

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02198  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

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

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APPLICANT CONTENDS THAT:

His drug addiction has been a lifelong battle. He has gone through the Veteran's Administration (VA) Substance Dependency Treatment program. He is taking classes to prevent a relapse and being counseled by a therapist. His service record was excellent.

In support of his request, the applicant provided a copy of a DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*.

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

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STATEMENT OF FACTS:

On 13 Aug 80, the applicant entered the Regular Air Force.

On 28 Oct 83, the applicant was notified of his commander's intent to recommend he be discharged from the Air Force under the provisions of AFR 39-10, *Administrative Separation of Airmen* for conditions that interfere with military service. The specific reason for the proposed action was:

Between Feb 81 and 1 Feb 83, the applicant knowingly and wrongfully used marijuana, a Schedule I controlled substance. For this misconduct, the applicant received an Article 15, Uniform Code of Military Justice (UCMJ) and reduction from the grade of senior airman to the grade of airman first class, with a new date of rank (DOR) of 27 Oct 83.

The applicant acknowledged receipt of the notification of discharge and waived his right to consult with counsel and to submit a statement in his own behalf.

On 15 Nov 83, the Staff Judge Advocate reviewed the case and found it legally sufficient to support a discharge and recommended that he receive a general (under honorable conditions) discharge without probation and rehabilitation.

On 22 Nov 83, the discharge authority approved the applicant's discharge. On 25 Nov 83, the applicant was discharged with service characterized as general (under honorable conditions) in the grade of airman first class. He served 3 years, 3 months and 13 days of total active service.

On 2 Jul 84, the Air Force Discharge Review Board denied the applicant's request for upgrade of his general (under honorable conditions) discharge to honorable.

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

On 20 Sep 84, a copy of the FBI report was forwarded to the applicant for review and comment within 30 days which is at (Exhibit D).

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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 whether to recommend an upgrade of the applicant's discharge on the basis of clemency, however, based on the information contained in his FBI Report we do not believe clemency is warranted. Therefore, in the absence of persuasive evidence to the contrary, we find no basis upon which to recommend granting the relief sought.
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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not 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.

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The following members of the Board considered Docket Number BC-2012-02198 in Executive Session on 20 Dec 12, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-02198 was considered:

- Exhibit A. DD Form 149, dated 11 May 12, w/atch.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report, dated 29 Jun 12.
- Exhibit D. Letter, SAF/MRBC, dated 20 Sep 12.

Panel Chair