

**AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD**

(INITIAL)

GRADE

AB

<b>TYPE BCD</b>	<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>
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<b>COUNSEL</b>	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	<b>X</b>	

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

<b>ISSUES</b>	A91.05	<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>	<b>CASE NUMBER</b>
26 Jan 2006	FD-2005-00113

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard at Andrews AFB, MD.

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.

<b>INDORSEMENT</b>		<b>DATE: 1/26/2006</b>
<b>TO:</b>	<b>FROM:</b>	
SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	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

FD-2005-00113

**GENERAL:** The applicant appeals for upgrade of discharge from a bad conduct discharge to an under honorable conditions (general) discharge.

The applicant requested a personal appearance before the Discharge Review Board (DRB) and was scheduled for an appearance on 26 January 2006, via video-teleconference between St. Augustine FL, and Andrews AFB, MD, but she did not keep the appointment or call to reschedule. Therefore her request for clemency was reviewed based upon the record and her submission.

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 the applicant did not provide sufficient evidence to persuade the DRB that clemency action was justified in the applicant's case.

**ISSUE:**

The applicant received a Bad Conduct Discharge, a type of punitive discharge, as part of her sentence resulting from a Special Court-Martial conviction. Her case was reviewed by the convening authority and military appellate courts and they approved the findings and sentence of the court-martial. Under the provisions of Title 10 of the United States Code, Section 1553, 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. While the applicant alleges that her unit did not help her with her problems, the record does not support that contention and she provided no additional explanation of her contention. She argued that the checks she wrote bounced due to her then-husband's actions, but the record shows that she wrote checks knowing she would not have the money in the bank to pay them. She stated that she has received additional education since her conviction but did not provide the DRB with any evidence of the type of education she has received. She states she has now married a new husband and has a family, but did not explain why those facts warrant granting clemency. While the DRB was sympathetic to her situation as the wife of an irresponsible husband, that did not excuse her own intentional misconduct. The DRB noted that she had terminated that relationship and begun a new family, but that did not justify granting clemency.

**CONCLUSIONS:** The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the United States Code and was within the discretion of the discharge authority and that the applicant was provided full administrative and legal due process.

The Discharge Review Board concluded that the applicant's punitive discharge by Special Court-Martial is 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

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr Laughlin AFB, TX on 29 Oct 01 UP Special Court Martial Order No.1 (Conviction by Court Martial). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 14 Nov 77. Enlmt Age: 20 5/12. Disch Age: 23 11/12. Educ: HS DIPL. AFQT: N/A. A-69, E-25, G-51, M-22. PAFSC: 3S031 - Personnel Management. DAS: Unknown.

b. Prior Sv: (1) AFRes 20 Apr 98 - 12 Jan 99 (1 month 23 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 13 Jan 99 for 4 yrs. Svd: 3 Yrs 9 Mo 17 Das, of which AMS is 3 yrs 9 months 3 days (excludes 14 days lost time).

b. Grade Status: AB - 16 Jun 00 (SPCMO No.1, 14 Jul 00)  
Amn - 13 Jul 99

c. Time Lost: 16 Jun 00 thru 29 Jun 00 (14 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.1 - 14 Jul 00

CHARGE: Article 134.

Specification: Did, between on or about 10 Dec 99 and on or about 7 Mar 00, make and utter 15 checks to the Army and Air Force Exchange Service in a total amount of \$3,810.00, for the procurement of cash merchandise or things of value, and did thereafter dishonorably fail to maintain sufficient funds in the USAA Federal Savings Bank for payment of such checks in full upon their presentment for payment. Sentence adjudged on 16 Jun 00: Bad conduct discharge, confinement for fourteen (14) days, hard labor without confinement for two months, and reduction to AB.

g. Record of SV: None.

h. Awards & Decs: AFTR, AFOUA.

- i. Stmt of Sv: TMS: (3) Yrs (5) Mos (26) Das  
TAMS: (3) Yrs (9) Mos (3) Das

- 4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 18 Mar 05.  
(Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

**ATCH**

- 1. Letter of Appreciation, 15 Apr 99.
- 2. Certificate of Training.
- 3. Certificate of Appreciation.
- 4. Certificate of Recognition.

2MAY05/ia

There were no SPCMOs published in 1999.

