

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

JUN 22 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-02414

COUNSEL: None

HEARING DESIRED: No

RESUME OF CASE

On 28 January 1998, the Board considered applicant's 28 August 1997 application requesting that his undesirable discharge be upgraded to honorable. After thoroughly reviewing the case, the Board found sufficient evidence of error or injustice to warrant upgrading the discharge to general. The Board indicated that after reviewing the circumstances surrounding his discharge and in view of today's standards, they believed the type of discharge he received was unduly harsh. They also indicated that should applicant provide documentation pertaining to his post-service activities, they would reconsider his request to upgrade his discharge to honorable. A complete copy of the Record of Proceedings is attached at Exhibit G.

On 20 May 1998, the AFBCMR received additional documentation from the applicant pertaining to his post-service activities and his case was reopened for reconsideration. (Exhibit H)

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. Considered alone, we conclude the discharge proceedings were proper and characterization of the discharge was appropriate to the existing circumstances.

2. Consideration of this Board, however, is not limited to the events which precipitated the discharge. We have a Congressional mandate which permits consideration of other factors; e.g., applicant's background, the overall quality of service, and post-service activities and accomplishments. Further, we may base our decision on matters of inequity and clemency rather than simply on whether rules and regulations which existed at the time were followed. This is a much broader consideration than officials

involved in the discharge were permitted, and our decision in no way discredits the validity of theirs.

3. Under our broader mandate and after careful consideration of all the facts and circumstances of applicant's case, we are persuaded that applicant has overcome the behavioral traits which led to the contested discharge and has been a productive member of society. We recognize the adverse impact of the discharge applicant received; and, while it may have been appropriate at the time, we believe it would be an injustice for applicant to continue to suffer its effects. Accordingly, we find that corrective action is appropriate as a matter of equity and on the basis of clemency.

The following members of the Board considered this application in Executive Session, under the provisions of AFR 31-3:

- Mr. Vaughn E. Schlunz, Panel Chair
- Mr. Charles E. Bennett, Member
- Mr. Walter J. Hosey, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit G. ROP, dated 6 Mar 98, w/atchs.
- Exhibit H. Applicant's letter, undated, w/atchs.


 VAUGHN E. SCHLUNZ
 VAUGHN E. CH
 Panel Chair

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

MAR 06 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-02414

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

His undesirable discharge be upgraded to honorable.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal is at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

The Air Force Discharge Review Board (AFDRB) denied applicant's request for an upgrade of his discharge to honorable on 23 April 1958.

AIR FORCE EVALUATION:

The Separations Branch, Dir of Personnel Program Management, (AFPC/DPPRP), reviewed the application and states that this case has been reviewed and the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process. A Discharge Review Board convened in April 1958 and considered the issues in the applicant's application for correction of military record and they concur with the finding and recommendation of the board. The records indicate member's military service was reviewed and appropriate action was taken.

Applicant did not submit evidence or identify any errors in the discharge processing nor provide facts which warrant an upgrade of the discharge he received. Accordingly, they recommend applicant's request be denied.

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

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the Air Force evaluation was forwarded to the applicant on 13 October 1997, for review and response. As of this date, no response has been received by this office.

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. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. We find no impropriety in the characterization of applicant's discharge at the time of his separation. However, after reviewing the circumstances surrounding his discharge and in view of today's standards, we believe the type of discharge he received is unduly harsh. Therefore, we believe his discharge should be upgraded to general. Should the applicant provide documentation pertaining to his post-service activities, we would reconsider his request to upgrade his discharge to honorable. In view of the above, we believe the record should be corrected to the extent indicated below.
-

THE BOARD RECOMMENDS THAT:

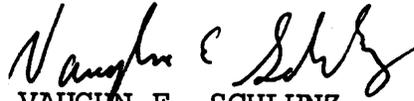
The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that 14 July 1954, he was discharged with service characterized as general.

The following members of the Board considered this application in Executive Session on 28 January 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair
Mr. Charles E. Bennett, Member
Mr. Walter J. Hosey, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 28 Aug 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRP, dated 19 Sep 97.
- Exhibit D. Letter, AFBCMR, dated 13 Oct 97.


VAUGHN E. SCHLUNZ
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

JUN 22 1998

Office of the Assistant Secretary

AFBCMR 97-02414

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that on 14 July 1954, he ~~was~~ honorably discharged and furnished an Honorable Discharge certificate.


JOE G. LINEBERGER
Director

Air Force Review Boards Agency