

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="background-color: black; width: 100%; height: 1.2em; margin-top: 5px;"></div>		GRADE <div style="text-align: center; margin-top: 5px;">AB</div>	AFSN/SSAN <div style="background-color: black; width: 100%; height: 1.2em; margin-top: 5px;"></div>																														
TYPE BCD	X	PERSONAL APPEARANCE																															
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		ADDRESS AND OR ORGANIZATION OF COUNSEL																															
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HEARING DATE	28 Apr 2005	CASE NUMBER	FD-2004-00432																														
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE TO BE DISCUSSED ON THE 25TH DAY OF APRIL 2005 AT THE AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																																	
Case heard at Washington, D.C. Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR Names and votes will be made available to the applicant at the applicant's request.																																	
INDORSEMENT																																	
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

FD-2004-00432

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

The applicant appeared and testified with counsel, [REDACTED] of the Veterans of Foreign Wars, before the Discharge Review Board (DRB), at Andrews AFB, MD, on 28 Apr 2005. [REDACTED] the applicant's aunt, also testified on the applicant's behalf.

The following additional exhibits were submitted at the hearing:

Exhibit #5: Five character reference letters

Exhibit #6: City of Long Beach, NJ, Police Report

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

FINDINGS: 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 presented evidence which the DRB opined warranted granting clemency and the discharge is upgraded to general.

CONCLUSIONS: The DRB 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. However, after a thorough review of the circumstances of the case and applicant's post-service accomplishments, the DRB determined that clemency in the form of an upgrade of applicant's discharge to general was appropriate.

Attachment:

Examiner's Brief

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

FD2004-00432

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

MISSING MEDICAL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr Ft Meade, MD on 2 Aug 02 UP SPCMO#1 (Conviction by Court Martial). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 12 Nov 78. Enlmt Age: 18 7/12. Disch Age: 23 8/12. Educ: HS DIPL. AFQT: N/A. A-63, E-43, G-52, M-14. PAFSC: 1N231 - Signals Intellegence Apprentice. DAS: 29 Oct 98.

b. Prior Sv: (1) AFRes 10 Jul 97 - 16 Sep 97 (2 months 7 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 17 Sep 97 for 6 yrs. Svd: 4 Yrs 10 Mo 16 Das, all AMS.

b. Grade Status: AB - 2 Aug 02 (SPCMO#16, 2 Aug 02)
SrA - 1 Mar 00
A1C - 1 Nov 97

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial No.1 - 14 Aug 01

CHARGE I: Article 90. Plea: Guilty. Finding: Guilty.

Specification: Having received a lawful command from [REDACTED], her superior commissioned officer, then known by the said [REDACTED] to be her superior commissioned officer, to immediately complete the necessary processing for her permanent change of station assignment, or words to that effect, did, at or near Fort George G. Meade, MD, from about 10 Aug 00 to about 31 Aug 00, willfully disobey the same. Plea: Guilty. Finding: Guilty.

CHARGE II: Article 92. Plea: Guilty. Finding: Guilty.

Specification: Who new of her duties at or near Fort George G. Meade, MD, from about 25 Mar 00 to about 31 Aug 00, was derelict in the performance of her duties in that she willfully failed to prepare for a permanent change of station, as it was her duty to

do. Plea: Guilty. Finding: Guilty. Sentence adjudged on 9 Jul
01: Reduction to AB, and a bad conduct discharge.

g. Record of SV: 17 Nov 97 - 03 Jun 99 Ft Mead 5 (Initial)
04 Jun 99 - 30 Apr 00 Ft Mead 4 (CRO)
01 May 00 - 26 Mar 01 Ft Mead 3 (CRO) REF

h. Awards & Decs: AFTR.

i. Stmt of Sv: TMS: (5) Yrs (0) Mos (24) Das
TAMS: (4) Yrs (10) Mos (16) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 20 Oct 04.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

19JAN05/ia

7. SUPPORTING DOCUMENTS (X as applicable) (Please print name and Social Security Number on each document.)

WILL NOT BE SUBMITTED. PLEASE COMPLETE REVIEW BASED ON AVAILABLE SERVICE RECORDS.

FD 2004-00432

ARE LISTED BELOW AND ARE ATTACHED TO THIS APPLICATION: (Continue on a plain sheet of paper if more space is needed.)

a. DOCUMENT 1:

b. DOCUMENT 2:

c. DOCUMENT 3:

8. ISSUES

The Board will consider any issue submitted by you prior to closing the case for deliberation. The Board will also review the case to determine whether there are any issues that provide a basis for upgrading your discharge. However, the Board is not required to respond in writing to issues of concern to you unless those issues are listed or incorporated by specific reference below. Carefully read the instructions that pertain to Block 8 prior to completing this part of the application. If you need more space, submit additional issues on an attachment.

I am a 25 year old, divorced single mother. At the time of my discharge in July of 2001, I was a wife, stepmother, mother and about to be an ex-veteran of the United States Air Force. If you have not read my charge by now, you will learn my charge and court martial was due to disobeying a direct order. That order was to relocate to Misawa Japan by myself for 2 years or 3 year with only my son. My husband had received custody of his 4yr old daughter, we had just purchased a home in Pennsylvania, we had just purchased a new vehicle, my husband had just been enrolled in Harrisburg City police department, and to top it off, I just found out my husband was being unfaithful. At the time I received my orders to leave Ft Meade, my focus on my career shifted to please my husband, which was to stay, despite the consequences. As a woman, I have grown to understand my actions not only effected myself, but my future, my family, & my country. My actions were not only selfish, but they were desperate. They were a desperate attempt to change the outcome of a dying marriage. As an Airman's wife I learned some of the most dynamical things important to life like commitment & honesty & pride. I have learned to never forsake these values & hold them dear to my heart. Looking back almost 3yrs ago I wish I could undo the damage I've done that destroyed my Air Force career, but since I cannot I pray that this information can shed new light on a dim situation and bless a trying single mother with the benefits that being a veteran has to offer.

☐ I HAVE LISTED ADDITIONAL ISSUES AS AN ATTACHMENT TO THIS APPLICATION.☐ I PREVIOUSLY SUBMITTED AN APPLICATION ON (Enter date)
AND AM COMPLETING THIS FORM IN ORDER TO SUBMIT ADDITIONAL ISSUES.☐ THE ABOVE ISSUES SUPERSEDE ALL PREVIOUSLY SUBMITTED.**9. CERTIFICATION**

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

a. DATE (YYYYMMDD)

b. SIGNATURE

20041020

UPON RECEPTION, MAIL THIS APPLICATION TO APPLICABLE ADDRESS BELOW

ARMY	NAVY & MARINE CORPS	AIR FORCE	COAST GUARD
Army Review Boards Agency Support Division, St. Louis ATTN: SFMR-RBR-SL 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Rm. 309 (NDRB) Washington Navy Yard, DC 20374-5023	SAF/MIBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Commandant (G-WPM) 2100 Second Street, S.W. Washington, DC 20593-0001