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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01342

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He is currently completing 30 years of service as a Law Enforcement Officer and was recently informed he could apply to have his military service time credited towards his retirement benefits with his pension. The pension board requires a DD Form 214, *Certificate of Release or Discharge from Active Duty*, showing an honorable discharge to qualify.

In support of his request for a discharge upgrade, the applicant provides numerous Correctional Officer Training Certificates.

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 Mar 89, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Administrative Separation of Airmen*, paragraph 5-47b, for a pattern of misconduct prejudicial to good order and discipline. The specific reasons for the action were:

- a. On 14 Nov 87, the applicant was drunk and disorderly, resulting in an Article 15 on 24 Nov 87.
- b. On 5 Dec 87, the applicant violated a lawful general regulation by being out past curfew, resulting in an Article 15 on 10 Dec 87.

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c. On 4 Apr 88, the applicant failed a personal inspection by not meeting the standards of AFR 35-10, *Dress and Personal Appearance of Air Force Personnel*, resulting in a Record of Individual Counseling (RIC) on 4 Apr 88.

d. On 31 Jul 88, the applicant was 60 days delinquent in paying his Noncommissioned Officer Club account, resulting in a Letter of Counseling (LOC) on 1 Aug 88.

e. On 1 Aug 88, the applicant failed to go to his appointed place of duty resulting in a RIC on 1 Aug 88.

f. On 5 Oct 88, the applicant failed to follow instructions to bring his uniform to work resulting in a RIC on 6 Oct 88.

g. On 27 Oct 88, the applicant was disrespectful to his supervisor, resulting in a RIC on 28 Oct 88.

h. On 7 Nov 88, the applicant failed a personal inspection because his hair exceeded AFR 35-10 standards, resulting in a RIC on 7 Nov 88.

i. On 10 Dec 88, the applicant received a traffic ticket for going through a stop sign, resulting in counseling on 19 Dec 88.

j. On 19 Dec 88, the applicant failed to go to his appointed place of duty, resulting in a RIC on 21 Dec 88.

k. On 23 Dec 88, the applicant received a traffic ticket for wearing headphones while operating a vehicle and for failing to register the vehicle, resulting in counseling.

l. On 17 Jan 89, the applicant disobeyed a lawful order resulting in an Article 15 on 23 Jan 89.

On 15 Mar 89, the Staff Judge Advocate found the discharge action legally sufficient.

On 17 Mar 89, the discharge authority directed the applicant be discharged for a pattern of misconduct, with a general (under honorable conditions) service characterization.

On 20 Mar 89, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct – Pattern Conduct Prejudicial to Good Order and Discipline" and he was credited with 1 year, 6 months, and 25 days of total active service.

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

POST-SERVICE INFORMATION

On 14 Dec 23, 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 replied on 15 Dec 23 and provided proof of employment via identification cards with the Office of the Sheriff of Cook County, Illinois. The applicant also provided several training certificates.

The applicant's complete response 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, 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 14 Dec 23, the Board staff provided the applicant a copy of the supplemental guidance (Exhibit C).

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 clemency requests are technically untimely. However, it would be illogical to deny a clemency 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. § 1552(b).

- 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 injustice. While the Board finds no error in the original discharge process, the Board recommends relief based on clemency. In accordance with paragraph 7 of the Wilkie Memo, the Board considered the length of time since discharge, post-service job history, and the lack of civil infractions since discharge. Therefore, the Board recommends the applicant’s records be corrected as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 20 Mar 89, 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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2023-01342 in Executive Session on 10 Sep 24:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 21 Apr 23.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC (FBI Bulletin and Clemency Guidance), dated 14 Dec 23.
- Exhibit D: Applicant’s Response, w/atchs, dated 15 Dec 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.

8/21/2025

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Board Operations Manager, AFBCMR

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