

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01828

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He was disabled during his service. At the time he was discharged it was easier to go with a general (under honorable conditions) discharge. He is now 30 percent service disabled and at age 55 is back in the labor market.

In support of his request, the applicant submits post-service letters of appreciation and recognition certificates, documents extracted from his military personnel record, a criminal history transcript dated 27 January 1993, a work history resume, and a copy of his Community College of the Air Force (CCAF) transcript.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 26 June 1981 and was progressively promoted to the grade of Airman First Class (A1C), E-3, with a date of rank of 26 December 1981.

On 20 September 1983, the applicant's commander notified him that he was recommending him for discharge from the Air Force for minor disciplinary infractions, under the authority of Air Force Regulation (AFR) 39-10, *Administrative Separation of Airmen*; paragraph 5-46. The specific reason for the proposed action was; the applicant was involved in two motorcycle accidents; a work related safety violation; improper maintenance repair actions; and negligence in the performance of his duties. As a result, the applicant received four letters of counseling.

Additionally, a psychiatric evaluation of the applicant indicated he had self-induced substance delusional disorder.

On 20 September 1983, the applicant acknowledged receipt of the notification of discharge and his right to consult counsel, and submit statements on his own behalf. On 6 October 1983, the applicant opted to consult counsel and waived his right to submit statements on his behalf.

On 14 October 1983, the request for discharge was approved, subsequent to the file being found legally sufficient. The discharge authority directed the applicant be discharged with a general (under honorable conditions) characterization of service without probation and rehabilitation. The applicant was released from active duty on 25 October 1983 and was credited with 2 years and 6 months of active duty service.

Pursuant to the Board's request, the FBI was unable to identify an arrest record on the basis of information furnished.

On 19 September 2012, the applicant was given an opportunity to submit comments regarding his post-service activities (Exhibit C).

In response, the applicant provided a handwritten note, on the bottom of the AFBCMR letter sent to him on 19 September 2012, with the request to "please run with the information he has already provided."

The applicant's complete response is at Exhibit D.

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. In the interest of

justice, we considered upgrading the discharge based on clemency and considered the applicant's overall post-service activities and accomplishments; however, the evidence submitted was not sufficient to compel us to recommend granting the relief sought on that basis. Therefore, we find no basis upon which to recommend relief.

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 BC-2012-01828, in Executive Session on 1 November 2012, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 20 April 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFBCMR, dated 19 September 2012.
- Exhibit D. Letter, Applicant, not dated.

Panel Chair

