



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-04258

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His general (under honorable conditions) discharge be upgraded to honorable and his narrative reason for discharge be changed to "Secretarial Authority."

APPLICANT'S CONTENTIONS

His career was marked by minor and infrequent misconduct for which he was adequately punished. His exceptional career and character overshadow his misconduct. His misconduct was not severe in nature and largely attributable to significant stress while deployed. He resigned to avoid court martial for fraternization. He later married the service member with whom he had developed a relationship and they have been married for over 33 years. He retired in Feb 24 after a long career in engineering and consulting to provide full-time care for his wife after she was diagnosed with a rare type of lymphoma.

In support of his request for a discharge upgrade, the applicant, through counsel, provides a personal statement, a statement from his wife, copies of his personnel and medical records and other documents in support of his request.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force first lieutenant (O-2).

On 13 May 91, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFR 36-2, *Administrative Discharge Procedures*, paragraph 3-7d for recurring misconduct punishable by military authorities. The specific reasons for the action were:

- a. On divers occasions between on or about 3 Oct and 29 Dec 90 while deployed at a base near Cairo, Egypt, being a married man, the applicant engaged in conduct unbecoming an officer by kissing, hugging and rolling in the sand with a subordinate enlisted woman.
- b. On or about 10 Nov 90 while deployed at a base near Cairo, Egypt he engaged in conduct unbecoming an officer by openly kissing a subordinate enlisted woman, which offended local customs to the disgrace of the armed forces.

AFBCMR Docket Number BC-2024-04258

Work-Product

Work-Product

c. On or about 10 Nov 90 while deployed at a base near Cairo, Egypt being a married man, the applicant wrongfully had sexual intercourse with a subordinate enlisted woman, not his wife.

d. On divers occasions between on or about 3 Oct and 29 Dec 90 while deployed at a base near Cairo, Egypt he was drunk on base in public for which he received an Article 15, dated 26 Apr 91.

On 13 May 91, the Staff Judge Advocate found the discharge action legally sufficient.

On 7 Jun 91, the applicant tendered his resignation from all appointments in the United States Air Force.

On 5 Jul 91, the discharge authority accepted the applicant's resignation and directed the applicant be discharged with a general (under honorable conditions) service characterization.

On 16 Jul 91, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Recurring Misconduct in lieu of Involuntary Discharge" and he was credited with 3 years, 3 months, and 1 day of total active service.

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

POST-SERVICE INFORMATION

On 26 Jun 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 26 Jun 25, the Board staff provided the applicant a copy of the clemency/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.

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. 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. Moreover, the Board notes the applicant voluntarily resigned his commission in lieu of court martial. In the interest of justice, the Board considered upgrading the discharge based on clemency and fundamental fairness. Counsel noted the applicant’s post-service professional career in engineering and consulting jobs and his role as a care giver for his wife. However, due to the absence of substantial post-service evidence, such as an FBI history report and letters of support attesting to his character and contributions to his community, the Board finds insufficient evidence to warrant an upgrade of his discharge on the basis of clemency and fundamental fairness. Therefore, the Board recommends against correcting the applicant’s record.




4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

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-2024-04258 in Executive Session on 12 Nov 25:

-  , Panel Chair
-  , Panel Member
-  , Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 19 Dec 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 26 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.

1/28/2026

Work-Product

Board Operations Manager, AFBCMR
Signed by: USAF

AFBCMR Docket Number BC-2024-04258