

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-00887
COUNSEL: NONE
HEARING DESIRED: YES

APPLICANT REQUESTS THAT:

1. Her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the correct time in service - **administratively corrected.**
2. Her reentry (RE) code of "2B" (*Separated with a general or under-other-than-honorable (UOTH) discharge*) be changed.
3. Her separation (SPD) code of "JKN" (*Misconduct*) be changed.
4. Her discharge be upgraded from general (under honorable conditions) to honorable.

APPLICANT CONTENDS THAT:

The minor disciplinary infractions that she received were primarily due to the conduct of her ex-husband. The document to prove her innocence (Article 15) was misplaced. In addition, all charges were unjustified and dismissed by the police department.

She has earned her Bachelor's Degree in Social Work and is a member of Phi Alpha Honor Society. She needs her discharge upgraded in order to help veterans.

In support of this request, the applicant provides excerpts from her military personnel records, a copy of a letter from Southwestern Bell, a copy of AFAS Form 2, *Application for Air Force Aid Society Financial Assistance*, a copy of a letter from Rhoades Properties, a copy of a printout from AFR 30-1 regarding general discharges, and a copy of her Congressional Inquiry.

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

STATEMENT OF FACTS:

The applicant enlisted into the Regular Air Force on 2 Mar 83. On 15 Jan 85, she was notified by her commander that he was recommending her for discharge from the Air Force under the provisions of AFR 39-10, Section H, paragraph 5-46, for minor disciplinary infractions. The specific reasons for this action were 1) an incident involving public lewdness for which she was arrested by the Fort Worth Police Department, bringing discredit upon the Air Force; 2) receiving traffic citations, and 3) being late for duty. For these infractions she was reduced in grade to airman by article 15, received letters of reprimand and letters of counseling, respectively. After a legal review, the Staff Judge Advocate found the case legally sufficient. The applicant received a general (UHC) discharge on 24 Jan 85 after serving 1 year, 10 months, and 23 days on active duty.

On 1 May 85 and 18 Nov 93, the Air Force Discharge Review Board (AFDRB) considered the applicant's appeal to have her discharge upgraded; however, they concluded that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discharge authority's discretion, and denied her requests.

AFPC/DPSIPV has **administratively corrected** the applicant's DD Form 214, Item 12c, to reflect 1 year, 10 months, and 23 days, rather than 1 year, 8 months, and 23 days; and Item 12e, to reflect 8 months and 11 days rather than 8 months and 10 days.

AIR FORCE EVALUATION:

AFPC/DPSOS recommends denial stating that based on the applicant's personnel record, the discharge to include her characterization of service was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority. The applicant has not provided any evidence of an error or injustice that occurred in the processing of her discharge. In addition, although the applicant had the civil charges against her dropped, the documented misconduct was a significant departure from the standards of conduct expected of military members.

The complete DPSOS evaluation is at Exhibit C.

AFPC/DPSOA recommends denial stating that the "2B" RE code is correct because she received a general (UHC) character of service. Additionally, the applicant's discharge was supported by three (3) Letters of Reprimand, three (3) Letters of Counseling, and other documents that show a pattern of misconduct.

The complete DPSOA evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 26 Jul 12 for review and comment within 30 days. As of this date, this office has received no response.

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 with respect to the applicant's request to change her RE and SPD code. 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 offices of primary responsibility and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. With regard to the applicant's request to have her discharge upgraded from general to honorable, 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. Furthermore, we do not find clemency is appropriate in this case since the applicant has not provided any evidence concerning her post-service activities. We note with regard to her time in service, the Air Force office of primary responsibility has administratively corrected the applicant's record to reflect her appropriate record of service. Therefore, in the absence of evidence to the contrary, we find that relief beyond that already granted administratively is not warranted.
 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-2012-00887 in Executive Session on 10 Jan 13, under the provisions of AFI 36-2603:

The following documentary evidence for Docket Number BC-2012-00887 was considered:

- Exhibit A. DD Form 149, dated 1 Mar 12.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOS, dated 15 May 12.
- Exhibit D. Letter, AFPC/DPSOA, dated 14 Jun 12.
- Exhibit E. Letter, SAF/MRBR, dated 26 Jul 12.

Panel Chair