



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

Work-Product

DOCKET NUMBER: BC-2020-02909

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He is currently a Department of Defense Police Officer, who is an upstanding citizen of his community, with a post-service record void of felonies or misdemeanors. In support of his request, the applicant provides his DD Form 214, *Certificate of Release or Discharge from Active Duty*, post-service accomplishments, proof of employment and other documents related to his request for upgrade.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

On 21 May 87, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Administrative Separation of Airman*, paragraph 5-49d. The specific reasons for the action were:

On 6 May 87, the applicant received an Article 15 for obtaining services under false pretenses by using a general telephone calling card to make numerous long distance telephone calls, knowing that he was not an authorized user. As a result, the applicant was demoted to the grade of airman first class with a new date of rank of 29 Apr 87, restricted to the limits of duty base for 30 days, and ordered to perform 15 extra duty days.

On 29 May 87, the assistant staff judge advocate found the discharge action legally sufficient.

On 1 Jun 87, the discharge authority directed the applicant be discharged for Misconduct, with a general (under honorable conditions) service characterization without the offer of probation and rehabilitation.

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On 4 Jun 87, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct- Other Serious Offenses." He was credited with 4 years and 23 days of total active service.

On 24 Jan 88, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge.

On 13 May 88, the AFDRB concluded the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and the applicant was provided full administrative due process.

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

POST-SERVICE INFORMATION

On 23 Mar 21, the Board sent the applicant a standard request for post-service information. This letter informed the applicant that since he provided evidence of employment that required a background check, an FBI report was not required (Exhibit C). The applicant also provided post-service accomplishments and proof of employment with his initial application (Exhibit A).

APPLICABLE AUTHORITY/GUIDANCE

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

On 23 Mar 21, the Board staff provided the applicant a copy of the clemency guidance (Exhibit C).

AFI 36-3208, *Administrative Separation of Airmen*, describes the types of service characterization:

Honorable. The quality of the airman's service generally has met 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.

Under Honorable Conditions (General). 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 airman's military record.

FINDINGS AND CONCLUSION

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1. The application was timely filed. Given the requirement for passage of time, all clemency requests are technically untimely. However, it would be illogical to deny a clemency application as untimely, since the Board typically looks for over 15 years of good conduct post-service. Therefore, the Board declines to assert the three-year limitation period established by 10 U.S.C. § 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 the victim of an injustice. While the Board finds no error in the original discharge process, the Board recommends relief based on fundamental fairness. In particular, the Board believes the applicant’s disciplinary infractions were relatively minor and giving the applicant served in the federal government for over 20 years, the Board finds it in the interest of justice to upgrade the applicant’s discharge to fully honorable. The Board also believes the applicant’s narrative reason for separation and corresponding separation code should be changed. Therefore, the Board recommends the applicant’s records be corrected as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 4 June 1987, he was honorably discharged with a narrative reason for separation of “Secretarial Authority” and the corresponding separation code of “JFF” and furnished an Honorable Discharge certificate.

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-2020-02909 in Executive Session on 14 Jun 21 and 27 Jul 22:

-  *Work-Product*, Panel Chair
-  *Work-Product*, Panel Member
-  *Work-Product*, Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 11 Mar 20.
- 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 23 Mar 21.

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.

3/15/2023

 *Work-Product*

Board Operations Manager, AFBCMR
Signed by: USAF