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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03519

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

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

### APPLICANT'S CONTENTIONS

He was accused of destroying government property, which was due to an accident during recreational activities. He repaired the hole in the wall but was told that due to the incident he would be separated under honorable conditions with the ability to upgrade to an honorable discharge in the future. The applicant checked "Reprisal/Whistleblower" in box 15 of the DD Form 149, *Application For Correction Of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552*, but did not provide any evidence showing he underwent reprisal or whistleblower processes.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

In an undated letter, 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 5-46, for minor disciplinary infractions. The specific reasons for the action were:

- a. On or about 30 Jan 92, the applicant caused damage to government property by running into a wall and damaging it, as evidenced by an LOR, dated 7 Feb 92, and Unfavorable Information File (UIF) dated 13 Feb 92.
- b. On or about 7 Jan 92, the applicant failed to attend a mandatory commander's call, as evidenced by a letter of counseling (LOC), dated 8 Jan 92.
- c. On or about 12 Dec 91, the applicant was verbally counseled for failure to maintain his uniform and general appearance in accordance with AFR 35-10, *Dress and Personal Appearance*, standards. Furthermore, on or about 6 Jan 92, the applicant failed to comply with the above instructions, as evidenced by an LOC, dated 8 Jan 92.

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- d. On or about 7 Dec 91, the applicant operated a motor vehicle while drunk, as evidenced by an LOR, dated 12 Dec 91, Control Roster Action dated 20 Dec 91, Incident/ Complaint Report dated 9 Dec 91, and a Record of Conviction & Judgment, dated 7 Jan 92.
- e. On or about 14 Aug 91, the applicant presented a check for payment to the Work-Product apartments, which was returned for insufficient funds, as evidenced by a LOR dated 15 Aug 91.
- f. On or about 12 Aug 91, he failed to make payments on his debt to the airmen's club despite being notified on more than one occasions, as evidenced by a LOC dated 12 Aug 91.
- g. On or about February, March, June and July 1991, he failed to make payments on a debt to a department store, as evidenced by a memorandum for record dated 26 Jul 91.
- h. On or about 8 May 91, he issued a check to the base exchange in the amount of \$15.00, which was dishonored due to insufficient funds in his bank account.

On 9 Mar 92, the Staff Judge Advocate found the discharge action legally sufficient.

On 10 Mar 92, the discharge authority directed the applicant be discharged under the provisions of AFR 39-10, Chapter 5, Section H, paragraph 5-46 with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered but not offered.

On 17 Mar 92, 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 3 years, 3 months, and 26 days of total active service.

On 12 Sep 96, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge.

On 23 May 97, the AFDRB denied his request. The AFDRB concluded the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and the applicant was provided full administrative due process.

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

## **POST-SERVICE INFORMATION**

On 18 Jul 25, the Board staff sent the applicant a request for post-service information (Exhibit C), 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 18 Jul 25, the Board staff provided the applicant a copy of the clarifying 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.

- 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.

## 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 applicant contends he was discharged with a general discharge for destruction of government property, which was due to an accident. However, the applicant's Letter of Notification for Discharge reflects he engaged in a pattern of misconduct during his time on active duty, to include driving while drunk, financial irresponsibility and not adhering to dress and personal appearance standards. 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 and fundamental fairness; however, in the absence of post-service information, the Board finds no basis to do so. Therefore, the Board recommends against correcting the applicant's record.

**RECOMMENDATION**

The Board recommends informing the applicant that 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-2024-03519 in Executive Session on 12 Nov 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, dated 6 Aug 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Clemency and Fundamental Fairness Guidance), dated 18 Jul 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.

12/18/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF