

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

SEP 21 1996

IN THE MATTER OF:

DOCKET NUMBER: 96-01009

[REDACTED]

[REDACTED]

HEARING DESIRED: NO

RESUME OF CASE:

On 15 July 1997, the Board considered applicant's request that his records be corrected to show that he was medically discharged. The Board found insufficient evidence of error or injustice and denied his request. A complete copy of the Record of Proceedings is attached at Exhibit I.

In a letter, dated 6 August 1997, the applicant amends his request to indicate that his discharge be upgraded to honorable. The applicant contends he was erroneously discharged for being a homosexual.

The applicant states that he was accused of being a homosexual; however, he never got a chance to even know who accused him or why. All he wants to do is to die with his honor. He is not, and has never been a homosexual. He does not know what evidence to send in since they had no evidence when they accused him.

The applicant's complete submission is attached at Exhibit J.

Based on applicant's amended request, the application was reopened and an Air Force evaluation was obtained regarding this issue.

Pursuant to the Board's request, the Federal Bureau of Investigation, Washington, DC, was requested to provide an investigation file; however, on the basis of the data furnished, they were unable to locate an arrest record.

AIR FORCE EVALUATION:

The Separations Branch, Directorate of Personnel Program Management, AFPC/DPPRS, reviewed this application and states that based on the information contained in the application and applicant's master personnel records, they find no new evidence to indicate the applicant's discharge was incorrect or that an injustice occurred. They note the discharge complies with

directives in effect at the time of his discharge. Therefore, they recommend denial of his request.

A complete copy of the Air Force evaluation is attached at Exhibit K.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant and his counsel on 23 February 1998, for review and response within 30 days. In addition, on 7 May 1998, the applicant was advised that in cases similar to his, documentation pertaining to post-service activities is helpful. However, as of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. We find no impropriety in the characterization of applicant's discharge. It appears that responsible officials applied appropriate standards in effecting the separation, and we do not find persuasive evidence that pertinent regulations were violated or that applicant was not afforded all the rights to which entitled at the time of discharge. We conclude, therefore, that the discharge proceedings were proper and characterization of the discharge was appropriate to the existing circumstances.

2. We also find insufficient evidence to warrant a recommendation that the discharge be upgraded on the basis of clemency. We have considered applicant's overall quality of service, and the events which precipitated the discharge. Based on the evidence of record, we cannot conclude that clemency is warranted. Applicant has not provided information of post-service activities and accomplishments for us to conclude that applicant has overcome the behavioral traits which caused the discharge. Should applicant provide statements from community leaders and acquaintances attesting to applicant's good character and reputation and other evidence of successful post-service rehabilitation, this Board will reconsider this case based on the new evidence. We cannot, however, recommend approval based on the current evidence of record.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable 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 this application in Executive Session on 28 April 1998 and 19 August 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair
Ms. Rita S. Looney, Member
Ms. Dorothy P. Loeb, Member



The following documentary evidence was considered:

- Exhibit I. Record of Proceedings, , datd 13 Jul 97, w/atchs.
- Exhibit J. Letter, Applicant, dated 6 Aug 97.
- Exhibit K. Letter, AFPC/DPPRS, dated 5 Feb 98.
- Exhibit L. Letter, SAF/MIBR, dated 23 Feb 98.
- Exhibit M. Letter, AFBCMR, dated 7 May 98.



BARBARA A. WESTGATE
Panel Chair



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

FEB 05 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

The applicant, while serving in the grade of private, was discharged from the Army Air Corp 09 May 45 under the provisions of AR 615-368 (Undesirable Habits & Traits of Character) and received a Blue discharge. He served 04 years, 09 months and 04 days total active service.

Requested Action. The applicant is requesting that his discharge be upgraded to honorable.

Basis for Request. Applicant states he was accused of being homosexual but, he never did get a chance to even know who accused him or why. He further states he does not know what evidence they had when they accused him. Master personnel record indicates applicant's case was reviewed by an Air Force Discharge Review Board (AFDRB) and his discharge was upgraded to general effective 4 Oct 82.

Facts. A Board of Officers convened under provisions of AR 615-368 on 1 Mar 45. Applicant, after being sworn in, testified substantially that for a time he did live with one man, keeping house and cooking for him. He always took the active role in the sexual act and did not like the act with other homosexuals. He did not consider one who takes the passive role as a homosexual. After review of all the evidence the board found that the applicant had habits and traits of character which rendered him unfit for further military service and recommended that he be discharged. On 01 Mar 45, the discharge authority approved the recommendation and directed the applicant be issued a Blue discharge because of Habits and Traits of Character which rendered his retention in the service undesirable.

Discussion. This case **has** been reviewed and the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the sound discretion of the discharge authority and that the applicant was provided full administrative due process. The records indicate member's military service was reviewed and considered and appropriate action was taken.

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Recommendation. Based on information contained in applicant's application, information contained in the applicant's master personnel records, we find no new evidence to indicate the applicant's discharge, 53 years ago, was incorrect, an injustice occurred to the applicant, or that the discharge did not comply with the discharge directive in effect at the time of his discharge. Accordingly, we recommend applicant's request for an upgrade of his discharge to honorable be denied. **He** has not filed a timely request.




JOHN C. WOOTEN, GS-9
Military Personnel Mgmt Spec
Separations Branch
Dir of Personnel Program Management

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