

## AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <b>[REDACTED]</b>	GRADE <b>AB</b>	AFSN/SSAN <b>[REDACTED]</b>
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TYPE <b>BCD</b>	PERSONAL APPEARANCE	X RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	NO	
	<b>X</b>	

MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>
					<b>X</b>

ISSUES <b>A 93.01, A92.37</b>	INDEX NUMBER <b>A91.00</b>	EXHIBITS SUBMITTED TO THE BOARD	
		<b>1</b>	ORDER APPOINTING THE BOARD
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE
		<b>3</b>	LETTER OF NOTIFICATION
		<b>4</b>	BRIEF OF PERSONNEL FILE
			COUNSEL'S RELEASE TO THE BOARD
			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 ONLINE AT 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 RECORDER <i>[Signature]</i>	SIGNATURE OF BOARD PRESIDENT <i>[Signature]</i>
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ENDORSEMENT <i>[Signature]</i>	DATE: <b>03-01-10</b>
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, 3 <sup>RD</sup> FLOOR ANDREWS AFB, MD 20762-7002

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

FD2002-0202

**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]

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 95/03/20 UP Special Court Martial Order No.35 (Conviction by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 73/07/03. Enlmt Age: 17 11/12. Disch Age: 21 8/12. Educ: HS DIPL. AFQT: N/A. A-70, E-56, G-70, M-44. PAFSC: 2W031B - Munitions Systems Apprentice. DAS: 91/12.

b. Prior Sv: (1) AFRes 91/06/03 - 91/09/18 (3 months 15 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 91/09/19 for 4 yrs. Svd: 03 Yrs 06 Mo 02 Das, of which AMS is 3 yrs 2 months 6 days (excludes 3 months 26 days lost time)

b. Grade Status: AB - 93/04/20 (SCMO#35, 93/08/31)  
AMN - 92/03/19

c. Time Lost: 92/12/02 - 93/03/28 (3 months 26 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.5 - 92 Dec 28

CHARGE I. Article 121. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Cannon AFB, NM, between on or about 15 May 92 and on or about 31 May 92, steal seven numbered checks and two unnumbered temporary checks, of a value less than \$100.00, the property of ----- . Plea: Guilty. Finding: Guilty.

CHARGE II. Article 123. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Cannon AFB, NM, on or about 26 May 92, with intent to defraud, falsely make in its entirety including the signature of ----- a certain check to wit: check numbered 115 of ----- Bank, payable to -----, for \$10.00, which said check would, if genuine, apparently operate to the legal harm of ----- . Plea: Guilty. Finding: Guilty.

Specification 2: Did, at or near Cannon AFB, NM, on or about 27

May 92, with intent to defraud, falsely make in its entirety including the signature of ----- a certain check to wit: check numbered 116 of ----- Bank, payable to -----, for \$15.00, which said check would, if genuine, apparently operate to the legal harm of ----- . Plea: Guilty. Finding: Guilty.

Specification 3: Did, at or near Cannon AFB, NM, on or about 27 May 92, with intent to defraud, falsely make in its entirety including the signature of ----- a certain check to wit: check numbered 117 of ----- Bank, payable to -----, for \$15.00, which said check would, if genuine, apparently operate to the legal harm of ----- . Plea: Guilty. Finding: Guilty.

Specification 4: Did, at or near Cannon AFB, NM, on or about 29 May 92, with intent to defraud, falsely make in its entirety including the signature of ----- a certain check to wit: check 118 of ----- Bank, payable to -----, for \$20.00, which said checks would, if genuine, apparently operate to the legal harm ----- . Plea: Guilty. Finding: Guilty.

Specification 5: Did, at or near Cannon AFB, NM, on or about 30 May 92, with intent to defraud, falsely make in its entirety including the signature of ----- a certain check to wit: check 119 of ----- Bank, payable to -----, for \$20.00, which said checks would, if genuine, apparently operate to the legal harm of ----- . Plea: Guilty. Finding: Guilty.

Specification 6: Did, at or near Cannon AFB, NM, on or about 23 May 92, with intent to defraud, falsely make in its entirety including the signature of ----- a certain check to wit: a temporary unnumbered check of ----- Bank, payable to -----, for \$20.00, which said check would, if genuine, apparently operate to the legal harm of ----- . Plea: Guilty. Finding: Guilty.

Specification 7: Did, at or near Cannon AFB, NM, on or about 25 May 92, with intent to defraud, falsely make in its entirety including the signature of ----- a certain check to wit: a temporary unnumbered check of ----- Bank, payable to -----, for \$15.00, which said check would, if genuine, apparently operate to the legal harm of ----- . Plea: Guilty. Finding: Guilty.

CHARGE III. Article 121. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Cannon AFB, NM, on or about 24 Sep 92, steal gasoline, of a value less than \$100.00, the property of the United States Air Force.

CHARGE IV. Article 134. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Cannon AFB, NM, between on or about 01 Mar 92 and on or about 30 April 92, take indecent liberties with a female under 16 years of age, not his wife, with

intent to arouse the sexual desires of the female and himself.  
Sentence adjudged on 2 Dec 92: Bad Conduct Discharge, confinement  
for 135 days, forfeiture of \$500.00 pay per month for five months,  
and reduction to the grade of E-1.

g. Record of SV: (Performance Reports missing from file).

