

JUL 07 1997

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03148

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

Her general discharge be upgraded to honorable so that she will be eligible to pursue her education under the Montgomery GI Bill.

APPLICANT CONTENDS THAT:

The discharge characterization is not in error, but she fails to see why her weight, at the time of discharge, should prevent her from obtaining any further education.

No supporting documentation submitted with applicant's appeal at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the Brief prepared by the Air Force Discharge Review Board (AFDRB). Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Air Force Discharge Review Board (AFDRB) denied applicant's request on 16 September 1997. The AFDRB indicated that the discharge was not only for weight, but also for minor disciplinary infractions. Had weight been the only reason for the discharge, the AFDRB may well have upgraded the discharge. Given the multiple acts of misconduct, however, the AFDRB determined the general discharge was the appropriate characterization of applicant's service. The AFDRB concluded that 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 (Exhibit C) .

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A copy of the decision of the AFDRB was forwarded to the applicant on 22 October 1997 for review and response. As of this date, no response has been received by this office (Exhibit D).

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 reviewing the circumstances of this case, we are of the opinion that, based on clemency, the applicant's discharge should be upgraded to honorable. We noted the minor disciplinary infractions; however, ultimately her discharge was based on her status in the Weight Management Program. In view of the minor nature of the infractions the applicant committed and the stated reason for her separation, we believe it would be an injustice for her discharge to be a disqualifying factor for her possible entitlement to Montgomery GI Bill benefits. We therefore recommend that the records be corrected as indicated below.
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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that, on 2 November 1990, she was honorably discharged and furnished an honorable discharge certificate.

The following members of the Board considered this application in Executive Session on 31 March 1998, under the provisions of AFI 36-2603:

Mr. Benedict A. Kausal IV, Panel Chair
Ms. Dorothy P. Loeb, Member
Mr. Richard A. Peterson, Member

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

- Exhibit A. DD Form 149, dated 28 April 1997.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. AFDRB Brief.
- Exhibit D. Letter, SAF/MIBR, dated 22 Oct 97.


BENEDICT A. KAUSAL IV
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

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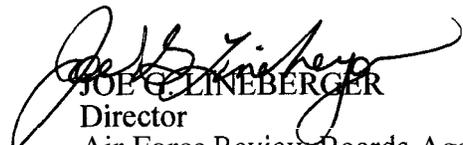
Office of the Assistant Secretary

AFBCMR 97-03 148

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 2 November 1990, she was honorably discharged and furnished an honorable discharge certificate.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency