

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ████████████████████	<b>GRADE</b> A1C	<b>AFSN/SSAN</b> ████████████████
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<b>TYPE BCD</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
<b>COUNSEL</b>	<b>NAME OF COUNSEL AND OR ORGANIZATION</b>	<b>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
YES	No		
	X		

<b>MEMBER SITTING</b>	<b>NOTE OF THE BOARD</b>				
	HON	GEN	UOTHC	OTHER	DENY
		X			
					X
		X			
					X
					X

<b>ISSUES</b> A92.19 A94.05	<b>INDEX NUMBER</b> A68.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>
		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

<b>HEARING DATE</b> 05 May 2004	<b>CASE NUMBER</b> FD-2004-00007	
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**APPLICANT'S NAME AND THE BOARD'S ADDRESS ARE 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.

*[Handwritten Signature]*

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

CASE NUMBER

FD2004-00007

**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

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

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF 30 Oct 95 UP Special Court Martial No.4 (Conviction by Court Martial). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 4 Jan 61. Enlmt Age: 18 4/12. Disch Age: 34 9/12. Educ: HS DIPL. AFQT: N/A. A-69, E-54, G-76, M-74. PAFSC: 2A551L - Aerospace Maintenance Journeyman. DAS: 18 Sep 79.

b. Prior Sv: (1) AFRes 7 May 79 - 5 Jun 79 (1 month) (Inactive).

(2) Enlisted as AB 5 Jun 79 for 4 yrs. Reenlisted as Sgt 21 Mar 83 for 4 yrs. Svd: 7 yrs 8 months 20 days, all AMS. AMN-(APR Indicates): 6 Jun 79-26 Mar 80. A1C-(APR Indicates): 26 Mar 80-1 Mar 81. SrA-(APR Indicates): 22 Oct 81-5 Aug 82. Sgt - 1 Mar 82. SSgt - 1 Sep 85. APRs: 9,9,9,9,9,9,8,9,9.

ART 15: 24 Aug 79, Sheppard AFB, TX - Article 128. You did, on or about 18 Aug 79, unlawfully strike AB [REDACTED] in the face with your fist. Forfeiture of \$97.00 pay and 7 days extra duty. (No appeal) (No mitigation)

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 27 Feb 87 for 6 yrs. Extended 28 Sep 92 for 8 months. Svd: 8 Yrs 8 Mo 3 Das, all AMS.

b. Grade Status: A1C - 7 Apr 93 (SPCMO No.4, 28 May 93)  
 TSgt - (EPR Indicates): 28 Sep 90-27 Sep 91)

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.4 - 28 May 93

CHARGE: Article 112a. Plea: Not Guilty. Finding: Guilty.

Specification: Did, within the Continental United States, between on or about 27 Nov 92 and 3 Dec 92, wrongfully use marijuana. Plea: Not Guilty. Finding: Guilty. Sentence adjudged on 7 Apr 93: Reduction to A1C and a Bad Conduct Discharge.

g. Record of SV: 02 Dec 86 - 27 Sep 87 Offutt AFB 9 (CRO)  
28 Sep 87 - 27 Sep 88 Offutt AFB 9 (Annual)  
28 Sep 88 - 27 Sep 89 Offutt AFB 9 (Annual)  
28 Sep 89 - 27 Sep 90 Offutt AFB 5 (Annual)  
28 Sep 90 - 27 Sep 91 Offutt AFB 5 (Annual)  
28 Sep 91 - 31 May 92 Offutt AFB 5 (CRO)

(Discharged from Offutt AFB)

h. Awards & Decs: AFAM, AFAM, AFOUA W/1 OLC, AFGCM W/3 OLCS, NDSM, AFLSAR  
W/3 OLCS, NCOPMER W/1 OLC, AFTR.

i. Stmt of Sv: TMS: (16) Yrs (5) Mos (24) Das  
TAMS: (16) Yrs (4) Mos (25) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 7 Jan 04.  
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

**ATCH**

1. Applicant's Issues.
2. Character References (5).
3. Awards & Certificates (7).
4. Affidavits (22).
5. Performance Reports (15).

