



CUI//SP-MIL/SP-PRVCY

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01371

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect the following:

1. Block 12b, *Separation Date this Period*, reflect 5 Jun 81 versus 5 Jun 80.
2. Block 24, *Character of Service*, reflect honorable versus general (under honorable conditions).

APPLICANT'S CONTENTIONS

He was unjustly accused of "apathy;" however, he was not apathetic, as he tested for his 7-skill level in his Air Force Specialty Code. He wanted to reenlist and had hopes of retiring from the Air Force. He would like to be able to apply for a service-connected disability.

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 18 May 81, the applicant's commander recommended he be discharged from the Air Force, under the provisions of AFM 39-12, *Discharge for Unsuitability, Unfitness or Misconduct, Resignation or Request for Discharge for the Good of the Service and Procedures for the Rehabilitation Program*, chapter 2, section A, paragraphs 2-4c, 2-4e and 2-4g, for apathy and defective attitudes, financial irresponsibility and failure through inability or refusal to cooperate in or complete an alcohol abuse treatment and rehabilitation program. The specific reasons for the action were:

- a. On 20 Aug 79, the applicant received a Record of Counseling (RIC) for failing to go to a dental appointment at the prescribed time.
- b. On 25 Oct 79, the applicant received a RIC for failing to report at appointed place of duty at the prescribed time.
- c. On 21 Dec 79, the applicant received an Article 15 for operating a vehicle while drunk. As a result, the applicant was ordered to perform 14 days of extra duty and forfeiture of \$50.00 pay per month for 2 months.

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Controlled by: SAF/MRB
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Limited Dissemination Control: N/A
POC: SAF.MRBC.Workflow@us.af.mil

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- d. On 28 Dec 79, the applicant's on-base driving privileges were revoked for a period of 12 months for driving under the influence of intoxicating liquor.
- e. On 10 Mar 80, the applicant was counseled for writing a check for \$7.36 which was returned due to insufficient funds.
- f. On 17 Mar 80, the applicant was counseled for writing four checks totaling \$40.00 which were returned due to insufficient funds.
- g. On 7 Apr 80, the applicant was counseled for writing a check for \$15.00 which was returned due to insufficient funds.
- h. On 15 Apr 80, the applicant was counseled for writing a check for \$15.00 which was returned due to insufficient funds.
- i. On 15 May 80, the applicant received a RIC for failing to report to his appointed place of duty at the prescribed time.
- j. On 21 May 80, the applicant received a RIC for failing to report to his appointed place of duty at the prescribed time.
- k. On 2 Jun 80, the applicant was counseled for writing a check for \$5.00 which was returned due to insufficient funds.
- l. On 11 Jun 80, the applicant was counseled for writing a check for \$10.00 which was returned due to insufficient funds.
- m. On 19 Jun 80, the applicant received a Letter of Reprimand (LOR) for reporting to his work unfit to perform his assigned duties.
- n. On 20 Jun 80, the applicant received a RIC for failing to report to his appointed place of duty at the prescribed time.
- o. On 25 Jun 80, the applicant was reprimanded for failing to report to his place of duty, alcohol counseling appointment. On this same date, the applicant was placed on a control roster for repeatedly failing to go at the prescribed time to his appointed place of duty and having nine personal checks returned for insufficient funds.
- p. On 12 Sep 80, the applicant received a LOR for making false or misleading statements to be relieved early from his duty station and then to be excused from attending his monthly rehabilitation committee meeting and failing to go to his scheduled group counseling session.
- q. On 6 Jan 81, the applicant was counseled for failing to report to his place of duty, dental clinic.
- r. On 17 Mar 81, the applicant issued a check in the amount of \$4.19 on a closed account.
- s. On 25 Mar 81, the applicant was arrested for "going too fast for conditions" when he lost control of his vehicle that skidded on wet pavement and into a ditch.

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- t. On 10 Apr 81, the applicant received a RIC for being detained on suspicion of being a “peeping Tom.”
- u. In an undated letter, the Base Exchange Manager requested assistance in collection of a dishonored check written by the applicant in the amount of \$25.50. The check was redeemed on 15 Apr 81 and verified on 20 Apr 81.
- v. On 30 Apr 81, an alcohol rehabilitation review indicates the applicant was terminated from the program for “failure to rehabilitate.”

On 27 May 81, an evaluation officer found that the applicant was unsuitable for further military service in the Air Force.

On 2 Jun 81, the Deputy Staff Judge Advocate found the discharge action legally sufficient.

On 4 Jun 81, the discharge authority directed the applicant be discharged under the provisions of AFM 39-12, chapter 2, section A, paragraphs 2-4c, 2-4e and 2-4g, with a general (under honorable condition) service characterization without the offer of probation and rehabilitation.

On 5 Jun 80 [sic], the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is “Unsuitable-Apathy, Defective Attitude-Evaluation Officer.” He was credited with two years, four months, and five days of total active service.

For more information, see the excerpt of the applicant’s record at Exhibit B and the advisory at Exhibit C.

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the application. The commander provided the Base Discharge Authority (BDA) ample documentation to support the reason for separation and character of service. The BDA determined the negative aspects of the applicant’s behavior outweighed any positive aspects of the applicant’s brief military career. As a result, the discharge was consistent with the procedural and substantive requirements of the discharge regulation, the applicant was provided ample due process and was at the discretion of the discharge authority. Based on review of the applicant’s request there is no error or injustice with the discharge processing. However, a review of the applicant’s discharge and out-processing documentation in his master of personnel record reveals his date of separation should reflect 5 Jun 81.

The complete advisory opinion is at Exhibit C.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 21 Jul 22 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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 error. The Board concurs with the rationale and recommendation of AFPC/DP2SSR and finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, a review of the applicant's discharge and out-processing documentation in his master of personnel record reveals his date of separation (DOS) should reflect 5 Jun 81, which is sufficient to justify granting the applicants request to change his DOS. 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. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his DD Form 214, *Certificate of Release or Discharge from Active Duty*, Block 12b, *Separation Date this Period*, reflect 5 Jun 81.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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-2022-01371 in Executive Session on 22 Mar 23:

Work-Product [Redacted] Panel Chair
[Redacted], Panel Member
Work-Product [Redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 8 Apr 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, AFPC/DP2SSR, dated 21 Jul 22.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 21 Jul 22.

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.

12/27/2023

Work-Product [Redacted] _____
Board Operations Manager, AFBCMR
Signed by: *Work-Product* [Redacted]