

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01951
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He believes his court-martial was unjust. His work performance was questioned and attempts were made to discredit him. He has obtained a Bachelor of Science degree in Accounting Control Systems and is employed with the Department of the Interior.

In support of the applicant's appeal, he provides a copy of his bachelor's degree.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 21 July 1992.

On 1 April 1997, the applicant was notified by his commander of his intent to recommend that he be discharged from the Air Force under the provisions of AFPD 36-32 and AFI 36-3208. The specific reasons are as follows:

a. On or about 3 December 1994, the applicant stole a compact disc of a value of about \$11.94, the property of the Army and Air Force Exchange Service. For this misconduct he received punishment under Article 15, Uniform Code of Military Justice.

b. On 8 October 1996, the applicant attempted to steal \$669.00 from the base exchange by requesting a refund for the return of a camcorder which was not his property. For this misconduct he was court-martialed.

c. On 9 October 1996, the applicant was found in violation of dorm inspection rules during a routine dorm inspection. For this misconduct he received a Letter of Counseling (LOC).

d. On or about 12 February 1997, the applicant was found in violation of dorm inspection rules. The room was found to be unsatisfactory for the third time. For this misconduct he received a Letter of Reprimand (LOR).

He was advised of his rights in this matter and elected to submit a statement on his own behalf. In a legal review of the case file, the staff judge advocate found the case legally sufficient and recommended discharge. The discharge authority concurred with the recommendation and directed a general discharge. The applicant was discharged on 29 April 1997. He served 4 years, 8 months and 15 days on active duty.

On 22 April 1998, the Air Force Discharge Review Board (AFDRB) considered and denied the applicant's request that his general discharge be upgraded to honorable (Exhibit B).

Pursuant to the Board's request, the Federal Bureau of Investigation indicated that on the basis of the data furnished, they were unable to locate an arrest record.

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. We considered upgrading the discharge based on clemency; however, we do not find the evidence presented is sufficient 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 following members of the Board considered AFBCMR Docket Number BC-2012-01951 in Executive Session on 1 November 2012, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01951 was considered:

- Exhibit A. DD Form 149, dated 16 April 2012, w/atch.
- Exhibit B. Applicant's Master Personnel Records.