

JUN 14 1990

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02969

████████████████████████████████████████  
████████████████████████████████████████  
COUNSEL: NONE

HEARING DESIRED: NO

---

APPLICANT REQUESTS THAT:

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

---

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 are at Exhibit A.

---

STATEMENT OF FACTS:

On 6 March 1958, the applicant was discharged from the Air Force with an under other than honorable conditions discharge under the provisions of AFR 35-66 (Homosexuality - Class II). He was serving in the grade of airman second class (E-3) and was credited with 1 year, 11 months and 7 days of active duty service.

The relevant facts pertaining to this application and surrounding the applicant's separation from the Air Force are contained in his military records which are attached at Exhibit B. Accordingly, there is no need to recite these facts in this Record of Proceedings.

---

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 injustice. After careful consideration of applicant's request and the available evidence of record, we find no evidence that the applicant's discharge was improper or contrary to the prevailing regulation. However, after considering the facts and circumstances leading to the applicant's separation and in view of the fact that, under current standards, the applicant would most likely have been discharged with service characterized, at the least, under honorable conditions, we believe that clemency is warranted in this case. We therefore recommend that his records be corrected to show he was received a general (under honorable conditions service characterization).

---

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that on 6 Mar 58, he was discharged with service characterized as general (under honorable conditions).

---

The following members of the Board considered this application in Executive Session on 17 Feb 98, under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair  
Mr. Joseph G. Diamond, Member  
Ms. Sophie A. Clark, Member

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

Exhibit A. DD Form 149, dated unaated.  
Exhibit B. Applicant's Master Personnel Records.

  
THOMAS S. MARKIEWICZ  
Panel Chair