



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-03312

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He has legit proof of how he was lied to and deceived by a teenager who looked well over her age. Her mother wrote a statement on his behalf. She is a witness her daughter was pretending to be eighteen and sent him fake ultrasounds. He was traumatized by the deceit and lies even though her mother did all she could, she knew she had a pattern of being able to lure older males, because she looked way older than she was. He honestly was traumatized and mind blown. He has been seeking as much help as he can for the anxiety and depression. Although he cannot afford to keep paying for help, so he leans more on the religious side, but he really needs more help.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 28 Mar 12, General Court-Martial Order (GCMO) Number **Work-...**, indicates the applicant was arraigned at court-martial for the following offenses:

- Charge I: Article 107
 - o Specification 1: With the intent to deceive, make to master sergeant **Work-Pro...** an official statement, to wit: "I did not see **Work-Product** today," or words to this effect, which statement was totally false, and was then known to be false on or about 17 Feb 11. Plea: Not Guilty. Finding: Withdrawn in accordance with pretrial agreement.
- Charge II: Article 120
 - o Specification 1: Engaged in a sexual act, to wit: sexual intercourse with **Work-Pr...**, a child who had attained the age of twelve years but had not attained the age of 16 years, on

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divers occasions, between on or about 8 Jan 11 and on or about 4 Nov 11. Plea: Guilty. Finding: Guilty.

- Specification 2: Engaged in a lewd act, to wit: fellatio with [Work-Pr...], a child who had not attained the age of 16 years on divers occasions between on or about 8 Jan 11 and on or about 28 Feb 11. Plea: Guilty. Finding: Guilty.

- Specification 3: Engaged in a lewd act with [Work-Pro...], a child who had not attained the age of 16 years, between on or about 1 Jun 10 and on or about 31 Dec 10. Plea: Not Guilty. Finding: Withdrawn in accordance with pretrial agreement.

- Specification 4: Took indecent liberties in the physical presence of [Work-Pro...], a female under 16 years of age, by exposing one's private parts, and communicating words with the intent to gratify his sexual desires, between on or about 1 Jun 10 and on or about 31 Dec 10. Plea: Not Guilty. Finding: Withdrawn in accordance with pretrial agreement.

- Charge III: Article 134

- Specification 1: In writing, communicated to [Work-Pro...], a child who had not attained the age of 16 years, certain indecent language, to wit: requesting she engage in oral sex and sexual intercourse with him between on or about 1 Aug 10 and on or about 30 Sep 10, which conduct was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

- Specification 2: In writing, communicated to [Work-Pro...], a child who had not attained the age of 16 years, certain indecent language between on or about 1 Feb 11 and on or about 28 Feb 11, which conduct was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

- Specification 3: In writing, communicated to [Work-Pr...], a child who had not attained the age of 16 years, certain indecent language, to wit: requesting she engage in oral sex and sexual intercourse with him between on or about 15 Feb 11 and on or about 30 Apr 11, which conduct was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

- Specification 4: In writing, communicated to [Work-...], a child who had not attained the age of 16 years, certain indecent language, to wit: requesting she engage in sexual intercourse with him between on or about 1 Feb 11 and on or about 21 Mar 11, which conduct was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

- Specification 5: In writing, communicated to [Work...], a child who had not attained the age of 16 years, certain indecent language between on or about 2 Mar 11 and on or about 10 Mar 11, which conduct was of a nature to bring discredit upon the armed forces. Plea: Not Guilty. Finding: Withdrawn in accordance with the pretrial agreement.

- Specification 6: In writing, communicated to [Work-...], a child who had not attained the age of 16 years, certain indecent language, to wit: requesting she do "sexually [sic] things" and "have sex" with him between on or about 1 Aug 09 and on or about 30 Sep 10, which conduct was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

- Specification 7: In writing, communicated to [Work-...], a child who had not attained the age of 16 years, certain indecent language on or about 26 Feb 11, which conduct was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

- Specification 8: In writing, communicated to [Work...], a child who had not attained the age of 16 years, certain indecent language between on or about 2 Mar 11 and on or about 10 Mar 11, which conduct was of a nature to bring discredit upon the armed forces. Plea: Not Guilty. Finding: Withdrawn in accordance with pretrial agreement.

On 12 Jan 12, the applicant was sentenced to a dishonorable discharge, reduction to airman basic (E-1), confinement for fifty-four months, and forfeiture of all pay and allowances. The sentence was approved and except for the dishonorable discharge, was executed.

