

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 87-04437

COUNSEL: NONE

Serial No. [REDACTED]
(SSAN [REDACTED])

HEARING DESIRED: YES

FEB 19 1999

APPLICANT REQUESTS THAT:

His dishonorable discharge on 20 December 1948 be upgraded to honorable.

RESUME OF CASE:

On 30 March 1988, the Board considered and denied a similar appeal by the applicant. A summary of the evidence considered by the Board and the rationale for its decision is set forth in the Record of Proceedings which is attached at Exhibit F.

On 11 January 1989, in response to a White House inquiry, the applicant was informed that, in the absence of additional relevant evidence, no further review of his application was possible. On 11 May 1995, in response to a congressional inquiry, the applicant was notified that the Board determined the evidence submitted did not meet the criteria for reconsideration and his request was again denied. On 24 May 1995, the corresponding Member of Congress was informed that should the applicant provide additional evidence pertaining to post-service activities, reconsideration of his appeal may be possible (Exhibit G). The applicant provided additional new evidence pertaining to post-service activities, through his congressman, for possible reconsideration of his application (Exhibit G).

APPLICANT CONTENDS THAT:

His sentence to hard labor and a dishonorable discharge in 1947 was unfair and racially motivated. In support of the applicant's appeal, a congressional inquiry was submitted in his behalf. The congressman indicated that since the applicant's release from prison, he has led an exemplary life. The applicant married, raised three children, is a long time member of the West Angeles Church of God in Christ and is a retired employee of the local Public Works Department. In further support of his request, the

applicant obtained affidavits of support from his minister, former employer and friends, and a recent police report, attesting to an unblemished civilian life. The congressman stated that he met the applicant and believes he is a trustworthy man and deserves clemency from the Board. The congressman indicated that, if necessary, he would gladly appear before the Board on behalf of the applicant. A complete copy of the applicant's submission, which was forwarded to the Board through his congressman, is at Exhibit G.

THE BOARD CONCLUDES THAT:

In earlier findings, the Board determined that there was insufficient evidence to show that the applicant's discharge was erroneous or unjust. After reviewing the circumstances surrounding the applicant's discharge, we find that his discharge in 1948 was proper. The applicant's discharge had its basis in his trial and conviction by a general court-martial based on alleged violations of the 93rd Article of War. We do not find persuasive evidence has been provided which would lead us to believe that the conviction was erroneous or unjust. The recently-accomplished affidavits relating to the altercation in question are standardized statements and, in our estimation, so long after the events, do not provide credible support for a finding that the applicant's conviction was based on erroneous information, inadequate counsel or racial bias. In addition, the applicant's post-service submission was reviewed. While the authors of the supporting documents are favorably disposed toward him, the Board majority is of the opinion that the recently submitted evidence is insufficient to establish, to their satisfaction, that recharacterization of his discharge based on clemency is warranted at this time.

RECOMMENDATION OF THE BOARD:

A majority of the panel finds insufficient evidence of error or injustice and recommends the application be denied.

The following members of the Board considered this application in Executive Session on 3 November 1998, under the provisions of AFI 36-2603:

Ms. Rita S. Looney, Panel Chair
Mr. Steven A. Shaw, Member
Mr. Patrick R. Wheeler, Member

By a majority vote, Ms. Looney and Mr. Shaw voted to deny the applicant's stated request. Mr. Wheeler voted to upgrade the

applicant's discharge to a general based on clemency, but did not desire to submit a minority report. The following documentary evidence was considered:

- Exhibit F. Record of Proceedings, dated 15 Apr 88.
- Exhibit G. Letter from a Member of Congress, dated 18 Dec 97, w/atchs.


RITA S. LOONEY
RITA S. LOONEY
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

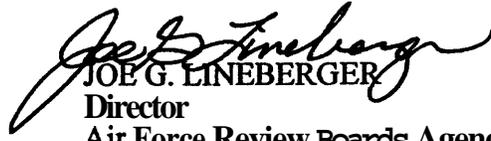
AFBCMR 87-04437

FEB 19 1999

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] Serial No. [REDACTED] be corrected to show that on 20 December 1948, he was discharged with service characterized as general (under honorable conditions).


JOE G. LINEBERGER
Director
Air Force Review Boards Agency



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

FEB 19 1999

Office of the Assistant Secretary

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, AIR FORCE BOARD FOR
CORRECTION OF **MILITARY** RECORDS (AFBCMR)

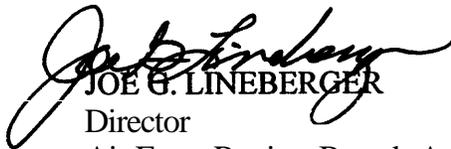
FROM: SAF/MIB

SUBJECT: [REDACTED] Serial Number [REDACTED]
(SFA [REDACTED])

I have carefully considered all aspects of **this** case and do not agree with the majority of the AFBCMR panel that the applicant's request for upgrade of **his** discharge should be denied.

Although the evidence presented does not substantiate that the applicant's court-martial and subsequent discharge were improper or **contrary to** the provisions of the governing regulations under which they were effected, the applicant has provided numerous documents attesting to **his** good post-service conduct and achievements. Additionally, it was noted that he **has** no police record or record of any misconduct in civilian life. The supporting documents indicate that he **has** maintained the standards of good citizenship in the community since **his** discharge in **1948**.

I **am** convinced that the applicant's impeccable post-service conduct over an extensive period of time is sufficient reason to approve an upgrade based on clemency. However, I do not find that sufficient basis has been established to warrant award of an honorable discharge **as** the applicant requests. I therefore agree with the minority member of the panel and direct that the applicant's dishonorable discharge be upgraded to a general (under honorable conditions) discharge.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency

FC 87-04437