

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 12 1991

IN THE MATTER OF:

DOCKET NUMBER: 98-00378

COUNSEL: None

HEARING DESIRED: No

Applicant requests that his bad conduct discharge (BCD) be upgraded to general. Applicant's submission is at Exhibit A.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Clarksburg, West Virginia, provided an investigative report which is attached at Exhibit C.

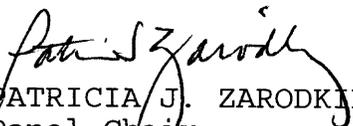
The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit D). The advisory opinion was forwarded to the applicant for review and response (Exhibit E). As of this date, no response has been received by this office. However, applicant's son provided a statement on behalf of his father (see Exhibit F).

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 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 Ms. Patricia J. Zarodkiewicz, Mr. William H. Anderson, and Mr. Joseph A. Roj considered this application on 11 February 1999 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


PATRICIA J. ZARODKIEWICZ
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. FBI Report
- D. Advisory Opinion
- E. AFBCMR Ltr Forwarding Advisory Opinion
- F. Applicant's Son's Statement