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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2025-00373

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COUNSEL: *Work-Product*

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

He completed two separate terms of service and the first was honorable. During his second term, he did have a court-martial for financial issues but was not discharged as a result. The sentence was 120 days of extra duty and a reduction to rank. He returned to duty and performed his duties to the highest level. When it came time for him to re-enlist, he was not approved to do so, and his character of service was listed as UOTHC.

He believes the decision to not allow him to reenlist was done as retribution, because the court-martial was not what his commander expected or wanted. He served honorably. He did make decisions he regrets, but 95 percent of his service was honorable. As an Air Force member, he knows he's expected to be and trained to be the best of the best and be examples to the world. He acknowledges that and reinforced this to his sister when she followed in his footsteps and enlisted in the Air Force. His mistake was redeemable and did not warrant separation. He should have been allowed to redeem himself, and he believes this opportunity was taken away out of retribution of the decision the court made.

He requests that the Board consider that the court made its decision and should have been the end of it. The infraction which he committed was not of a nature where he could not have continued and recovered from. He was determined to make sure this mistake did not define his service, but the opportunity was taken away.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

AFBCMR Docket Number BC-2025-00373

Work-Product

Work-Product

On 27 Apr 06, 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 5.50.1 for a pattern of misconduct. The specific reasons for the action were:

- a. Between on or about 1 Dec 00 and on or about 1 Feb 01, with the intent to defraud, and for the procurement of things of value, wrongfully made and uttered to the Army and Air Force Exchange Service (AAFES), 25 separate checks for the payment of money drawn upon a credit union in the amount of \$11,000.00, knowing he did not have sufficient funds with the bank to pay the checks in full.
- b. On 5 Jun 01, an AF Form 3070, *Record of Nonjudicial Punishment Proceedings*, indicates the applicant received nonjudicial punishment (NJP), Article 15 for failure to obey a lawful general regulation by wrongfully using his government travel card for personal use on divers occasions between 27 Oct 00 to on or about 6 Dec 00. The applicant received a reduction to the grade of airman first class (E-3), suspended until 4 Dec 01, unless sooner vacated, restriction to base for 45 days, and extra duty.
- c. On 5 May 05, a Record of Individual Counseling (RIC) was issued for missing a mandatory formation, on or about 5 May 05.
- d. On 29 Jul 05, an RIC was issued for failure to notify his supervisor of an appointment on or about 28 Jul 05.
- d. On 18 May 06, Special Court-Martial Order (SPCMO) Number 3 indicates the applicant pled guilty to one charge and four specifications of wrongfully making and uttering checks with the intent to defraud and procure things of value, between on or about 10 Jun 05 and on or about 1 Aug 05, of a total value over \$500.00, then knowing the maker, did not or would not have sufficient funds (Article 123a). The applicant received a reduction to the grade of airman first class (E-3) and hard labor without confinement for three months.

On 23 May 06, the Staff Judge Advocate found the discharge action legally sufficient. On the same date, the discharge authority directed the applicant be discharged for discreditable involvement with military or civilian authorities, with a UOTHC service characterization. Probation and rehabilitation were considered but not offered.

On 17 Jun 06, the applicant received a UOTHC discharge. His narrative reason for separation is "Pattern of Misconduct," and he was credited with nine years, six months, and seven days of total active service.

On 17 Apr 08, the applicant submitted a request to the Air Force Discharge Review Board (AFDRB) for an upgrade to his discharge. The applicant contended he was punished twice for the same crime. He received a sentence which did not include discharge because they felt he was still a good airman and an asset to the Air Force. He was also discharged prior to repaying the AAFES debt, which is against Air Force Regulations.

On 20 Aug 09 the AFDRB concluded the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and the applicant was provided full administrative due process. The board found his discharge was in the best interests of the Air Force and was within the policies and standards. Furthermore, there was no regulation found regarding necessity to repay debt prior to discharge. Lastly, the board viewed the applicant's willful and repetitive check writing, in excess of \$24,000.00, to be a pattern of misconduct.

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

POST-SERVICE INFORMATION

On 1 Jul 25, the Board 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 1 Jul 25, the Board staff provided the applicant a copy of the liberal consideration 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. 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, unduly harsh, or disproportionate to the offenses committed. Nonetheless, in the interest of justice, the Board considered upgrading the discharge based on fundamental fairness; however, given the evidence presented, the Board finds no basis to do so. The Board contemplated the many principles included in the Wilkie Memo to determine whether to grant relief based on an injustice or fundamental fairness; however, the applicant did not provide sufficient evidence to show he has made a successful post-service transition. Therefore, the Board recommends against correcting the applicant's records. The applicant retains the right to request reconsideration of this decision, which could be in the form of a personal statement, character statements, or testimonials from community leaders/members specifically describing how his efforts in the community have impacted others. Should the applicant provide documentation pertaining to his post-service accomplishments and activities, this Board would be willing to review the materials for possible reconsideration of his request based on fundamental fairness.

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-2025-00373 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, dated 13 Jan 25.
- 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 1 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