



On 16 January 2013, the applicant was given an opportunity to submit comments about his post service activities (Exhibit E). As of this date, this office has received no response.

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AIR FORCE EVALUATION:

AFLOA/JAJM recommends denial. JAJM states the applicant offers no allegation of error or injustice. He simply requests his BCD be upgraded so he can obtain veteran's medical benefits. He alleges no error in the processing of the court-martial conviction against him. The applicant pled guilty at trial to the charge and specifications. Prior to accepting his guilty plea, as evidenced by the record of trial, the military judge ensured the applicant understood the meaning and effect of his plea and the maximum punishment that could be imposed if his guilty plea was accepted by the court. The military judge explained the elements and definitions of the offenses to which the applicant pled guilty, and the applicant explained in his own words why he believed he was guilty. On the court's acceptance of the applicant's guilty plea, it received evidence in aggravation, as well as in extenuation and mitigation, prior to crafting an appropriate sentence for the crimes committed. The military judge took all of these factors into consideration when imposing the applicant's sentence. Both the adjudged and the approved sentences were below the maximum possible sentence of a dishonorable discharge, confinement for twelve years, total forfeiture of all pay and allowances, and reduction to the grade of airman basic.

It is JAJM's opinion that clemency in this case would be unfair to those individuals who honorably served their country while in uniform. In addition, it would be offensive to those who served honorably to extend the same benefits to someone who committed crimes such as the applicant's while on active duty.

The complete JAJM 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 3 August 2012, for review and comment within 30 days (Exhibit E). 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 an error or injustice. We took notice of the applicant's complete submission in judging the merits of the case; however, we agree with the opinion and recommendation of the Air Force office of primary responsibility and adopt its rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, the applicant's request 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.

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The following members of the Board considered AFBCMR Docket Number BC-2012-02290 in Executive Session on 5 March 2013, under the provisions of AFI 36-2603:

- XXXXXXXXXXXXXXXXXXXXXXX, Panel Chair
- XXXXXXXXXXXXXXXXXXXXXXX, Member
- XXXXXXXXXXXXXXXXXXXXXXX, Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-02290 was considered:

- Exhibit A. DD Form 149, dated 21 May 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFLOA/JAJM, dated 24 Jul 12.
- Exhibit D. Letter, SAF/MRBR, dated 3 Aug 12.
- Exhibit E. Letter, AFBCMR, dated 16 Jan 13, w/atch.

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Panel Chair

