

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE [REDACTED]	AFSN/SSAN [REDACTED]			
TYPE	PERSONAL APPEARANCE	X RECORD REVIEW				
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING		VOTE OF THE BOARD				
		HON	GEN	UOTHC	OTHER	DENY
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
[REDACTED]					X	
ISSUES A92.15, A93.09 A93.01 A92.37		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 16 Sep 2003		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE				
		TAPING RECORDING OF PERSONAL APPEARANCE				
INDEX NUMBER A67.30		CASE NUMBER FD-2003-00191				
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE						
<p>Case heard at Washington, D.C.</p> <p>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</p>						
SIGNATURE OF RECORDING OFFICER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]			
INDORSEMENT				DATE: 9/17/2003		
TO: SAF/MRBR 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

CASE NUMBER

FD2003-00191

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 nor that provided by the applicant substantiates an impropriety or inequity that would justify an upgrade of the discharge to honorable.

Issues. Applicant was discharged for misconduct, commission of a serious offense. Member, who was a Security Forces specialist, was convicted at Summary Court Martial for helping two other Security Forces members make false Armed Forces ID cards, one of whom was subsequently arrested when he used the card at a civilian establishment. In a Stipulation of Fact, member admitted his involvement in the crimes. Although not given a punitive discharge, member's commander determined administrative separation was appropriate; it was noted that of the three perpetrators, member was the senior ranking. Additionally, he provided the supplies, equipment, and facility with which to later make the ID cards, and was the "necessary link" to the making of the false cards. Member's commander felt he was most culpable of the three as his involvement was greater than the other two airmen. During the consideration of clemency matters at the time of sentencing, member requested reduced confinement time; he was granted a reduction of 5 days. The Discharge Review Board concluded member's misconduct was an extremely significant departure from conduct expected of all military members, and not compatible with Air Force standards. In fact, for Security Forces (SF) personnel, crimes of this nature are among the worst offenses an SF member can commit. The record review indicated that member was deeply implicated in the offenses. The Board could find nothing in the record, no inequity or impropriety, on which to suggest a basis to upgrade the discharge.

Applicant further contended he made some errors in judgment due to the emotional strain of his best friend's death. While it is understandable that a member experiencing personal problems has additional stress, the applicant's problems were not unique and there is no evidence he sought help from available agencies such as the Chaplain or Family Support Center. The Board did not find this issue of sufficient mitigation to warrant an upgrade.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

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

(Former AMN) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 22 APR 02 UP AFI 36-3208, para 5.52 (Misconduct - Commission of a Serious Offense). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 May 79. Enlmt Age: 18 2/12. Disch Age: 22 11/12. Educ: HS DIPL. AFQT: N/A. A-57, E-74, G-57, M-82. PAFSC: 3P051 - Security Forces Apprentice. DAS: 8 Nov 98.

b. Prior Sv: (1) AFRes 11 Jul 97 - 23 Jun 98 (11 months 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Jun 98 for 4 yrs. Svd: 3 Yrs 9 Mo 29 Das, of which AMS is 3 yrs 9 months 18 days (excludes 12 days lost time).

b. Grade Status: AMN - 21 Mar 02 (SCM, 21 Mar 02)
SRA - 6 Jul 01
A1C - 24 Oct 99
AMN - 24 Dec 98

c. Time Lost: 12 days.

d. Art 15's: None.

e. Additional: Unknown.

f. CM: Summary Court Martial - 21 March 02

CHARGE: Article 134. Plea: Not Guilty. Finding: Guilty.

Specification: Did, at or near Whiteman AFB, Missouri, between on or about 1 Aug 01 to on or about 5 Dec 01, wrongfully and falsely make certain instruments purporting to be another's identification card in words and figures as follows: The Department of Defense Form 2 of [REDACTED] and [REDACTED]. Sentence adjudged on 15 March 02: Reduction to Airman, and 15 days confinement.

g. Record of SV: 24 Jun 98 - 23 Feb 00 Whiteman AFB 4 (Initial)
24 Feb 00 - 23 Feb 01 Whiteman AFB 4 (Annual)
24 Feb 01 - 23 Feb 02 Whiteman AFB 3 (Annual)

(Discharged from Whiteman AFB)

h. Awards & Decs: AFAM, AFTR, AFEM, AFOUA.

i. Stmt of Sv: TMS: (4) Yrs (9) Mos (0) Das
TAMS: (3) Yrs (9) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 3 Apr 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

