

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02159
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His general discharge be upgraded to honorable.

APPLICANT CONTENDS THAT:

His discharge has been held against him in the workplace and has kept him from obtaining gainful employment. He previously worked overseas; however, he was denied employment by another contractor due to his general discharge.

In support of his request, the applicant provides a copy of an electronic communiqué from a potential employer.

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

STATEMENT OF FACTS:

On 7 Jan 1981, the applicant enlisted in the Regular Air Force.

On 16 May 1984, his commander notified him he was recommending he be discharged for "Unsatisfactory Performance and Minor Disciplinary Infractions." The authority for this action was AFR 39-10, *Administrative Separation of Airman*. The specific reasons for this action were:

On 20 Jul 1983, he received a letter of counseling (LOC) for unauthorized entry into an alarmed area.

On 16 Sep 1983, he received a letter LOC for writing bad checks.

On 5 Mar 1984, he received a letter of reprimand for disregarding established dormitory policies and procedures.

On 5 Mar 1984, he received a letter of reprimand (LOR) for having a verbal confrontation with a co-worker.

On 12 Mar 1984, he received a LOR for writing bad checks.

On 14 Mar 1984, he received a LOR for failing to keep a legal appointment.

On 16 May 1984, the applicant acknowledged receipt of the discharge notification.

On 6 Jun 1984, the Staff Judge Advocate found the discharge legally sufficient and on 8 Jun 1984, the discharge authority approved his discharge.

On 11 Jun 1984, the applicant was discharged from the Air Force, with a general discharge. His narrative reason for separation was "Unsatisfactory Performance Misconduct-Pattern of Minor Disciplinary Infractions." He served three years, five months, and five days of total active service.

Pursuant to the Board's request, the Federal Bureau of investigation, Washington, D.C., indicated on the basis of the data furnished they were unable to locate an arrest record (Exhibit C).

18 Sep Aug 2012, a request for post-service information 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. However, should he provide documentation pertaining to his post-service accomplishments and activities, we would be willing to reconsider his request. Therefore, in

the absence of evidence to the contrary, we find no basis upon which 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 this application in Executive Session on 7 Nov 2012, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence was considered in AFBCMR BC-2012-02159:

- Exhibit A. DD Form 149, dated 20 Apr 2012, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report, dated 20 Jun 2012.
- Exhibit D. Letter, AFBCMR, 18 Sep 2012.

Panel Chair