

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02247
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to remove his narrative reason for separation of "Voluntary Resignation Substandard Performance."

APPLICANT CONTENDS THAT:

1. The narrative reason for separation is a direct contradiction between his Officer Efficiency Reports (OERs) and the clause substandard performance. He is 60 years of age and has a heart condition, and would like to clear his name before he dies.

2. He was assigned to a Missile Squadron for four years. While in training he was briefed on the Personal Reliability Program (PRP) which was designed to monitor the emotional stress levels of individual in the program. His spouse had problems adjusting living on a missile base, which compounded his stresses of being assigned as a missile officer. However, despite all the stresses, he pulled his full load of missile combat alerts without a hint of a possible PRP intervention.

3. In 1980, the Air Force inserted launch keys on two separate occasions. The Iranian hostage crisis was happening and personal cutbacks to the missile crew began, which meant they were working more than ever to sustain the mission.

4. In 1981, PROJECT WARRIOR was introduced to the missile crew force and the concept of deterrence was being replaced with the Limited Nuclear Option, which meant the United States would absorb a first strike before our missiles were launched. He began to realize that as a missile combat crew commander, he would be responsible for launching intercontinental ballistic missiles at civilian targets prior to a Soviet missile launch.

5. In April 1982, he resigned his commission and disavowed all things nuclear on moral and ethical grounds. He worked another five months as an unclassified officer who assisted with the disaster preparedness program prior to being out-processed. He notes that crew members who were resigning their commissions for religious reasons were being out-processed immediately with an

honorable discharge and a narrative reason for separation of "Voluntary Resignation." However, because he was resigning for moral and ethical reasons, the Air Force was attempting to prosecute him until the Secretary of the Air Force (SECAF) intervened on his behalf. Although the SECAF intervened, the commander still had Substandard Performance annotated on his DD Form 214 without regard to his actual performance as reflected on his OERs, letters of appreciation, letters of accommodations, and his training record.

6. As a young captain, he took a stand that was based on strong personal beliefs because he was opposed to the premeditated use of nuclear weapons.

In support of his request, the applicant provides excerpts from his official military personnel records.

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

STATEMENT OF FACTS:

The applicant was notified of his permanent decertification from the PRP on 14 Apr 82. On 15 Apr 82, he underwent a psychiatric evaluation that found he was qualified for duties and accordance with the governing regulation.

He received an honorable discharge with a narrative reason for separation of "Voluntary Resignation Substandard Performance."

The remaining relevant facts pertaining to this application are contained in the letter prepared by the appropriate office of the Air Force, which is at Exhibit B.

AIR FORCE EVALUATION:

AFPC/DPSOR recommends denial by stating that an officer that is discharged solely for substandard performance of duty will receive an honorable discharge. The applicant's commander cited his duty performance as substandard, which resulted in an unacceptable record of effectiveness. The discharge, to include the narrative reason for separation, was consistent with the procedural and substantive requirements of the discharge instruction and was within the discharge authority's discretion.

The complete DPSOR evaluation is at Exhibit B.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

1. The AFPC/DPSOR evaluation classifies his gender as female; however, in the documents presented, his gender is reflected 51 times as male.

2. He wants the documents in his case to be reviewed so that a determination can be made that will show a contradiction in his performance and that of what is written on his DD Form 214.

The applicant's complete submission, with attachments, is at Exhibit D.

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. Sufficient relevant evidence has been presented to demonstrate the existence of an injustice. After our review of the evidence of record, the Board majority believes relief is warranted. We note the Air Force office of primary responsibility recommends disapproval; however, the majority believes that an injustice has occurred in this case and in the interest of justice, the applicant's SPD code should be changed to "FND" (Miscellaneous/general reasons). Given the applicant's exemplary service as noted in his performance reports and other supporting documents, the Board majority believes that sufficient evidence has been presented to resolve any doubt in the applicant's favor. Therefore, the Board majority recommends the applicant's records be corrected to the extent indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that he was discharged on 24 September 1982, with a narrative reason for separation of "Miscellaneous/General Reasons," rather than "Voluntary Resignation Substandard Performance", and a separation code of "FND," rather than "BHK".

The following members of the Board considered AFBCMR Docket Number BC-2012-02247 in Executive Session on 25 Oct 12, under the provisions of AFI 36-2603:

By a majority vote, the Board voted to correct the records, as recommended. Mr. Frank voted to deny the applicant's request and submitted a Minority Report, which is at Exhibit E. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 29 May 12, w/atchs.
- Exhibit B. Letter, AFPC/DPSOR, dated 10 Jul 12.
- Exhibit C. Letter, SAF/MRBR, dated 26 Jul 12.
- Exhibit D. Letter, Applicant, dated 14 Aug 12, w/atchs.
- Exhibit E. Minority Report, dated 8 Nov 12.

Panel Chair