

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02186
COUNSEL: NONE
HEARING DESIRED: NOT INDICATED

APPLICANT REQUESTS THAT:

His general discharge be upgraded to honorable.

APPLICANT CONTENDS THAT:

His discharge was based on a hardship and should be considered honorable.

The applicant provides no documents in support of his request.

His complete submission is at Exhibit A.

STATEMENT OF FACTS:

On 7 Feb 1956, the applicant enlisted in the Regular Air Force.

On 4 Sep 1957, his commander notified him he was recommending he be discharged under the provisions of AFR 39-16, *Discharge for Unsuitability*. The reason for this action was his unsuitability and inadaptability to absorb needed training made him a burden on the Air Force.

On 13 Sep 1957, an Evaluation Officer advised him of the recommended action being taken. The applicant declined to take any rebuttal action.

On 19 Sep 1957, the applicant was discharged from the Air Force, with a general discharge. He served two years and six 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 31 Oct 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. 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. In the interest of justice, we considered upgrading the discharge based on clemency; however, based on the contents of his FBI Report 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.

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 29 Nov 2012, under the provisions of AFI 36-2603:

, Panel Chair
 , Member
 , Member

The following documentary evidence was considered in AFBCMR BC-2012-02186:

- Exhibit A. DD Form 149, dated 17 May 2012.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report, dated 9 Aug 2012.
- Exhibit D. Letter, AFBCMR, dated 31 Oct 2012.

Panel Chair