



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00960

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His general (under honorable conditions) discharge be upgraded to honorable.

APPLICANT'S CONTENTIONS

He requests an upgrade in the interest of justice. On 2 May 78, he plead guilty to simple possession of marijuana over an ounce and was subsequently discharged after four years of service. He had requested drug treatment and urinalysis to remain in service but was denied. His airman performance report (APR)s to that point were outstanding. He found out after the fact a recommendation was made for an honorable, but his Air Force counsel had him sign a letter for a general (under honorable conditions), and if he had known this fact, he would not have signed it. In the 70's, drunk driving convictions would not have earned a discharge while being encouraged to join and socialize at the base clubs. He also believes the wrong decision was made about his character, as his post-service includes 7 months at the Naval Avionics Center, under the Department of the Navy, and 38 years with the Defense Contract Management Agency (DCMA) with retirement as a quality assurance supervisor [REDACTED]. He also volunteered for a mission to [REDACTED] from May to Oct 12.

He did not challenge the discharge as he received full Department of Veterans Affairs (DVA) benefits and was immediately hired by the Department of the Navy. There was no barrier to employment, although it is an embarrassment to him, it is not honorable. He is now 68 and retired, so he has time to further his interests that could require providing background information and he would like to be able to show an honorable discharge and at least have a DD Form 256, *Honorable Discharge Certificate*, to display on his wall with his other awards.

In support of his request for a discharge upgrade, the applicant provides proof of employment and a post service certificate of achievement.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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[REDACTED]

The applicant is a former Air Force senior airman (E-4).

On 12 Jun 78, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of Air Force Manual (AFM) 39-12, *Separation for Unsuitability, Misconduct, Resignation, or Request for Discharge for the Good of the Service and Procedures for the Rehabilitation Program*, paragraph 2-23 for conviction by civil authorities. The specific reason for the action was, he was convicted in civil court on 2 May 78 for possession of more than one ounce of marijuana and was fined \$500.00. When he was arrested on 16 Aug 77, the police found approximately one and a half pounds of marijuana at his residence.

On 13 Jun 78, the applicant offered a conditional waiver, waiving his rights to an administrative discharge board, contingent upon receiving no less than a general (under honorable conditions) discharge.

On 18 Jul 78, the Staff Judge Advocate found the discharge action legally sufficient and recommended the separation authority accept the conditional waiver.

On 23 Jul 78, the discharge authority directed the applicant be discharged for a conviction by civil authorities, with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered but not offered.

On 3 Aug 78, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct – Civilian Conviction" and he was credited with 4 years, 4 months, and 11 days of total active service.

For more information, see the excerpt of the applicant's record at Exhibit B.

POST-SERVICE INFORMATION

On 8 Jul 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 C). The applicant replied on 10 Jul 24 and provided an FBI report. According to the report, the applicant has had no arrests since discharge.

The applicant's complete response is at Exhibit D.

APPLICABLE AUTHORITY/GUIDANCE

On 25 Jul 18, the Under Secretary of Defense for Personnel and Readiness issued supplemental guidance, known as the 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

[REDACTED]

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.

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 not timely filed but the untimeliness is waived because it is in the interest of justice to do so. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. Section 1552(b).

2. The applicant exhausted all available non-judicial relief before applying to the Board.

3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board finds his discharge was consistent with the substantive requirements of the discharge regulation and was within the commander's discretion. The applicant has provided no evidence which would lead the Board to believe his service characterization was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. Nonetheless, in the interest of justice, the Board 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 applicant did not provide sufficient evidence to show he has made a successful post-service transition. The evidence he provides lacks references that demonstrate his character, remorse for his actions, or service to the community. The Board recognized the applicant's career in civil service and a clean criminal history record; however, it does not outweigh the severity of possessing approximately one and a half pounds of marijuana. Therefore, the Board recommends against correcting the

[REDACTED]

applicant's records. The applicant retains the right to request reconsideration of this decision, which could be in the form of a personal statement, 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.

CERTIFICATION

The following quorum of the Board, as defined in DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-00960 in Executive Session on 16 Apr 25:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 14 Mar 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 8 Jul 24.
- Exhibit D: FBI Report, dated 10 Jul 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.

4/29/2025

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[REDACTED]
Board Operations Manager, AFBCMR
Signed by: USAF

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