

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00767

[REDACTED]
[REDACTED]
COUNSEL: NONE

FEB 5 1999

HEARING: YES

The applicant requests that his general under honorable conditions discharge be upgraded. Applicant's submission is at Exhibit A.

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

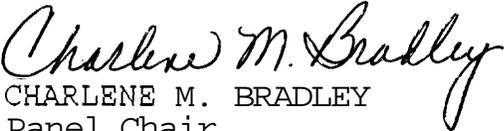
The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

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 documentation provided with this case was sufficient to give the Board a clear understanding of the issues involved and a personal appearance, with or without counsel, would not have materially added to that understanding. Therefore, the request for a hearing is not favorably considered.

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 Ms. Charlene M. Bradley, Ms. Patricia D. Vestal, and Mr. Joseph G. Diamond considered this application on 8 October 1998 in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


CHARLENE M. BRADLEY
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. AFBCMR Ltr Forwarding Advisory Opinion



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

MAR 25 1998

MEMORANDUM FOR AFBCMR

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

SUBJECT: Application for Correction of Military Records - [REDACTED]

The applicant, while ~~servin~~g in the grade of ~~airman~~, was discharged from the ~~Air~~ Force 09 Jan 74 under the provisions of AFM 39-12 (Unsuitable) with an under honorable conditions (General) discharge. He served 01 year 08 months and 11 days total active service.

Requested Action. The applicant is requesting upgrade of his discharge to honorable.

Basis for Reauest. Applicant claims that he was given a negative discharge due to personality conflicts.

Facts. Applicant was notified by his commander on 05 Dec 73 that he was initiating action with a view to involuntarily discharge him from the USAF. The commander advised that an Evaluation Officer would be appointed to review his case. The commander further advised the reasons for his proposed action was for his character and behavior disorder as diagnosed by the USAF Clinic. The medical evaluation indicated applicant possesses an immature personality with passive aggressive behavior. His personnel file contained numerous disciplinary punishment actions (three Article 15s and one Letter of Reprimand) for offenses such as AWOL, failure to repair and failure to obey a lawful order. Applicant was afforded the right to submit rebuttals and submit a statement in his own behalf however, he waived his right to submit a statement. An Evaluation Officer was appointed and reviewed the case with the applicant and the applicant indicated that he was not satisfied with his job and desired separation from the Air Force. The Evaluation Officer findings were that the applicant was unsuitable for further military service, he has a character and behavior disorder and recommend the applicant be discharged from the Air Force for repeated offenses requiring disciplinary punishment and that he be given a general discharge and that he not be offered rehabilitation opportunities. On 02 Jan 74, the discharged authority approved the recommendation of the Evaluation Officer and directed the applicant be given a general discharge certificate.

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Discussion. This case **has been** reviewed for separation processing and there **are** no errors or irregularities **causing** an injustice to the applicant. The discharge complies with directives in effect at the time of **his** discharge. **The** records indicate **his** military service was reviewed and appropriate action **was** taken,

Recommendation. Applicant did not identify **any** specific **errors** in the discharge processing nor provide **facts** which warrant **an** upgrade of the discharge he received. The discharge was consistent with the procedural **and** substantive requirement of **the** discharge regulation **and** was within the discretion of the discharge **authority**. Applicant **was** afforded due process **as** required by law **and** regulation. Accordingly, we recommend applicant's request be denied. He has not filed a timely request.



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