

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]						
TYPE BCD	PERSONAL APPEARANCE		X RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">COUNSEL</td> </tr> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	NO		X	NAME OF COUNSEL AND OR ORGANIZATION	
COUNSEL									
YES	NO								
	X								
		ADDRESS AND OR ORGANIZATION OF COUNSEL							
MEMBERS SITTING		VOTE OF THE BOARD							
		HON	GEN	UOTHC	OTHER	DENY			
						X			
						X			
						X			
						X			
ISSUES A 93.21, A91.05		INDEX NUMBER A91.00		EXHIBITS SUBMITTED TO THE BOARD					
				1 ORDER APPOINTING THE BOARD					
				2 APPLICATION FOR REVIEW OF DISCHARGE					
				3 LETTER OF NOTIFICATION					
				4 BRIEF OF PERSONNEL FILE					
				COUNSEL'S RELEASE TO THE BOARD					
HEARING DATE 02-06-11		CASE NUMBER FD2002-0031		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE					
				TAPE RECORDING OF PERSONAL APPEARANCE HEARING					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE									
REMARKS Case heard at Washington, D.C. Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR									
SIGNATURE OF REC [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]						
INDORSEMENT			DATE: 02-06-11						
TO: SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002						

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASENUMBER

FD2002-0031

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record or that provided by applicant provides sufficient basis in clemency for a change of discharge.

Issue. The applicant did not receive an administrative discharge. He received a Bad Conduct Discharge, a punitive discharge, as part of his sentence resulting from a Special Court Martial conviction. Under the provisions of Title 10, U.S.C., Section 1553, the only basis for change of a Bad Conduct Discharge, is clemency. The applicant submitted no evidence to warrant clemency and none was evident in the record.

CONCLUSIONS: The Discharge Review Board concludes that the applicant's punitive discharge by Special Court Martial was appropriate under the facts and circumstances of this case and there is insufficient basis as an act of clemency for change of discharge.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

[REDACTED]
[REDACTED] (Former AB) (HGHA1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 01/01/10 UP Special Court Martial Order No.3 (Conviction by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 78/07/02. Enlmt Age: 17 11/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-63, E-56, G-44, M-46. PAFSC: 4Y051 - Dental Assistant. DAS: 99/07/08.

b. Prior Sv: (1) AFRes 96/06/14 - 96/08/20 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted AB 96/08/21 for 4 yrs. Extended 98/10/28 for 20 months. Svd: 04 Yrs 04 Mo 20 Das, of which AMS is 4 yrs 00 months 5 days (excludes 4 months 15 days lost time).

b. Grade Status: AB - 99/08/13 (SCMO#3, 10 Jan 01)

c. Time Lost: 99/05/15 thru 99/05/00 (5 days). 99/08/13 thru 99/12/23 (4 months 10 days).

d. Art 15's: (1) none.

e. Additional: none.

f. CM: Special Court Martial Order No.8 - 99 Sep 20

CHARGE I: Article 86. Plea: Guilty. Finding: Guilty.

Specification 1: On or about 15 May 99, without authority, absent himself from his unit, and did remain so absent until on or about 20 May 99. Plea: Guilty, except substituting the "19" for the "20". Finding: Guilty, except substituting the "19" for the "20".

Specification 2: On or about 22 May 99, without authority, absent himself from his unit, and did remain so absent until on or about 9 Jun 99. Plea: Guilty. Finding: Guilty.

CHARGE 11: Article 87. Plea: Not Guilty. Finding: Not Guilty.

Specification: On or about 21 May 99, at or near Montgomery, Alabama, through design miss the movement of ----- Airlines flight

1532 from Montgomery, Alabama to Atlanta, Georgia, and flight 55 from Atlanta, Georgia, to Tokyo/Narita, Japan, with which he was required in the course of duty to move. Plea: Not Guilty. Finding: Not Guilty.

CHARGE 111: Article 92. Plea: Guilty. Finding: Guilty.

Specification 1: On or about 13 May 99, violate a lawful general regulation, to wit: paragraph 25.1, AFI 65-104, dated 1 May 96, by wrongfully using his government charge card for other than official travel. Plea: Guilty. Finding: Guilty.

Specification 2: On or absent 1 Jun 99, violate a lawful general regulation, to wit: paragraph 25.1, AFI 65-104, dated 1 May 96, by wrongfully using his government charge card for other than official travel. Plea: Guilty. Finding: Guilty. Sentence adjudged on 13 Aug 99: To be reprimanded, reduced to the grade of E-1, forfeit \$639.00 per month for 3 months, and confined for 6 months.

Special Court Martial No.1 - 99 Dec 10

CHARGE: Article 95. Plea: Guilty. Finding: Guilty.

Specification: Having been placed in post-trial confinement in the 42d Security Forces Squadron Confinement Facility, Maxwell AFB Alabama, by a person authorized to order said accused into confinement did, at Building 50, Maxwell AFB, Alabama, on or about 18 Aug 99, escape from confinement. Plea: Guilty. Finding: Guilty. Sentence adjudged by military judge on 27 October 99: To be confined for 30 days, to be discharged from the Air Force with a bad conduct discharge, and to forfeit \$200.00 for one month.

g. Record of SV: 96/08/21 - 98/04/20 Maxwell AFB 3 (Initial)
98/04/21 - 99/03/18 Maxwell AFB 4 (CRO)

(Discharged from Maxwell AFB)

h. Awards & Decs: AFOUA, AFTR.

i. Stmt of Sv: TMS: (04) Yrs (02) Mos (13) Das
TAMS: (04) Yrs (00) Mos (05) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 02/01/07.
(Change Discharge to Honorable)

Issue 1: I -----, am writing you today concerning a Bad Conduct Discharge to get upgraded to an Honorable status. The reason for my request is regarding a Medical Condition with abdominal pain and bleeding since, Spring of 1998. I was going to the Doctors out on Maxwell AFB for three years and they could not find anything wrong so they sent me off base to a Gaterologist. The outcome was for me to see a Surgeon, which I seen Dr. ----- and he told me that he did not

think it was my stomach, so he was not going to do any tests. You can see my Medical Records and see exactly how many times I've been to the Doctor over my abdominal pain and bleeding. I also have outstanding Medical Bills which were not paid while I was on Active Duty. I know and realize the things I did wrong while I did wrong while I was on Active Duty, but I do not see why I have to suffer with Abdominal Pain and Bleeding. Pay Doctor Bills which was caused by the Air Force and was Service Connected. I'm pleading with you all so I can get an upgrade so I can get some Medical Benefits until I find out what's wrong with me. The only way for that to happen is for me to get and upgrade to an Honorable Discharge, so that the Veterans Affairs Department will treat me. I Thank You for Your Time and Patience.

ATCH

1. Applicant's Issues.

02/04/26/ia