

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>		GRADE A1C	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																																				
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HEARING DATE 14 Sep 2006	CASE NUMBER FD-2005-00272																																						
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																																							
Case heard in 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 OF RECORDER <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>		SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 30px; width: 100%;"></div>																																					
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																																					
		DATE: 9/18/2006																																					

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2005-00272

GENERAL: The applicant appeals for upgrade of discharge to 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.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE:

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 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 A1C)

MISSING MILITARY PERSONNEL RECORDS

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF Luke AFB, AZ on 21 May 04 UP SPCMO No.7 (Court Martial Conviction). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 9 Dec 79. Enlmt Age: 22 4/12. Disch Age: 24 5/12. Educ: HS DIPL. AFQT: N/A. A-76, E-82, G-85, M-90. PAFSC: 2W131F - Weapons Systems Apprentice. DAS: 8 Oct 02.

b. Prior Sv: None.

3. **SERVICE UNDER REVIEW:**

a. Enlisted as A1C 23 Apr 02 for 6 yrs. Svd: *02 Yrs *00 Mo *29 Das, all AMS. *Lost time is undetermined.

b. Grade Status: AB - 28 Nov 03 (SPCMO#7, 26 Sep 03)

c. Time Lost: Individual sentenced to 4 months confinement, but actual lost time documents are missing from the file.

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court-Martial Order No. 7 - 26 Sep 03

CHARGE: Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Tempe, Arizona, on divers occasions between on or about 4 Jul 03 and on or about 21 Jul 03, wrongfully use cocaine. Plea: Guilty. Finding: Guilty. Sentence adjudged on 4 Sep 03: Bad conduct discharge, confinement for 4 months, forfeiture of \$767.00 pay per month for 4 months, and reduction to AB. (Sentence affirmed by Special Court-Martial Order No.9, 26 Apr 04).

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: *(Individual was sentenced to 4 months confinement, however, documents showing actual confinement served are missing).

TMS: (02) Yrs (00) Mos (29) Das

TAMS: (02) Yrs (00) Mos (29) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 5 Jul 05.
(Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Grade Report.
3. Three Letters of Support.
4. Two Certificates of Achievement.
5. Performance Feedback Worksheet.

23FEB06/ia

11 JUL 2005

FD 2005-00272

**APPLICATION FOR THE REVIEW OF DISCHARGE
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 the Department of Defense, Executive Service and Communications Directorate (0704-0004). 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 ORGANIZATION. 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 appropriate records.

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

a. BRANCH OF SERVICE <i>(X one)</i>	ARMY	MARINE CORPS	NAVY	<input checked="" type="checkbox"/> AIR FORCE	COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>	c. GRADE/RANK AT DISCHARGE		d. SOCIAL SECURITY NUMBER		
	E-1				

2. DATE OF DISCHARGE OR SEPARATION <i>(YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)</i>	4. DISCHARGE CHARACTERIZATION RECEIVED <i>(X one)</i>	5. BOARD ACTION REQUESTED <i>(X one)</i>
	HONORABLE	CHANGE TO HONORABLE
	GENERAL/UNDER HONORABLE CONDITIONS	<input checked="" type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	UNDER OTHER THAN HONORABLE CONDITIONS	CHANGE TO UNCHARACTERIZED <i>(Not applicable for Air Force)</i>
3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION	<input checked="" type="checkbox"/> BAD CONDUCT <i>(Special court-martial only)</i>	CHANGE NARRATIVE REASON FOR SEPARATION TO:
756 AMXS, 310 AMU Luke AFB, Arizona	UNCHARACTERIZED	
	OTHER <i>(Explain)</i>	

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST *(Continue in Item 14. See instructions on Page 3.)*
The discharge is improper because it was based on one isolated incident in 25 months of service with no other adverse action. I request that my discharge be changed from Bad Conduct to General/Under Honorable Conditions.

