

|   |  |       |            |
|---|--|-------|------------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) |  | GRADE | AFSN/SSAN  |
| [REDACTED]  |  | AIC   | [REDACTED] |

|  |                     |                                     |               |                                     |     |    |  |   |  |  |
|--|---------------------|-------------------------------------|---------------|-------------------------------------|-----|----|--|---|--|--|
| TYPE BCD   | PERSONAL APPEARANCE | X                                   | RECORD REVIEW |                                     |     |    |  |   |  |  |
| <table border="1"> <tr> <td colspan="2">COUNSEL</td> <td rowspan="3">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td>YES</td> <td>No</td> </tr> <tr> <td></td> <td>X</td> </tr> </table> |                     | COUNSEL                             |               | NAME OF COUNSEL AND OR ORGANIZATION | YES | No |  | X | ADDRESS AND OR ORGANIZATION OF COUNSEL |  |
| COUNSEL  |                     | NAME OF COUNSEL AND OR ORGANIZATION |               |                                     |     |    |  |   |  |  |
| 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<br>A93.17<br>A93.19<br>A92.01<br>A93.15<br>A94.05<br>A93.09 | INDEX NUMBER<br>A68.00 | 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 DATE<br>16 Dec 2003 | CASE NUMBER<br>FD-2003-00253 |
|-----------------------------|------------------------------|

APPLICANT, APPLICANT'S SUPERIOR, OR APPLICANT'S COMMANDING OFFICER SHALL DISCUSS WITH THE APPLICANT THE ATTACHED DECISION AND THE BOARD'S DECISION.

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 [REDACTED] | SIGNATURE OF BOARD PRESIDENT [REDACTED] |
|-------------------------|---|

|   |  |
|---|--|
| TO:<br>SAF/MRBR<br>550 C STREET WEST, SUITE 40<br>RANDOLPH AFB, TX 78150-4742 | FROM:<br>SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL<br>AIR FORCE DISCHARGE REVIEW BOARD<br>1535 COMMAND DR, EE WING, 3RD FLOOR<br>ANDREWS AFB, MD 20762-7002 |
|---|--|

**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 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 insufficient evidence to warrant clemency and none was evident in the record.

If he can provide additional documented information to substantiate justification for clemency, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise this right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of any exemplary post-service accomplishments as well as any 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

MISSING DOCUMENTS AND MEDICAL RECORDS

[REDACTED]  
[REDACTED]  
(Former A1C) (HGH TSgt)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 17 Sep 96 UP Special Court Martial Order No. 3 (Conviction by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 21 Apr 57. Enlmt Age: 17 8/12. Disch Age: 39 4/12. Educ:HS DIPL. AFQT: N/A. A-25, E-30, G-55, M-70. PAFSC: 2T151 - Vehicle Operations Journeyman. DAS: Unknown.

b. Prior Sv: (1) AFRes 14 Jan 75 - 12 Feb 75 (29 Days) (Inactive).

(2) Enld as AB 13 Feb 75 for 4 yrs. Ext: 4 Aug 78 for 22 months. Reenld as SSgt 24 Aug 79 for 4 yrs. Reenld as SSgt 9 Feb 83 for 6 yrs. Svd: 12 Yrs 4 Mos 19 Das. AMN - Unknown. A1C - 13 Feb 76. SrA - 1 Nov 77. Sgt - 1 Nov 78. SSgt 1 Feb 81. TSgt - Unknown. EPRs: Unknown.

ART 15: (1) 20 Sep 83, March AFB, CA - Article 91. Preliminary investigation has disclosed that you, on or about 12 Sep 83, were disrespectful in language towards TSgt [REDACTED] your superior NCO, who was then in the execution of Air Force Security Police duties, by saying to him, "quit fucking with me and just leave me alone" or words to that effect. Article 134. Further investigation has disclosed that you, on or about 12 Sep 83, were disorderly in station. Article 92. Further investigation has disclosed that you, having knowledge of a lawful order issued by Sgt [REDACTED] a person then having and in the execution of Air Force Security Police duties, to halt, an order which it was your duty to obey, on or about 12 Sep 83, fail to obey the same. Forfeiture of \$100.00.

3. **SERVICE UNDER REVIEW:**

a. Reenld as TSgt 2 Jul 87 for 6 yrs. Ext: 28 Apr 93 for 20 months. Svd: 9 Yrs 2 Mo 16 Das, of which AMS is 9 Yrs 2 Mos 12 Das (Ex: 4 Das lost time).

b. Grade Status: A1C - 22 Dec 93 (SPCMO No. 3, 6 Sep 96)

c. Time Lost: 30 Jan 92 - 2 Feb 92 (4 days)

d. Art 15's: (1) 7 Jun 93, Robins AFB, GA - Article 86. You did, on divers occasions, between on or about 17 May 93 and on or about 19 May 93, without authority, fail to go at the time prescribed, to your appointed place of duty. Suspended reduction to SSgt, forfeiture of \$150.00 pay per month for two months, and 45 days extra duty. (No appeal) (No mitigation)

(2) 13 Feb 92, Robins AFB, GA - Article 86. You did, on or about 30 Jan 92, without authority, absent yourself from your unit, and did remain so absent until 2 Feb 92. Suspended reduction to SSgt, and 45 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: Special Court Martial Order No. 2, 22 December 1993.