(Discharged from Cannon AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (03) Yrs (05) Mos (25) Das  
TAMS: (03) Yrs (02) Mos (09) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/04/30.  
(Change Discharge to Honorable, Change the Reason and Authority for  
Discharge, and Change the RE Code)

Issue 1: My discharge was given to me on the fact I made a mistake at a  
young age.

Issue 2: I request a honorable discharge so that I can receive VA benefits.

Issue 3: I request a honorable discharge so that I may re-enlist & serve my  
country again.

Issue 4: I committed the offense trying to get home because of my break up  
with my fiance at the time.

Issue 5: I pray the Board grant me my plea for an honorable discharge.

**ATCH**  
none.

02/08/19/ia

REQUESTOR= - NPRC

NAME=

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 27TH FIGHTER WING (ACC)  
Cannon Air Force Base, New Mexico 88103-5000

Special Court-Martial Order  
No. 5

28 December 1992

[REDACTED] United States Air Force, 27th Equipment Maintenance Squadron, was arraigned at Cannon Air Force Base, New Mexico, on the following offenses at a court-martial convened by this headquarters.

CHARGE I. Article 121. Plea: G. Finding: G.

Specification: Did at or near Cannon Air Force Base, New Mexico, between on or about 15 May 1992 and on or about 31 May 92, steal seven numbered checks and two unnumbered temporary checks, of a value less than \$100.00, the property of [REDACTED]. Plea: G. Finding: G.

CHARGE II. Article 123. Plea: G. Finding: G.

Specification 1: Did at or near Cannon Air Force Base, New Mexico, on or about 26 May 1992, with intent to defraud, falsely make in its entirety including the signature of [REDACTED] a certain check to wit: check numbered 115 of First National Bank, payable to [REDACTED] for \$10.00, which said check would, if genuine, apparently operate to the legal harm of [REDACTED]. Plea: G. Finding: G.

Specification 2: Did at or near Cannon Air Force Base, New Mexico, on or about 27 May 1992, with intent to defraud, falsely make in its entirety including the signature of [REDACTED] a certain check to wit: check numbered 116 of First National Bank, payable to [REDACTED] for \$15.00, which said check would, if genuine, apparently operate to the legal harm of [REDACTED]. Plea: G. Finding: G.

Specification 3: Did at or near Cannon Air Force Base, New Mexico, on or about 27 May 1992, with intent to defraud, falsely make in its entirety including the signature of [REDACTED] a certain check to wit: check numbered 117 of First National Bank, payable to [REDACTED] for \$15.00, which said check would, if genuine, apparently operate to the legal harm of [REDACTED]. Plea: G. Finding: G.

FILE  
USAF MASTER PERSONNEL RCDS GP  
INITIALS [REDACTED] DATE 5/2/93  
HQ USAF (AF/JAJM)

SPCMO No. 5

Specification 4: Did at or near Cannon Air Force Base, New Mexico, on or about 29 May 1992, with intent to defraud, falsely make in its entirety including the signature of [REDACTED] a certain check to wit: check numbered 118 of First National Bank, payable to [REDACTED] for \$20.00, which said check would, if genuine, apparently operate to the legal harm of [REDACTED]. Plea: G. Finding: G.

Specification 5: Did at or near Cannon Air Force Base, New Mexico, on or about 30 May 1992, with intent to defraud, falsely make in its entirety including the signature of [REDACTED] a certain check to wit: check numbered 119 of First National Bank, payable to [REDACTED] for \$20.00, which said check would, if genuine, apparently operate to the legal harm of [REDACTED]. Plea: G. Finding: G.

Specification 6: Did at or near Cannon Air Force Base, New Mexico, on or about 23 May 1992, with intent to defraud, falsely make in its entirety including the signature of [REDACTED] a certain check to wit: a temporary unnumbered check of First National Bank, payable to [REDACTED], for \$20.00, which said check would, if genuine, apparently operate to the legal harm of [REDACTED]. Plea: G. Finding: G.

Specification 7: Did at or near Cannon Air Force Base, New Mexico, on or about 25 May 1992, with intent to defraud, falsely make in its entirety including the signature of [REDACTED] a certain check to wit: a temporary unnumbered check of First National Bank, payable to [REDACTED], for \$15.00, which said check would, if genuine, apparently operate to the legal harm of [REDACTED]. Plea: G. Finding: G.

CHARGE III. Article 121. Plea: G. Finding: G.

Specification: Did at or near Cannon Air Force Base, New Mexico, on or about 24 September 1992, steal gasoline, of a value less than \$100.00, the property of the United States Air Force.

CHARGE IV. Article 134. Plea: G. Finding: G.

Specification: Did at or near Cannon Air Force Base, New Mexico, between on or about 1 March 1992 and on or about 30 April 1992, take indecent liberties with a female under 16 years of age, not his wife, with intent to arouse the sexual desires of the female and himself.

#### SENTENCE

Sentence adjudged on 2 December 1992: Bad Conduct Discharge, confinement for 135 days, forfeiture of \$500.00 pay per month for five months, and reduction to the grade of E-1.