

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 5 1999

IN THE MATTER OF:

DOCKET NO: 98-00589

COUNSEL [REDACTED]

HEARING DESIRED: NO

Applicant requests that his undesirable discharge be upgraded to honorable. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). Applicant's response to the advisory opinion is at Exhibit E.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Michael P. Higgins, Mr. William E. Edwards, and Mr. Patrick R. Wheeler considered this application on 1 December 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552,

  
MICHAEL P. HIGGINS  
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion
- E. Applicant's Response



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

MAR 24 1958

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS  
550 C Street West Ste 11  
Randolph AFB TX 78150-4713

IEC L. : for Correction of Records | ■ | |

The applicant, while **serv**ing in the grade of airman basic, **was** discharged from the Air Force 15 Aug **55** under the provisions of **AFR 39-17 (Unfitness)** and received **an** undesirable discharge. He served 01 year, 10 months and 20 days total active **service**.

Reauested Action. **The** applicant is requesting that **his** undesirable discharge **be** upgraded to honorable.

Basis for Request. Applicant claims he was **AWOL** for over a month because of **weather** condition. He **states** he requested **no** charges be **filed upon** returning to **the base** and **his** discharge **was unfair**.

Facts. On 18 Jul 55, applicant's commander recommended that the applicant be required to appear **before** a board of officers for evaluation concerning **his** retention in **the Air** Force. The commander indicated the applicant had been **court-martialed** three **times** for being AWOL. He had a total of 301 days loss time. Repeated **efforts to** rehabilitate the member have been **unsuccessful**. On 01 Jun 55, applicant **submitted a** request to be discharged **and** waived **his** right to the benefit of a discharge board, He **also** acknowledged that the **discharge** he could receive could **be** undesirable. On 05 Aug 55, the discharge authority approved the applicant's request for discharge **and directed** the applicant be issued **an** undesirable **discharge**.

Discussion. **This case has** been reviewed and the discharge was **consistent** with **the** procedural **and substantive** requirements of the discharge regulation **and** was within the discretion of the discharge authority **and** that the applicant **was** provided full administrative due process. The records indicate member's military service **was** reviewed **and** appropriate action was **taken**.

**Recommendation,** Applicant did not submit evidence or identify any errors in the discharge processing nor provide facts which warrant an upgrade of the discharge he received. Accordingly, we recommend applicant's request be denied. He has not filed a timely request.



JOHN C. WOOTEN, GS-9  
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Military Personnel Mgmt Spec  
Separations Branch  
Dir of Personnel Program Management