



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

### ADDENDUM TO RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2011-03507-2

*Work-Product*

**COUNSEL:** *Work-Product*

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

The Board reconsider his request to upgrade his general (under honorable conditions) discharge to honorable.

### RESUME OF THE CASE

The applicant is a former Air Force airman basic (E-1) who was discharged with a general (under honorable conditions) service characterization on 28 Apr 87 for misconduct – pattern conduct prejudicial to good order and discipline.

On 22 May 12, the Board considered and denied his request to upgrade his discharge to honorable; finding the applicant had provided insufficient evidence of an error or injustice to justify relief. Based on the available evidence, it appeared the discharge was consistent with the substantive requirements of the discharge regulation and within the commander's discretionary authority. The applicant provided no evidence which led the Board to believe the characterization of service was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. The Board also considered an upgrade based on fundamental fairness; however, given the evidence presented, it found no basis to do so. The evidence the applicant submitted included his resume and five character reference letters attesting to his strong work ethic.

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 F.

On 16 May 24, the applicant requested reconsideration of his request. He again contends, he has a clean record and has proved to be a productive member of society. He is now 58 years old, physically healthy, and always tries to help others in need when possible. He is requesting an upgrade just to have a cleaner military record, and at this point in his life, he feels it is not only time, but it is well deserved. He has been out of the Air Force for over 37 years now and would like his military records to be as clean as his civilian record. He and his wife presently sell real estate and has had a successful career over the past 12 years. They recently won the chamber of commerce small business of the year award. They have done lots of volunteer work in their

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community in the past and continue to do so today. In support of his reconsideration request, the applicant submitted the following new evidence: (1) an honors list achievement from the summer quarter of 1989; and (2) a real estate license.

The applicant's complete submission is at Exhibit G.

## POST-SERVICE INFORMATION

On 2 Aug 24, the Board sent the applicant a request for post-service information and advised the applicant he was required to provide a Federal Bureau of Investigation (FBI) Identity History Summary Check, which would indicate whether or not he had an arrest record. In the alternative, the applicant could provide proof of employment in which background checks are part of the hiring process (Exhibit H). The applicant replied on 13 Aug 24 and provided an FBI report. According to the report, the applicant was arrested on 22 May 97 for Driving Under the Influence (DUI) of alcohol.

The applicant's complete response is at Exhibit I.

## APPLICABLE AUTHORITY/GUIDANCE

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 paragraphs 6 and 7 of the Wilkie Memo.

On 2 Aug 24, the Board staff provided the applicant a copy of the clemency/fundamental fairness guidance (Exhibit H).

Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, describes the authorized service characterizations.

**Honorable.** The quality of the airman's service generally has met Department of the Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

**General (Under Honorable Conditions).** If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the member's military record.

## **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. In the interest of justice, the Board, again considered upgrading the discharge based on fundamental fairness; however, given the evidence presented, the Board finds no basis to do so. The Board contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice or fundamental fairness; however, the Board does not find the evidence presented is sufficient to conclude the applicant's post-service activities overcame the misconduct for which he was discharged. This Board very carefully weighs requests to upgrade the character of a discharge and in doing so, considers whether the impact of an applicant's contributions to his or her community since leaving the service are substantial enough for the Board to conclude they overcame the misconduct that precipitated the discharge and whether an upgrade of the discharge would create a larger injustice to those who served honorably and earned the characterization of service the applicant seeks. While the applicant has presented some supporting statements in his original application indicating he has apparently made a successful post-service transition, the Board does not find the documentation sufficient to conclude they should upgrade the applicant's discharge at this time. In this respect, the supporting statements from the applicant's professional colleagues indicate their admiration for the applicant and his strong work ethic; however, these statements do not provide his impact in the community and if the impact is so admirable the Board could conclude an upgrade of his discharge would not constitute an injustice to those who have earned this characterization of service. Except for the applicant's own admission of his work in the community, he provided no evidence to support this statement or how his efforts improved his community. Therefore, the Board recommends against correcting the applicant's records. The applicant retains the right to request reconsideration of this decision, which could be in the form of a personal statement, additional character statements, or testimonials from community leaders/members specifically describing how his efforts in the community have impacted others. Should the applicant provide documentation pertaining to his post-service accomplishments and activities, this Board would be willing to review the materials for possible reconsideration of his request based on fundamental fairness.

## **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.

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## 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-2011-03507-2 in Executive Session on 30 May 25:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit F: Record of Proceedings, w/ Exhibits A-E, dated 5 Apr 12.

Exhibit G: Application, DD Form 149, w/atchs, dated 16 May 24.

Exhibit H: Letter, SAF/MRBC (FBI Bulletin with Clemency and Fundamental Fairness), dated 2 Aug 24.

Exhibit I: FBI Report, dated 13 Aug 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.

7/14/2025

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Board Operations Manager, AFBCMR

Signed by: USAF

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