



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

OCT 9 1998

Office of the Assistant Secretary

AFBCMR 98-01067

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 13 April 1992, he was honorably discharged and furnished an Honorable Discharge certificate.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

OCT 9 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-01067

COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

His general discharge be upgraded to honorable.

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APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

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STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the Brief prepared by an Examiner for the Air Force Discharge Review Board (AFDRB) (Exhibit C). There is no need to recite these facts in this Record of Proceedings.

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~~AIR FORCE EVALUATION:~~  
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The Air Force Discharge Review Board (AFDRB) denied applicant's request for an upgrade of his discharge to honorable on 1 April 1998.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

A complete copy of the Air Force evaluation was forwarded to the applicant on 21 April 1998, for review and response. As of this date, no response has been received by this office.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
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 inequity 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 overcome the behavioral traits which led to the contested discharge and 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.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that 13 April 1992, he was honorably discharged and furnished an Honorable Discharge certificate.

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The following members of the Board considered this application in Executive Session on 19 August 1998, under the provisions of AFI 36-2603:

Mr. Thomas S. Markiewicz, Panel Chair  
Mr. Walter J. Hosey, Member  
Mr. Henry Romo, Jr., Member  
Ms. Gloria J. Williams, Examiner (without vote)

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

- Exhibit A. DD Form 149, dated 27 February 1995, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. AFDRB Brief, dated 1 April 1998.
- Exhibit D. Letter, AFBCMR, dated 21 April 1998.

  
THOMAS S. MARKIEWICZ  
Panel Chair