



[REDACTED]

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02648

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

- [REDACTED]
1. His general (under honorable conditions) discharge be upgraded to honorable.
 2. His grade be restored to senior airman (SrA).

APPLICANT'S CONTENTIONS

At the time disciplinary action was taken, he was not afforded an opportunity for due process. He was ordered to report to his superior's office where he was reduced in grade and removed from position of loadmaster. He was not responsible for the delay of the flight, his orders were specific, and he was scheduled to leave work and report to the base in a timely manner where upon he presented his orders but they were disregarded and told they had been changed however, he was not informed of the change.

In support of his request for a discharge upgrade, the applicant provides a personal statement, his NGB Form 22, *National Guard Report of Separation and Record of Service*, and his NGB Form 439, *General Discharge Under Honorable Conditions from the Armed Forces of the United States of America – Air National Guard (ANG)*.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

The 30 Jul 92, NGB Form 22, provided by the applicant, reflects he received a general (under honorable conditions) discharge, and he was credited 8 years, 7 months, and 29 days of total service for pay. The reason for separation is "Unsatisfactory Participant."

POST-SERVICE INFORMATION

AFBCMR Docket Number BC-2021-02648

[REDACTED]

[REDACTED]



[REDACTED]

On 12 Jul 22, 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. The applicant replied on 2 Nov 23 and provided an FBI report. According to the report, the applicant has had no arrests since discharge. The applicant also provided a personal statement, character statements, certificates, commendations, and letters from his employers, and evidence of community service.

The applicant's complete response is at Exhibit C.

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 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.

On 12 Jul 22, the Board staff provided the applicant a copy of the supplemental guidance (Exhibit B).

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).

[REDACTED]

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 fundamental fairness. In particular, the applicant provided post-service evidence indicating his successful transition to civilian life, his community involvement, achievements and accolades received, and strong character references speaking to his leadership and professionalism coupled with a criminal history report showing no criminal activity is sufficient for the Board to grant his request for a discharge upgrade. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. The applicant's discharge or demotion paperwork was not available for review, nor did the applicant provide evidence to support his claim to have his grade restored. Additionally, applicants have the burden of proof for providing evidence in support of their claim. Therefore, under the presumption of regularity, it is assumed responsible officials carried out these tasks in accordance with the provisions of the prescribing directives and the applicant was afforded all of his due process rights. Hence, the Board recommends correcting the applicant's records 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 30 Jul 92, he was discharged with service characterized as honorable and a separation code and corresponding narrative reason for separation of JFF (Secretarial Authority).

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2021-02648 in Executive Session on 17 Jul 24:

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

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

[Redacted]

- Exhibit A: Application, DD Form 149, w/atchs, dated 12 Jul 21.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Clemency Guidance), dated 12 Jul 22.
- Exhibit D: Applicant's Response, w/atchs, dated 2 Nov 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.

X [Redacted] 4/30/2025

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

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