SFEB04/ia

12 JAN 2004

B/AM

FD 2004-00007

**APPLICATION FOR THE REVIEW OF DISCHARGE OR DISMISSAL  
FROM THE ARMED FORCES OF THE UNITED STATES**

*(Please read instructions on Pages 3 and 4 BEFORE completing this application.)*

Form Approved  
OMB No. 0704-0004  
Expires Aug 31, 2006

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0004), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

**PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

**AUTHORITY:** 10 U.S.C. 1553; E.O. 9397.

**PRIVACY ACT STATEMENT**

FD 2004-00007

**PRINCIPAL PURPOSE(S):** To apply for a change in the characterization or reason for military discharge issued to an individual.

**ROUTINE USE(S):** None.

**DISCLOSURE:** Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

**1. APPLICANT DATA** *(The person whose discharge is to be reviewed).* PLEASE PRINT OR TYPE INFORMATION.

a. **BRANCH OF SERVICE** *(X one)*    ARMY    MARINE CORPS    NAVY     AIR FORCE    COAST GUARD

b. **NAME** *(Last, First, Middle Initial)*

c. **GRADE/RANK AT DISCHARGE**

d. **SOCIAL SECURITY NUMBER**

TSGT (E-6)

**2. DATE OF DISCHARGE OR SEPARATION**

*(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)*

1995/10/30

**4. DISCHARGE CHARACTERIZATION RECEIVED** *(X one)*

HONORABLE

GENERAL/UNDER HONORABLE CONDITIONS

UNDER OTHER THAN HONORABLE CONDITIONS

**BAD CONDUCT** *(Special court-martial only)*

UNCHARACTERIZED

OTHER *(Explain)*

**5. BOARD ACTION REQUESTED** *(X one)*

CHANGE TO HONORABLE

CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS

CHANGE TO UNCHARACTERIZED *(Not applicable for Air Force)*

CHANGE NARRATIVE REASON FOR SEPARATION TO:

**3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION**

Offutt AFB, NE

**6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST** *(Continue in Item 14. See instructions on Page 3.)*

1. I ask the board to consider my overall performance during the 14 years of service prior to being charged with wrongful use of marijuana, and the fact that I never demonstrated any impairment while performing my duties; to the contrary, I always gave 100+ percent as reflected in my performance reports. The Air Force was my career, my life, and I was extremely proud to be a US serviceman. I would like to have some dignity restored to my life and my parents who are proud veterans. My father

**7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON** *(YYYYMMDD)*

AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

**8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE:** *(Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)*

1. Letter from current employer
2. Character reference letters: Salem Baptist Church
3. Character reference letter:
4. Character reference letter:

**9. TYPE OF REVIEW REQUESTED** *(X one)*

CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR *(counsel/representative)* WILL NOT APPEAR BEFORE THE BOARD.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.

I AND/OR *(counsel/representative)* WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO *(enter city and state)* **(NOTE: The Navy Discharge Review Board does not have a traveling panel.)**

**10.a. COUNSEL/REPRESENTATIVE** *(If any) NAME* *(Last, First, Middle Initial) AND ADDRESS*

*(See Item 10 of the instructions about counsel/representative.)*

n/a

**b. TELEPHONE NUMBER** *(Include Area Code)*

c. E-MAIL

d. FAX NUMBER *(Include Area Code)*

**11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW.** If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate and relationship by marking a box below.

SPOUSE     WIDOW     WIDOWER     NEXT OF KIN     LEGAL REPRESENTATIVE     OTHER *(Specify)*

**12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE**

*(Forward notification of any change in address.)*

**b. TELEPHONE NUMBER** *(Include Area Code)*

c. E-MAIL

d. FAX NUMBER *(Include Area Code)*

**13. CERTIFICATION.** I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. *(U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)*

**CASE NUMBER**  
*(Do not write in this space.)*

a. **SIGNATURE - REQUIRED** *(Applicant or person in Item 11 above)*

b. **DATE SIGNED - REQUIRED**  
*(YYYYMMDD)*

2004/01/07

**14. CONTINUATION OF ITEM 6, ISSUES (If applicable)**

retired from the Air Force after 20+ years. I was born at Offutt AFB, NE. My mother served 5 years in the US Army, was honorably discharged and retired as a civilian from the US Army Corps of Engineers after 30 years. A sense of pride in self, duty and country had been instilled in me and I always tried to excel in whatever I did.

