

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01747  
COUNSEL: NONE  
HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

His under other than honorable conditions (UOTHC) discharge be upgraded to honorable.

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APPLICANT CONTENDS THAT:

1. His discharge was unjust and stems from a former security forces first sergeant who wanted to make a name for himself.
2. His Airman Performance Reports (APRs) and "Experience Performance Reports" are outstanding. He was selected for promotion to the grade of staff sergeant (E-5) but was never allowed to put it on. He had mandatory appointments for stress management and mental health.
3. His first sergeant continuously stressed that the applicant had a problem with alcohol based on one offense. Along with judicial punishment, he was reprimanded for missing an appointment and failing two weight management weigh-ins and for being late for work.
4. In Feb 08, he was diagnosed with Post Traumatic Stress Disorder (PTSD) due to his combat-related duty and personal life challenges.
5. He did his job with integrity, knowledge, and professionalism. He did what was asked of him to the best of his ability, was wrongly accused, and ultimately forced out of the Air Force.

In support of his request, the applicant provides a personal statement, copies of character reference letters and a memorandum from his doctor.

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

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STATEMENT OF FACTS:

On 29 Jun 89, the applicant enlisted in the Regular Air Force.

On 8 May 95, the applicant was denied the award of the Air Force Good Conduct Medal (AFGCM) for the period 29 Jun 89 through 24 Nov 95.

On 15 May 95, the applicant drove a passenger vehicle while drunk. For this misconduct, he received an Article 15, Uniform Code of Military Justice (UCMJ), suspended reduction to the grade of airman first class, forfeiture of \$250 pay per month for two months and 30 days extra duty.

On 21 Sep 95, the applicant was 286 days late paying his American Express credit card bill and failed to appear for a mandatory weigh-in. For this misconduct, he received a letter of reprimand (LOR) and unfavorable information file (UIF)/control roster action.

On 5 Oct 95, the applicant failed to go to roll call. For this misconduct, he received an individual counseling.

On 9 Jan 96, the applicant failed to go to his appointed place of duty. For this misconduct, he received a second Article 15, UCMJ, restriction to Incirlik Air Base, Turkey for 21 days, 7 days extra duty and a reprimand.

On 14 Feb 96, the applicant was notified of his commander's intent to recommend he be discharged from the Air Force under the provisions of AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*. The applicant acknowledged receipt of the notification of discharge.

On 21 Feb 96, the applicant after consulting with counsel requested a conditional waiver of his entitlement to an administrative discharge board on the condition that his discharge be characterized as honorable.

On 29 Feb 96, the Staff Judge Advocate (SJA) reviewed the case and found it legally sufficient to support separation and recommended that the 39th Wing commander (39 WG/CC) reject the applicant's request for a conditional waiver and to notify him that he had the option to either submit an unconditional waiver or request a board hearing.

On 12 Mar 96, the 39 WG/CC rejected the applicant's request for a conditional waiver and notified him of his options to either submit an unconditional waiver or request a board hearing.

On 18 Mar 96, the applicant submitted an unconditional waiver request. On 19 Mar 96, the 628 Air Mobility Support Squadron commander (628 AMSS/CC) reviewed the applicant's unconditional waiver request and recommended it be accepted and forwarded to the General Courts Martial (GCM) convening authority with a recommendation to separate the applicant from the Air Force with

a general (under honorable conditions) discharge. The SJA reviewed the case file and forwarded it to the 39 WG/CC with a recommendation to forward the case to the GCM convening authority to accept the applicant's request for an unconditional waiver with a general (under honorable conditions) discharge.

On 26 Mar 96, the 39 WG/CC reviewed the case file and recommended the 16th Air Force commander (16 AF/CC) approve the applicant's unconditional waiver with a general (under honorable conditions) discharge.

The 16 AF/SJA reviewed the case file and found it legally sufficient to support separation. However, he disagreed with the 39 WG/CC recommendation to discharge the applicant with a general (under honorable conditions) discharge and recommended the 16 AF/CC discharge the applicant with an under other than honorable conditions (UOTHC) discharge.

On 20 Apr 96, the applicant was discharged with service characterized as under other than honorable conditions in the grade of senior airman. He served six years, 9 months and 27 days of total active service.

Pursuant to the Board's request, the Federal Bureau of Investigations (FBI) Clarksburg, WV, states they were unable to identify an arrest record on the basis of the information furnished (Exhibit C).

On 17 Jul 12, the applicant was offered an opportunity to provide information pertaining to his activities since leaving the service (Exhibit D).

In response to the request the applicant provided a personal letter and character reference letters. The applicant states he worked at Bridgestone Tire Company from 2002 to 2008. After 9/11, he traveled to New York with the Floresville Volunteer Fire Department to help remove rubble and operate heavy equipment. He has done volunteer work for Habitat for Humanity

The applicant's 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 error or injustice. After thoroughly reviewing the evidence of record, we find no evidence to indicate that his discharge from the Air Force was inappropriate, or that the actions taken to affect his discharge and the characterization of his service were improper, contrary to the provisions of the governing regulations in effect at the time, or based on factors other than his own behavior and inability to comply with standards. In addition, we find insufficient evidence to warrant a recommendation that the discharge be upgraded on the basis of clemency. We have considered the applicant's overall record of service, and the events which precipitated the discharge, and his post service information; however, we do not find the evidence presented is sufficient to compel us to recommend granting the relief sought on that basis. Therefore, we find no basis to recommend granting the relief sought in this application.

4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

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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-2012-01747 in Executive Session on 29 Nov 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01747 was considered:

- Exhibit A. DD Form 149, dated 13 Apr 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Negative FBI Response, dated 26 Jun 12.
- Exhibit D. Letter, SAF/MRBC, dated 17 Jul 12.
- Exhibit E. Letter, Applicant, dated 1 Aug 12, w/atchs.

Panel Chair