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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-04249

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

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

### APPLICANT'S CONTENTIONS

Since leaving the Air Force, he has turned his life around. He has become a part of a church and has also joined the American Legion.

In support of his request for a discharge upgrade, the applicant provides a Federal Bureau of Investigation (FBI) criminal history check, and several character references indicating he is an upstanding member of the community and is dependable with a strong work ethic.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 23 Aug 72, 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 2-15a for frequent involvement of a discreditable nature with military authorities. The specific reasons for the action were:

- a. On 27 Aug 71, a memo of disciplinary punishment, indicates the applicant received nonjudicial punishment (NJP), Article 15, for stealing a pair of sunglasses on or about 13 Aug 71, a value of \$2.75, the property of the Army and Air Force Exchange Service (AAFES). The applicant was ordered to forfeit \$20.00 pay.
- b. On 23 Nov 71, the applicant received a Letter of Counseling (LOC) for being 45 minutes late for duty.

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- c. On 11 Feb 72, an LOC was issued for failure to obey a direct order to report to the first sergeant's office on or about 9 Feb 72.
- d. On 13 Mar 72, an LOC was issued for failure to report for duty at 0700 hours on or about 13 Mar 72.
- e. On 20 Mar 72, an LOC was issued for sleeping on duty.
- f. On 12 Apr 72, a memo of disciplinary punishment, indicates the applicant received NJP, Article 15, for failure to go at the time prescribed to his appointed place of duty, without authority, on or about 1 and 2 Apr 72. The applicant received a reduction to the grade of airman (E-2).
- g. On 15 May 72, a memo of disciplinary punishment, indicates the applicant received NJP, Article 15 for direct dialing a long-distance telephone number for which he was not authorized, wrongfully and unlawfully obtaining service of a value of about \$1.15 from the Pacific Telephone and Telegraph Company service on or about 16 Mar 72. Additionally, with the intent to deceive, he signed an official document certifying he possessed the minimum motor vehicle insurance requirement, which was false as he had no insurance coverage. The applicant received a reduction to the grade of airman basic (E-1) and forfeiture of \$100.00 pay.
- h. On 21 Jun 72, a memo of disciplinary punishment, indicates the applicant received NJP, Article 15, for failure to go at the time prescribed to his appointed place of duty without authority on or about 2, 6, and 9 Jun 72. The applicant received restriction to barracks from 26 Jun 72 through 25 Jul 72 and forfeiture of \$50.00 pay.
- i. On 25 Jul 72, a memo of disciplinary punishment, indicates the applicant received NJP, Article 15, for stealing a set of hand tools, of value of about \$47.60, the property of the United States, on or about 24 Mar 72. The applicant received 30 days extra duty and forfeiture of \$50.00 pay.

On 16 Oct 72, the Staff Judge Advocate found the discharge action legally sufficient.

On 9 Nov 72, the discharge authority directed the applicant be discharged for frequent involvement of a discreditable nature with military authorities, with a UOTHC service characterization.

On 15 Nov 72, the applicant received a UOTHC discharge. His narrative reason for separation is "Convenience of the Government" and he was credited with one year, five months, and one day of total active service.

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

## **POST-SERVICE INFORMATION**

The applicant provided an FBI report with his application. According to the report, the applicant was arrested on 26 Sep 77 for burglary and theft. He was convicted of theft and sentenced to confinement for seven days and a \$50 fine. Additionally, he was arrested on 26 Jul 18 for dumping trash on public or private property. He was convicted of that misdemeanor offense and was sentenced to pay a fine in an unspecified amount and court costs.

## 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 11 Aug 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.

**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.

## **FINDINGS AND CONCLUSION**

1. The application was timely filed. Given the requirement for passage of time, all discharge upgrade requests are technically untimely. However, it would be illogical to deny a discharge upgrade request 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 the victim of an error or injustice. While the Board finds no error in the original discharge process, the Board finds sufficient evidence to warrant relief. In the interest of justice, the Board considered the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice and fundamental fairness. The Board notes it has been more than 53 years since his discharge. The Board finds the applicant has provided evidence to demonstrate his rehabilitation and his commitment to his community. Although he was convicted of a misdemeanor trash dumping offense in 2018, the applicant's FBI history reflects he has had no serious convictions since 1977, 48 years ago. Based on the passage of time and the applicant's demonstrated rehabilitation, the Board finds the UOTHC discharge no longer serves a useful purpose. In the interest of fundamental fairness, the Board considered if the applicant's discharge warranted upgrade to an honorable discharge; however, the Board finds based on the totality of the evidence there is insufficient evidence to warrant upgrade of the applicant's UOTHC discharge to honorable. Therefore, the Board recommends the applicant's discharge be upgraded to general as requested and his narrative reason be changed to "Secretarial Authority." Therefore, the Board recommends correcting the applicant's records as indicated below.

## **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show on 15 Nov 72, he was discharged with service characterized as general (under honorable conditions), and a separation code and corresponding narrative reason for separation of JFF (Secretarial Authority).

## **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-2024-04249 in Executive Session on 12 Nov 25:

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

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 7 Nov 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Fundamental Fairness Guidance), dated 11 Aug 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.

1/6/2026

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Board Operations Manager, AFBCMR  
Signed by: USAF