RECORD OF PROCEEDINGS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF: DOCKET NUMBER: BC-2010-03038

 XXXXXXXXXXX COUNSEL: NONE

 HEARING DESIRED: NO

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APPLICANT REQUESTS THAT:

His discharge be upgraded to honorable.

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APPLICANT CONTENDS THAT:

It has been 30 years since he was discharged. He was young when he enlisted and had never been away from home. He has learned from his mistakes. The stigma of a general discharge makes it more difficult for him to obtain employment in his chosen field.

In support of his request, the applicant provides a copy of his DD Form 214, *Certificate of Release or Discharge from Active Duty*.

The applicant’s complete submission, with attachment, is at Exhibit A.

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STATEMENT OF FACTS:

The applicant’s military personnel records indicate he enlisted in the Regular Air Force on 13 Mar 79 and was progressively promoted to the grade of airman first class (E-3), effective and with a date of rank of 6 Oct 79.

The relevant facts pertaining to the applicant’s discharge are contained in the Discharge Notification Letter at Exhibit B. Accordingly, there is no need to recite these facts in this Record of Proceedings.

On 21 Apr 80, the applicant was furnished a General (Under Honorable Conditions) discharge for Misconduct – Frequent Involvement with Civil/Military Authorities and he was credited with one year, one month, and nine days of total active service.

Pursuant to the Board’s request, the Federal Bureau of Investigation (FBI) provided copies of two Investigative Reports, which are at Exhibit C.

Copies of the FBI Investigative Reports and a request for post-service information were forwarded to applicant on 27 Oct 10 for review and comment within 30 days. As of this date, no response has been received by this office (Exhibit D).

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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.  Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. We took notice of the applicant’s complete submission in judging the merits of this case; however, we find no evidence or an error or injustice that occurred in the discharge process. It appears the applicant’s discharge was consistent with the substantive requirements of the discharge regulation in effect at the time, and within the commander’s discretionary authority. No evidence has been presented to indicate otherwise. We considered upgrading the discharge based on clemency; however, in light of the applicant’s extensive arrest record, as reflected in the FBI Investigative Reports, and the absence of any information related to his post-service activities, there is no basis for us to recommend granting relief upon this basis. Therefore, in the absence of evidence to the contrary, we find no basis to recommend favorable consideration of the application.

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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.

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The following members of the Board considered AFBCMR Docket Number BC-2010-03038 in Executive Session on 2 Jun 11, under the provisions of AFI 36-2603:

The following documentary evidence pertaining to AFBCMR Docket Number BC-2010-03038 was considered:

 Exhibit A.  DD Form 149, dated 7 Sep 10, w/atch.

 Exhibit B.  Applicant's Master Personnel Records.

 Exhibit C.  FBI Report.

 Exhibit D.  Letter, AFBCMR, dated 27 Oct 10, w/atch.