to upgrade his discharge. However, in the interest of justice and in view of the evidence provided, we believe that the applicant has been a productive member of society since his discharge and that it would be an injustice for him to continue to suffer the adverse effects of his narrative reason for discharge. Therefore, on the basis of clemency, we believe that his records should be corrected to reflect that the narrative

reason for his discharge be changed to "Secretarial Authority." Accordingly, we recommend his records be corrected as indicated below.

THE BOARD DETERMINES THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that on 7 Feb 1992, he was discharged under the provisions of AFR 39-10, Secretarial Authority and issued a Separation Code of KFF.

The following members of the Board considered this application in Executive Session on 4 Oct 2012, under the provisions of AFI 36-2603:

XXXXXXX, Panel Chair
XXXXXXX, Member
XXXXXXX, Member

The following documentary evidence was considered in AFBCMR BC-2012-01423:

- Exhibit A. DD Form 149, dated 2 Apr 2012.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report, dated 17 May 2012.
- Exhibit D. Letter, AFBCMR, dated 16 Jul 2012, w/atch.

XXXXXXX
Panel Chair