

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE AB	AFSN/SSAN [REDACTED]
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TYPE BCD	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
	X		

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

ISSUES A94.05	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 20 Dec 2005	CASE NUMBER FD-2005-00211	
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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

Names and votes will be made available to the applicant at the applicant's request.

SIGNATURE [REDACTED]	SIGNATURE OF BOARD PRESIDENT [REDACTED]
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INDORSEMENT **DATE: 12/20/2005**

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
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00211

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

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 records indicated the applicant received an Article 15 for being disrespectful in language toward Sgt RH. In addition, he received a Special Court Martial for stealing a washing machine and two clothes dryers from the military. 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

(Former AB) (HGH SRA)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr Elemendorf AFB AK on 16 Jul 96 UP Special CMO #4, 10 Jul 95. Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 28 May 72. Enlmt Age: 17 2/12. Disch Age: 24 1/12. Educ: HS DIPL. AFQT: N/A. A-Unk, E-Unk, G-Unk, M-Unk. PAFSC: 3E331 - Structural Apprentice. DAS: 18 Dec 90.

b. Prior Sv: (1) AFRes 17 Aug 89 - 04 Jul 90 (10 mos 18 das) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 5 Jul 90 for 4 years. Extended 23 Nov 93 for 12 months. Extended 8 Sep 94 for 11 months. Svd: 06 Yrs 00 Mo 12 Das, all AMS.

b. Grade Status: AB - 05 May 95 (SPCM, 5 May 95)
SrA - 05 Jul 93
A1C - 05 Nov 91
Amn - 05 Jan 91

c. Time Lost: None.

d. Art 15's: (1) 14 Jan 93, Elemendorf AFB, AK - Article 91. You, on or about 11 Dec 92, were disrespectful in language toward Sgt [REDACTED] a noncommissioned officer, then known by you to be a superior noncommissioned officer, who was then in the execution of his office, by saying to him, "I don't need to hear no shit from you, about the way I drive," "I'm sick of hearing shit from people and I don't need no shit from you, too," and "I don't give a shit, I don't have to take no shit off you" or words to that effect. Suspended reduction to Airman. Forfeiture of \$50.00 pay per month for 2 months, and 30 days extra duty. (No appeal) (No mitigation)

e. Additional: Unknown.

f. CM: Special Court Martial - 5 May 95.

CHARGE I: Article 121.

Specification: Did, at or near Elmendorf AFB AK, on or about 12 Mar 95, steal one Speed Queen washing machine and two Kenmore clothes dryers, military property, of a value of more than

\$100.00, the property of the United States Government. Plea: G.
Findings: G.

Specification: Did, at Elmendorf AFB AK, on or about 12 Mar 95,
unlawfully enter Warehouse Number 18 of the 3rd Civil Engineer
Squadron. Plea: G. Findings: G. Sentence adjudged on 5 May 95:
Reduction to AB, 3 months confinement and Bad conduct discharge.

g. Record of SV: 5 Jul 90 - 4 Mar 92 Elemendorf AFB 4 (Initial)
5 Mar 92 - 4 Mar 93 Elemendorf AFB 2 (Annual)REF
5 Mar 93 - 4 Mar 94 Elemendorf AFB 4 (Annual)
5 Mar 94 - 4 Mar 95 Elemendorf AFB 5 (Annual)

h. Awards & Decs: AFTR, AFLSAR, AFOSLTR, NDSM, AFCM.

i. Stmt of Sv: TMS: (06) Yrs (11) Mos (00) Das
TAMS: (06) Yrs (00) Mos (12) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 25 May 05.
(Change Discharge to Honorable)

Issue 1: I feel I was punished (sic)for a single act crime in the efort
(sic) to make an example, my punishment was severe and when it came to my
discharge this alone was looked at, and not my 5 years prior service which
included several awards.

ATCH
None.

14JUL05/day

DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS THIRD WING (PACAF)
 Elmendorf Air Force Base, Alaska 99506-2850

Special Court-Martial Order
 No. 4

10 July 1995

SENIOR AIRMAN [REDACTED] United States Air Force, 3rd Civil Engineer Squadron, was arraigned at Elmendorf Air Force Base, Alaska, on the following offenses at a court-martial convened by this headquarters.

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

Specification: In that SENIOR AIRMAN [REDACTED], United States Air Force, 3rd Civil Engineer Squadron, did, at or near Elmendorf Air Force Base, Alaska, on or about 12 March 1995, steal one Speed Queen washing machine and two Kenmore clothes dryers, military property, of a value of more than \$100.00, the property of the United States Government. Plea: G. Finding: G.

CHARGE II: Article 134. Plea: G. Finding: G.

Specification: In that SENIOR AIRMAN [REDACTED], United States Air Force, 3rd Civil Engineer Squadron, did, at Elmendorf Air Force Base, Alaska, on or about 12 March 1995, unlawfully enter Warehouse Number 18 of the 3rd Civil Engineer Squadron. Plea: G. Finding: G.

SENTENCE

Sentence adjudged on 5 May 1995: Bad conduct discharge, 3 months confinement, and reduction to the grade of E-1.

ACTION

In the case of SENIOR AIRMAN [REDACTED] United States Air Force, 3rd Civil Engineer 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 sentence to confinement, Senior Airman [REDACTED] will be required, under Article 76a, UCMJ, to take leave pending completion of appellate review of the conviction.

/s/Hugh C. Cameron
 HUGH C. CAMERON, Colonel, USAF
 Commander

DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS ELEVENTH AIR FORCE (PACAF)
 Elmendorf Air Force Base, Alaska 99506-2130

10 June 1996

General Court-Martial Order
 No. 11

In the special court-martial case of SENIOR AIRMAN [REDACTED]
 United States Air Force, 3rd Civil Engineer Squadron, the sentence to bad conduct discharge,
 confinement for three months, and reduction to airman basic, as promulgated in Special Court-
 Martial Order No. 4, Headquarters Third Wing (PACAF), dated 10 July 1995, has been finally
 affirmed. Article 71(c) having been complied with, the bad conduct discharge will be executed.
 The sentence was adjudged on 5 May 1995. (ACM S29095)

[REDACTED]
 [REDACTED]
 Lieutenant General, USAF
 Commander

DISTRIBUTION:

- 1 - AB [REDACTED] 4104 Northwood Drive, Anchorage AK 99517 (ACC)
- 1 - Lt Col [REDACTED] 19 FS, Elmendorf AFB AK 99506 (PRES)
- 1 - Lt Col [REDACTED], USAF Judiciary Western Circuit, 461 1st St., Bldg 251, Travis
 AFB CA 94535-2162 (MJ)
- 1 - Capt [REDACTED] 3 WG/JA, Elmendorf AFB AK 99506 (TC)
- 1 - Capt [REDACTED] 3 WG/JA, Elmendorf AFB AK 99506 (ATC)
- 1 - Capt [REDACTED] HQ AFRES/JA, 155 2nd St, Robbins AFB GA 31098-1635 (DC)
- 1 - 11 AF/CC, Elmendorf AFB AK 99506-2130
- 1 - 3 MSS/CC, Elmendorf AFB AK 99506-2620
- 1 - 3 CES/CC, Elmendorf AFB AK 99506-2725
- 1 - 3 WG/CC, Elmendorf AFB AK 99506-2850
- 2 - 3 CPTS/FMFP, Elmendorf AFB AK 99506-2430