

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02256

COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

Her under other than honorable conditions discharge be upgraded to honorable.

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APPLICANT CONTENDS THAT:

She was not offered a chance for counseling for her erroneous ways. She was only offered a court-martial or discharge.

The applicant provides no supporting documentation.

The applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 10 July 1991. On 17 January 1992, she requested, upon advisement of counsel, that she be discharged in lieu of trial by court-martial. Specifically, the applicant's commander referred charges against her for uttering 17 checks for a total amount of about \$1900 without sufficient funds, in violation of Article 134, Uniform Code of Military Justice. The staff judge advocate found the request legally sufficient and recommended the commander approve the request. On 23 January 1992, the commander approved the request for discharge and separated her with an under other than honorable conditions discharge. She was credited with 6 months and 14 days of active duty service.

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AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial. Subsequent to the applicant's voluntary request for discharge in lieu of court-martial, she received an Article 15 for sleeping on post. Based on the documentation in her master personnel record, the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority. The applicant did not submit any evidence or identify any errors or injustices that occurred during the

discharge process warranting a change to her characterization or narrative reason for separation.

The complete DPSOS evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 22 August 2012, for review and comment within 30 days (Exhibit D). As of this date, this office has received no response.

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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 during the processing/approval of her request for discharge in lieu of trial by court-martial. In the interest of justice, we considered upgrading the discharge based on clemency; however, there was no evidence submitted 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.
4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

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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 AFBCMR Docket Number BC-2012-02256 in Executive Session on 14 November 2012, under the provisions of AFI 36-2603:

, Panel Chair  
, Member  
, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dtd 20 May 12.
- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. Letter, AFPC/DPSOS, dtd 6 Aug 12.
- Exhibit D. Letter, SAF/MRBR, dtd 22 Aug 12.

Panel Chair