On 5 Jun 15, GCMO Number [Work-Product], indicates the applicant was arraigned at court-martial for the following offenses:

- Charge I: Article 120
 - o Specification 1: Engaged in a sexual act, to wit: penetration of the vulva of [Work-Product], with his penis, who had attained the age of 12 years but had not attained the age of 16 years, on divers occasions between on or about 1 Aug 10 and on or about 1 Jul 11. Plea: Guilty. Finding: Guilty.
 - o Specification 2: Engaged in a sexual act, to wit: penetration of the vulva of [Work-Product], with his finger, who had attained the age of 12 years but had not attained the age of 16 years, on divers occasions between on or about 1 Aug 10 and on or about 1 Jul 11. Plea: Guilty. Finding: Guilty.
 - o Specification 3: Engaged in a sexual act, to wit: penetration of the vulva of [Work-Product], with his penis, who had attained the age of 12 years but had not attained the age of 16 years, on divers occasions between on or about 1 Aug 10 and on or about 1 Nov 11. Plea: Guilty. Finding: Guilty.
 - o Specification 4: Engaged in a sexual act, to wit: touching the breast over the bra of [Work-Product] with his hand, who had attained the age of 12 years but had not attained the age of 16 years, on divers occasions between on or about 1 Aug 10 and on or about 30 Oct 10. Plea: Guilty. Finding: Guilty.
 - o Specification 5: Took indecent liberties in the physical presence of [Work-Product], a female under 16 years of age, by engaging in sexual intercourse with [Work-Product], with the intent to arouse the sexual desire of the child between on or about 1 Oct 10 and on or about 31 Dec 10. Plea: Guilty. Finding: Guilty.
 - o Specification 6: Intentionally exposed in an indecent manner, his penis while on a computer video chat to [Work-Product], a female under 16 years of age, between on or about 1 Jul 11 and on or about 31 Aug 11. Plea: Guilty. Finding: Guilty.
- Charge II: Article 125
 - o Specification 1: Committed sodomy with [Work-Product], a child who had attained the age of 12 but was under the age of 16, on divers occasions between on or about 1 Aug 10 and on or about 1 Jul 11. Plea: Guilty. Finding: Guilty.
 - o Specification 2: Committed sodomy with [Work-Product], a child who had attained the age of 12 but was under the age of 16, on divers occasions between on or about 1 Aug 10 and on or about 1 Nov 11. Plea: Guilty. Finding: Guilty.
- Charge III: Article 134
 - o Specification 1: In writing, communicate to [Work-Product], a child under the age of 16 years, certain indecent language between on or about 1 May 09 on or about 28 Feb 12, which conduct was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

○ Specification 2: In writing, communicate to [Work-Prod...t], a child under the age of 16 years, certain indecent language, to wit: asking [Work-Prod...t] to have sex with him, and telling [Work-Prod...t] he wanted to be the first to have sex with her, or words to this effect, between on or about 1 Aug 10 on or about 30 Mar 12, which conduct was of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

○ Specification 3: Communicate to [Work-Prod...t], a child under the age of 16 years, certain indecent language, to wit: asking [Work-Prod...t] to engage in a threesome with him and [Work-Product], or words to that effect, between on or about 1 Aug 10 and on or about 31 Dec 11, which was of a nature to bring discredit upon the armed forces. Pleas: Guilty. Finding: Guilty.

- Additional Charge I: Article 120

○ Specification: Engaged in a sexual act, to wit: penetration of the vulva of [Work-Prod...], with his finger, with [Work-Prod...], who attained the age of 12 years, but had not attained the age of 16 years on divers occasions, between on or about 1 Aug 10 and on or about 28 Feb 12. Plea: G. Finding: G, excepting the words 28 Feb 12, and substituting the words 6 Nov 11, of the excepted words, Not Guilty; of the substituted words, Guilty.

- Additional Charge II: Article 80

○ Specification: Attempted to engage in a sexual act, to wit: the penetration of the vulva of [Work-Prod...t] with his penis, with [Work-Prod...], who had attained the age of 12 years but had not attained the age of 16 years, to wit: discussing having a threesome with [Work-Prod...t] and [Work-Product], having sex with [Work-Product] in the presence of [Work-Prod...], and touching [Work-Prod...t]'s breast over [Work-Prod...t]'s bra with his hand between on or about 1 Aug 10 and on or about 1 Jul 11. Plea: Guilty. Finding: Guilty.

On 20 Mar 15, the applicant was sentenced to a dishonorable discharge and confinement for 102 months. The sentence was approved and except for the dishonorable discharge, was executed.

On 30 Jun 16, GCMO Number [W], indicates general court-martial case sentence, as promulgated in GCMO order Number [Work...], has been finally affirmed. Article 71c has been complied with, but the dishonorable discharge will not be executed because the accused was previously discharged from the United States Air Force with a dishonorable discharge pursuant to GCMO Number [W], dated 7 Apr 16. The sentence was adjudged on 17 Mar 2015.

