

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

<b>NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL)</b> ██████████	<b>GRADE</b> AB	<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>ADDRESS AND OR ORGANIZATION OF COUNSEL</b>	
NAME OF COUNSEL AND OR ORGANIZATION			
YES	No		
	<b>X</b>		

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

<b>ISSUES</b> A94.05	<b>INDEX NUMBER</b> A68.00	<b>EXHIBITS SUBMITTED TO THE BOARD</b>		
		<b>1</b>	ORDER APPOINTING THE BOARD	
		<b>2</b>	APPLICATION FOR REVIEW OF DISCHARGE	
		<b>3</b>	LETTER OF NOTIFICATION	
		<b>4</b>	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> 11 May 2004	<b>CASE NUMBER</b> FD-2004-00045	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL 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

**INDORSEMENT** **DATE: 5/11/2004**

<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

FD-2004-00045

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

The applicant was offered a personal appearance before the Discharge Review Board (DRB) 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.

**ISSUE:** Applicant contends discharge was inequitable because it was too harsh. 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 a 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 concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

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 Mountain Home AFB, ID on 28 Apr 98 UP SPCMO No.9 (Court Martial Conviction). Appeals for Honorable or General Discharge.

2. **BACKGROUND:**

a. DOB: 1 Dec 76. Enlmt Age: 17 11/12. Disch Age: 21 4/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 2W131E - Aircraft Armament Systems Apprentice. DAS: (EPR Indicates): 4 Jan 95-29 Sep 96.

b. Prior Sv: (1) AFRes 14 Nov 94 - 3 Jan 95 (1 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 4 Jan 95 for 4 yrs. Svd: 3 Yrs 3 Mo 24 Das, of which AMS is 3 yrs 0 months 17 days (excludes 3 months 8 days lost time).

b. Grade Status: AB 1 May 97 (SPCMO No.4, 19 Feb 97)  
A1C - 5 Oct 96  
Amn - 4 Jul 95

c. Time Lost: 9 Jan 97 thru 16 Apr 97 (3 months 8 days)

d. Art 15's: (1) 1 May 96, Mountain Home AFB, ID - Article 92. You, did, on or about 21 Oct 95 to on or about 27 Nov 95, violate a lawful general regulation, to wit: AFI 65-104, paragraph 25.1, dated 1 Sep 95, by wrongfully using the Government American Express card issued to you, for personal use. Article 121. You, did, on or about 21 Oct 95, to on or about 27 Nov 95, steal currency, of a value of about \$520.00, the property of American Express Travel Related Services Company, Inc. Article 134. You, being indebted to American Express Travel Related Services Company, Inc., in the sum of about \$520.00 for the purchase of things of value, which amount became due and payable on or about 27 Nov 95, did, from on or about 21 Oct 95 to on or about 27 Nov 95, dishonorably fail to pay said debt. Suspended reduction to AB, and 45 days extra duty. (No appeal) (No mitigation)

(2) 27 Jun 95, Sheppard AFB, TX - Article 121. You, did, on or about 7 Jun 95, steal a knife, of a value of about \$33.95, the property of The Army Air Force Exchange Service. Forfeiture of \$395.00 per month for two months, and 15 days correctional custody. (No appeal)

(No mitigation)

e. Additional: None.

f. CM: Special Court Martial Order No.4 - 19 Feb 97

CHARGE: Article 121. Plea: Guilty. Finding: Guilty.

Specification 1: Did, on or about 1 Jun 96 and on or about 1 Sep 96, steal tools, benchstock items, office supplies, and miscellaneous equipment, military property, of a value of about \$2,000.00, the property of the United States Air Force.

Plea: Guilty. Finding: Guilty.

Specification 2: Did, between on or about 1 Jun 96 and on or about 1 Sep 96, wrongfully appropriate a gray bin, of a value of about \$100.00, the property of the United States Air Force.

