

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01900  
COUNSEL: NONE  
HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His general (under honorable conditions) discharge be changed to a medical discharge.

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APPLICANT CONTENDS THAT:

He should receive a medical discharge due to his service connected injuries (hearing loss, ringing in ears, fracture right index finger, and fractured fifth metacarpal left foot).

In support of the applicant's appeal, he provides a personal statement and a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

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

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STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 21 November 1984. He served as a Jet Engine Mechanic.

On 18 September 1986, the applicant was notified by his commander of his intent to recommend that he be discharged from the Air Force under the provisions of AFR 39-10, paragraph 5-49c. The specific reason was that on 22 July 1986, the applicant submitted a commander-directed urinalysis specimen that tested positive for marijuana for which he received a letter of reprimand. Further derogatory actions found in the record include an Article 15 for operating a motor vehicle while drunk, being involved in a hit and run accident for which he was placed on International hold and faced civil court charges, being overdrawn in his savings account, being counseled for an alleged sexual assault, and counseled for failing to meet appointments.

He was advised of his rights in this matter and acknowledged receipt of the notification on that same date. After consulting with counsel the applicant submitted a statement on his own

behalf. In a legal review of the case file, the staff judge advocate found the case legally sufficient and recommended discharge. On 5 December 1986, the discharge authority concurred with the recommendations and directed discharge with a general discharge, without probation and rehabilitation. The applicant was discharged on 14 July 1987. He served 2 years, 7 months and 24 days on active duty and credited with 2 years, 2 months and 18 days of foreign service.

A Department of Veterans Affairs (DVA) Rating Decision dated 22 April 2011 reflects the applicant was awarded a 40 percent combined compensable disability rating for Disequilibrium, Tinnitus, Residuals - Fracture Right Index Finger, Residuals Fracture fifth Metacarpal - Left Foot, and Bilateral Hearing Loss, effective 3 December 2009. (Exhibit B).

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AIR FORCE EVALUATION:

AFPC/DPSOR recommends denial. DPSOR states based on the applicant's overall performance, the discharge authority approved a general (under honorable conditions) discharge. According to AFI 36-3208, paragraph 1.18.2, a general discharge is appropriate when "significant negative aspects of the airman's conduct or performance of duty outweighs positive aspects of the airman's military record." The applicant's misconduct in this case clearly outweighs the positive aspects of his service. Before recommending discharge the applicant's unit made several attempts to rehabilitate him. The applicant has stated his wife gave him some medication that may have made him test positive. The applicant's use of drugs was unacceptable for anyone in the Air Force. The applicant demonstrated a lack of respect for authority and a total disregard for policies and procedures constantly throughout his career. The record further shows applicant was counseled on numerous occasions for his behavior and was afforded an opportunity to overcome his deficiencies. The applicant's incidents of misconduct disrupted good order, discipline, and morale within the military community; hence, discharge was appropriate.

Based on the documentation on file in the master personnel records, the discharge to include his narrative reason for separation was consistent with the procedural and substantive requirements of the discharge instruction and was within the discretion of the discharge authority. The applicant did not provide any evidence of an error or injustice that occurred in the discharge processing.

The DPSOR's complete evaluation is at Exhibit C.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 3 October 2012, a copy of the evaluation was forwarded to the applicant 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 an error or injustice. The applicant's contentions are duly noted; 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, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.
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THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of an error or injustice; the application was denied without a personal appearance; and 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-2012-01900 in Executive Session on 23 January 2013, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-01900 was considered:

- Exhibit A. DD Form 149, dated 12 May 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOR, dated 20 September 2012.
- Exhibit D. Letter, SAF/MRBR, dated 3 October 2012.