

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-00691

[REDACTED]

COUNSEL: NONE

[REDACTED]

R DESIRED: YES

24 JUL 1998

APPLICANT REQUESTS THAT:

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

APPLICANT CONTENDS THAT:

His overall military service was not fully considered.

The nature of his separation was too harsh for the offense committed.

In support of his appeal, the applicant provided a copy of his DD Form 214, Armed Forces of the United States Report of Transfer or Discharge. (Exhibit A).

Pursuant to the Board's request, the applicant provided additional documentation, which is attached at Exhibit C.

Pursuant to the Board's request, the Federal Bureau of Investigation, Washington, D.C., indicated on the basis of the data furnished they were unable to locate an arrest record.

STATEMENT OF FACTS:

Available documentation indicates that the applicant enlisted in the Regular Air Force on 11 May 55.

A Report of Medical Examination, dated 27 Sep 56, reflects that the applicant was a passive participant in a homosexual episode on one occasion at [REDACTED] AFB. However, the applicant denied that he had homosexual tendencies.

On 3 Nov 56, the applicant was discharged under the provisions of AFR 35-66 (Homosexual Tendencies - Class II) and furnished a UOTHC discharge. He was credited with 1 year, 5 months, and

23 days of active service for his current enlistment and 4 years, 5 months, and 23 days of total active military service.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable injustice. After careful consideration of applicant's request and the available evidence of record, we find no evidence that the applicant's discharge was improper or contrary to the prevailing regulation. However, after considering the facts and circumstances leading to the applicant's separation and in view of the fact that, under current standards, the applicant would most likely have been discharged with service characterized, at the least, under honorable conditions, we believe that clemency is warranted in this case. We therefore recommend that his records be corrected to show he was received a general (under honorable conditions) service characterization.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that, on 3 Nov 56, he was discharged with service characterized as general (under honorable conditions).

The following members of the Board considered this application in Executive Session on 9 Jun 98, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair
Mr. Richard A. Peterson, Member
Mr. Kenneth L. Reinertson, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 24 Feb 97, w/atch.

Exhibit B. Applicant's Master Personnel Records.
Exhibit C. Letter, applicant, dated 20 May 98, w/atchs..

A handwritten signature in black ink, appearing to read "David C. Van Gasbeck". The signature is fluid and cursive, with a large initial "D" and "V".

DAVID C. VAN GASBECK
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

24 JUL 1998

AFBCMR 97-00691

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] be corrected to show that, on 3 Nov 56, he was discharged with service characterized as general (under honorable conditions).


JOE G. LINEBERGER
Director
Air Force Review Boards Agency