On 15 Apr 16, the applicant received a dishonorable discharge. His narrative reason for separation is "Court Martial (Other)" and he was credited with 2 years, 11 months, and 16 days of total active service.

POST-SERVICE INFORMATION

On 13 Mar 24, the Board sent the applicant a standard request for post-service information. This letter informed the applicant that a Federal Bureau of Investigation (FBI) background check would assist the Board in evaluating his case. Although the applicant did reply to the request for post-service information (Exhibit D), his response did not include an FBI background check or other criminal history data. In the response, he submitted a personal statement and medical documents.

APPLICABLE AUTHORITY/GUIDANCE

On 3 Sep 14, the Secretary of Defense issued a memorandum providing guidance to the Military Department Boards for Correction of Military/Naval Records as they carefully consider each petition regarding discharge upgrade requests by veterans claiming Post Traumatic Stress Disorder (PTSD). In addition, time limits to reconsider decisions will be liberally waived for applications covered by this guidance.

On 25 Aug 17, the Under Secretary of Defense for Personnel and Readiness (USD P&R) issued clarifying guidance to Discharge Review Boards and Boards for Correction of Military/Naval Records considering requests by veterans for modification of their discharges due in whole or in part to mental health conditions [PTSD, Traumatic Brain Injury (TBI), sexual assault, or sexual harassment]. Liberal consideration will be given to veterans petitioning for discharge relief when the application for relief is based in whole or in part on the aforementioned conditions.

Under Consideration of Mitigating Factors, it is noted that PTSD is not a likely cause of premeditated misconduct. Correction Boards will exercise caution in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct. Liberal consideration does not mandate an upgrade. Relief may be appropriate, however, for minor misconduct commonly associated with the aforementioned mental health conditions and some significant misconduct sufficiently justified or outweighed by the facts and circumstances.

Boards are directed to consider the following main questions when assessing requests due to mental health conditions including PTSD, TBI, sexual assault, or sexual harassment:

- a. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
- b. Did that condition exist/experience occur during military service?
- c. Does that condition or experience actually excuse or mitigate the discharge?
- d. Does that condition or experience outweigh the discharge?

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 13 Mar 24 and 10 Dec 24, the Board staff provided the applicant a copy of the liberal consideration guidance (Exhibits C and H).

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.

Under Other than Honorable Conditions. This characterization is used when basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of members. The member must have an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trial by court-martial. Examples of such behavior, acts, or omissions include but are not limited to:

- The use of force or violence to produce serious bodily injury or death.
- Abuse of a special position of trust.
- Disregard by a superior of customary superior - subordinate relationships.
- Acts or omissions that endanger the security of the United States.
- Acts or omissions that endanger the health and welfare of other members of the DAF.
- Deliberate acts or omissions that seriously endanger the health and safety of other persons.
- Rape, sexual assault, aggravated sexual contact, abusive sexual contact, rape of a child, sexual abuse of a child, sexual harassment, and attempts to commit these offenses.

Court-Martial Convictions. This Board is without authority to reverse, set aside, or otherwise expunge a court-martial conviction. Rather, in accordance with Title 10, U.S.C., Section 1552(f), actions by this Board regarding courts-martial are limited to two types: 1) corrections reflecting actions taken by the reviewing officials pursuant to the Uniform Code of Military Justice (UCMJ) (for example, if a convening authority or appellate court took action but that action was not reflected in an Air Force record); and 2) action on only the sentence of the court-martial and solely for the purpose of clemency.

AIR FORCE EVALUATION

The AFRBA Psychological Advisor completed a review of the available records and finds there is no evidence or records the applicant's mental health condition had a direct impact or was a contributing factor to his numerous acts of misconduct, resulting in his two general court-martial convictions and leading to his discharge from service. There are no records he had any mental health conditions or was in emotional distress that would impair his judgment at the time of any

