





AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) 		GRADE AMN	AFSN/SSAN 			
TYPE	<input checked="" type="checkbox"/> PERSONAL APPEARANCE		RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	NO					
	<input checked="" type="checkbox"/>					
MEMBERS SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
			<input checked="" type="checkbox"/>			
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ISSUES A92.22		INDEX NUMBER A66.00		EXHIBITS SUBMITTED TO THE BOARD		
HEARING DATE 24 October 2003		CASE NUMBER FD2002-0291		1	ORDER APPOINTING THE BOARD	
				2	APPLICATION FOR REVIEW OF DISCHARGE	
				3	LETTER OF NOTIFICATION	
				4	BRIEF OF PERSONNEL FILE	
				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 American Red Cross, Albany NY Advise applicant of the decision of the Board.						
SIGNATURE OF RECORDER 			SIGNATURE OF BOARD PRESIDENT 			
INDORSEMENT				DATE: 24 OCT 03		
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 RD FLOOR ANDREWS AFB, MD 20762-7002			

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2002-0291

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

The applicant appeared and testified before the Discharge Review Board (DRB), without counsel, at the American Red Cross, Albany NY, on 24 October 2003. The following additional exhibits were submitted at the hearing:

Exhibit 6: Character Reference, 20 August 1991, [REDACTED]

Exhibit 7: Character Reference, 5 September 1991, [REDACTED]

Exhibit 8: Character Reference, 9 December 1991, [REDACTED]

Exhibit 9: Character Reference, 11 April 2003, [REDACTED]

Exhibit 10: Character Reference, Undated, [REDACTED]

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

FINDINGS: The Board grants the requested relief.

The Board finds that the evidence of record and that provided by the applicant provides a sufficient basis in clemency for a change of discharge.

ISSUE:

The DRB was pleased to see that the applicant was doing well, has two good jobs and is a supportive husband and father. The applicant has claimed that he has refrained from drug use and is now a good citizen.

The applicant did not receive an administrative discharge, thus his contention of inequity is not applicable. The applicant received a Bad Conduct Discharge, a punitive discharge, as part of his sentence resulting from a Special Court-Martial conviction. Under the provisions of Section 1553, 10 USC, the only basis for a change of a Bad Conduct discharge is clemency. The applicant presented evidence that the DRB opined did warrant granting clemency.

CONCLUSIONS:

The Discharge Review Board concluded that the applicant's punitive discharge by Special Court-Martial is not appropriate under the facts and circumstances of this case and there is sufficient basis, as an act of clemency, for change of discharge. The applicant's discharge is more appropriately characterized as general.

Attachment:

Examiner's Brief

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

MISSING DOCUMENTS

[REDACTED]
 [REDACTED]
 (Former AMN) (HGH SSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 90/02/09 UP AFR 39-10, para 5-49 (Commission of a Serious Offense - Drug Abuse). Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 61/07/21. Enlmt Age: 18 11/12. Disch Age: 26 6/12. Educ: HS DIPL . AFQT: N/A. A-40, E-65, G-65, M-75. PAFSC: 45254 - Aircraft Maintenance Specialist. DAS: Unknown.

b. Prior Sv: (1) AFRes 80/07/18 - 80/09/09 (1 Mo 22 Days) (Inactive).

(2) Enld as AB 80/09/10 for 4 yrs. Ext: 83/01/25 for 18 months. Svd: 5 Yrs 5 Mos 26 Das, all AMS. AMN 81/03/10. A1C - 81/09/10. SRA 83/12/01. APRs: 9,9,9,9,8,9,9.

Art 15's: (1) 84/01/04, King Salmon Airport, Alaska - Article 134. You did, on or about 25 Dec 83, wrongfully use marijuana a schedule 1 controlled substance. Reduction to the grade of A1C, and forfeiture of \$200.00 for one month. (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenld as SRA 86/03/06 for 6 yrs. Svd: 3 Yrs 11 Mos 4 Das, or which AMS is 3 Yrs 10 Mos 4 Das (Ex: 1 Mo 0 Das lost time).

b. Grade Status: AMN - 90/01/11 (SPCM Order No. 3, 90/01/11)
 SSGT - 88/06/01
 SGF - 87/03/01
 SRA - 86/01/09
 A1C - 84/01/09 (Article 15, 84/01/09)

c. Time Lost: 11 Jan 90 - 9 Feb 90 (30 Days)

Art 15's: (1)

e. Additional: Unknown.

f. CM: Special Court Martial No. 9 - 1990 February 9

CHARGE: Article 112A. Plea: Guilty. Finding: Guilty.
 Specification: Did, at or near Clark Air Base, Philippines, on or about 15 Feb 89, wrongfully use marijuana. Sentence adjudged

on 11 Jan 90: Bad Conduct discharge, reduction to airman,

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forfeiture of \$400.00 pay per month for 3 months, and confinement for 3 months.

g. Record of SV: 86/02/01 - 86/07/11 Clark AB 9 (CRO)
86/07/12 - 87/07/11 Clark AB 9 (Annual)
87/07/12 - 88/07/11 Clark AB 9 (Annual)
88/07/12 - 89/01/30 Clark AB 9 (CRO)

(Discharged from Myrtle Beach AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (9) Yrs (5) Mos (22) Das
TAMS: (9) Yrs (4) Mos (0) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 02/07/05.
(Change Discharge to General)

Issue: I request a hearing before the AFBCMR to upgrade my BCD to GENERAL UNDER Honorable conditions because of the severe punishment for such a minor offense.

ATCH
None.

02/10/9/cr