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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00090

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

His discharge was due to his weight discrepancy. Scientific data arising out of decades of thorough medical review regarding weight control combined with the weight management and medical advances of today which allows for help and intervention maintaining weight, he finds an injustice has occurred regarding his discharge due to his weight.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman (E-2).

On 5 Dec 84, a Record of Individual Counseling (RIC) indicates the applicant was counseled for not meeting the Air Force weight standards. On this same date, the letter outlining the Air Force weight standards was sent to the applicant explaining the program and advising the applicant of the available medical assistance to help with weight management.

On 25 Feb 85, a letter was sent to the applicant notifying him of his failure to maintain weight standards and his mandatory participation in the remedial physical conditioning program, effective 4 Mar 85.

On 9 May 85, a Letter of Reprimand (LOR) was issued to the applicant for failing to meet Air Force weight standards.

On 14 Aug 85, a letter was sent to the applicant notifying him of his commander's intent to recommend he be demoted due to his failure to maintain Air Force weight standards. The AF

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Form 393, *Individual Record and Progress Chart for Special Physical Conditioning and Weight Management Programs*, indicates the applicant did not meet the Air Force weight standards for several months.

On 27 Aug 85, the Staff Judge Advocate found the demotion action legally sufficient based upon the applicant's unsatisfactory progress in the Weight Management Program.

On 10 Sep 85, the demotion authority directed the applicant be demoted to the grade of airman (E-2) with a date of rank (DOR) of 1 Dec 82.

On 2 Oct 85, AF Form 3070, *Record of Nonjudicial Punishment Proceedings*, indicates the applicant received nonjudicial punishment (NJP), Article 15 for failing to go to his prescribed place of duty on or about 13 Sep 85. He received a forfeiture of \$100.00 in pay and 30 days of extra duty.

On 5 Nov 85, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Exceeding Air Force Weight Standards" and he was credited with 3 years and 19 days of total active service.

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

POST-SERVICE INFORMATION

On 27 Dec 24, the Board sent the applicant a request for post-service information, including a standard criminal history report from the Federal Bureau of Investigation (FBI); however, he has not replied.

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 27 Dec 24, the Board staff provided the applicant a copy of the fundamental fairness 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.

AIR FORCE EVALUATION

The AFBCMR Medical Advisor reviewed all available records and finds insufficient evidence to support the applicant's implied contention his medical conditions may have impacted his ability to meet Air Force weight standards. There is no error or injustice identified with his discharge from a medical perspective. However, no medical opinion can be offered as to whether the characterization of the discharge due to exceeding Air Force weight standards should be upgraded.

The only relevant medical issue in this case pertains to the question of whether the applicant may have had a documented medical condition during his military service that would have impacted his ability to meet Air Force weight standards in effect at the time. There is no evidence either presented by the applicant or found in any of the reviewed documents, including a copy of his archived service treatment records (STR), to suggest such mitigating factors were present. On the contrary, all available evidence, such as the reports of medical examinations, indicates the applicant was medically capable of reducing and controlling his weight and was physically fit to participate in a medically prescribed and supervised weight management program. Of note, the applicant made an assertion in his application the advancement and medical knowledge surrounding his situation has changed societal views of being overweight and medical management is available now which was not available at his time of discharge. Even if true, the fact remains, failure to meet fitness and weight standards in the absence of medical mitigating factors is as much of a basis for discharge today as it was at the time of the applicant's military service.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 19 Feb 25 for comment (Exhibit E) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed but the untimeliness is waived because it is in the interest of justice to do so. 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. 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. Furthermore, the Board concurs with the rationale and recommendation of the AFBCMR Medical Advisor and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds the applicant did not meet the weight standards which is still a requirement in today's military, contrary to what the applicant claims and finds the applicant did not have a medical condition which impaired his ability to achieve the proper weight standard. He was given ample opportunity and help to reach the standard. Due to the applicant's general discharge characterization, the Board reviewed the applicant's request under fundamental fairness; however, the applicant provided no post service evidence to warrant a discharge upgrade. Therefore, the Board recommends against correcting the applicant's records. The applicant retains the right to request reconsideration of this decision by providing post service evidence, which could be in the form of a personal statement, a FBI report, character statements, 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 fundamental fairness.

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-2024-00090 in Executive Session on 19 Mar 25:

[REDACTED], Panel Chair

[REDACTED] Panel Member

[REDACTED] Panel Member

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

Exhibit A: Application, DD Form 149, dated 20 Dec 23.

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

Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Clemency Guidance), dated 27 Dec 24.

Exhibit D: Advisory Opinion, AFBCMR Medical Advisor, dated 30 Jan 25.

Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Feb 25.

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.

4/4/2025

Board Operations Manager, AFBCMR
Signed by: USAF

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