of his misconduct and convicted offenses. The first treatment record reported he had mental health issues was dated 2 Nov 11 when he communicated with a mental health provider by telephone, stating he had depression and used alcohol to cope with stress and separation from his wife. Four days after this first encounter on 6 Nov 11, he received a confinement physical examination and was admitted to alcohol detoxification treatment before he entered confinement. He entered confinement right after he completed alcohol detoxification treatment. Two months later on 12 Jan 12, he received his sentence for his first court-martial conviction. His initial reporting of having depression and alcohol issues occurred around the time his court-martial proceeding was in progress or was completed, so the emotional distress he was experiencing was most likely in response to or was the result of his legal problems. A court-martial is a highly stressful process. The applicant received his first psychiatric evaluation at Naval Consolidated Brig Miramar (NCBM) on 1 Aug 13, about two years after he entered confinement, for having panic attacks and anxiety. He had been prescribed psychotropic medications to treat these symptoms and no follow-up was needed. It appeared he was continuously treated with psychotropic medications prescribed by a primary care physician and did not receive psychotherapy treatment services after this evaluation per his treatment records. He received a second psychiatric evaluation at NCBM another two years later on 21 May 15 for complaints of PTSD, insomnia, night terrors, and anxiety. He was again treated for these conditions with psychotropic medications but would receive recurring medication management treatment services from various psychiatrists thereafter at NCBM and Naval Health Clinic *Work-Product* (NHCC) for the next several years which went beyond his discharge date from the Air Force and finally concluded on 5 Dec 22. He had been diagnosed with adjustment disorder with anxiety, anxiety disorder not otherwise specified (NOS), insomnia, major depressive disorder (MDD), and bipolar II disorder by his mental health providers/psychiatrist while in confinement. His adjustment problems, anxiety, depression, and sleep disturbances were more likely than not attributed to his current situation of being in confinement. There is no evidence his military duties caused any of these problems or symptoms, nor did they precede his misconduct or were experienced at or near around the time of his misconduct. He was diagnosed with bipolar II disorder in Apr 21 also while in confinement and by this time, he was incarcerated for about ten years. His psychiatrist did report he had a long history of mood problems beginning in childhood which would gradually develop over his lifetime including having hypomanic episodes. His psychiatrist did not report when he began to have hypomanic episodes, but he had experienced periodic hypomanic episodes while in confinement. There is no evidence he experienced any hypomanic episodes or had bipolar disorder during service, especially at or near the time of his misconduct. Bipolar disorder may take time to develop, and his symptoms did not fully develop and did not appear until he was in confinement. Stress is a risk factor which may induce mood episodes, and he was clearly stressed being in confinement. His prolonged stressful environment of confinement may have caused him to develop bipolar disorder. There is no evidence his military service and duties caused him to develop hypomanic episodes or bipolar disorder. From his treatment records, his mental health condition developed and began in response to his situation and environment caused by his own misconduct. The applicant was given a rule out of PTSD, signifying he had symptoms of PTSD, but not enough symptoms to meet the full diagnostic criteria for PTSD. His traumatic events were from his childhood experiences of being bullied for stuttering, being sexually molested at the age of ten, and joining a gang at the age of eleven. There is no evidence his military service aggravated his prior service traumatic experiences or condition. The applicant contended in his petition he

was traumatized by the deceit and lies, which made him feel depressed and anxious, made by the underage female. From his statement, he was manipulated into believing she was of legal age and assumed she was eighteen years or older because she looked older than she was. By his account, it is not possible his mental health condition caused him to engage in sexual activities/contact with this individual because he was unaware of her actual age. He made a decision to engage in sexual activities with this individual based on the information he had or knew at the time. It was not until he discovered her true age, did he learn she was not truthful to him, and dealt with the serious consequences of this revelation and was traumatized by the experience. His trauma occurred after his misconduct. The applicant identified one individual in his petition; however, the GCMOs in his military records revealed he had engaged in sexual intercourse, lewd acts/activities, and communicated on numerous occasions, with more than one underage person, nine underage individuals to be exact. He did not address his acts with the other individuals in his petition. He was convicted at two court-martials for these various offenses. These convicted offenses and misconducts are egregious and could not be excused, mitigated, or disregarded even if he had a mental health condition. Therefore, the Psychological Advisor finds no error or injustice with his discharge from a mental health perspective.

LIBERAL CONSIDERATION: Liberal consideration is applied to the applicant's request due to his contention of having a mental health condition. It is reminded that liberal consideration does not mandate an upgrade per policy guidance. The following are answers to the four questions from the Kurta Memorandum from the available records for review:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?

The applicant contended he was traumatized by the deceit and lies of a teenager who looked well over her age and later found out she was underage. He experienced depression and anxiety from this traumatic experience. He claimed she pretended to be over eighteen years old, and her mother attested she had a pattern of luring older males because she looked older than she was. He had no prior knowledge of her age and by the time the truth came out, it was too late.

