

## **ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

XXXXXXXXXXXXXXXXXX

**DOCKET NUMBER:** BC-2019-03773-2

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

The Board reconsider his request to upgrade his general (under honorable conditions) discharge to honorable and his narrative reason for separation (misconduct) be changed.

### **RESUME OF THE CASE**

The applicant is a former Air Force airman basic (E-1).

On 22 Oct 20, the Board considered and denied his request to upgrade his discharge, change his narrative reason for separation and reentry (RE) code; finding the applicant had provided insufficient evidence of an error or injustice to justify relief. The Board considered upgrading the discharge based on clemency/liberal consideration; however, given the evidence presented, the Board found no basis to do so. The Board noted the applicant provided post-service information; however, the Board could not overlook the severity of his infractions in service, which still outweighed his post-service accomplishments.

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 E.

On 7 Dec 20, the applicant requested reconsideration of his request for a discharge upgrade based on clemency. He again contends his actions were unacceptable and he did not live up to the military standard but since being discharged, he has led a life of an upstanding citizen. In support of his reconsideration request, the applicant submitted a Department of Veterans Affairs (DVA) employment letter as new evidence.

The applicant's complete submission is at Exhibit F.

### **APPLICABLE AUTHORITY/GUIDANCE**

On 25 Jul 18, the Under Secretary of Defense for Personnel and Readiness (USD P&R) issued supplemental guidance (Wilke 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.

The entire guidance can be found at Exhibit C from the previous case.

## **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 concludes the applicant has presented evidence sufficient to demonstrate an injustice regarding part, but not all, of his request. While the Board finds no error in the original discharge process, the Board recommends partial relief based on clemency. In this respect, the Board finds the applicant's post-service life sufficient to grant his request for a discharge upgrade and to change his narrative reason for separation. Therefore, the Board recommends correcting the applicant's records as indicated below.

## **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 24 February 2015, he was discharged with a service characterization as honorable, a separation code of "JFF," and narrative reason for separation of Secretarial Authority.

## **CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2019-03773-2 in Executive Session on 18 Aug 21:

, Panel Chair  
, Panel Member  
, Panel Member

A majority of the panel voted to correct the record. Work-Product voted against correcting the record and did not provide a minority opinion. The panel considered the following:

Exhibit E: Record of Proceedings, w/ Exhibits A-D, dated 22 Oct 20.  
Exhibit F: Application, DD Form 149, w/atchs, dated 7 Dec 20.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

X

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Board Operations Manager, AFBCMR