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.)*
Enclosed are grade reports from the Spring 2004 semester, Summer 2004 semester, Fall 2004 semester, and Spring 2005 semester. Also enclosed are 2 letters from the President of Western Kentucky University designating me as a President's Scholar for the Fall 2004 semester and as a

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 <i>(if any)</i> NAME <i>(Last, First, Middle Initial)</i> AND ADDRESS <i>(See Item 10 of the Instructions about counsel/representative.)</i>	b. TELEPHONE NUMBER <i>(Include Area Code)</i>
	c. E-MAIL
	d. FAX NUMBER <i>(Include Area Code)</i>

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	b. TELEPHONE NUMBER <i>(Include Area Code)</i>
	c. E-MAIL
	d. FAX NUMBER <i>(Include Area Code)</i>

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. <i>(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.)</i>	CASE NUMBER <i>(Do not write in this space.)</i>
	FD 2005-00272
a. SIGNATURE - REQUIRED <i>(Applicant or person in Item 10 above)</i>	b. DATE SIGNED - REQUIRED <i>(YYYYMMDD)</i>
	20050705

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

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

Dean's Scholar for the Spring 2004 semester, I have included a letter from [] who is the head advisor for the Sociology Dept. at WKU - Glasgow Campus as a character reference. Also 2 certificates from boot camp are included which show I was an element leader and the "Most Outstanding Airman" in my flight. Finally I have personally typed a letter describing why I believe an upgrade to a discharge of General/Under Honorable Conditions is appropriate.

16. REMARKS (If applicable)

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 20374-6023

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

Tuesday, July 5, 2005

U. S. Air Force Review Boards Agency-

This letter is to provide insight as to why an upgrade of discharge from Bad Conduct to General/Under Honorable Conditions is appropriate for

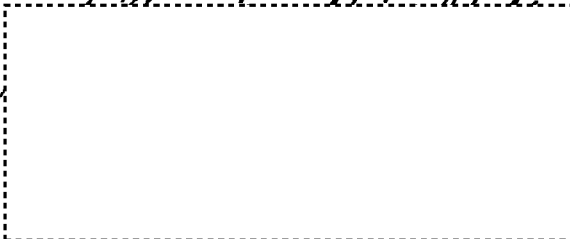
In 25 months of military service, I made one bad decision which ended my military career. This is the only adverse action during this time period. I have learned a valuable lesson through this experience and it has motivated me to complete my Bachelor's Degree at Western Kentucky University and continue my education as an Electrical Engineer. I will receive my diploma from WKU in August of 2005 and have been a Dean's Scholar and a President's Scholar since I have been separated from the USAF.

I truly wish I could erase the poor choice that I made and do it over again, but I cannot. I ask that you look at my accomplishments since I have been separated, and upgrade my discharge to General/Under Honorable Conditions. As a Sociology major, I realize that stigmas can follow a person forever. I believe that I do not deserve to be classified as someone with a bad conduct discharge and I ask you to change this discharge classification.

Please read over the letter from my advisor at WKU and the grade reports since I have been separated, and you will see that I am a motivated and dedicated person who wants to excel in my new career field of Engineering.

After reading through the packet on how to submit the DD Form 293, I am confused as to whether I need to submit my military personnel file. If I need to access and submit my military personnel file, please email me at: _____; or call my home phone number at 270-524-2381 and let me know how to do this, and I will do so as soon as possible.

Thank you for your time. *lll*



**DEPARTMENT OF THE AIR FORCE
56TH FIGHTER WING (AETC)
LUKE AIR FORCE BASE, ARIZONA 85309-1525**

Special Court-Martial Order
No. 7

26 September 2003

AIRMAN FIRST CLASS [redacted], United States Air Force,
756th Aircraft Maintenance Squadron, was arraigned at Luke Air Force Base, Arizona, on the
following offense at a court-martial convened by this headquarters.