30JUN03/ia

MEMORANDUM FOR SAF/MIBR

FROM: ██████████

SUBJECT: HONORABLE DISCHARGE REQUEST

1. In May of last year I lost my best friend, ██████████ to an airplane crash. A few days before he died, he called me and asked me if I could come down and be there when he took his last flight before he would get his pilot's license. I told him I couldn't because I had some things that I needed to do. This was the last time I ever talked to him. After his death I started to change. I acted in ways I never had before. Whenever one of my friends asked me for something or to do something I never turned them down. I guess I felt obligated so I would not lose any more friends. In doing this, I lost more than I ever dreamed possible: my Air Force career, almost my wife and possibly my future.
2. I went to great effort to do things for my friends that I would not have done under normal circumstances. I loaned out extensive amounts of money to my friends, spending more money in the last nine months than I had in the previous three years. I never went out to the bars and clubs before ██████████ death. I began going out all the time after his death. While I was a friend with ██████████ I put my marriage in jeopardy because I would go out with him instead of staying home with my wife. I pushed away the people who really cared about me and loved me. On two occasions, I even tried to help my friends get into clubs by trying to alter their military IDs.
3. One night I had a small party at my house and that is when I was asked if an ID could be made. I had never done that before, but thought a portion of an ID could be made on the computer. While I was at work, ██████████ was talking to me about problems he had been having with his girlfriend, including not being able to get into clubs to be with her. At that time he asked me to try to make a false ID for him. We both thought about it all night on how it could be done. I never thought about how illegal this was, I just thought about how I was helping my friend. I knew a portion of the ID could be done on the computer and it was up to him to figure out the rest. We tried it while he was at my house but the ID was not turning out, so we did not pursue it anymore.
4. When ██████████ asked me if making a false ID could be done I knew that ██████████ had told him that I made one for ██████████. So I told him it could be done but that ██████████ did not turn out good enough to use to get in clubs. A couple of days later ██████████ was told by the First Sergeant to hang out with me during the time of ██████████ court martial, since we were both potential prosecution witnesses. During this time is when ██████████ asked me to try to make an ID for him. He was so persistent that he even went and got a new ID and we used it. I understand that Vick was arrested because of my failure to tell him "no". However, he had the opportunity to give the ID to OSI while they searched his room earlier that day. I was willing to help OSI with any questions that they had including telling them which club ██████████ was going to that night.

5. **I came in the Air Force because I wanted to make my parents proud and to help me fulfill my dreams of becoming a highway patrolman. I joined the Air Force just out of high school just to be a member of the Security Forces. Security Forces was the only career field I wanted to help me get experience. I enlisted through the Delayed Enlistment Program that guaranteed my job as a Security Forces Member. At first they did not have any slots open so I had to wait for one to open so I could get the one job I wanted.**
6. **I did not know what to expect from the Air Force. It was all a new experience for me. During Basic Training I made every attempt to learn everything that I could about my new career. I made it through Basic with out being recycled. Technical school was a great experience for me at Lackland AFB. I enjoyed learning the skills I would need to be a member of Security Forces.**
7. **Throughout my Air Force career I have obtained several certifications and attended some training courses. I attended Silver Flag Alpha in February 2000. I am a certified trainer. I also assisted my supervisor with mobility records.**
8. **Whiteman AFB was my first assignment. I asked just about all the tech school instructors if they knew anything about Whiteman AFB and the only thing they would tell me was it was a good first assignment, which made me nervous.**
9. **While assigned to Whiteman AFB, I have been an asset to the Security Forces Squadron. I was deployed to Saudi Arabia twice, once in April of 1999 and the other time in October of 2000 after the USS Cole was attacked. I also have accumulated some awards and letters of appreciation. I earned three outstanding unit awards, two Air Expeditionary Medals, and one Air Force Achievement Medal. My letters of appreciation are attached. My duty performance has been well above Air Force Standards. I have received a four rating on two EPRs and my QC scores are well above average. My annual ARF scores include a 93% in February of 2001 and a 92% in November of 2002. In August 2002, my close-in-security area initial testing was a 97%.**

10. Retention in the U.S. Air Force would have been ideally what I would have wanted. However I realize I have thrown my career and reenlistment away. I feel that my behavior was inappropriate from August until December, and was inconsistent with my behavior prior to [REDACTED] death. I have served my punishment and have learned from it. I have served 96 percent of my enlistment term, all of it honorable except for my mistake with the IDs. I'm asking you today to consider an honorable discharge from the greatest military in the world.

11. Presently I would like to inform you that I am currently enrolled in Devry University as a Telecommunications major. I also hold a Kansas City Private Officers Commission through the Kansas City Police Dept. I am currently employed full time and attend school full time. I struggle with financial difficulty but I am surviving.

Respectfully Submitted,

[REDACTED]

original
WHI 02-02

VOLUME 1 OF 1

SUMMARY

RECORD OF TRIAL¹

(and accompanying papers)
of

_____ <i>(Name: Last, First, Middle Initial)</i>	_____ <i>(Social Security Number)</i>	_____ <i>(Rank)</i>
509th Security Forces Sq, Air Combat Cmd <i>(Unit/Command Name)</i>	United States Air Force <i>(Branch of Service)</i>	Whiteman AFB MO <i>(Station or Ship)</i>

By

SUMMARY

COURT-MARTIAL

Convened by _____ **COMMANDER**
(Title of Convening Authority)

Headquarters 509th Bomb Wing, Air Combat Command
(Unit/Command of Convening Authority)

Tried at

WHITEMAN AFB, MISSOURI on 15 MARCH 2002
(Place or Places of Trial) (Date or Dates of Trial)

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

ART 64a, UCMJ Reviews
The Court has jurisdiction over the accused and each offense with an approved finding of guilty. Each specification with an approved finding of guilty stated an offense. Findings and sentence are correct in law and fact.

