

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

NOV 33 1998

IN THE MATTER OF:

DOCKET NO: 98-00815

COUNSEL: [REDACTED]

HEARING DESIRED: NO

Applicant requests that his undesirable discharge be upgraded to general. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to counsel for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by counsel. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board, Ms. Charlene M. Bradley, Mr. Terry A. Yonkers, and Mr. Joseph G. Diamond considered this application on 10 November 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10 U.S.C. 1552,


CHARLENE M. BRADLEY
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion



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

JUL 30 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 airman first class, was discharged from the Air Force 24 Oct 55 under the provisions of AFR 35-66 (Admitted Homosexual) with an undesirable discharge. He served 03 years 03 months 11 days total active service.

Requested Action. The applicant is requesting an upgrade of his character of discharge to general. He claims he was inappropriately issued an undesirable discharge stating that the others involved were not subordinate to him..

Facts. The applicant's commander recommended involuntary discharge be taken against the applicant for admitted homosexuality. In a medical certificate dated 20 Sep 55, the medical facility reported the applicant freely admitted that he had about 12 episodes of homosexual behavior during Jun and Jul of 1954. In addition, he did have homosexual behavior prior to his military service. On 11 Oct 55, applicant submitted an application for discharge under AFR 35-66 (Homosexuality) and indicated in his application that he understood that he was entitled to an impartial hearing by a board of officer; call witnesses in his own behalf. Applicant waived his entitlement to appear before the board and requested discharge without benefit of a board proceeding. He further indicate that he understood that if his request to separate was approved his separation may be under conditions other than honorable and that he may receive an undesirable discharge. Legal counsel was made available to him. The case was processed to the discharge authority and on 17 Oct 55 the discharge authority directed the applicant be discharge with an undesirable discharge.

Discussion. This case has been reviewed for separation processing and there are no errors or irregularities causing an injustice to the applicant. The discharge complies with directives in effect at the time of his discharge. The character of the discharge was appropriate as supported by the evidence of record. Applicant admitted to having homosexual acts with at least two subordinate airmen in the grade of A3C (E-2) of which one was age 19 and the other was age 18 and the applicant was an A1C (E-4) that was 23 years of age.

9800815

Recommendation. Applicant did not submit any new evidence or identify any error in the discharge processing nor provide facts which warrant an upgrade of the discharge he received over 40 years ago. He has not filed a timely request.



John C. Wooten

JOHN C. WOOTEN, DAF
Military Personnel Mgmt Spec
Separations Branch
Dir of Personnel Program Management

9800815