

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AB	AFSN/SSAN ████████████████
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TYPE BCD	<input checked="" type="checkbox"/>	PERSONAL APPEARANCE	RECORD REVIEW
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION ████████████████████	ADDRESS AND OR ORGANIZATION OF COUNSEL Florida Department of Veterans' Affairs
YES	No		
<input checked="" type="checkbox"/>	<input type="checkbox"/>		

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES	A91.06	INDEX NUMBER	A73.00 A39.00	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 20 Apr 2004	CASE NUMBER FD-2003-00510	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C. via video teleconferencing from Fort Gillem, GA. The board met in Washington, D.C.; the applicant and counsel were present in Fort Gillem, GA.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

n o counsel is

INDORSEMENT		DATE: 4/20/2004
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

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

The applicant personally appeared before the Discharge Review Board (DRB).

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

FINDINGS: Upgrade of discharge is denied.

The Board finds the applicant submitted no matters in clemency, and the evidence of record does not provide a sufficient basis in clemency for a change of discharge.

ISSUE:

The applicant did not receive an administrative discharge. The applicant received a Bad Conduct Discharge, a punitive discharge, as part of her 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 made several assertions in support of her request for clemency. First, she argued that she was a different person now from the one that committed the crimes of which she was convicted. She discussed her youth at the time of the offenses and that alcohol was involved, the harshness of the punitive discharge in light of her offenses, and the life long negative effects of the punitive discharge. She also provided information on her accomplishments and struggles since her punitive discharge. While the DRB was sympathetic to the applicant's situation, the DRB opined that the evidence submitted 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

FD2002-00510A

 (Former AB) (REHEARING)

1. MATTER UNDER REVIEW: Appl rec'd a BCD Dish fr USAF 27 Feb 00 UP Special Court Martial No.2 (Conviction by Court Martial). Appeals for Honorable Discharge.

2. OTHER FACTS:

a. See attached cy of Examiner's Brief dtd 4 Dec 02.

b. The AFDRB reviewed case on 24 Jan 03 (non-appearance w/o counsel) & concluded applicant's discharge should not be changed.

3. BASIS ADVANCED FOR REHEARING: Appl (DD Fm 293) dtd 21 Oct 03. (Change Discharge to Honorable)

ISSUE 1: Everyone changes; some a little later than others.

Atchs

None.

5DEC03/ai

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

MISSING DOCUMENTS

(Former AB) (HGH A1C)



1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 27 Feb 00 UP Special Court Martial Order No. 2 (Conviction by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 26 May 76. Enlmt Age: 19 8/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-80, E-42, G-53, M-10. PAFSC: 3A011 - Information Management Helper. DAS: Unknown.

b. Prior Sv: (1) AFRes 20 Feb 96 - 12 Mar 96 (23 Days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 13 Mar 96 for 4 yrs. Svd: 3 Yrs 11 Mos 15 Das, of which AMS is 3 Yrs 10 Mos 22 Das (Ex: 23 Das lost time).

b. Grade Status: AB - 5 Aug 97 (SPCM Order No 2, 19 Mar 98)
A1C - 13 Jul 97
AMN - 13 Sep 96

c. Time Lost: 2 Feb 98 - 24 Feb 98 (23 Days)

d. Art 15's: Unknown.

e. Additional: Unknown.

f. CM: Special Court Martial Order No. 2, 19 March 1998

CHARGE 1: Article 109. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near Minot Air Force Base, North Dakota, on or about 18 Aug 97, willfully and wrongfully destroy by pouring a clear sticky substance on the back of a television, of a value of about \$269.00, the property of another airman.

CHARGE 11: Article 121. Plea: Not Guilty. Finding: Not Guilty.

Specification 1. Did, at or near Minor Air Force Base, North Dakota, between on or about 1 Jun 97 to 18 Aug 97, steal a key chain with several keys attached, of a value of less than \$100.00, the property of another airman.

Specification 2. Did, at or near Minot Air Force Base, North Dakota, on or about 18 Aug 97, steal a prescription bottle of Motrin tablets and a tan Pelle Pelle jacket, of a value of less than \$100.00, the property of another airman.

CHARGE III. Article 128. Plea: Guilty. Finding: Guilty.

Specification 1. Did, at or near Minot Air Force Base, North Dakota, on divers occasions, on or about 9 Aug 97, unlawfully strike another airman on her face with a closed fist.

Specification 2. Did, at or near Minor Air Force Base, North Dakota, on or about 9 Aug 97, unlawfully bite another airman on his shoulder. Sentence adjudged on 2 Feb 98: Bad conduct discharge, 30 days confinement, reduction to AB, forfeiture of \$500.00 pay per month for 3 months, and restriction to Minot Air Force Base for 60 days.

g. Record of SV: 13 Mar 96 - 12 Nov 97 Minot AFB 2 (Initial)REF

(Discharged from Minot AFB)

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (3) Yrs (11) Mos (15) Das
TAMS: (3) Yrs (10) Mos (22) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 11 Aug 02.
(Change Discharge to Honorable)

NO ISSUES SUBMITTED

ATCH
None

4 Dec 02/cr