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

Specification: Did, at or near Robins Air Force Base, Georgia, on divers occasions between on or about 1 May 1993 and on or about 18 Aug 93, wrongfully use cocaine. Sentence adjudged on 8 Oct 93: Reduction to the grade of AlC, forfeiture of \$721.00 pay per month for 1 month, 6 months confinement, and a bad conduct discharge.

g. Record of SV: Unknown.

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, AFOLTR W/1DEV, NDSM, AFLSA W/4DEV, NCOPMER W/1DEV, SAEMR, AFOUA W/3DEV, AFGCM W/6DEV

i. Stmt of Sv: TMS: (21) Yrs (8) Mos (0) Das  
TAMS: (21) Yrs (7) Mos (1) Das

**4. BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 19 May 03.  
(Change Discharge to Honorable)

Issue 1: Personal problems impaired my ability to serve. (addressed in my statement attached)

Issue 2: My average conduct and efficiency ratings/behavior and proficiency marks were very good.

Issue 3: I faced racial discrimination and that impaired by ability to serve.

Issue 4: My use of drugs impaired my ability to serve.

Issue 5: My use of alcohol impaired my ability to serve.

Issue 6: The punishment I got at discharge was too harsh--it was much worse than most people got for the same offense.

Issue 7: Certain other problems impaired my ability to serve.

**ATCH**

1. Applicant's Statement.

11 Aug 03/cr

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS WARNER ROBINS AIR LOGISTICS CENTER (AFMC)  
ROBINS AIR FORCE BASE, GEORGIA 31098-1662

Special Court-Martial Order  
No. 3

6 September 1996

In the special court-martial case of TECHNICAL SERGEANT [REDACTED]  
[REDACTED] United States Air Force, 5th Combat Communications Support Squadron, the sentence to  
bad conduct discharge, confinement for six months, forfeiture of \$721.00 pay per month for one  
month, and reduction to the grade of E-3, as promulgated in Special Court-Martial Order No. 2,  
dated 22 December 1993, has been finally affirmed. Article 71(c) having been complied with, the  
bad conduct discharge will be executed. The sentence was adjudged on 8 October 1993. (ACM  
S28880)



Major General, USAF  
Commander

DISTRIBUTION

- 1 AIC [REDACTED] (ACC), [REDACTED]
- 1 COL [REDACTED] (MJ), AFDTC/JA, 501 W. Van Matre Ave Ste 1, Eglin AFB  
FL 32542-5487

DEPARTMENT OF THE AIR FORCE  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
The sentence as approved in this case has become  
final. This order accordingly reflects the final action  
taken pursuant to appellate review.

FOR THE JUDGE ADVOCATE GENERAL



SPCMO No. 3

- 1 WR-ALC/CC, Robins AFB GA 31098-1662  
1 78 ABW/CC, Robins AFB GA 31098-1662  
1 5 CCSS/CC, Robins AFB GA 31098-5000  
1 5 CCSS/CCQ, Robins AFB GA 31098-5000  
1 78 SPS/CC, Robins AFB GA 31098-1808  
1 78 SPS/SPAI, Robins AFB GA 31098-1808  
1 78 SPS/SPOLT, Robins AFB GA 31098-1808  
3 WR-ALC/FMFAPM, Robins AFB GA 31098-1616  
4 78 MSS/DPMPE, Robins AFB GA 31098-2232  
2 78 MSS/DPMAR, Robins AFB GA 31098-2232  
10 AFLSA/JAJM, 112 Luke Ave Room 343, Bolling AFB DC 20332-8000  
6 HQ AFSPA/SPC, 8201 H Ave S.E., Kirtland AFB NM 87117-6001  
2 11 WG/JAJR, 20 MacDill Blvd Room 207, Bolling AFB DC 20332-0110  
1 DFAS-DE/FJSCM, 6760 East Irvington Place, Denver CO 80279-3000  
1 DFAS-DE/FYDEB, 6760 East Irvington Place, Denver CO 80279-3000  
1 AFMPC/MPCDOM1A, 550 C Street West Ste 21, Randolph AFB TX 78150-4739  
1 497 IG/INSB, 229 Brookley Ave Room 200, Bolling AFB DC 20330-7040  
1 AFOSI/Det 105, Robins AFB GA 31098-5000  
1 HQ AFMC/JA, 4225 Logistics Ave Ste 23, Wright-Patterson AFB OH 45433-5762  
10 WR-ALC/JA, Robins AFB GA 31098-1662