

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 15 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03744

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His undesirable discharge be upgraded to general (under honorable conditions).

APPLICANT CONTENDS THAT:

His discharge was caused by alcohol and he has been sober for 28 years.

In support of his request, he submits a personal statement, and a character reference.

Applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from Applicant's military records, are contained in the Air Force Discharge Review Board (AFDRB) brief (Exhibit B). Accordingly, there is no need to recite these facts in this Record of Proceedings.

Pursuant to the Board's request, the Federal Bureau of Investigation, Washington, D.C., was unable to provide an investigative report based on information furnished (Exhibit F).

AIR FORCE EVALUATION:

The Separations Branch, Directorate of Personnel Program Management, HQ AFPC/DPPRS, reviewed this application and states that information reflected on his WD AGO Form 53-59, they find no evidence to indicate the applicant's discharge, over 48 years ago, was incorrect, an injustice occurred to the applicant, or

that the discharge did not comply with the discharge directive in effective at the time of his discharge. He has not filed a timely request. Therefore, they recommend denial of applicant's request.

A complete copy of the Air Force evaluation is attached at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant has provided post-service documentation which is attached at Exhibit E.

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. We find no impropriety in the characterization of applicant's discharge. It appears that responsible officials applied appropriate standards in effecting the separation, and we do not find persuasive evidence that pertinent regulations were violated or that applicant was not afforded all the rights to which entitled at the time of discharge. Considered alone, we conclude the discharge proceedings were proper and characterization of the discharge was appropriate to the existing circumstances.
4. Consideration of this Board, however, is not limited to the events which precipitated the discharge. We have a Congressional mandate which permits consideration of other factors; e.g., applicant's background, the overall quality of service, and post-service activities and accomplishments. Further, we may base our decision on matters of equity and clemency rather than simply on whether rules and regulations which existed at the time were followed. This is a much broader consideration than officials involved in the discharge were permitted, and our decision in no way discredits the validity of theirs.
5. Under our broader mandate and after careful consideration of all the facts and circumstances of applicant's case, we are persuaded that applicant has been a productive member of society. We recognize the adverse impact of the discharge applicant received; and, while it may have been appropriate at the time, we

believe it would be an injustice for applicant to continue to suffer its effects. Accordingly, we find that corrective action is appropriate as a matter of equity and on the basis of clemency. Therefore, we recommend his discharge be upgraded to one under honorable conditions (General).

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that on 30 January 1950, he was discharged with service characterized as general (under honorable conditions).

The following members of the Board considered this application in Executive Session on 6 August 1998, under the provisions of AFI 36-2603:

Mr. Charles E. Bennett, Panel Chair
 Mr. Loren S. Perlstein, Member
 Ms. Peggy Gordon, Member

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

- Exhibit A. DD Form 149, dated 11 January 1998, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPRS, dated 24 February 1998.
- Exhibit D. Letter, SAF/MIBR, dated 9 March 1998.
- Exhibit E. Applicant's Response, dated 31 March 1998.
- Exhibit F. FBI Report.
- Exhibit G. Letter, Applicant, dated 24 June 1998, w/atchs.


 CHARLES E. BENNETT
 CHARLES E. BENNETT
 Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

SEP 15 1998

Office of the Assistant Secretary

AFBCMR 97-03744

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, it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that on 30 June 1950, he was discharged with service characterized as general (under honorable conditions).


BE

Director
Air Force Review Boards Agency