

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-01182

COUNSEL: NONE

HEARING DESIRED: NO

NOV 27 1986

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APPLICANT REQUESTS THAT:

His under other than honorable conditions discharge be upgraded to honorable.

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APPLICANT CONTENDS THAT:

He has deep regard for his youthful conduct that resulted in his discharge. The result **was** tragic and has embarrassed him his entire life. Since discharged he states he has become a licensed nurse, pro-musician, pro-photographer, and therapist. He states that his civilian conduct has been upstanding and righteous.

In support of applicant's appeal, he submits character references, and other documentation.

Applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS:

Applicant enlisted in the Regular Air Force on 25 January 1960, in the grade of airman basic, for a period of four years.

In June and July 1960 applicant was absent without leave (AWOL) for a period of ■ days. He was convicted by court-martial, and confined for 25 days.

In November 1960, applicant was convicted by civil authorities for breaking, entering & larceny. He was sentenced to confinement for 48 days.

On 16 February 1961, applicant was notified of his commander's intent to impose nonjudicial punishment upon him for conviction by civil authorities for misconduct.

On 16 February 1961, applicant declined counsel, applicant waived his right to a trial by court-martial, did not request a personal appearance and did not submit a written presentation.

On 30 March 1961, applicant was discharged in the grade of airman basic, under the provisions of AFR 39-22 (Civil Court Conviction), and received an under other than honorable conditions discharge. He served 11 months and 4 days total active duty, with 92 days lost time.

Pursuant to the Board's request, the Federal Bureau of Investigation, Washington, D.C., was unable to identify with arrest record on basis of information furnished Exhibit F.

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AIR FORCE EVALUATION:

The Separations Branch, Directorate of Personnel Program Management, HQ AFPC/DPPRS, reviewed this 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. Applicant did not submit evidence or identify any errors in the discharge process or provide facts which warrant an upgrade of the discharge he received. Therefore, they recommend denial of applicant's request.

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

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the evaluation and states that he had a behavioral problem that resulted in him being sent for a psychiatric evaluation. The officer that evaluated him concluded that he had a mental health problem and recommended he be discharged as unfit for military duty receiving a general discharge with honorable conditions. He states his problems continued until he was given an undesirable discharge. He believes that if he had been further tested, it would have revealed his manic behavior and he could have received help and could have extended his career with the Air Force.

Applicant's complete response, with attachments, is attached at Exhibit E.

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. 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. We conclude, therefore, that the discharge proceedings were proper and characterization of the discharge was appropriate to the existing circumstances.
4. We also find insufficient evidence to warrant a recommendation that the discharge be upgraded on the basis of clemency. We have considered applicant's overall quality of service, the events which precipitated the discharge, and available evidence related to post-service activities and accomplishments. On balance, we do not believe that clemency is warranted.

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THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 29 October 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair  
 Mr. Loren S. Perlstein, Member  
 Mr. Terry A. Yonkers, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 25 April 1998, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.

- Exhibit C. Letter, HQ AFPC/DPPRS, dated 29 **May** 1998.
- Exhibit D. Letter, SAF/MIBR, dated 15 June 1998.
- Exhibit E. Applicant's Response, dated 3 July 1998.
- Exhibit F. FBI Report.



VAUGHN E. SCHLUNZ  
Panel Chair