



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01639

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He was discharged for failure to pay debts. While he made mistakes in his life, he doesn't believe he was guilty of failure to pay debts. Though he got behind, he made payment arrangements and was in the process of repaying his debt at the time of discharge. His discharge was unwarranted, and he asked to appear before the discharge authority to explain but was denied the opportunity.

In support of his request for a discharge upgrade, the applicant provides a personal statement and four character statements.

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 17 Jan 92, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Separation Upon Expiration of Term of Service, for Convenience of Government, Minority, Dependency and Hardship*. The specific reasons for the action were minor disciplinary infractions and dishonorable failure to pay just debts.

On 4 Feb 92, the Staff Judge Advocate found the discharge action legally sufficient.

On 7 Feb 92, the discharge authority directed the applicant be discharged with a general service characterization. Probation and rehabilitation was considered, but not offered.

On 14 Feb 92, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct-Dishonorable Failure to Pay Just Debts" and he was credited with 3 years, 3 months, and 24 days of total active service.

On 2 Nov 93, the applicant appeared before the Air Force Discharge Review Board (AFDRB) seeking an upgrade to his discharge.

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On 8 Nov 93, 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 10 Jun 21, 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 provided an FBI report dated 19 Jul 21. According to the report, the applicant has had no arrests since discharge. The applicant also provided a personal statement and character statements with his application.

The applicant's FBI report is at Exhibit D.

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 paragraphs 6 and 7 of the Wilkie Memorandum.

On 10 Jun 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

1. The application was timely filed. Given the requirement for passage of time, all discharge upgrade requests are technically untimely. However, it would be illogical to deny such application

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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 majority concludes the applicant is the victim of an injustice. While the Board finds no error in the original discharge process, the Board majority recommends relief based on fundamental fairness. The applicant had minor infractions while in service and provided a favorable FBI Report and numerous character reference statements attesting to his character. Therefore, the Board majority recommends the applicant's records be corrected as indicated below.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 14 Feb 92, he was discharged with service characterized as honorable and a separation code and corresponding narrative reason for separation of JFF (Secretarial Authority).

CERTIFICATION

The following quorum of the Board, as defined in the 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-2021-01639 in Executive Session on 25 Jan 23:

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

A majority of the panel voted to correct the record. [REDACTED] voted against correcting the record and did provide a minority opinion (Exhibit E). The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 14 Feb 21.
- 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 10 Jun 21.
- Exhibit D: FBI Report, dated, 19 Jul 21.
- Exhibit E: Minority Opinion, dated 25 Jan 23.

[REDACTED]

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.

6/6/2025

X [REDACTED]

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

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