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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01603

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

His service and performance in the Air Force warrants an honorable discharge, but circumstances caused him to receive a general (under honorable conditions). In support of his request for clemency, the applicant provides a personal statement and copies of military kudos, certificates of achievement, diplomas and other documents related to his request for upgrade.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force senior airman (E-4).

On 12 Jul 83, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 39-10, chapter 5, section H, paragraph 5-46, *Administrative Separation of Airmen*. The specific reasons for the action were:

- a. On 27 Apr 82 he received Letter of Counselling (LOC) for failure to report for duty in the afternoon after he completed testing.
- b. On 2 Aug 82 he received a LOC for civil disorderly conduct, use/possession of marijuana, drugs and fireworks.
- c. On 21 Oct 82 he received a Letter of Reprimand (LOR)/Unfavorable Information File (UIF) for a positive urine drug screen for marijuana.
- d. On 3 Jun 83 he received an Article 15 for wrongful use of marijuana at diverse times between Jan 83, to on or about 27 Apr 83.

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e. On 26 Jul 83 he received a LOR for falsely signing an official record, and forgery.

On 27 Jul 83, the Staff Judge Advocate found the discharge action legally sufficient.

On 11 Aug 83, the discharge authority directed the applicant be discharged for wrongful use and possession of marijuana, possession of fireworks, minor traffic infraction, and failure to go, with a general service characterization. Probation and rehabilitation were considered, but not offered.

On 12 Aug 83, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct-Pattern of Minor Disciplinary Infractions" and he was credited with four years of total active service.

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

POST-SERVICE INFORMATION

On 10 Aug 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 18 Aug 23 and provided an FBI report (Exhibit D). According to the report, the applicant has had no arrests since discharge.

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. This guidance was sent to the applicant on 10 Aug 23 (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 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. § 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 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; however, given the evidence presented, and the lack of contemporary letters of reference, the Board finds there was insufficient evidence to do so. Therefore, the Board recommends against correcting the applicant’s record.
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-2023-01603 in Executive Session on 27 Jun 24:

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

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

Exhibit A: DD Form 149, atchs_22 Apr 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Letter, SAF MRBC_ (Post-Service Request and Liberal Consideration Guidance)_10 Aug 23.

Exhibit D: Applicant's Response_12 Aug 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.

11/5/2025

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Signed by: USAF

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