

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-02693
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

He was young, immature, and unaware of the consequences of his conduct at the time of his discharge.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The applicant is a former member of the Regular Air Force who entered active duty on 4 March 1963. He was progressively promoted to the grade of airman third class (E-2).

The applicant received two Letters of Counseling and two Article 15s between 1 August 1964 and 5 November 1964. As a result of his Article 15 punishments he received reduction to the grade of airman basic (E-1), 30 days Correctional Custody and forfeiture of \$41 pay per month for two months.

On 17 November 1964, the applicant was notified of his commander's intent to recommend him for an undesirable discharge under the provisions of Air Force Regulation 39-17, paragraph 8c, *Discharge of Airman Because of Unfitness*, for a pattern of shirking his duties and his defective attitude towards personal and military responsibilities.

A discharge board was convened on 15 January 1965 to determine the fitness of the applicant and his retention in the Air Force. The applicant was present with counsel. The board found the applicant had demonstrated apathy, defective attitude, and a lack of general adaptability within the meaning of paragraphs 4a and 4c of Air Force Regulation 39-16, and recommended he be discharged with a general characterization of service because of unsuitability. On 18 February 1965, following a legal review, the discharge authority approved the board's findings and

recommendation and directed the applicant be discharged with a General Discharge Certificate.

The applicant was discharged from active duty in the grade of airman basic (E-1) effective 10 March 1965 with a general (under honorable conditions) discharge.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Clarksburg, WV, provided a copy of an Investigation Report (Exhibit C).

On 24 January 2013, the applicant was given an opportunity to submit comments about his post service activities and in response to the FBI Report (Exhibit D). In response, the applicant provided a personal statement, two character references, and a copy of a Commander's Achievement Award citation.

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 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

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-2012-02693 in Executive Session on 14 March 2013, under the provisions of AFI 36-2603:

, Vice Chair
, Member
, Member

The following documentary evidence pertaining to AFBCMR Docket Number BC-2012-012693 was considered:

- Exhibit A. DD Form 149, dated 28 May 12, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. FBI Report.
- Exhibit D. Letter, AFBCMR, dated 24 Jan 13, w/atchs.
- Exhibit E. Letter, Applicant, not dated, w/atchs.

Vice Chair