

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JAN 29 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-01909

[REDACTED]

COUNSEL: NONE

HEARING DESIRED: NO

Applicant requests that his general (under honorable conditions) 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). 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 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. Rita S. Looney, Mr. Terry A. Yonkers, and Ms. Patricia D. Vestal considered this application on 26 January 1999, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.


RITA S. LOONEY
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

AUG 21 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 serving in the grade of airman, was discharged from the Air Force 23 Mar 77 under the provisions of AFM 39-12 (Unfitness) and received an under honorable conditions (general) discharge. He served 01 year, 03 months and 14 days total active service.

Requested Action. The applicant is requesting that his discharge be upgraded to-honorable

Basis for Request. Applicant states discharge under the same situation are now honorable discharge. He also states his military record states that he was an honor grad from basic training and accomplished his duties to the best of his abilities

Facts. On 23 Dec 76, action was initiated to separated applicant under AFM 39-12 for sexual perversion. After notification of the action from his commander and consultation with a military legal counsel, applicant submitted a waiver of administrative discharge board hearing conditional upon his receiving a general discharge. The waiver was rejected by the convening authority and a board was held on 08 Feb 77. The basis for this action was the applicant's alleged sexual perversion in the form of homosexual acts committed with one military and two civilian individuals. Applicant appeared with counsel and evidence received for the government included a written confession of the applicant, which admitted homosexual activities prior to his entering the Air Force. He further admitted that since Apr 76 he committed consensual homosexual acts with three individuals. The board found applicant eligible for discharge and recommended his separation with a discharge under other than honorable conditions. The case was reviewed for legal sufficiency and processed through channel to the general court martial and discharge authority who, on 15 Mar 77, approved the Board's recommendation for discharge but, directed that the applicant be issued an under honorable conditions (general) discharge certificate

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 sound 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. The character of discharge given in his case is the same as currently given to airmen with the same or similar type homosexual activities.

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Recommendation. Applicant did not submit any new evidence or identify any errors in the discharge processing nor provide facts which warrant an upgrade of the discharge he received over 21 years ago. Accordingly, we recommend applicant's request be denied. He has not filed a timely request.



JOHN C. WOOTEN, DAF
Military Personnel Mgmt Spec
Separations Branch
Dir of Personnel Program Management

