



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-2022-02978

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

The punishment received from the offenses he was accused of did not meet the standards for an UOTHC discharge. According to his Area Defense Counsel, he received the harshest punishment his attorney had seen while serving in the military justice system.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 6 Oct 15, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force.

AF Form 3070A, *Record of Nonjudicial Punishment Proceedings (AB thru SSgt)* dated 17 Jan 20, reflects the applicant received an Article 15 for the wrongful use, distribution and possession of some amount of marijuana and for making false official statements. For this misconduct, he received a reprimand, reduction to the grade of airman basic, with a new date of rank of 17 Jan 20 and forfeiture of \$866.00 pay per month for 2 months.

On 3 Feb 20, the applicant received an UOTHC discharge. His narrative reason for separation is "Misconduct (Other)." He was credited with 3 years, 5 months, and 28 days of total active service.

On 10 Jun 21, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge.

On 26 Oct 21, 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 and the advisory at Exhibit C.

**AFBCMR Docket Number BC-2022-02978
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Controlled by: SAF/MRB CUI Categories: SP-MIL/SP-PRVCY Limited Dissemination Control: N/A POC: SAF.MRBC.Workflow@us.af.mil
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AIR FORCE EVALUATION

SAF/MRBP recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice regarding the applicant's discharge or the review of discharge by the AFDRB. The applicant was discharged for multiple acts of misconduct (e.g., possession, use, and distribution of marijuana, as well as the misconduct documented in multiple letters of reprimand). As a result, the characterization of his service is accurately described as UOTHC. The applicant has provided no evidence of an error or injustice in the discharge process, or that the AFDRB's review of this matter somehow represents an error or injustice. Therefore, we recommend relief be denied.

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 4 Jan 23 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was timely filed.
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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of SAF/MRBP and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes the applicant's multiple acts of misconduct led to his separation. Therefore, the Board recommends against correcting the applicant's records.

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 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-2022-02978 in Executive Session on 26 Jul 23:

<i>Work-Product</i>	Panel Chair
	, Panel Member
<i>Work-Product</i>	Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 8 Oct 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, SAF/MRBP, dated 30 Dec 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 4 Jan 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.

3/5/2024

Work-Product

Board Operations Manager, AFBCMR

Signed by:

Work-Product