

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|---|---------------------|--|--------------------------------|--|--|-------|------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED] | | GRADE AB | AFSN/SSAN [REDACTED] | | | | |
| TYPE BCD | PERSONAL APPEARANCE | | X RECORD REVIEW | | | | |
| COUNSEL | | NAME OF COUNSEL AND OR ORGANIZATION | | ADDRESS AND OR ORGANIZATION OF COUNSEL | | | |
| YES | No | | | | | | |
| | X | | | | | | |
| MEMBER SITTING | | | VOTE OF THE BOARD | | | | |
| | | | HON | GEN | UOTHC | OTHER | DENY |
| | | | | | | | X |
| | | | | | | | X |
| | | | | | | | X |
| | | | | | | | X |
| ISSUES A92.35 A92.37 A92.19 | | INDEX NUMBER 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 11 Mar 2004 | | CASE NUMBER FD-2004-00003 | | | | | |
| 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. | | | | | | | |
| 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. | | | | | | | |
| <div style="border: 1px dashed black; height: 40px; width: 100%;"></div> | | | | | | | |
| INDORSEMENT | | | | DATE: 4/30/2004 | | | |
| 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 | | | | | |

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD2004-0003

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 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

[REDACTED]
[REDACTED]
(Former AB) (HGH SSgt)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 20 Jun 01 UP SPCMO No.12 (Court Martial Conviction). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 9 May 60. Enlmt Age: 24 10/12. Disch Age: 41 1/12. Educ: HS DIPL. AFQT: N/A. A-80, E-45, G-42, M-18. PAFSC: 3A071 - Information Management Craftsman. DAS: 4 Jan 98.

b. Prior Sv: (1) AFRes 14 Mar 85 - 5 Sep 85 (5 months 23 days) (Inactive).

(2) Enlisted as AB 6 Sep 85 for 4 yrs. Reenlisted as Sgt 7 Mar 89. Reenlisted as SSgt 1 Aug 93 for 4 yrs. Svd: 11 yrs 5 months 17 days, all AMS. AMN - 6 Mar 86. AlC - 6 Jan 87. SrA - 6 Mar 88. Sgt-(APR Indicates): 14 May 88-13 May 89. SSgt - 1 Jan 93. APRs: 9,9,9,9. EPRs: 5,5,5,5,5,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenld as SSgt 24 Feb 97 for 4 yrs. Svd: 4 Yrs 3 Mo 27 Das, of which AMS is 4 Yrs 1 Mos 6 Das (2 Mos 21 Das lost time)

b. Grade Status: AB - 8 Feb 01 (SPCMO No.1, 12 Dec 00)

c. Time Lost: 2 Nov 00-23 Jan 01 (2 months 21 days)

d. Art 15's: None.

e. Additional: NONE.

f. CM: Special Court Martial Order No.1 - 12 Dec 00

CHARGE: Article 123a. Plea: Guilty. Finding: Guilty.

Specification 1: Did, on divers occasions between on or about 28 Jun 97 and on or about 22 Oct 97, with intent to defraud and for the precurement of lawful currency or things of value, wrongfully and unlawfully make 45 checks to the [REDACTED] AS Services Fund, drawn upon the First National Bank of Blytheville, Arkansas, in the total amount of \$9,192.04, with all 45 of the checks for amount in excess of \$100.00 and signed [REDACTED] then knowing that he, the maker thereof, did not have sufficient funds in or credit with such bank for the payment of said checks in full upon their presentment. Plea: Guilty. Finding: Guilty.

Specification 2: Did, on divers occasions between on or about 27

Jun 97 and on or about 23 Oct 97, with intent to defraud and for the procurement of lawful currency or things of value, wrongfully and unlawfully make 33 checks to ██████████ drawn upon the First National Bank of Blytheville, Arkansas, in a total amount of \$7,740.00, with all 33 of the checks for amounts in excess of \$100.00 and signed ██████████ then knowing that he, the maker thereof, did not have sufficient funds in or credit with such bank for the payment of said checks in full upon their presentment. Plea: Guilty. Finding: Guilty. Sentence adjudged by military judge on 9 Nov 00: Bad conduct discharge, confinement for 105 days, and reduction to Airman Basic.

g. Record of SV: 16 Sep 96 - 15 Sep 97 Izmir AS 5 (Annual)
 16 Sep 97 - 15 Sep 98 Kelly AFB 5 (Annual)
 16 Sep 98 - 31 Mar 99 Kelly AFB 5 (CRO)
 01 Apr 99 - 31 Mar 00 Kelly AFB 5 (Annual)

(Discharged from Lackland AFB)

h. Awards & Decs: JSCM, AFCM W/2 BOLCS, JSAM, AFOUA W/4 BOLCS, AFGCM W/3 BOLCS, NDSM, AFOSSTR W/1 BOLC, AFOSLTR, AFLSAR W/2 BOLCS, NCOPMER W/1 BOLC, SAEMR W/1 BOLC, AFTR.

i. Stmt of Sv: TMS: (16) Yrs (0) Mos (15) Das
 TAMS: (15) Yrs (6) Mos (22) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Jan 04.
 (Change Discharge to General)

Issue 1: During my 15 year tenure, my military personnel records clearly demonstrated the high caliber of Airman/NCO that I was. Of course I know that this does not right the wrong act I comitted. I wish to have all my records and accomplishments (sic) reviewed in order that my discharge be upgraded. I feel that after serving 15 years, I should be entitled to some VA benefits. After all I think my punishment was based solely on the wrong that I did and not to (sic) much emphasis on the good that I did for my country. My discharge package has enough supporting documents that clearly warrant a top-notch Airman instead of someone who committed an isolated incident. Your understanding and cooperation in this matter would be highly appreciated. Thanks.

ATCH
 None.

22JAN04/ia

ACTION

In the case of STAFF SERGEANT [REDACTED], United States Air Force, 67th Information Operations Wing, the sentence is approved, and except for the bad conduct discharge, will be executed. The Air Force Corrections System is designated for the purpose of confinement, and the confinement will be served therein or elsewhere as the Chief, Corrections Division may direct. Unless competent authority otherwise directs, upon completion of the sentence to confinement, STAFF SERGEANT [REDACTED] will be required, under Article 76a, UCMJ, to take leave pending completion of appellate review of the conviction.

/s/ [REDACTED]
[REDACTED] Colonel, USAF

FOR THE COMMANDER

[REDACTED]
[REDACTED] Lt Col, USAF
Staff Judge Advocate

DISTRIBUTION:

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- 1 - Maj [REDACTED] Central Circuit, AFLSA/JAJT-3, 2035 First Dr. West, Ste Z, Randolph AFB, TX 78150-4304 (TC)
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