

consideration. He opted to consult counsel and submit a statement on his behalf.

Subsequent to the file being found legally sufficient, the discharge authority approved the separation and directed the applicant be discharged with a general (under honorable conditions) characterization of service without probation and rehabilitation.

The applicant was discharged from active duty on 14 August 1984, and was credited with 1 year, 5 months, and 13 days of active duty 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.

A copy of the FBI Investigative Report was forwarded to the applicant on 27 September 2012, along with a request for post-service documentation for review and comment within 30 days (Exhibit D). To date, this office has not received a response.

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. 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, there was insufficient 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.

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 27 November 2012, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2011-01163 was considered:

Exhibit A. DD Form 149 dated 13 March 2012.
Exhibit B. Applicant's Master Personnel Records.
Exhibit C. FBI Report.
Exhibit D. Letter, AFBCMR dated 27 September 2012, w/atchs.

Panel Chair