

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-01164

COUNSEL: NONE

NOV 13 1998

HEARING DESIRED:

Applicant requests that his discharge be changed to an honorable as well as his discharge code; also that his discharge be changed to medical. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant 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 opinions appear to be based on the evidence of record and have not been rebutted by applicant. 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 Mr. Robert D. Stuart, Mr. Henry Romo, Jr., and Mr. Richard A. Peterson considered this application on 15 October 1998, in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.



ROBERT D. STUART
Panel Chair

Exhibits:

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

3 June 1998
98-01164

MEMORANDUM FOR AFBCMR

FROM: BCMR Medical Consultant
1535 Command Drive, EE Wing, 3rd Floor
Andrews AFB MD 20762-7002

SUBJECT: Application for Correction of Military Records
[REDACTED] [REDACTED]

This request is not filed in a timely manner as nearly 13 years have passed since his discharge.

Applicant's entire case file has been reviewed and is forwarded with the following findings, conclusions and recommendations.

REQUESTED ACTION: The applicant was administratively discharged under the provisions of AFR 39-10 with a General Discharge for Minor Disciplinary Infractions on 14 August 1985 after 1 year, 9 months, and 17 days on active duty. He now applies requesting the records be changed to show a medical discharge under honorable conditions.

FACTS: The applicant states that his discharge would not have occurred had it not been for a report filed by a psychologist who evaluated him by direction of his commander. The evaluation, performed in May 1985, did not disclose any psychiatric diagnosis that would have warranted consideration in the disability evaluation system, finding only that the applicant was experiencing an occupational problem and that he had personality traits that rendered him unsuitable (not unfit) for continued military duty. Evidence of record and medical examinations prior to separation indicate the applicant was fit and medically qualified for continued military service or appropriate separation and did not have any physical or mental condition which would have warranted consideration under the provisions of AFM 354. Reasons for discharge and discharge proceedings are well documented in the records. Action and disposition in this case are proper and reflect compliance with Air Force directives which implement the law.

The applicant had a separation physical exam on 26 July 1985 that found him qualified for worldwide duty.

DISCUSSION: A thorough review of available records shows that the applicant received numerous rehabilitative attempts to correct his behavior as evidenced by administrative actions. When he failed to respond to these attempts, a mental health evaluation was directed which showed the above mentioned findings. The applicant is correct in stating that this report was used in his discharge process, as is usual in such cases. It was not, however, the basis for his discharge which clearly was initiated because of his many disciplinary infractions. There was no defect that should have been found unfitting and, therefore, the applicant's request for correction of his records to show an honorable

9801164

medical discharge is not supported by evidence of records. Evidence of record establishes beyond all reasonable doubt that the applicant was medically qualified for continued active duty, that the reason for his separation was proper, and that no error or injustice occurred in this case.

RECOMMENDATION: The Medical Consultant for the BCMR recommends that the application be denied.



FREDERICK W. HORNICK, Col., USAF, MC, FS
Chief Medical Consultant, AFBCMR
Medical Advisor SAF Personnel Council

9801164



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

JUL 15 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, was discharged from the Air Force 14 Aug 85 under the provisions of AFR 39-10 (Misconduct-Pattern of Minor Disciplinary Infractions) with an under honorable conditions (General) discharge. He served 01 year 09 months and 17 days total active service.

Requested Action. The applicant is requesting his discharge be changed to honorable as well as his discharge code; would also like his discharge be changed to medical.

Basis for Request. Applicant states he believes if it wouldn't been for his psychological testing he would still be in the military. He had serious problems with his squadron commander with no one to talk to. The advisory from the AFBCMR Medical Consultant, 03 Jun 98, provides information concerning applicant's medical condition at the time of his discharge. This advisory will address only the discharge processing in the case.

Facts. On 15 Jul 85, applicant was notified by his commander that involuntary discharge action had been initiated against him for minor disciplinary infractions. The commander indicated his reasons for his action were that during the period 10 May 84 through 07 Jun 84 applicant had three (3) Letters of Reprimand for infractions such as; failure to maintain dormatory room standards, conduct unbecoming a Security Policeman, sleeping on post and writing bad checks. He also, was not recommended for promotion and was given a Letter of Counseling for a traffic violation. In addition, he was enrolled in the alcohol rehabilitation program for an alcohol incident. Finally, he was evaluated by a staff psychologist at [REDACTED]. As a result of that evaluation, it was recommended that he administratively discharged from the Air Force and that the applicant did not have any physical or mental condition which would warrant consideration for processing under the disability directives. The applicant was advised that he had a right to consult legal counsel. Applicant consulted counsel and submitted a statement in his own behalf indicating his desire to remain in the service. He further indicated that if there was no possible way to avoid his discharge, he requested an honorable discharge in order to given a fighting change with the civilian populace. The case was reviewed by the base legal office and was found to be legally sufficient to support discharge. The discharge authority reviewed the case on 12 Aug 85 and directed the applicant be discharged for minor disciplinary infraction and be given a general discharge.

9801164

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 records indicate member's military service was reviewed and appropriate action was taken.

Recommendation. Applicant did not identify any specific errors in the discharge processing nor provide facts which warrant an upgrade of the discharge he received, change his discharge code or reason for discharge. Accordingly, we recommend applicant's request be denied. He has not filed a timely request.



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

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