



**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

**ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2017-00445-2

**COUNSEL:**

**HEARING REQUESTED:** YES

**APPLICANT'S REQUEST**

The Board reconsider his request to change his narrative reason for separation of "Voluntary-Miscellaneous Reasons" with corresponding separation code of "KND" to "Honorable Discharge for Hardship" with corresponding separation code of "KDB."

**RESUME OF THE CASE**

The applicant is a former Air Force airman first class (E-3) who was honorably discharged on 14 Dec 90 due to his request for a voluntary discharge so he could provide financial and emotional support to his mother who had been diagnosed with manic-depression. He was credited with 1 year, 9 months, and 17 days of active service.

On 14 Jun 18, the Board considered and denied his request to change his narrative reason for separation to a hardship separation. The Board concurred with the rationale and recommendation of AFPC/DP2SSM and AFPC/DP2STM, finding the preponderance of the evidence did not substantiate his contentions and further found the application untimely, concluding it would not be in the interest of justice to excuse the delay. In the advisory from AFPC/DP2STM it was noted the applicant's circumstances as indicated on the AF Form 31, *Airman's Request for Early Separation/Separation Based on Change in Service Obligation*, were not unique and appeared to be temporary in nature which fell under the less stringent criteria for miscellaneous reasons.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit G.

On 18 Jan 24, the applicant requested reconsideration of his request for a hardship discharge. He again contends, through counsel, he was entitled to an honorable discharge for hardship over 30 years ago, but his leadership misrepresented the nature of applying for this type of separation. Before his separation, he was an exemplary airman but was forced to leave the Air Force in order to prevent his younger siblings from experiencing horrific sexual and physical abuse and entrance into the child welfare system. His mother's mental state deteriorated after he enlisted in the Air Force and she became physically, mentally, emotionally, and sexually abusive to her children. After he became aware of the situation, he moved to quickly obtain a hardship separation, but his

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command refused to help. His leadership continued to hamper his efforts to obtain a hardship discharge and after seeking help from other individuals, his leadership offered him an expedited honorable discharge telling him a hardship discharge would take too long, but he would retain all his benefits with the expedited discharge. In 2016, he applied for a Department of Veterans Affairs (DVA) certificate of eligibility for a home loan; however, he was denied due to not having the 24-months time in service requirement but could qualify with a hardship discharge. Pursuant to the Wilkie Memo released on 25 Jul 18, the BCMRs have the authority to correct records to ensure fundamental fairness.

In support of his reconsideration request, the applicant submitted the following new evidence: (1) a personal statement; (2) a character reference letter; (3) a statement from his church; (4) letters attesting to his hardship situation; (5) a letter attesting to the climate of his military unit; and (6) a statement from Family Services.

The applicant's complete submission is at Exhibit H.

#### **APPLICABLE AUTHORITY/GUIDANCE**

AFR 39-10, *Administrative Separation of Airmen*, dated 16 Jun 89, Section 3C, *Dependency or Hardship*, paragraph 3.19 states airmen may request discharge when genuine dependency or undue hardship exists. A basis for discharge may exist when: (1) the dependency or hardship is not temporary; (2) conditions have arisen or have been aggravated since the airman entered active duty; (3) the airman has made every reasonable effort to remedy the situation; (4) separation will eliminate or materially alleviate the conditions; and (5) there are no means of alleviation readily available other than the separation. Undue hardship or dependency does not necessarily exist because of altered present or expected income; or the family is separated or must suffer the inconveniences usually incident to military service.

According to the U.S. Department of Veterans Affairs website, eligibility requirements for the DVA home loan program are as follows: If a veteran served between 8 Sep 80 and 1 Aug 90, they must meet the minimum active-duty service requirement if they served for: (1) at least 24 continuous months; (2) or the full period (at least 181 days) for which they were called to active duty; (3) or at least 181 days if they were discharged for a hardship or a reduction in force; (4) or less than 181 days if they were discharged for a service-connected disability.

On 25 Jul 18, the Under Secretary of Defense issued supplemental guidance (Wilkie Memo) to military corrections boards in determining whether relief is warranted based on equity, injustice, or clemency. These standards authorize the board to grant relief in order to ensure fundamental fairness. Clemency refers to relief specifically granted from a criminal sentence and is a part of the broad authority Boards have to ensure fundamental fairness. This guidance applies to more than clemency from sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. Each case will be assessed on its own merits. The

relative weight of each principle and whether the principle supports relief in a particular case, are within the sound discretion of each Board. In determining whether to grant relief on the basis of equity, an injustice, or clemency grounds, the Board should refer to the supplemental guidance, paragraphs 6 and 7.

## **AIR FORCE EVALUATION**

AFPC/DPMSSR recommends denying the applicant's request for a hardship discharge finding no evidence of an error or injustice with the discharge processing. The applicant submitted additional documentation that was reviewed; however, as stated in the previous advisory, the criteria for Dependency or Hardship is much more stringent than Miscellaneous. The applicant's circumstance was not unlike the circumstances affecting service members with challenges of having long distance family members suffering various forms of illness. Furthermore, the applicant's chain of command up through to the Wing Commander would have required coordination before coming to HQ AFPC for decision, which would have taken an extended period of time potentially resulting in disapproval. If the applicant was advised by his chain of command to pursue the miscellaneous provision to expedite the process and receive an increased chance of approval so that he could immediately depart to attend to his family member, the decision was still up to the applicant to pursue this course of action. It has been approximately 34 years since the applicant separated from the Air Force and HQ AFPC is not inclined to rewrite historical personnel data that was reviewed and considered at that time by his chain of command.

The complete advisory opinion is at Exhibit I.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 20 May 24 for comment (Exhibit J), and the applicant replied on 5 Jun 24. In his response, the applicant contends, through counsel, he met the requirements for a hardship discharge. However, even if the Board determines he should have applied or he did not meet the requirements, his request can still be granted in the interest of justice. His siblings' lives were in danger, and he did not have time to wait. The letters in support of his request paint a terrifying picture of what was going on in that household and how desperately he was needed back home.

The applicant's complete response is at Exhibit K.

## **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board remains unconvinced the evidence presented demonstrates an error or injustice. The Board concurs with the rationale and recommendation of



AFPC/DPMSSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds the applicant's situation to be of a temporary nature and the applicant expressed an urgent need to be released immediately to which he was offered a miscellaneous discharge. His discharge was 34 years ago, and the Board finds the preponderance of evidence does not meet the stringent criteria for a hardship discharge. Furthermore, the Board finds the discharge was consistent with the substantive requirements of the discharge regulation and was within the commander's discretion and does not warrant a change based on fundamental fairness. Therefore, the Board recommends against correcting the applicant's records.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

### RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

### CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2017-00445-2 in Executive Session on 8 Oct 24:

[REDACTED], Panel Chair  
[REDACTED], Panel Member  
[REDACTED], Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit G: Record of Proceedings, w/ Exhibits A-F, dated 14 Jun 18.  
Exhibit H: Application, DD Form 149, w/atchs, dated 18 Jan 24.  
Exhibit I: Advisory Opinion, AFPC/DPMSSR, dated 16 May 24.  
Exhibit J: Notification of Advisory, SAF/MRBC to Applicant, dated 20 May 24.  
Exhibit K: Applicant's Response, dated 5 Jun 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

4/2/2025

Board Operations Manager, AFBCMR

Signed by:

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