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

Specification: Did, at or near Tempe, Arizona, on divers occasions between on or about
4 July 2003 and on or about 21 July 2003, wrongfully use cocaine. Plea: G. Finding: G.

SENTENCE

Sentence adjudged by military judge on 4 September 2003: Bad conduct discharge, confinement
for 4 months, forfeiture of \$767.00 pay per month for 4 months, and reduction to airman basic.

ACTION

In the case of AIRMAN FIRST CLASS [redacted], United States Air Force,
756th Aircraft Maintenance Squadron, only so much of the sentence as provides for a bad
conduct discharge, confinement for 3 months, forfeiture of \$767.00 pay per month for 3 months,
and reduction to airman basic, 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 Chief, Corrections Division may
direct. Unless competent authority otherwise directs, upon completion of the sentence to
confinement, Airman Basic [redacted] will be required, under Article 76a, UCMJ, to
take leave pending completion of appellate review of the conviction.

[redacted signature box]

Commander

SPCMO No. 7

Received Time Aug. 15. 5:46AM

S30451

230121

FOR THE COMMANDER



Staff Judge Advocate

DISTRIBUTION:

- 1- AB [redacted]; 56 SFS/OJ, 7333 N. Bong Lane, Luke AFB 85309-1428 (ACC)
 - 1 - Col [redacted]; USAF Trial Judiciary, Western Circuit, 540 Airlift Drive, Travis AFB CA 94535-2478 (MJ)
 - 1 - Capt [redacted]; 56 FW/JA, 7383 N. Litchfield Road, Suite 2040, Luke AFB AZ 85309-1534 (TC)
 - 1 - Capt [redacted]; ADC/AFLSA, 7383 N. Litchfield Road, Suite 3015, Luke AFB AZ 85309-1534 (ADC)
 - 1 - 56 FW/CC, 14185 W. Falcon St., Luke AFB AZ 85309-1629
 - 1- 756 AMXS/CC, 14440 W. Starfighter Street, Luke AFB AZ 85309-1890
 - 1 - 56 MXG/CC, 14354 West Starfighter Street, Luke AFB AZ 85309-1890
 - 2 - 56 SFS/CC, 7333 Bong Lane, Luke AFB AZ 85309-1428
 - 2 - 56 CPTS/FMF, 7383 N. Litchfield Road, Room 1076, Luke AFB AZ 85309-1512
 - 4 - 56 MSS/DPMAE, 7383 N. Litchfield Road, Suite 3, Luke AFB AZ 85309-5000
 - 1 - 56 FW/JA, 7383 N. Litchfield Road, Suite 2040, Luke AFB AZ 85309-1540
 - 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 20032
 - 1 - HQ AFPC/DPSAM, 550 C Street West, Suite 21, Randolph AFB TX 78150-4723
 - 1 - HQ AFPC/DPWROP, 550 C Street West, Suite 15, Randolph AFB TX 78150-4717
 - 1 - DFAS-POAB/DE, 6760 East Irvington Place, Denver CO 80279-7500
 - 1 - DFAS-PMJPC/DE, 6760 East Irvington Place, Denver CO 80279-3000
 - 1 - AFCAF/PSA, 229 Brookley Ave., Bolling AFB DC 20332-7040
 - 4 - HQ AFSFC/SFC, 1517 Billy Mitchell Boulevard, Lackland AFB TX 78236-0119
 - 1 - HQ 11 WG/JAJR, 20 MacDill Boulevard, Room 207, Bolling AFB DC 20332-0110
 - 1 - 56 SFOI, 7333 Bong Lane, Luke AFB AZ 85309-1428
- Continuation of SPCMO No. 7, 56 FW, Luke AFB AZ (AETC), dated 26 Sep 2003