2. I believe the Bad Conduct discharge was especially harsh given my previous spotless record and the fact that I had been tested for illegal substances numerous times during my career and had never had a "positive" result. The test results for which I was court-martialed showed only a small amount of marijuana, i.e. 15 nanograms per milliliter ( a nanogram being 1 billionth of a gram) that, according to the record could have been ingested as much as 14 days prior to testing. For reference, it was stated that a packet of "Sweet 'N Low" is one gram. This would seem to indicate that if indeed the entire test analysis was correct, a person was definitely not a habitual user of the drug.

3. I was a good husband, father and responsible member of the community at the time of discharge. I actively supported my

**15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)**

5. Reference letter: [REDACTED]

6. Defense Exhibits: Awards/Certificates - 7  
Affidavits - 22  
Performance Reports - 15

**16. REMARKS (If applicable)**

My preference is to receive an Honorable Discharge, of course, but if this is not possible, it is requested that at least, a General under Honorable Conditions be granted.

**MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.****ARMY**

Army Review Boards Agency  
Support Division, St. Louis  
9700 Page Avenue  
St. Louis, MO 63132-5200  
(See <http://arba.army.pentagon.mil>)

**NAVY AND MARINE CORPS**

Naval Council of Personnel Boards  
720 Kannon Street, S.E.  
Room 309 (NDAB)  
Washington Navy Yard, DC 20374-5023

**AIR FORCE**

Air Force Review Boards Agency  
SAF/MRBR  
550-C Street West, Suite 40  
Randolph AFB, TX 78150-4742

**COAST GUARD**

U.S. Coast Guard  
Commandant (G-WPM)  
2100 Second Street, S.W. Room 5500  
Washington, DC 20593

## Issues continued:

two children's school activities and did volunteer work in the community. I am still trying to live a productive life. After being discharged I was unable to secure a decent job as I could not utilize the skills I had acquired in the Air Force but I have remained on the same job nearly 9 years now where I am subject to random testing for illegal substances. I have not used drugs, have not been accused of using drugs and have no intention of doing so in the future.

**4. I deeply regret the circumstances leading to a Bad Conduct discharge for which I take full responsibility.** I would like to be able to apply for a better job in order to help my children attend college and to restore some credibility to the 14 years that I proudly served in the U.S. Air Force and I respectfully ask the Board to act favorably on my request.

FD2004-00001

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 55TH WING (AOC)  
OFFUTT AIR FORCE BASE, NEBRASKA 68113-5400

SPECIAL COURT-MARTIAL ORDER  
No. 4

28 May 1993

TECHNICAL SERGEANT [REDACTED] United States Air Force, Air Combat Command, 55th Maintenance Squadron, was arraigned at Offutt Air Force Base, Nebraska, on the following offenses at a court-martial convened by this command.

CHARGE: Article 112a. Plea: NG. Finding: G.

Specification: Did, within the Continental United States, between on or about 27 November 1992 and 3 December 1992, wrongfully use marijuana. Plea: NG. Finding: G.

SENTENCE

Sentence adjudged on 7 April 1993: Reduction to the grade of E-3 and a Bad Conduct Discharge.

ACTION

In the case of TECHNICAL SERGEANT [REDACTED] United States Air Force, Air Combat Command, 55th Maintenance Squadron, the sentence is approved and, except for the Bad Conduct Discharge, will be executed.

[REDACTED] Brigadier General, USAF  
Commander

FOR THE COMMANDER  
[REDACTED]  
[REDACTED] Lt Colonel, USAF  
Staff Judge Advocate

SPGMO NO. 4

FILE  
USAF MASTER PERSONNEL RCDs GP  
INITIALS [REDACTED] DATE 10 Jun 93  
HQ USAF (AF/JAJM)

ACMS 020011