

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02339

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His general under honorable conditions discharge be upgraded to honorable.

APPLICANT CONTENDS THAT:

At the time of his discharge he had problems with substance abuse. This clouded his judgment and hampered his ability to be a successful airman.

The applicant provides no supporting documentation.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 15 May 1989. On 12 March 1990, he was notified of his commander's intent to discharge him from the Air Force for misconduct: minor disciplinary infractions. Specifically, the applicant received two Letters of Reprimand, two Letters of Counseling and three Memorandums of Record. The applicant acknowledged his commanders intent, his right to consult counsel and to submit matters. The applicant consulted counsel; however, he declined to submit a statement on his behalf. On 16 March 1990, the staff judge advocate found the case legally sufficient. The applicant was separated with a general, under honorable conditions discharge. He was credited with 10 months and 25 days of active duty service.

Pursuant to the Board's request, the Federal Bureau of Investigation, Clarksburg, West Virginia provided a copy of an investigation report (Exhibit C).

On 24 October 2012, the FBI investigation and a request for post-service information were forwarded to the applicant for response within 30 days. As of this date, no response has been received by this office (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. 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 discharge process. 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, or unduly harsh. In the interest of justice, we considered upgrading the applicant's discharge on the basis of clemency, however, there was no evidence submitted to compel us to recommend granting the request on that basis. Therefore, in the absence of evidence to the contrary, we find no basis upon which to recommend granting the relief sought.

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 BCMR Docket Number BC-2012-02339 in Executive Session on 27 November 2012, under the provisions of AFI 36-2603:

, Panel Chair
, Member
, Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-02339 was considered:

Exhibit A. DD Form 149, dated 24 May 12.

- Exhibit B. Applicant's Master Personnel Record.
- Exhibit C. FBI Investigative Report.
- Exhibit D. Letter, SAF/MRBC, dated 24 Oct 12.

Panel Chair