



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03737

[REDACTED]

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His discharge narrative reason of "Misconduct-Pattern of Conduct Prejudicial to Good Order and Discipline" be changed to "Conduct-Discharge for the Benefit of the Air Force."

APPLICANT'S CONTENTIONS

His discharge narrative reason appears to indicate he had a major problem with misconduct. His conduct during his official duties was beyond reproach as he received multiple awards for his work and served as a mentor. His lapse was due to attending a party off-base where cannabis was consumed and even though he did not consume the cannabis, it was detected in his urine. He accepted a discharge in lieu of court-martial.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 16 Dec 83, 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 5-47b for misconduct. The specific reasons for the action were:

- a. Dated 26 Nov 82, AF Form 3070, *Notification of Intent to Impose Nonjudicial Punishment*, indicates the applicant received nonjudicial punishment (NJP), Article 15 for unlawfully striking [redacted] in the face with his hand on or about 22 Nov 82. He received a reduction in grade to sergeant (E-4) suspended until 2 Apr 83, at which time will be remitted, unless sooner vacated; and 14 days of extra duty. The applicant provided a response and took responsibility for striking his wife and explained the events that took place.

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Controlled by: SAF/MRB
CUI Categories: [REDACTED]
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POC: SAF_MRBC_Workflow@us.af.mil

b. On 25 Feb 83, the applicant was issued a Letter of Reprimand (LOR) for uttering a check without sufficient funds on or about 20 Jan 83.

c. Dated 18 Nov 83, AF Form 3070 indicates the applicant received nonjudicial punishment (NJP), Article 15 for wrongfully using marijuana on or about 25 Oct 83. He received a reduction in grade to sergeant (E-4). The applicant provided a response stating this incident did not represent a trend as his past urinalysis tests were negative and admitted to smoking marijuana this one time.

On 3 Jan 84, the applicant responded to the discharge recommendation stating he did not waive his rights to a hearing before an administrative discharge board or counsel and did not submit a written statement on his behalf.

On 3 Feb 84, the applicant submitted a request for a conditional waiver of the rights associated with an administrative discharge board hearing with the acceptance he be given a general discharge.

On 9 Feb 84, the Staff Judge Advocate found the discharge action legally sufficient.

On 15 Feb 84, the discharge authority accepted the conditional waiver and directed the applicant be discharged with a general (under honorable conditions) discharge. Probation and rehabilitation were considered not appropriate.

On 17 Feb 84, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct-Pattern of Conduct Prejudicial to Good Order and Discipline." He was credited with 8 years, 2 months, and 22 days of total active service.

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

POST-SERVICE INFORMATION

On 27 Jun 25, the Board staff 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 Jun 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.

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 finds 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. The Board notes the applicant's contention his alleged one-time use of cannabis should not have warranted a narrative reason indicating a pattern of misconduct. However, the Board finds he was discharged for three separate incidents of misconduct, to include striking his wife, writing checks with insufficient funds and marijuana use. Therefore, the Board finds no reason to change his narrative reason for separation. In the interest of justice, the Board considered changing his narrative reason and contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice or fundamental fairness but given the evidence presented, and in the absence of post-service information and a criminal history background check, the Board finds no basis to do so. The applicant retains the right to request reconsideration of this decision. The applicant may provide post-service evidence depicting his current moral character, occupational, and social advances and

[REDACTED]

request reconsideration of his request. 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-2024-03737 in Executive Session on 4 Sep 25:

[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, w/atchs, dated 22 Oct 24.
- 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 Jun 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.

9/24/2025

[REDACTED]

Board Operations Manager, AFBCMR
Signed by: USAF

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[REDACTED]