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

**ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2020-02836-2

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**COUNSEL:** NONE

**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 (E-2) who received a general (under honorable conditions) discharge on 25 Aug 99 for misconduct.

On 21 Jul 21, the Board considered and denied his request for a discharge upgrade. The Board found his discharge consistent with the substantive requirements of the discharge regulation and was within the commander's discretion and found no evidence which would lead them to believe his service characterization was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. Furthermore, the Board contemplated the many principles included in the Wilke Memo to determine whether to grant relief based on an injustice or fundamental fairness. However, the Board did not find the evidence presented sufficient to conclude the applicant's post-service activities overcame the misconduct for which he was discharged. The evidence presented by the applicant did not include his impact in the community and advised the applicant he had a right to a reconsideration of his request by providing further evidence of his post-service activities in the form of a personal statement, additional character statements, and testimonials from community leaders/members specifically describing how his efforts in the community have impacted others.

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 Mar 23, the applicant requested reconsideration of his request for a discharge upgrade. He again contends he has not used any of the benefits he is entitled to and was told by his local Veteran's office that he may be eligible.

In support of his reconsideration request, the applicant submitted the following new evidence: (1) a copy of the civilian court document dated 26 Apr 13 showing his case was dismissed (cite date 13 Mar 12) and a statement from the victim; (2) a personal statement; and (3) several character references. In his personal statement, he contends he graduated from [redacted] with a degree in Psychology and has started a position with [redacted] in the counseling department. His job is geared towards social emotional therapy for students and was part of a team that was granted funding from the [redacted] grant. Furthermore, he plans on volunteering this summer with local youth and sports groups and plans

**AFBCMR Docket Number BC-2020-02836-2**

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on working with the local school districts to provide food for students and their families. Again he admits to his wrongdoings in the Air Force and has learned from his mistakes.

The applicant's complete submission is at Exhibit F.

## 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 is not the victim of an error or injustice. The evidence provided by the applicant is not sufficient for 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 applicant's discharge. In support of his request for an upgrade, the applicant has provided a personal statement and several character statements. In his personal statement, he admits to his wrongdoings in the Air Force and contends he has learned from his mistakes. Furthermore, he contends he plans on volunteering in the future.

The Board contemplated the many principles included in the Wilke 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 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. Even though the applicant has expressed future volunteer opportunities, he has not completed them yet; therefore, the Board finds the applicant's post-service length of time insufficient to warrant relief and encourages the applicant to apply at a later date if he continues with his positive trajectory. Therefore, the Board recommends against correcting the applicant's record.

## 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-2020-02836-2 in Executive Session on 15 Jun 23:

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Panel Chair

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Panel Member

Panel Member

**AFBCMR Docket Number BC-2020-02836-2**

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

Exhibit E: Record of Proceedings, w/ Exhibits A-D, dated 21 Jul 22.

Exhibit F: Application, DD Form 149, w/atchs, dated 7 Mar 23.

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.

8/24/2023

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Board Operations Manager, AFBCMR

Signed by:

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**AFBCMR Docket Number BC-2020-02836-2**

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