ADDENDUM TO

RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-1999-02357-2

 COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His entry level separation (ELS) discharge with “uncharacterized” character of service be upgraded to honorable.

FACTS OF THE CASE:

The applicant initially entered the Regular Air Force on 1 Sep 83.

On 1 Dec 83, the applicant received a Letter of Administrative Reprimand (LOR) for violating Article 92 of the Uniform Code of Military Justice (UCMJ) by failing to complete the ATC Form 32,

On 2 Dec 83, the applicant’s commander notified him he was recommending he be discharge with an ELS. The applicant acknowledged he was provided legal counsel and had the right to submit statements in his own behalf. The reasons for this recommendation were:

 a.  On 16 Nov 83, he was diagnosed with sleep walking disorder, based upon incidents occurring on 14 and 15 Nov 83, of which he had no memory. He was subsequently eliminated from the Security Police career field, and decertified from the Personal Reliability Program (PRP).

 b.  On 30 Dec 83, he received a Letter of Reprimand (LOR) for failure to complete an ATC Form 32, *Tour of Duty Report*, on 1 Dec 83 as required.

On 7 Dec 83, the discharge authority directed the applicant be discharged with an ELS.

On 9 Dec 83, the applicant was furnished an ELS, with a character of service of “Not Applicable,” a narrative reason for separation of “Conditions that Interfere with Military Service-Not Disability-Sleepwalking,” and was credited with 3 months and 9 days of active service.

On 27 Dec 16, a request for post-service information was forwarded to the applicant for review and comment within 30 days. As of this date, no additional information beyond that which was provided with his initial application has been received by this office. (Exhibit H)

RESUME OF THE CASE:

On 9 May 20, the Board considered the applicant’s original application and denied his request to upgrade his discharge to honorable. In making this determination the Board relied upon advisory opinions from AFPC/DPPRS and BCMR Medical Consultant, and found the facts and opinions stated in the advisory opinions appeared to be based on the evidence of record and were not adequately rebutted by the applicant. For an accounting of the facts and circumstances surrounding the applicant’s original request and the rationale of the earlier decision by the Board, see the Record of Proceedings (ROP) at Exhibit E.

On 30 Sep 16, the applicant petitioned the Board for reconsideration of his original request. He contends his lawyer failed to prove adequate legal support and told him he should just go along with the proceedings. He had no sleepwalking problems either before or after his service. The medical staff did nothing for his sleepwalking, and the Air Force did not consider moving him to another career field. He was only 18, intimidated, and feels he was rushed out without adequate medical, counseling, or legal assistance. He is an active member of his church and community, and feels awkward saying his has an ELS. With his request for reconsideration he submits two new letters of support. (Exhibit F)

THE BOARD CONCLUDES THAT:

1.  The applicant has exhausted all remedies provided by existing law or regulations.

2.  The application was timely filed.

3.  In earlier findings, we determined that there was insufficient evidence to warrant an upgrade of the applicant’s discharge. After careful reconsideration of his request, we do not find it sufficiently persuasive to warrant a revision of our earlier determination in his case. Therefore, it remains our opinion that the discharge proceedings were proper and the characterization of the discharge was appropriate to the circumstances.  Although the applicant has provided documentation pertaining to his post-service activities, we find it insufficient to warrant upgrading his discharge on the basis of clemency. Therefore, we find no basis to act favorably on his request for an upgrade of his discharge.

THE BOARD DETERMINES THAT:

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

The following members of the Board considered AFBCMR Docket Number BC-1999-02357-2 in Executive Session on 21 Mar 18 under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-1999-02357-2 was considered:

 Exhibit E.  Original ROP, dated 11 May 00.

Exhibit F.  RECON DD Form 149, dated 2016-09-30, w/atchs.

 Exhibit G.  Applicant's Master Personnel Records.

 Exhibit H.  Letter, AFBCMR, dated 27 Dec 16, w/atch.

Pursuant to paragraph 1 of AFI 36-2603 (Title 32 Code of Federal Regulations, Part 865.1), it is certified a quorum was present at the Board's review and deliberations, and the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.