



Work-Product

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

**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

Work-Product

**DOCKET NUMBER:** BC-2025-00551

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

**APPLICANT’S REQUEST**

His bad conduct discharge (BCD) be upgraded.

**APPLICANT’S CONTENTIONS**

He learned his lesson and his life has been clean since his discharge.

In support of his request for a discharge upgrade, the applicant provides a personal statement and numerous character reference letters. In his personal statement he shows remorse for his actions. At the time of the infraction, he admitted his mistake and worked with the investigating officer in an undercover operation. He has been gainfully employed at a local steel mill, retired in 2017, and ran his own business. Is a devoted father and husband adopting his daughter which he and his wife were fostering. Volunteered with the Work-Product and is involved in his children’s activities, providing financial, moral, and spiritual support. The character reference letters attest to his dependability, compassion, honesty, and his volunteer efforts.

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 Dec 83, the convening authority published General Court-Martial Order (GCMO) number Work... The Order stated the applicant pled guilty and was found guilty of one charge and two specifications of wrongfully possessing with intent to distribute 565 grams of marijuana in hashish form and wrongfully using marijuana in hashish form on or about 27 Aug 83 (Article 134). The applicant was sentenced to confinement at hard labor for one year, reduction to the grade of airman basic, forfeiture of all pay and allowances, and discharge from the service with a BCD.

**AFBCMR Docket Number BC-2025-00551**

Work-Product

Controlled by: SAF/MRB  
CUI Categories: Work-Product  
Limited Dissemination Control: N/A  
POC: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil)

On 11 Mar 85, the convening authority published GCMO number [Work-...] The Order stated the sentence as promulgated in GCMO number [Wor...] was affirmed with the BCD being executed.

On 26 Mar 85, the applicant received a BCD. His narrative reason for separation is "Conviction by Court-Martial Order [Work-P...] and he was credited with 3 years, 4 months, and 20 days of total active service.

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

## **POST-SERVICE INFORMATION**

On 18 Feb 25 and 15 Sep 25, the Board sent the applicant a standard request for post-service information. This letter informed the applicant a Federal Bureau of Investigation (FBI) background check would assist the Board in evaluating his case. Although the applicant did provide post-service information with his original application, he did not respond to this request to provide additional post-service evidence or include an FBI background check or other criminal history data.

## **APPLICABLE AUTHORITY/GUIDANCE**

This Board is without authority to reverse, set aside, or otherwise expunge a court-martial conviction. Rather, in accordance with Title 10, U.S.C., Section 1552(f), actions by this Board regarding courts-martial are limited to two types: 1) corrections reflecting actions taken by the reviewing officials pursuant to the Uniform Code of Military Justice (UCMJ), for example, if a convening authority or appellate court took action but that action was not reflected in an Air Force record; and 2) action on only the sentence of the court-martial and solely for the purpose of clemency.

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 18 Feb 25 (via email) and on 15 Sep 25, the Board staff provided the applicant a copy of the clarifying 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.

## LEGAL REVIEW

The SAF/MRBL Legal Advisor completed a review of all available records and finds sufficient evidence to support the applicant's request based upon clemency to include the following Wilkie factors; length of time (40 years) since the misconduct, the acceptance of responsibility, remorse, or atonement for the misconduct, character references/letters of recommendation, and youthful indiscretion at the time of the misconduct.

The complete advisory opinion is at Exhibit D.

## FINDINGS AND CONCLUSION

1. The application was timely filed. Given the requirement for passage of time, all clemency requests are technically untimely. However, it would be illogical to deny a clemency 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 applicant was found guilty of possessing with the intent to distribute 1.25 pounds of marijuana in hashish form which the Board finds egregious and finds no evidence indicating the sentence of the military court was improper or that it exceeded the limitations set forth in the UCMJ. 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 clemency; 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 and considered post service conduct and achievements, length of time since the misconduct, his character and reputation, service to the community, job history, and degree of contrition. The applicant did show remorse for his actions and spoke of his job history and successful business ownership; service to his community volunteering at his church and his involvement in local youth organizations; and submitted several character references from 2019 showing a level of respect and admiration for the applicant. However, given the evidence presented, the Board does not find the applicant's submission sufficient to grant the requested relief. The Board would reconsider the applicant's request if he could supply a criminal background check as the applicant retains the right to request reconsideration of this decision. The applicant may provide additional, more recent, post-service evidence depicting his current moral character, occupational, and social advances, in the consideration for an upgrade of discharge characterization due to clemency.

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 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-2025-00551 in Executive Session on 20 Feb 26:

**AFBCMR Docket Number BC-2025-00551**

*Work-Product*

*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 27 Dec 24.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (Post-Service Request and Clemency Guidance), dated 15 Sep 25.
- Exhibit D: Legal Review, SAF/MRBL, dated 4 Nov 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.

3/2/2026

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Panel Chair, AFBCMR  
Signed by: USAF

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