

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02058
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His general (under honorable conditions) discharge be upgraded to honorable.

APPLICANT CONTENDS THAT:

He served his country honorably throughout his enlistment. He admits he made mistakes; however, he believes his service did not warrant the level of discharge he received.

In support of the applicant's appeal, he provides copies of his annual assessments and documents extracted from his military personnel records.

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

STATEMENT OF FACTS:

The applicant enlisted in the Regular Air Force on 16 December 1987.

The applicant was notified by his commander of his intent to recommend that he be discharged from the Air Force under the provisions of 39-10. The specific reasons were that the applicant did, between July 1993 and March 1994, write checks and failed to maintain sufficient funds in the bank, delinquent in paying accounts, and making a false official statement.

He was advised of his rights in this matter and after consulting with counsel, the applicant submitted a conditional waiver requesting a general discharge. In a legal review of the case file, the acting staff judge advocate found the case legally sufficient and recommended the conditional waiver be approved. The discharge authority concurred with the recommendation. The applicant was discharged with a general (under honorable

conditions) discharge on 27 May 1994. He served 6 years, 5 months and 12 days on active duty.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Clarksburg, West Virginia, provided an arrest record which is at Exhibit C.

On 14 December 2012, a copy of the FBI Report of Investigation and a request for information pertaining to his post-service activities was forwarded to the applicant for review and response within 30 days (Exhibit D).

The applicant provided a response stating he has provided evidence that speaks to his character and activities since leaving the service.

The applicant's 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 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 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.

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.

The following members of the Board considered AFBCMR Docket Number BC-2012-02058 in Executive Session on 15 February 2013, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-02058 was considered:

- Exhibit A. DD Form 149, dated 7 May 2012, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Federal Bureau of Investigation Report.
- Exhibit D. Letter, AFBCMR, dated 14 December 2012.
- Exhibit E. Letter, Applicant, dated 12 January 2013, w/atchs.