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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-04292

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His bad conduct discharge (BCD) be upgraded.

APPLICANT'S CONTENTIONS

His discharge by General Court-Martial was too severe and had nothing to do with serious crimes, such as murder, rape or treason. His punishment should have been an Article 15 with a one grade reduction and fine. He understands and accepts that his actions were wrong and unbecoming of a non-commissioned officer, but received the harshest punishment which did not fit the crime. He requested a serious look at his records/case to render a fair punishment.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 20 Jun 88, the convening authority published General Court-Martial Order (GCMO) Number Wo... The order stated that the applicant pled guilty and was found guilty of:

- a. One charge (Article 132) and three specifications for:
 - 1) On or about 5 Nov 86, using certain writing which contained statements and also contained a signature which purported to be from his commander for the purpose of obtaining the approval, allowance and payment of a claim, and which statements and signature were false and fraudulent;
 - 2) On or about 13 May 87, presenting a claim for travel expenses which was false and fraudulent;
 - 3) On or about 20 Jul 87, using certain writing for the purpose of obtaining of a claim which contained a date which was false and fraudulent.
- b. One charge (Article 134) and two specifications for:

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1) On or about 13 May 87, wrongfully and unlawfully giving a travel computation clerk money with the intent to influence the clerk's action in processing and approving a false and fraudulent military voucher for payment;

2) On or about 22 Oct 87, wrongfully and unlawfully making a false statement.

Adjudged on 5 Apr 88, the applicant was sentenced to confinement for 6 months, forfeiture of all pay, reduction to the grade of airman basic, and discharged from the service with a BCD.

On 22 Nov 88, the convening authority published GCMO number [redacted]. The Order stated the sentence as promulgated in GCMO number [redacted] was affirmed with the BCD being executed.

On 16 Dec 88, the applicant received a BCD. His narrative reason for separation is "Conviction by Court-Martial (Other Than Desertion)" and he was credited with 5 years, 11 months, and 20 days of total active service.

On 8 Feb 89, the applicant submitted a request to the AFBCMR, but there is no documentation regarding his request in the case file records.

On 6 Sep 89, in a letter to the Air Force Manpower Personnel Center, the AFBCMR noted that no corrective action was indicated for this case.

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

POST-SERVICE INFORMATION

On 3 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 3 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.

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 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. In the interest of justice, the Board considered upgrading the discharge based on clemency. While it has been over 35 years since the applicant's discharge, he did not provide any documentation showing his post-service activities and/or accomplishments. Therefore, the Board finds no basis for a discharge upgrade based on clemency and 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-2024-04292 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 6 Dec 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Clemency/ Fundamental Fairness Guidance), dated 3 Jul 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.

1/4/2026

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Board Operations Manager, AFBCMR
Signed by: USAF