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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-04111

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He was 19-years old when his wife was diagnosed with multiple sclerosis (MS) and he was having a terrible time. His first sergeant suggested to him a way out for his family. He regrets this decision. He did not use drugs and he still does not use drugs. He was in a very tough place mentally and made a bad decision. He has since worked as a policeman, fireman and at nuclear plants, indicating he does not use drugs.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 5 Sep 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*, paragraph 2-15c, for drug abuse. The specific reasons for the action were:

- a. On 25 Aug 80, according to the commander's report, dated 5 Sep 80, the applicant admitted to the use of marijuana prior to reporting for duty on occasions.
- b. On 2 Sep 80, according to the commander's report, dated 5 Sep 80, the applicant received nonjudicial punishment (NJP), Article 15 for possession of marijuana on 25 Aug 80.

On 16 Sep 80, according to the legal review, dated 1 Oct 80, the applicant offered a conditional waiver of rights, waiving his right to a board hearing, contingent upon the receipt of a general (under honorable conditions) discharge.

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On 1 Oct 80, the Staff Judge Advocate found the discharge action legally sufficient.

On 3 Oct 80, the discharge authority directed the applicant be discharged for misconduct, with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered but not offered.

On 6 Oct 80, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct-Drug Abuse, Board Waiver" and he was credited with 6 months and 16 days of total active service.

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

POST-SERVICE INFORMATION

On 24 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 24 Jun 25, the Board staff provided the applicant a copy of the complete 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 other available administrative remedies 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 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, it was unduly harsh or disproportionate to the offenses committed. In the interest of justice, the Board contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on clemency or fundamental fairness. However, the Board finds insufficient evidence to warrant upgrade of his discharge on this basis. The applicant indicated he worked as a policeman, fireman and at nuclear plants as corroboration he did not use drugs; however, the applicant did not provide a criminal history check, employment history or any evidence to demonstrate his rehabilitation. Should the applicant provide documentation pertaining to his post-service accomplishments and activities, such as a criminal history check and letters of support attesting to his character and contributions to his community, the Board would be willing to reconsider his request. Therefore, the Board recommends against correcting the applicant’s records.

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-2024-04111 in Executive Session on 12 Nov 25:

Work-Product Panel Chair
Work-Product Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, dated 13 Nov 24.

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 24 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.

12/18/2025

X

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Board Operations Manager, AFBCMR
Signed by: USAF