

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01750
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

1. He would like to go back to Afghanistan in support of Operation ENDURING FREEDOM and needs an honorable discharge in order to work with Dynacorp.

2. In 1983, he was discharged as an Air Force Fire Fighter. In 1984, he started working as a civil service Fire Fighter and retired in 2010. He spent 2 years in Afghanistan as a Fire Inspector, 10 months at Bagram Airfield, and the remaining time was spent in the "North" at forward operating bases (FOBs) Spann, Deh Dadi, Kunduz, Marmal and Camp Griffin.

3. He spent the last 28 years in support of his country. He did not perform a combat role but was in constant danger due to daily rocket and mortar attacks.

4. He has rescued personnel from fires and motor vehicles and has put his life in danger. He spent numerous hours on a military Mine Resistant Ambush Protected (MRAP) vehicle going from FOB to another while performing his duties. He was the only experienced Fire Fighter responsible for training the "troops" on fire safety at FOB Spann on fire fighting tactics and strategies.

5. He made a mistake some 30 years ago while in the military; however, his actions since then should gain him some favorable consideration.

In support of his request, the applicant provides a copy of a DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*.

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

STATEMENT OF FACTS:

On 7 Oct 80, the applicant enlisted in the Regular Air Force.

On 20 May 83, the applicant was notified of his commander's intent to recommend he be discharged from the Air Force under the provisions of AFR 39-10, *Administrative Separation of Airmen for Drug Abuse*. The applicant acknowledged receipt of the notification of discharge. The specific reason for the proposed action was:

On or about 14 Feb 83 and 28 Feb 83, the applicant received an Article 15, Uniform Code of Military Justice (UCMJ), for wrongful use of marijuana. For this misconduct, the applicant received a reduction to the grade of airman, with a new date of rank of 13 Apr 83, and forfeiture of \$100 pay per month for two months.

The applicant after consulting with counsel, offered a conditional waiver to waive his right to an administrative discharge board hearing contingent upon receiving no less than a general (under honorable conditions) discharge.

On 2 Jun 83, the Staff Judge Advocate (SJA) reviewed the case and recommended the 21st Combat Support Group commander forward the case to the Alaskan Air Command (AAC) commander with a recommendation to separate the applicant from the Air Force with a general (under honorable conditions) discharge without probation and rehabilitation.

On 7 Jun 83, the 21st Combat Support Group commander reviewed the case file and recommended the Alaskan Air Command (AAC) commander to approve the applicant's conditional waiver for no less than a general (under honorable conditions) discharge.

On 23 Jun 83, AAC/SJA reviewed the case file and found it legally sufficient to support discharge and recommended that he receive a general (under honorable conditions) discharge without probation and rehabilitation.

On 6 Jul 83, the vice commander Alaskan Air Command concurred with the recommendation and directed a general (under honorable conditions) discharge without the opportunity for probation and rehabilitation. On 7 Jul 83, the applicant was discharged from the Air Force with a general (under honorable conditions) discharge in the grade of airman. He served two years, nine months and one day of total active duty 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. The applicant states he was not the type of person to get into trouble; he went to work on time; had a great working relationship with his supervisors and co-workers; received his five-skill level, and was advanced in rank.

In 2009, he went to Afghanistan with ITT Systems Corporation as a fire inspector where he helped the military in fire safety.

The applicant's complete response is at Exhibit E.

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.
-

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 AFBCMR Docket Number BC-2012-01750 in Executive Session on 23 Sep 12, under the provisions of AFI 36-2603:

Panel Chair
Member
Member

The following documentary evidence was considered:

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

Panel Chair