DEPARTMENT OF THE AIR FORCE  
47TH FLYING TRAINING WING (AETC)  
LAUGHLIN AIR FORCE BASE, TEXAS 78843-5230

Special Court-Martial Order

14 July 2000

No. 1

United States Air Force, 47<sup>th</sup> Mission Support Squadron, was arraigned at Laughlin Air Force Base, Texas on the following offenses at a court-martial convened by this command.

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

Specification: Did, at or near Laughlin Air Force Base, Texas, between on or about 10 December 1999 and on or about 7 March 2000, make and utter 15 checks to the Army and Air Force Exchange Service in a total amount of \$3,810.00, for the procurement of cash, merchandise or things of value, and did thereafter dishonorably fail to maintain sufficient funds in the USAA Federal Savings Bank for payment of such checks in full upon their presentment for payment.

SENTENCE

Sentence adjudged by military judge on 16 June 2000: Bad-conduct discharge, confinement for fourteen (14) days, hard labor without confinement for two months, and reduction to airman basic.

ACTION

In the case of *[redacted]*, United States Air Force, 47<sup>th</sup> Mission Support Squadron, only so much of the sentence as provides for a bad conduct discharge, 14 days confinement and reduction to airman basic is approved, and except for the bad conduct discharge, will be executed. The term of confinement having been served, no place of confinement is designated. Unless competent authority otherwise directs, Airman Backmon

FILE

USAF MASTER PERSONNEL RCDS GP  
INITIALS *[initials]* SPCMO No. *[initials]* DATE *25 Jul 00*  
HQ USAF (AF/JAJM)

ACMS 29832

E 1

3113

will be required, under Article 76a, UCMJ, to take leave pending completion of appellate review of the conviction.

Colonel, USAF

Commander

FOR THE COMMANDER

Major, USAF

Staff Judge Advocate

DISTRIBUTION:

- 1 - 47 MSS/CSS, 427 Liberty Drive, Room 102, Laughlin AFB TX 78840-5254 (ACC)
- 1 - AFLSA Central Circuit, 550 D Street West, Suite 3, Randolph AFB TX 78130-4529 (MJ)
- 1 - AFLSA Central Circuit, 550 D Street West, Suite 3, Randolph AFB TX 78843-5225 (TC)
- 1 - 47 FTW/JA, 561 Liberty Drive, Suite 1, Laughlin AFB TX 78843-5225 (ATC)
- 1 - AFLSA/ADC, 319 K. Avenue, Suite 3, Sheppard AFB TX 76311-2635 (DC)
- 1 - 47 FTW/JA, 561 Liberty Drive, Suite 1, Laughlin AFB TX 78843-5230
- 1 - 47 MSS/CC, 427 Liberty Drive, Room 102, Laughlin AFB TX 78840-5254
- 1 - 47 SPTG/CC, 155 California Avenue, Suite 5, Laughlin AFB TX 78843-5112
- 1 - 47 FTW/CC, 561 Liberty Drive, Suite 6, Laughlin AFB TX 78843-5230
- 2 - 47 CPTF/FMFC, 427 Liberty Drive, Room 201, Laughlin AFB TX 78843-5051

2

F 1

Continuation of SPCMO I, 47 FTW, Laughlin AFB TX (AETC), dated 14 July 2000

- 4 - 47 MSS/DPMAS, 427 Liberty Drive, Room 122, Laughlin AFB TX 78843-5000
- 1 - 19 AF/CC, 73 Main Circle, Suite 1, Randolph AFB TX 78150-4549
- 1 - 19 AF/JA, 73 Main Circle, Suite 1, Randolph AFB TX 78150-4549
- 10 - AFLSA/JAJM, 112 Luke Avenue, Room 343, Bolling AFB DC 20332-8000
- 1 - HQ AFPC/DPSAM, 550 C Street West, Suite 21, Randolph AFB TX 78150-4723
- 1 - HQ AFPC/DPWRC, 550 C Street West, Suite 15, Randolph AFB TX 78150-4717
- 1 - DFAS-DE/PYAB, 6760 East Irvington Place, Denver CO 80279-7000
- 1 - DFAS-DE/EJPC, 6760 East Irvington Place, Denver CO 80279-5000
- 1 - 497 IG/INSA, Air Force Security Clearance Office, 229 Brookley Avenue, Room 200, Bolling AFB DC 20332-7040
- 1 - 11 WG/JAJR, 20 MacDill Blvd., Room 207, Bolling AFB DC 20332-5100
- 1 - AFOSI Det 410, 581 Liberty Drive, Suite 1, Laughlin AFB TX 78843
- 1 - HQ AFOSI/JA, 1535 Command Drive, Suite C306, Andrews AFB MD 20768-7002
- 1 - HQ AETC/JA, 61 Main Circle Suite 1, Randolph AFB TX 78150-4544

