

SECOND ADDENDUM TO  
RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-1984-02252

COUNSEL: NONE

HEARING DESIRED: YES

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APPLICANT REQUESTS THAT:

1. His record should be corrected to reflect no reference of him being gay or homosexual.
2. He be retired by reason of physical disability.

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STATEMENT OF FACTS:

A similar appeal was considered and denied by the Board, on 23 Jul 84. For an accounting of the facts and circumstances surrounding the application, and, the rationale of the earlier decision by the Board, see the Record of Proceedings at Exhibit I, with attachments.

On 27 Jun 88, the Board reconsidered and denied another request that he be retired by reason of physical disability. For an accounting of the facts and circumstances surrounding the application, and, the rationale of the earlier decision by the Board, see the Addendum to Record of Proceedings at Exhibit J, with attachments.

On 5 Mar 12, we received the applicant's request for reconsideration, dated 4 Jan 11, contending that he should be medically retired because his medical evaluation was prejudiced based on a reference to him being gay in his medical records.

In support of his appeal, the applicant provides a personal statement.

The applicant's complete submission, with attachment, is at Exhibit K.

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THE BOARD CONCLUDES THAT:

The Board considered and denied the applicant's request for medical retirement, on two occasions, in 1984 and 1988. In his most recent request, the applicant alleges that he believes his

discharge was unjust because of references to him being gay or homosexual that may have prejudiced his medical evaluation and subsequent discharge. However, the applicant has not provided new relevant evidence which meets the requirements for reconsideration. In addition, we considered his request to remove references to him being gay or homosexual; however, we did not find any statements in his record or other evidence that supports that his sexual orientation was a factor in his medical separation. Therefore, in view of the above and in the absence of new and relevant evidence, we find no basis to reconsider the applicant's request.

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 issue(s) involved. Therefore, the request for a hearing is not favorably considered.

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THE BOARD DETERMINES THAT:

The application was not timely filed and it would not be in the interest of justice to waive the untimeliness. It is the decision of the Board, therefore, to reject the application as untimely.

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The following members of the Board considered AFBCMR Docket Number BC-1984-02252 in Executive Session on 7 November 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

- Exhibit I. Record of Proceedings, undated, w/exhibits.
- Exhibit J. Addendum to Record of Proceedings, w/exhibits.
- Exhibit K. DD Form 149, dated 4 Jan 11, w/atchs.

Panel Chair