

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00659  
COUNSEL: NONE  
HEARING DESIRED: NO

---

APPLICANT REQUESTS THAT:

His general discharge be upgraded to honorable.

---

APPLICANT CONTENDS THAT:

The narrative reason for separation on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects "Unsuitable - Apathy, Defective Attitude."

There was no psychiatric evaluation conducted prior to his discharge.

He had medical problems relating to his hearing, which is service connected. He also had a leg injury prior to his enlistment.

There is no clear reason for a general discharge.

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

---

STATEMENT OF FACTS:

On 30 Nov 1978, the applicant enlisted in the Regular Air Force.

On 18 Dec 1979, his commander notified him he was recommending he be discharged under the provisions of AFM 39-12, *Separation for Unsuitability, Unfitness, Misconduct, Resignation, or Request for Discharge for the Good of the Service and Procedures for the Rehabilitation Program*. The specific reasons for his action are reflected in the Notification Memorandum, dated 18 Dec 1979, at Exhibit B.

On 18 Dec 1979, the applicant acknowledged receipt of the discharge notification.

On 16 Jan 1980, the Staff Judge Advocate found the discharge legally sufficient.

On 22 Jan 1980, the applicant was discharged from the Air Force, with service characterized as general. He served 1 year, 1 month and 23 days of total active service.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Washington, D.C., indicated on the basis of the data furnished they were unable to locate an arrest record (Exhibit C).

On 17 Jan 2013, a request for post-service information was forwarded to the applicant for review and comment within 30 days (Exhibit D).

In further support of his request, the applicant provides a personal statement, copies of several character letters, and his employment history.

He entered the military as a security specialist and worked on the flight line. However, due to his hearing problems he was assigned to the armory. After an incident with another military member, he was returned to the flight line. He was with another airman who took a radio out of a maintenance van. He told him to return it. Although he did not take the radio, he was accused for the theft because of "guilt by association."

The Department of Veterans Affairs has granted him service connected disability for his hearing. He beseeches the Board to upgrade his discharge to honorable for future employment opportunities.

His complete response, with attachments, is at Exhibit E.

---

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 and post service information 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 upgrading the discharge based on clemency; however, we do not find the evidence presented is sufficient 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.

---

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 this application in Executive Session on 26 Feb 2013, under the provisions of AFI 36-2603:

Panel Chair  
Member  
Member

The following documentary evidence was considered in AFBCMR BC-2012-00659:

- Exhibit A. DD Form 149, dated 18 Feb 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report, dated 27 Mar 2012.
- Exhibit D. Letter, AFBCMR, dated 17 Jan 2013, w/atch.
- Exhibit E. Letter, Applicant, dated 5 Feb 2013, w/atchs.

Acting Panel Chair