

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-02581

FEB 25 1999

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that his 26 January 1978 general discharge be upgraded to honorable. 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 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 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, Mrs. Barbara A. Westgate, Mr. Henry Romo Jr., and Mr. Kenneth L. Reinertson, considered this application on 28 January 1999 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


BARBARA A. WESTGATE
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

OCT 19 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 - R [REDACTED]

The applicant, while serving in the grade of airman, was discharged from the Air Force 26 Jan 78 under the provisions of **AFM** 39-12 (Misconduct) with an under honorable conditions (general) discharge. He served 02 years 02 months and 14 days total active service.

Requested Action. The applicant is requesting an upgrade of his discharge to honorable.

Basis for Request. Applicant states he believes he was unjustly classified. He has a clean record with police for over 20 years after separation.

Facts. On 19 Dec 77, applicant was notified by his commander that involuntary discharge action had been initiated against him with a view to effecting his discharge for misconduct. Specifically, applicant had received three Art 15s, one for failure to go (three specifications), one for driving on base while driving privileges were suspended and one for failure to obey a lawful order. He had received five Letters of Reprimand, one Letter of Indebtedness, and three record of counselings. His file reflects that his supervisors had on eight occasions made memos for the record documenting additional failures to go, poor job performance, poor OJT progression, and one incident of sleeping on duty. Applicant was advised he had a right to consult counsel and the right to submit statements in his own behalf. He did not consult counsel and did not submit statements in his own behalf. The case was reviewed by the base legal office and found to be legally sufficient to support discharge. The discharge authority approved the recommendation for discharge on 23 Jan 78 and directed that the applicant be furnished a general discharge certificate without probation.

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.

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



JOHN C. WOOTEN, DAF
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Military Personnel Mgmt Spec

Separations Branch

Dir of Personnel Program Management

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