



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01919

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

As a young boy from rural [REDACTED] he did not have much knowledge of the broader world. He enlisted in the military to better himself. As a new airman he was housed with older airmen who engaged in illegal activities. To fit in with them he admittedly began to engage in this activity as well. This behavior cost him what he had envisioned to be a long career in service to his country. Since that time, he has educated himself and had a 29-year career in public service. He has never again been in trouble with the law. He has been a model and productive member of his community and society. This is the one big mistake he made in his life, and it would mean a great deal to have his discharge upgraded to honorable and remove this dark stain from his past history for personal reasons at this stage of his life.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 19 Dec 80, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFM 39-12, *Separation for Unsuitability, Misconduct, Resignation, or Request for Discharge for the Good of the Service and Procedures for the rehabilitation Program*, Chapter 2, Section B, Paragraph 2-15c, for drug abuse. The specific reasons for the action were:

- a. On or about 19 Nov 80, during a walk-through inspection of dormitory [REDACTED], K-9 F--- alerted on room [REDACTED], which he occupied. A search of the room revealed a glove containing a baggie of marijuana, hanging out of his window. He stated he smoked marijuana in his

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Controlled by: SAF/MRB

Work-Product [REDACTED]

Limited Dissemination Control: N/A

POC: SAF.MRBC.Workflow@us.af.mil

room at approximately 1900hrs, and he smoked every three months (this is documented by DD Form 1569, *Incident/Complaint Report*, Number [REDACTED], 19 Nov 80; Article 15, 24 Nov 80; and AF Form 1612, *Notification of Drug Abuse Information*, 21 Nov 80.

b. On 7 Jan 81, an evaluation of the applicant's case was conducted, and the following observations were noted in addition to the above referenced Article 15. The applicant was known to associate with convicted drug users and was present but not arrested during a vehicle search the previous year which revealed an unknown quantity of marijuana. The applicant was entered into the Drug Rehabilitation Program on 21 Nov 80, but he failed to attend several sessions. The applicant expressed a desire to enter drug rehabilitation; however, the report indicated the applicant was not a suitable candidate for rehabilitation.

On 9 Jan 81, the Assistant Staff Judge Advocate found the discharge action legally sufficient.

On 15 Jan 81, the discharge authority directed the applicant be discharged with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered but not offered.

On 22 Jan 81, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct – Drug Abuse – Evaluation Officer" and he was credited with two years, five months, and nine days of total active service.

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

POST-SERVICE INFORMATION

On 26 Oct 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 13 Nov 23 and provided an FBI report. According to the report, the applicant has had no arrests since discharge.

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 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 26 Oct 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 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 fundamental fairness; however, given the evidence presented, the Board finds no basis to do so. The post-service evidence provided by the applicant was not sufficient enough to warrant a discharge upgrade. Therefore, the Board recommends against correcting the applicant's record. The Board encourages the applicant to apply in the future and provide additional evidence such as post-service certificates of achievements, civilian memberships, volunteer work, and character references. 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 fundamental fairness. Therefore, the Board recommends against correcting the applicant's record.

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-2023-01919 in Executive Session on 3 Jul 24:

[REDACTED], Panel Chair
[REDACTED], Panel Member
[REDACTED], Panel Member

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

- Exhibit A: Application, DD Form 149, dated 13 Jun 23.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 26 Oct 23.
- Exhibit D: FBI Report, dated 13 Nov 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.

6/12/2025

[REDACTED]

Board Operations Manager, AFBCMR
Signed by: USAF

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