

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> [REDACTED]	<b>GRADE</b> SrA	<b>AFSN/SSAN</b> [REDACTED]
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<b>TYPE BCD</b>	<b>X PERSONAL APPEARANCE</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>				
<table border="1"><tr><td><b>YES</b></td><td><b>NO</b></td></tr><tr><td>X</td><td></td></tr></table>	<b>YES</b>	<b>NO</b>	X		[REDACTED]	<b>Veterans of Foreign Wars</b>
<b>YES</b>	<b>NO</b>					
X						

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

[REDACTED]		X			
[REDACTED]		X			
[REDACTED]		X			
[REDACTED]		X			
[REDACTED]					X

<b>ISSUES</b> A92.21, A91.05, A02.17	<b>INDEX NUMBER</b> A91.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
<b>HEARING DATE</b> 23 JAN 03	<b>CASE NUMBER</b> FD2002-0244	<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 RATIONAL 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.

<b>SIGNATURE OF RECORDER</b> [REDACTED]	<b>SIGNATURE OF BOARD PRESIDENT</b> [REDACTED]
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<b>INDORSEMENT</b>	<b>DATE: 28 JAN 03</b>
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<b>TO:</b> SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	<b>FROM:</b> 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
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## AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD2002-0244

**GENERAL:** The applicant appeals for clemency in the form of an upgrade of his discharge to General (under honorable conditions).

The applicant appeared and testified before the Discharge Review Board (DRB or Board), with counsel, at Andrews AFB, MD, on January 23, 2003.

The following additional exhibits were submitted at the hearing: Exhibit 5: Applicant's Issues; Exhibits 6-14: Character Letters; Exhibit 15: Notarized Statement from [REDACTED]; Exhibit 16: Disqualification Ltr from WA State Patrol; Exhibit 17: Mt Vernon WA Police Record Check, 21 Jan 03; Exhibit 18: AF Form 623a; Exhibit 19: AETC Form 156; Exhibit 20: Letter of Appreciation; Exhibit 21: Certificate of Participation; Exhibit 22: Letter of Congratulations; Exhibit 23: PRP Certification; Exhibit 24: EMS Annual Mountain Camping Trip; Exhibit 25: HG Calendar of Events; Exhibit 26: Volunteer Schedule; Exhibit 27: Letter of Appreciation; Exhibit 28: Honor Guard Member ID Card; Exhibit 29 Certificate of Appreciation; Exhibit 30: College Transcript; Exhibit 31: Medical Consultation Sheet; Exhibit 33: Letter of Restriction; Exhibit 34: Community College of the Air Force Transcript; Exhibit 35: Dantes Test Score; Exhibit 36: Medical Record Sheet

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

**FINDINGS:** The discharge is upgraded to General (under honorable conditions).

**ISSUE:** The applicant contends his discharge was inequitable because it was too harsh. The records indicated the applicant received a Bad Conduct Discharge (BCD) pursuant to his conviction for AWOL and Failure to Go. The applicant's defense counsel, after discussing the matter with the applicant and after the applicant discussed the matter on the record with the military judge, argued for a BCD in lieu of confinement. The applicant was sentenced to the BCD and reduction to the lowest enlisted grade. After a thorough and complete consideration of the information submitted by the applicant, the applicant's compelling personal testimony, and information contained in the record, the Board concluded that the BCD was simply too harsh a punishment for the offense of which the applicant had been convicted. While it is appropriate for the applicant to have the federal conviction, the Board did not think the crimes so serious as to justify a BCD. Therefore, clemency is appropriate.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the Uniform Code of Military Justice and the Manual for Courts-Martial, was within the discretion of the military judge and convening authority, and that the applicant was provided full procedural and substantive due process.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service, when compared to the crimes of which he was convicted, is more accurately reflected by a General discharge. The applicant's characterization should be changed to General (under honorable conditions).

Attachment:  
Examiner's Brief

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

FD2002-0244

[REDACTED] (Former AB) (HGH SRA) (REHEARING)  
[REDACTED]

1. MATTER UNDER REVIEW: Appl rec'd a BCD Dish fr USAF 00/11/09 UP Special Court Martial Order No.2 (Conviction by Court Martial) Appeals for General Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 01/09/12.

b. The AFDRB reviewed case on 01/11/21 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 02/06/12. (Change Discharge to General)

ISSUE 1: My conduct and efficiency ratings were all pretty good.

ISSUE 2: I received awards and decorations.

ISSUE 3: I was an active volunteer in my community.

ISSUE 4: My record of promotion shows that I was a good service member.

ISSUE 5: I was and have been a good citizen since discharge.

ISSUE 6: My court martial conviction record indicates only isolated offenses which are related to my case.