[Signature]
JUDGE ADVOCATE

1 Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy (by verbal reports of trial only).)
2 See inside back cover for instructions as to preparation and arrangement.

DD FORM 490, MAY 2000

PREVIOUS EDITION IS OBSOLETE.

Front Cover

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I read
classified
copy
of this
word
document

NAME

NOTICE
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RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

1a. NAME OF ACCUSED (Last, First, MI)	b. GRADE OR RANK	c. UNIT OR ORGANIZATION OF ACCUSED	d. SSN
		509TH SECURITY FORCES SQUADRON (ACC) WHITEMAN AFB, MO 65305	
2a. NAME OF CONVENING AUTHORITY (Last, First, MI)	b. RANK	c. POSITION	d. ORGANIZATION OF CONVENING AUTHORITY
		COMMANDER	309TH BOMB WING WHITEMAN AFB, MO 65305
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM with accuser, "SCM")	b. RANK	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL	
		509TH BW/JA WHITEMAN AFB, MO 65305	

(Check appropriate answer)

	YES	NO
4. At a preliminary proceeding held on <u>15 March 2002</u> XXXXXX the summary court-martial gave the accused a copy of the charge sheet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. At that preliminary proceeding the summary court-martial informed the accused of the following:		
a. The fact that the charge(s) had been referred to a summary court-martial for trial and the date of referral.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The identity of the convening authority.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The name(s) of the accuser(s).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The general nature of the charge(s).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The accused's right to object to trial by summary court-martial.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The accused's right to inspect the allied papers and immediately available personnel records.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
n. The accused's right to plead guilty or not guilty.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. At the trial proceeding held on 15 March 2002 ~~XXXXXXXX~~ the accused, after being given a reasonable time to decide, did did not object to trial by summary court-martial.
(Note: The SCM may ask the accused to initial this entry at the time the election is made.)

7a. The accused was was not represented by counsel. (If the accused was represented by counsel, complete b, c, and d below.)

b. NAME OF COUNSEL (Last, First, MI)	c. RANK (if any)

CERTIFIED AND SWORN UNDER ARTICLES 27B AND 42.

NAME OF
2003
Com
217
Reg
b. NAME
NO. 03
c. SIGN
22
23
b. NAME
MARTIN
c. SIGN
DD Fo

8. The accused was arraigned on the attached charge(s) and specification(s). The accused's pleas and findings reached are shown below:

CHARGES AND SPECIFICATIONS	PLEAS	FINDINGS (Exclude any exceptions and substrategies)
<p>Charge: Article 134</p> <p>Specification: Did, at or near Whiteman Air Force Base, Missouri, between on or about 1 August 2001 to on or about 5 December 2001, wrongfully and falsely make certain instruments purporting to be another's identification card in words and figures as follows: the Department of Defense Form 2 of Airman First Class Jody Davis and Airman First Class Richard Vick.</p>	<p>NG</p> <p>NG</p>	<p>G</p> <p>G</p> <div data-bbox="649 535 1218 955" style="border: 1px solid black; padding: 5px;"> <p>DEPARTMENT OF THE AIR FORCE HEADQUARTERS EIGHTH AIR FORCE (AACC) BARKSDALE AIR FORCE BASE LOUISIANA 71110</p> <p>ART 641 UCMJ Review: The Court has jurisdiction over the accused and each offense with an approved finding of guilty. Each specification with an approved finding of guilty stated an offense. Findings and sentence are correct in law and fact.</p> <p><i>J. Apr 02</i></p> <p>JUDGE ADVOCATE</p> </div>

9. The following sentence was adjudged:
Confinement for 20 days and reduction to the grade of airman

10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)
 YES NO

11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.
 YES NO

12. AUTHENTICATION

Signature of Summary Court-Member
15 Mar 02
Date

13. ACTION BY CONVENING AUTHORITY
Only so much of the sentence as provides for reduction to the grade of airman and confinement for 15 days is approved and will be executed.

Typed Name of Convening Authority
BRIGADIER GENERAL

Position of Convening Authority
COMMANDER

Signature of Convening Authority
21 March 2002
Date

DD Form 2329 Reverse, AUG 84

AN AG

1. Findings confirmed by the UCMJ classification under the receipt of Government
2. Findings including approved
3. Findings caused by change in status of Department of Defense confirmed by above information
4. Findings position Department of Defense Section the FBI United States
5. Findings result in
6. Findings to, approved
7. Findings the FBI ruling response conduct the information Code
8. Unit conduct all time
9. Findings provide
10. Findings create 10. Unit military Regal (provide common Subvers create

Original
WHT 02-04