**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.**

**PRIVACY ACT STATEMENT**

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

ved). PLEASE PRINT (

NAVY

c. GRADE/RANK AT DISCHARGE

d. SOCIAL SECURITY NUMBER

E1

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

20011031

3. DISCHARGE CHARACTERIZATION RECEIVED (X one)

5. BOARD ACTION REQUESTED (X one)

<input type="checkbox"/>	HONORABLE
<input type="checkbox"/>	GENERAL/UNDER HONORABLE CONDITIONS
<input type="checkbox"/>	UNDER OTHER THAN HONORABLE CONDITIONS
<input checked="" type="checkbox"/>	BAD CONDUCT (Special court-martial only)
<input type="checkbox"/>	UNCHARACTERIZED
<input type="checkbox"/>	OTHER (Explain)

<input type="checkbox"/>	CHANGE TO HONORABLE
<input checked="" type="checkbox"/>	CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
<input type="checkbox"/>	CHANGE TO UNCHARACTERIZED (Not applicable for Air Force)
<input type="checkbox"/>	CHANGE NARRATIVE REASON FOR SEPARATION TO:

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION  
47 MSS  
LAUGHLIN AFB TX

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.) I admit I made a few mistakes, but I followed my chain of command in asking for help 1 year earlier. I was pushed aside and my problems were not taken seriously. I was exceptional troop who had never been in any trouble. I reported my marital and

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 OF APPRECIATION  
1-CERTIFICATE OF COMPLETION FOR AIRMEN LEADER MANAGEMENT/DRILL (VOLUNT)  
1-PERFORMER OF THE MONTH  
1-GREEN ROPE

9. TYPE OF REVIEW REQUESTED (X one)

<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.)

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 the name (print) 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.

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.)

(in Item 11 above)

b. DATE SIGNED - REQUIRED (YYYYMMDD)

20050318



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

FINANCIAL PROBLEMS I WENT THROUGH THE SUGGESTED MONEY MANAGEMENT AND DEBT CONSOLIDATION COURSE OFFERED BY THE AIR FORCE. AFTER A YEAR OF TRYING TO GET BACK ON TRACK I CAME TO THE REALIZATION THAT I COULD NOT CONTROL AN OUT OF CONTROL SPOUSE, THEREFORE WE SEPERATED. EVERYTHING WAS BEGINING TO GET BACK ON TRACK BUT THEN MY HUSBAND BOUNCED CHECKS AND DELIBRATE FINANCIAL IRRESPONSIBILITIES WERE PASSED TO ME AS HIS SPOUSE. IT WAS TOO MUCH TO HANDLE AND I WAS NOT SURE WHO TO TURN TO, I MADE A FEW WRONG DECISIONS.

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

16. REMARKS (If applicable)

I HAVE LEARNED FROM MY MISTAKES, BETTERED MYSELF THROUGH EDUCATION. I HAVE AN HONORABLE MILITARY SPOUSE AND FAMILY. I WOULD GREATLY APPRECIATE THE OPPORTUNITY FOR A FRESH START. I HAVE CARRIED THIS SHAME AND EMBARRASSMENT WITH ME FOR NEARLY FOUR YEARS NOW. I AM OLDER AND WISER NOW. I HAVE LEARNED THE IMPORTANCE OF BEING A RESPONSIBLE ADULT. I AM STILL RECOVERING FROM THE DAMAGE LEFT BY MY PREVIOUS MARRIAGE. BUT I ASK FOR THIS UP-GRADE OF MY DISCHARGE WITH MY DEEPEST SINCERITY. A FEW CERTIFATES ENCLOSED SHOW THAT I WAS RECOGNIZED AS AN EXCEPTIONAL AIRMAN AS WELL AS MY RECORD PRIOR TO THE DISCHARGE.

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 Kennon Street, S.E.  
Room 309 (NDRB)  
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