

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]		GRADE AB	AFSN/SSAN [REDACTED]		
TYPE	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	UOTHC
					X
					X
					X
					X
					X
ISSUES A94.05		INDEX NUMBER A74.00		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
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING
HEARING DATE 30 JUL 03		CASE NUMBER FD2003-0219			
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, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.					
SIGNATURE OF RECORDER [REDACTED]			SIGNATURE OF BOARD PRESIDENT [REDACTED]		
INDORSEMENT				DATE: 30 JUL 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

FD03-0219

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains the 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.

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 change of a Bad Conduct discharge is clemency. The applicant presented evidence, which the DRB opined, did not warrant granting clemency.

CONCLUSIONS: The Discharge Review Board concluded that the applicant's punitive discharge by Special Court-Martial is 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 AB) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 28 Nov 01. UP SPCMO No.5 (Conviction by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 22 Jun 79. Enlmt Age: 19 3/12. Disch Age: 22 5/12. Educ: HS DIPL. AFQT: N/A. A-79, E-70, G-70, M-67. PAFSC: 3P031 - Security Forces Apprentice. DAS: 30 Jun 99.

b. Prior Sv: (1) AFRes 20 Oct 98 - 12 Jan 99 (2 months 24 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Jan 99 for 6 yrs. Svd: 2 Yrs 10 Mo 15 Das, of which AMS is 2 yrs 7 months 7 days (excludes 3 months 9 days lost time).

b. Grade Status: AB - 3 Jan 01 (SPCMO No.5, 22 Feb 01)
A1C - 26 Feb 99

c. Time Lost: 3 Jan 01 thru 12 Apr 01 (3 months 9 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial No.5 - 22 Feb 01

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Did, within the continental United States, between on or about 28 Aug 00 and on or about 28 Sep 00, wrongfully use cocaine. Sentence adjudged on 3 Jan 01: Reduction to Airman Basic, confinement for four (4) months, and a bad conduct discharge.

g. Record of SV: 13 Jan 99 - 15 Aug 00 F.E. Warren AFB 5 (HAF Dir)

(Discharged from F.E. Warren AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (2) Yrs (10) Mos (0) Das
TAMS: (2) Yrs (7) Mos (7) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 30 Apr 03.
(Change Discharge to Honorable)

Issue 1: My discharge was based on one incident. I feel that all of my positive influences in the military were over looked.

I was a great airman and served above and beyond many others. I was wanting the military to be my career and am still trying to pursue that dream. My discharge and reenlistment code are the only things stopping me. Thank you for your time and consideration.

ATCH

1. EMT Basic License.
2. Armed Forces Expeditionary Medal.
3. Certificat of Appreciation.
4. Two Certificates of Completion.

11JUN03/ia