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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-04281

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

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

### APPLICANT'S CONTENTIONS

He was not aware that he could request a discharge upgrade until he recently went through the disability rating process for his problems. It has been over 15 years since his discharge.

In support of his request for a discharge upgrade, the applicant provides a Department of Veterans Affairs (VA) decision letter, VA rating decision, and DD Form 214, *Certificate of Release or Discharge from Active Duty*.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

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

On 16 Jan 96, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.49 for minor disciplinary infractions. The specific reasons for the action were:

- a. On 18 Jul 95, the applicant failed to arrive at work on time, for which he received a Record of Counseling (RIC) on the same day.
- b. On 19 Jul 95, the applicant failed to arrive at work on time, for which he received an RIC on the same day.
- c. On 19 Jul 95, the applicant was negligent in his financial responsibilities, for which he received an RIC the same day.
- d. On or about 24 Jul 95, the applicant failed to report to his appointed place of duty, for which he received a Letter of Reprimand (LOR) on 25 Jul 95.
- e. On or about 23 Oct 95, the applicant was cited for inattentive driving of a government vehicle resulting in an accident, for which he received an LOR and an Unfavorable Information File (UIF) action on 1 Nov 95.

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f. On or about 16 Nov 95, the applicant failed to go at the time prescribed to his appointed place of duty, for which he received an Article 15 with UIF action on 29 Nov 95. His punishment was a suspended grade reduction to Airman Basic.

g. On or about 4 Dec 95, the applicant failed to go at the time prescribed to his appointed place of duty, for which his suspended grade reduction was vacated on 14 Dec 95.

On 18 Jan 96, the Staff Judge Advocate found the discharge action legally sufficient.

On 23 Jan 96, the discharge authority directed the applicant be discharged for Minor Disciplinary Infractions, with a general (under honorable conditions) service characterization. Probation and rehabilitation were considered, but not offered.

On 25 Jan 96, the applicant received a general (under honorable conditions) discharge. His narrative reason for separation is "Misconduct," and he was credited with 1 year, 5 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 2 Jul 25, the Board 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 2 Jul 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 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. 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 fundamental fairness; however, given the evidence presented, and in the absence of post-service activity and accomplishments, 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. However, the Board is willing to reconsider the application upon receipt of post-service information which can include educational accomplishments, employment history, family information, community contributions, and character references.

**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-2024-04281 in Executive Session on 20 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, w/atchs, dated 28 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 2 Jul 25.

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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.

1/4/2026

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Board Operations Manager, AFBCMR  
Signed by: USAF

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