- 1 - AFOSI Det 421/CC, 7354 N. 141 Drive, Luke AFB AZ 85309-1219
- 1 - HQ AETC/JA, 61 Main Circle, Suite 1, Randolph AFB TX 78150-4544
- 1 - 56 FW VWAP LRO, 56 FW/JA, 7383 N. Litchfield Road, Suite 2040, Luke AFB AZ 85309-1534

CMORDC

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS NINETEENTH AIR FORCE (AETC)
RANDOLPH AIR FORCE BASE, TEXAS 78150-4549

Special Court-Martial Order
No. 9

26 April 2004

In the special court-martial case of AIRMAN FIRST CLASS [redacted], United States Air Force, 756th Aircraft Maintenance Squadron, the sentence to a bad conduct discharge, confinement for three months, forfeiture of \$767.00 pay per month for three months, and reduction to airman basic, as promulgated in Special Court-Martial Order No. 7, 56th Fighter Wing (AETC), dated 26 September 2003, has been finally affirmed. Article 71(c) having been complied with, the bad conduct discharge will be executed. The sentence was adjudged by military judge on 4 September 2003 (ACM S30451).

[redacted signature box]

Major General, USAF
Commander

DISTRIBUTION:

- 1 - AB [redacted], 725 Johnson Springs Road, Munfordville KY 42765 (ACC)
- 1 - Col [redacted], USAF Trial Judiciary, Western Circuit, 540 Airlift Drive, Travis AFB CA 94535-2478 (MJ)
- 1 - Capt [redacted], 56 FW/JA, 7383 N. Litchfield Road, Ste 2040, Luke AFB AZ 85309-1540 (TC)
- 1 - Capt [redacted], AFLSA/ADC, 7383 N. Litchfield Road, Ste 2040, Luke AFB AZ 85309-1540 (ADC)
- 1 - 56 FW/CC, 14185 West Falcon Street, Luke AFB AZ 85309-1629
- 1 - 756 AMXS/CC, 14440 West Starfighter Street, Luke AFB AZ 85309-1877
- 1 - 56 MXG/CC, 14354 West Starfighter Street, Luke AFB AZ 85309-1890
- 2 - 56 CPTS/FMFC, 7383 N. Litchfield Road, Ste 1076, Luke AFB AZ 85309-1512

DEPARTMENT OF THE AIR FORCE
OFFICE OF THE JUDGE ADVOCATE GENERAL
Inasmuch as no petition for a grant of review has been received within the appeal period, the sentence as approved in this case has become final. This order accurately reflects the final action taken pursuant to appellate review.

SPCMO No. 9

[redacted signature box]

Chief, Appellate Records Branch
Military Justice Division

FOR THE JUDGE ADVOCATE GENERAL

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

TO: SAC, [illegible]
FROM: SAC, [illegible]
SUBJECT: [illegible]

- 4 - 56 MSS/DPMPE, 7383 N. Litchfield Road, Ste 2091, Luke AFB AZ 85309-1513
- 1 - 56 FW/JA, 7383 N. Litchfield Road, Ste 2040, Luke AFB AZ 85309-1540
- 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 20032-8000
- 1 - HQ AFPC/DPSFCM, 550 C Street West, Suite 21, Randolph AFB TX 78150-4723
- 1 - HQ AFPC/DPWROP, 550 C Street West, Suite 15, Randolph AFB TX 78150-4717
- 1 - DFAS-POAB/DE, 6760 East Irvington Place, Denver CO 80279-7500
- 1 - DFAS-PMJPC/DE, 6760 East Irvington Place, Denver CO 80279-3000
- 1 - AFCAF/PSA, 229 Brookley Avenue, Bldg 520, Bolling AFB DC 20032-7040
- 1 - HQ 11 WG/JAJR, 20 MacDill Boulevard, Room 207, Bolling AFB DC 20032
- 1 - AFOSI, Det 421, 7354 North Homer Drive, Luke AFB AZ 85309-1428
- 1 - HQ AETC/JA, 61 Main Circle, Suite 1, Randolph AFB TX 78150-4544