ISSUE 7: My ability to serve was impaired by my youth, immaturity, use of alcohol, marital, and medical problems.

Atch

1. Explanation of Issue No.1.
2. PRP Certification.
3. AF Form 77, Letter of Evaluation.
4. Two Enlisted Performance Reports.
5. Explanation of Issue No.2.
6. Two Letters of Appreciation.

7. HG Calendar of Events.
8. Honor Guard Calendar.
9. Honor Guard ID Card.
10. AF Good Conduct Medal.
11. Letter of Congratulations.
12. Explanation of Issue #3.
13. Camp Wehinahpay Trip.
14. Certificate of Appreciation.
15. Certificate of Participation.
16. Explanation of Issue #4.
17. AETC Form 156.
18. AF Form 623a.
19. PACAF Munitions Inspector Handbook.
20. Certificate of Training.
21. Explanation of Issue #5.
22. Certificate from Mt. Vernon Police Department.
23. Performance Award.
24. Employee Stock Ownership.
25. Letter of Reference.
26. Explanation of Issue #6.
27. Explanation of Issue #7.

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

(Former AB)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 00/11/09 UP Special Court Martial Order No.2. Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 78/06/11. Enlmt Age: 17 5/12. Disch Age: 22 4/12. Educ:HS DIPL. AFQT: N/A. A-83, E-53, G-66, M-52. PAFSC: 2W051 - Munitions Systems Journeyman. DAS: (EPR Indicates): 98/05/05-99/05/07.

b. Prior Sv: (1) AFRes 95/11/22 - 96/04/16 (4 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 90/04/17 for 4 yrs. Extended 97/08/07 for 9 months. Svd: 4 Yrs 5 Mo 21 Das, of which AMS is 4 yrs 5 months 21 days (excludes 32 days lost time).

b. Grade Status: AB - 00/10/27 (SPCMO #2, 00/10/27)  
SRA - 99/04/17  
A1C - (EPR Indicates): 98/05/05-99/05/07  
AMN - 97/08/17

c. Time Lost: 99/05/10-99/06/10 (32 days).

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

e. Additional: none.

f. CM: (1) Special Court Martial No.2 - 00 Oct 27  
CHARGE: Article 85. Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 10 May 99, without authority and with intent to remain away therefrom permanently, absent himself from his organization, to wit: 649<sup>th</sup> Munitions Squadron, located at Hill Air Force Base, Utah, and did remain so absent in desertion on or about 11 Jun 99. Plea: Guilty, except the words "and with intent to remain away therefrom permanently" and the words, "in desertion." Of the excepted words, Not Guilty, but Guilty of the offense of Absence without Leave in violation of Article 86. Finding: Guilty, except the words "and with intent to remain away therefrom permanently" and the words, "In desertion." Of the excepted words Not Guilty, but Guilty of the offense of Absence without Leave in violation of Article 86.

CHANGE: Article 86. Plea: Guilty. Findings: Guilty.

Specification: Did, on or about 4 May 99, without authority, fail to go at the time prescribed to his appointed place of duty, to wit: Building 405, Demand Reduction. Plea: Guilty. Finding: Guilty. Sentence adjudged on 8 July 99 by a military judge. Reduction to the grade of E-1 and a bad conduct discharge.

- g. Record of SV: 98/05/05 - 99/05/07 Hill AFB 5 (Annual)  
96/04/17 - 98/05/04 Kunsan AB 5 (Initial)

(Discharged from Hill AFB)

- h. Awards & Decs: AFLSAR, AFTR, AFOSSTR, AFGCM.

- i. Stmt of Sv: TMS: (4) Yrs (10) Mos (16) Das  
TAMS: (4) Yrs (5) Mos (21) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/07/09.  
(Change Discharge to General)

Issue 1: My conduct and efficiency ratings were all pretty good - see supporting documents.

Issue 2: I received awards and decorations.

Issue 3: I received letters or appreciation.

Issue 4: I was an active volunteer in my community.

Issue 5: My record of promotion shows that I was a good service member.

Issue 6: There were other acts of merit.

Issue 7: I was and have been a good citizen since discharge.

Issue 8: My court martial conviction record indicates only isolated offenses which are related to my case.

Issue 9: My ability to serve was impaired by my youth, immaturity, use of alcohol, marital and medical problems.

Issue 10: I had applied for a reserve re-assignment, but was denied and told to forget it.

Issue 11: Under current standards, I would not receive the type of discharge I got.

Issue 12: I was not given a chance to defend myself and was represented unfairly and inefficiently.

FD 2002-0244

FD2001-0289

**ATCH**

1. Fifty Seven attachments to application.

01/09/12/ia