



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

### RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-03122

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES-Video

### APPLICANT'S REQUEST

His general (under honorable conditions) discharge be upgraded to honorable. The applicant is requesting review for discharge upgrade due to his lack of knowledge of procedure at the time of separation.

### APPLICANT'S CONTENTIONS

He was told he could not stay in the Air Force due to his court martial. He should have been given the chance to be cross trained in a new MOS.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 2 May 90, the applicant's commander recommended the applicant be discharged from the Air Force for a Pattern of Misconduct, under the provisions of AFR 39-10 *Administration Separation of Airmen*, paragraph 5-47. The specific reasons for the action were:

- a. On 19 Jun 89, he received a Letter of Reprimand with an unfavorable information file for a driving under the influence civil court conviction.
- b. On 23 Jun 89, he received an Article 15 for willfully damaging government property (\$163.00).
- c. On 24 Oct 89 he was derelict in the performance of duty in that he negligently allowed an individual to gain access to an extremely sensitive restricted area without ensuring he possessed the necessary badge.
- d. On 4 Jan 90, he received an Article 15 for assaulting a British National female.
- e. On 22 Mar 90, he pled guilty during a Special Courts-Martial to three specifications of assault under Article 128, UCMJ, and one specification of communicating a threat under Article 134, UCMJ.

**AFBCMR Docket Number BC-2021-03122**

On 30 May 90, the Staff Judge Advocate found the discharge action legally sufficient.

On 8 Jun 90, the discharge authority directed the applicant be discharged for a pattern of misconduct with a General service characterization. Probation and rehabilitation was considered but not offered.

On 7 Aug 90, the applicant received a General (Under Honorable Conditions) discharge. His narrative reason for separation is "pattern of misconduct-pattern discreditable, involvement with military or civilian" and he was credited with 2 years, 3 months, and 11 days of total active service.

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

## POST-SERVICE INFORMATION

On 24 Jun 25, the Board sent the applicant a request for post-service information, including a standard criminal history report from the FBI; however, he has not replied.

## 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.

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 timely filed. Given the requirement for passage of time, all discharge upgrade requests under fundamental fairness or clemency are technically untimely. However, it would be illogical to deny a discharge upgrade 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. Section 1552(b).

2. The applicant exhausted all other available administrative remedies before applying to the Board.

3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. It appears the discharge was consistent with the substantive requirements of the discharge regulation and was within the commander’s discretion. Nor was the discharge unduly harsh or disproportionate to the offenses committed. In the interest of justice, the Board considered upgrading the discharge based on clemency/fundamental fairness; however, given the evidence presented, the Board finds no basis to do so. The Board contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice or fundamental fairness; however, the applicant failed to provide an FBI criminal history report and evidence that demonstrates his character and reputation. Therefore, the Board recommends against correcting the applicant’s records. The applicant retains the right to request reconsideration of this decision, which could be in the form of a personal statement, character statements, or testimonials from community leaders/members specifically describing how his efforts in the community have impacted others. Should the applicant provide documentation pertaining to his post-service accomplishments and activities, this Board would be willing to review the materials for possible reconsideration of his request based on clemency/fundamental fairness.

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 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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2021-03122 in Executive Session on 15 Aug 25:

- Work-Product Panel Chair
- Work-Product Panel Member
- Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 22 Jul 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request), dated 24 Jun 25.

Work...

Work...W... Work-Product

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.

10/29/2025

Work-Product

Associate Director, AFBCMR  
Signed by: USAF

**AFBCMR Docket Number BC-2021-03122**

Work...W... Work-Product

Work...