Plea: Guilty. Finding: Guilty. Sentence adjudged on 9 Jan 97: Bad Conduct Discharge, confinement for 4 months, and reduction to Airman Basic.

g. Record of SV: 4 Jan 95 - 29 Sep 96 Mountain Home AFB 4 (Initial)

h. Awards &amp; Decs: AFTR, NDSM, AFGCM.

i. Stmt of Sv: TMS: (3) Yrs (2) Mos (7) Das  
TAMS: (3) Yrs (0) Mos (17) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 30 Jan 04.  
(Change Discharge to Honorable or General)

ISSUES ATTACHED TO BRIEF.

## ATCH

1. Applicant's Issues.
2. DD Form 214.
3. Two Certificates of Training.

9MAR04/ia

February 3, 2004

[REDACTED]

To Whom It Concerns:

I am requesting that my file be reviewed to change my discharge from a Bad Conduct to a General, or preferably, an honorable discharge. My reason for requesting this change is due to my belief that I was not afforded ample legal counsel, due to my age and inexperience, and to further better myself in the job applicant field.

I know that my activities were wrong and warranted punishment. However, I do not believe the punishment applied was suited for the crime committed. I would like to take this opportunity to explain.

During my enlistment I was married at the age of 18. This was a mistake for which I take full responsibility. The reason I was court martialed was due to the actions of my wife. During our marriage we had problems with our checking account which affected me at work. I received a LOR and an Article 15 due to her checking indiscretions. After this had happened my First Sergeant, [REDACTED], instructed me to remove her from my checking account. One week after doing so she contacted OSI and had them come to our house. I was then arrested and charged with an Article 121. I knew the items I possessed were Military property. Many people I worked with would take excess or DRMO items home with them. This led me to believe this was not a crime. My First Sergeant led me to believe that had I not already had an Article 15 and LOR this crime could have been punishable through an Article 15.

I now understand that this was a crime. I feel I deserved to be punished. However, I believe a General or Honorable Discharge without the opportunity to re-enlist would be a suitable upgrade. Since this has happened I have led an honorable life. I have not had so much as a parking ticket (DL# [REDACTED]). Since 1999 I have been an active member of my local volunteer fire department. During my membership I have become a certified Fire Fighter II, CPR provider, First Responder, and I am currently completing my EMT certification. I have held the offices of President, Captain, Lieutenant, and Chief. I assist the department with training, apparatus maintenance, driver training, and on scene management.

In conclusion, I accept what I did was wrong. I made a terrible mistake and have learned much from the experience. I am simply asking that the punishment be upgraded to a more suitable level. With your help I would like to put this situation in the past.

Thank you for your time and consideration.

Sincerely,

[REDACTED]

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 366TH WING (ACC)  
MOUNTAIN HOME AFB, IDAHO 83648-5297

Special Court-Martial Order  
No. 4

19 February 1997

AIRMAN FIRST CLASS [REDACTED] United States Air Force, 391st Fighter Squadron, was arraigned at Mountain Home Air Force Base, Idaho, on the following offenses at a court-martial convened by this headquarters.

CHARGE: Article 121. Plea: G. Finding: G

Specification 1: Did, at Mountain Home Air Force Base, Idaho, between on or about 1 June 1996 and on or about 1 September 1996, steal tools, benchstock items, office supplies, and miscellaneous equipment, military property, of a value of about \$2,000.00, the property of the United States Air Force. Plea: G. Finding: G.

Specification 2: Did, at Mountain Home Air Force Base, Idaho, between on or about 1 June 1996 and on or about 1 September 1996, wrongfully appropriate a gray bin, of a value of about \$100.00, the property of the United States Air Force. Plea: G. Finding: G.

SENTENCE

Sentence adjudged on 9 January 1997: Bad conduct discharge, confinement for 4 months, and reduction to the grade of airman basic.

ACTION

In the case of AIRMAN FIRST CLASS [REDACTED] United States Air Force, 391st Fighter Squadron, 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 Director, Air Force Corrections, may direct. Unless competent authority otherwise directs, upon completion of the

FILE  
USAF MASTER PERSONNEL RCDS GP  
INITIALS SMO R84 DATE 26 Feb 97  
HQ USAF (AFJAJM)

ACMS29346