2. Did the condition exist or experience occur during military service?

There is no evidence or records the applicant was diagnosed with PTSD during his time in service. He was given a rule out of PTSD, but he did not have enough symptoms to meet the diagnostic criteria for PTSD. He did report having traumatic experiences, but they were from his childhood. There is no evidence his prior service experiences or conditions were aggravated by his military service. He reported feeling depressed and coping with alcohol due to his stress and separation from his wife around the time his first court-martial was in progress in Nov 11. He received brief alcohol detoxification treatment before he entered confinement also in Nov 11. A few years into his confinement, he began to receive mental health/medication management treatment services starting in May 15 from a psychiatrist at NCBM for anxiety, adjustment issues, depression, and sleep problems. These problems and symptoms were developed in his response to his situation and environment. He was diagnosed with bipolar disorder/bipolar II disorder several years after his discharge from the Air Force by a psychiatrist at NHCC in Apr 21. His stressful environment and situation of being incarcerated most likely caused him to develop bipolar disorder and/or exacerbate his hypomanic episodes. There is no evidence he had a hypomanic episode or bipolar disorder during service.

3. Does the condition or experience actually excuse or mitigate the discharge?

There is no evidence the applicant's mental health condition had a direct impact or was a contributing factor to his numerous misconducts resulting in his two court-martial convictions and subsequent discharge from service. He reported being traumatized by the deceit and lies made by the underaged individual, but this traumatic experience occurred after he had already engaged in sexual activities with this individual. He assumed she was of legal age when he decided to engage in sexual activities with her. The applicant also identified one underage person, but the GCMOs in his military records revealed he had engaged in sexual intercourse, activities, and communication with at least nine underage individuals on numerous occasions. There is no evidence he had a mental health condition or was in emotional distress, impairing his judgment at the time of any of these offenses/misconduct. Again, he was convicted for these offenses at a general court-martial two separate times. His convicted offenses/misconduct are egregious behaviors and could not be excused, mitigated, or disregarded even if hypothetically he had a mental health condition. Therefore, his mental health condition does not excuse or mitigate his discharge.

4. Does the condition or experience outweigh the discharge?

Since his mental health condition does not excuse or mitigate his discharge, his mental health condition also does not outweigh his original discharge.

The complete advisory opinion is at Exhibit F.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 10 Dec 24 for comment (Exhibit G) but has received no response.

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. Section 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. The Board concurs with the rationale and recommendation of the AFRBA Psychological Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. Liberal Consideration was applied to the applicant's request due to his contention of mental health conditions; however, based on the evidence presented, there is no basis to do so. There is no evidence the applicant's mental health condition had a direct impact or was a contributing factor to his numerous misconducts resulting in his two court-martial convictions and

subsequent discharge from service. He stated he was traumatized by the deceit and lies made by an underage individual, but his records reveal he engaged in sexual misconduct with at least nine underage individuals on numerous occasions. There is no evidence he had a mental health condition or was in emotional distress impairing his judgment at the time of any of these offenses/misconduct. Even if he had a mental health condition, his misconduct is considered egregious in nature and could not be excused, mitigated, or disregarded. Therefore, his mental health condition does not excuse or mitigate his discharge. The Board finds his discharge was consistent with the substantive requirements of the discharge regulation and was within the commander's discretion. The applicant has provided no evidence which would lead the Board to believe his service characterization was contrary to the provisions of the governing regulation, unduly harsh, or disproportionate to the offenses committed. Nonetheless, in the interest of justice, the Board considered upgrading the discharge based on clemency; however, given the evidence presented, which lacks an FBI report or significant post-service information, the Board finds no basis to do so. The Board contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice or fundamental fairness; however, the applicant did not provide sufficient evidence to show he has made a successful post-service transition. The evidence he provides lacks references that demonstrate his character, remorse for his actions, or service to the community. Therefore, the Board recommends against correcting the applicant's records. The applicant retains the right to request reconsideration of this decision, which could be in the form of an FBI criminal history report, a personal statement, character statements, and/or testimonials from community leaders/members specifically describing how his efforts in the community have impacted others. 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 clemency.

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-2023-03312 in Executive Session on 19 Feb 25:

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

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

Exhibit A: Application, DD Form 149, w/atchs, dated 25 Sep 23.

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

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Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Liberal Consideration Guidance), dated 13 Mar 24.

Exhibit D: Applicant's Response, w/atchs, dated 19 May 24.

Exhibit E: Letter, SAF/MRBC, w/atchs (Liberal Consideration Guidance), dated 12 Nov 24.

Exhibit F: Advisory Opinion, AFRBA Psychological Advisor, dated 14 Nov 24.

Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 10 Dec 24.

Exhibit H: Letter, SAF/MRBC, w/atchs (Supplemental Liberal Consideration Guidance), dated 10 Dec 24.

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.

2/25/2025

X

Work-Product

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Board Operations Manager, AFBCMR

Signed by: USAF