

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)		GRADE	AFSN/SSAN				
		AMN					
TYPE BCD	PERSONAL APPEARANCE		X RECORD REVIEW				
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL			
YES	NO						
	X						
MEMBERS SITTING			VOTE OF THE BOARD				
			HON	GEN	UOTIC	OTHER	DENY
							X
							X
				X			
							X
							X
ISSUES A91.05		INDEX NUMBER A91.00		EXHIBITS SUBMITTED TO THE BOARD			
HEARING DATE 03-04-15		CASE NUMBER FD2002-0407		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		
					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 RECORDER			SIGNATURE OF BOARD PRESIDENT				
INDORSEMENT			DATE: 03-04-15				
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

FD2002-0407

GENERAL: The applicant appeals for upgrade of discharge to general (under honorable conditions).

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 evidence of record nor that provided by the applicant provides a 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.

If the applicant can provide documented information regarding matters of clemency, he should consider exercising his right to a personal appearance hearing. Should he choose to exercise that right, he should be prepared to provide the Board with evidence of any exemplary post-service accomplishments and contributions to the community.

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 AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 26 Apr 96 UP Special Court Martial Order No. 2 (Conviction by Court Martial). Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 30 Jan 67. Enlmt Age: 21 7/12. Disch Age: 29 2/12. Educ: HS DIPL. AFQT: N/A. A-76, E-49, G-48, M-39. PAFSC: 2S051 - Materiel Storage & Distribution Journeyman. DAS: 5 Dec 88.

b. Prior Sv: (1) AFRes 13 Sep 88 - 3 Oct 88 (21 Days) (Inactive).

(2) Enld as AB 4 Oct 88 for 4 yrs. Svd: 3 Yrs 0 Mos 18 Das, all AMS. AMN - 4 Apr 89. A1C - 4 Feb 90. SrA - 4 Oct 91. EPRS: 5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SrA 23 Oct 91 for 6 yrs. Svd: 4 Yrs 6 Mos 3 Das, all AMS.

b. Grade Status: AMN - 14 Feb 96 (SPCM Order No. 7, 16 Feb 96)

c. Time Lost: None.

d. Art 15's: None.

e. Additional: Unknown.

e. CM: Special Court Martial Order No 2, 12 November 1994.

CHARGE 1: Article 92. Plea: Guilty. Finding: Guilty.

Specification: Did, within the continental United States, on divers occasions between on or about 25 Mar 94 to on or about 18 Jun 94, fail to obey a lawful order by wrongfully using his ----- Government Card for other than official travel-related expenses away from his official duty station.

CHARGE II: Article 107. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Barksdale Air Force, Louisiana on or about 11 Jul 94, with intent to deceive, make an official statement, to wit: that his -----Government Card had been stolen and that he had never received it, which statement, was totally false, and then known to be so false. Sentence Adjudged on 12 Oct 94: Bad conduct discharge, reduction to the grade of

airman, and confinement for 45 days.

g. Record of SV: 14 Jun 91 - 13 Jun 92 Barksdale AFB 4 (Annual)
14 Jun 92 - 13 Jun 93 Barksdale AFB 4 (Annual)
14 Jun 93 - 31 May 94 Barksdale AFB 4 (CRO)

(Discharged from Barksdale AFB)

h. Awards & Decs: AFAM, AFLSA, AFTR, AFGCM W/OLC, NDSM, AFOUA W/VALOR
W/2OLC, NCOPMER.

i. Stmt of Sv: TMS: (7) Yrs (7) Mos (14) Das
TAMS: (7) Yrs (6) Mos (23) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 26 Aug 02.
(Change Discharge to General)

ISSUES ATTACHED TO BRIEF

ATCH

1. Applicant's Issues.
2. DD Form 149.

20Dec02/cr

CORRECTED COPY DESTROY ALL OTHERS

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D BOMB WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA 71110-2270

Special Court-Martial Order
No. 2

12 November 1994

SENIOR AIRMAN [REDACTED], United States Air Force, 2d Supply Squadron, was arraigned at Barksdale Air Force Base, Louisiana on the following offenses at a court-martial convened by this headquarters.

CHARGE I: ARTICLE 92. Plea: G. Finding: G.

Specification: Did, within the continental United States, on divers occasions between on or about 25 March 1994 to on or about 18 June 1994, fail to obey a lawful order by wrongfully using his American Express Government Card for other than official travel-related expenses away from his official duty station. Plea: G. Finding: G.

CHARGE II: ARTICLE 107. Plea: G. Finding: G.

Specification: Did, at or near Barksdale Air Force Base, Louisiana on or about 11 July 1994, with intent to deceive, make an official statement, to wit: that his American Express Government Card had been stolen and that he had never received it, which statement, was totally false, and then known to be so false. Plea: G. Finding: G.

SENTENCE

Sentence Adjudged on 12 October 1994: Bad conduct discharge; reduction to the grade of airman; confinement for 45 days.

ACTION

In the case of SENIOR AIRMAN [REDACTED], United States Air Force, 2d Supply Squadron, the sentence is approved and, except for the part of the sentence extending to bad conduct discharge, will be executed. The Air Force Base Corrections System is designated for the purpose of confinement, and the confinement will be served therein or elsewhere as the Director, Air Force Corrections, HQ AFSPA/SPC, may direct.

/s/ [REDACTED]
[REDACTED] USAF
Commander

FOR THE COMMANDER
[REDACTED]

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- 4 - 2 MSS/MSMPP/MSMPR/MSMUE/MSMEC, 345 Davis Ave W, Ste 200, Barksdale AFB LA 71110-2073
- 1 - 8 AF/CC, 245 Davis Ave E, Rm 200, Barksdale AFB LA 71110-2279
- 6 - 8 AF/JA, 66 Kenney Ave, Ste 201, Barksdale AFB LA 71110-2290
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- 2 - 11 SPTW/JAJR, 20 MacDill Blvd, Ste 207, Bolling AFB DC 20332-5100
- 1 - 497 IG/INSB, 211 Brookley Avenue, Ste 200, Bolling AFB DC 20332-5108

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS EIGHTH AIR FORCE (ACC)
BARKSDALE AIR FORCE BASE LOUISIANA 71110-2279

Special Court-Martial Order
No. 7

16 February 1996

In the special court-martial case of SENIOR AIRMAN [REDACTED], United States Air Force, 2d Supply Squadron, the sentence to bad-conduct discharge, confinement for 45 days, and reduction to airman as promulgated in Special Court-Martial Order No. 2, Headquarters 2d Bomb Wing, dated 12 November 1994, has been finally affirmed. Article 71(c) having been complied with, the bad-conduct discharge will be executed. The sentence was adjudged on 12 October 1994 (ACMS 28994).

[REDACTED]
Lieutenant General, USAF
Commander

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