

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01955
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

His discharge was not automatically upgraded as promised. He assumed his discharge was upgraded until he requested his records on 2 Nov 2011.

His current discharge reflects "convenience of the military" [sic].

The record will not show any judicially enforceable sanctions that support a general discharge.

He was never counseled on "substantial prejudice in civilian life," nor was he available to sign his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

In support of his request, the applicant provides a personal statement and a copy of his DD Form 214.

His complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

On 15 Jul 1985, the applicant enlisted in the Regular Air Force.

On 11 Dec 1987, his commander notified him he was recommending he be discharged for minor disciplinary infractions. The authority for this action was AFR 39-10, *Administrative Separation of Airman*. The specific reasons for this action were:

From on or about Nov 1985 to on or about 13 Jan 1986, he failed to provide his technical school diploma to his supervisor. For this offense he received a letter of counseling (LOC).

On or about 15 Dec 1986, he removed bolts from the engine of an aircraft and left the area. For this offense he received a LOC.

On or about 5 Sep 1986, he failed to perform quality maintenance. For this offense he received a LOC.

On or about 10 Sep 1986, he engaged in sub-standard maintenance practices. For this offense he received a LOC.

On or about 16 Oct 1987, he failed to report to work. For this offense he received a LOC.

On or about 4 Feb 1987 and 18 Feb 1987, he failed to show up for morning roll call. For each of these offenses he received a LOC.

On or about 23 Feb 1987 and on 3 Mar 1987, he failed to maintain his uniform and hair in an acceptable military image. For each of these offenses he received a LOC.

On or about 20 Oct 1987, he requested sick leave from a noncommissioned officer (NCO), which was denied, whereupon he requested the very same sick leave from another NCO, which was granted. However, he never told the NCO who granted the sick leave that it had previously been denied. For this offense he received a LOC.

On or about 18 Nov 1987 and 19 Nov 1987, he reported late to work. For each of these offenses he received a LOC.

On or about 23 Nov 1987, he was walking on base with his hands in his pocket and failed to salute a colonel. For this offense he receive a LOC.

On 11 Dec 1987, the applicant acknowledged receipt of the discharge notification.

On 16 Dec 1987, the Staff Judge Advocate found the discharge legally sufficient and the discharge authority approved his discharge.

On 23 Dec 1987, the applicant was discharged from the Air Force, with a general (under honorable conditions) discharge. His narrative reason for separation was "Misconduct-Pattern of Minor Disciplinary Infractions." He served two years, five months, and nine days of total active service.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI) provided a copy of an Investigative Report (Exhibit C).

On 18 Sep 2012, a copy of the FBI report was forwarded to the applicant for review and comment within 30 days (Exhibit D), as of this date, no response has been received by this office.

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; 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 in this application.
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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.

The following members of the Board considered this application in Executive Session on 5 Nov 2012, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered in AFBCMR BC-2012-01955:

- Exhibit A. DD Form 149, dated 30 Apr 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report, dated 13 Jun 2012.
- Exhibit D. Letter, AFBCMR, 18 Sep 2012, w/atch.

Panel Chair