

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 AB	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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TYPE BCD	PERSONAL APPEARANCE	X	RECORD REVIEW
COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	No		
X			

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTIC	OTHER	DENY
<div style="border: 1px dashed black; height: 40px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 20px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 20px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 20px; width: 100%;"></div>					X
<div style="border: 1px dashed black; height: 20px; width: 100%;"></div>					X

ISSUES A91.05	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 25 May 2006	CASE NUMBER FD-2005-00424	
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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 OF RECORDER <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>	SIGNATURE OF BOARD PRESIDENT <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>
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INDORSEMENT		DATE: 5/30/2006
TO: SAE/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

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 warranting an act of clemency.

ISSUE: Applicant received a Bad Conduct Discharge via the sentence of a Special Court Martial

The applicant received a Bad Conduct Discharge, a punitive discharge, as part of his sentence resulting from a Special Court-Martial conviction for, on divers occasions, committing carnal knowledge, and for wrongfully providing alcoholic beverages to a juvenile fifteen years of age. Under the provisions of Section 1553, 10 USC, the only basis for a change of a Bad Conduct discharge is clemency. The applicant presented no evidence which the DRB could consider to 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.

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)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF Barksdale AFB, LA on 11 May 95 UP Special Court Martial Order No.13 (Conviction By Court Martial). Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 19 Sep 71. Enlmt Age: 17 4/12. Disch Age: 23 7/12. Educ: HS DIPL. AFQT: N/A. A-Unknown, E-Unknown, G-Unknown, M-Unknown. PAFSC: 2A753 - Aircraft Structural Maintenance Journeyman. DAS: (EPR Indicates): 01 Mar 90-31 Oct 91.

b. Prior Sv: (1) AFRes 16 Feb 89 - 28 Feb 90 (1 yr 0 mos 13 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Mar 90 for 4 yrs. Svd: 05 Yrs 02 Mo 11 Das, of which AMS is 05 yrs 00 months 06 days (excludes 2 months 5 days lost time).

b. Grade Status: AB - 27 Apr 93 (SPCMO No.13, 27 Apr 93)
A1C - 1 Jul 91
Amn - 1 Sep 90

c. Time Lost: 11 Mar 93 thru 16 May 93 (2 months 5 days).

d. Art 15's: None.

e. Additional: LOR/UIF/CR, 6 AUG 92 - Apprehended by Security Police for failing to have lights on bicycle after dark. Uncooperative and rude with Security Police.

f. CM: Special Court Martial Order No.13 - 27 Apr 93

CHARGE 1: Dismissed.

CHARGE II: Article 120. Plea: Not Guilty. Finding: Guilty.

Specification: Did, at or near Barksdale AFB, LA, on divers occasions between on or about 2 Jan 93 to on or about 9 Jan 93, commit carnal knowledge with ****. Plea: Not Guilty. Finding: Guilty.

CHARGE III: Not Guilty.

CHARGE IV: Article 134. Plea: Not Guilty. Finding: Guilty.

Specification: Did, at or near Barksdale AFB, LA, between on or about 2 Jan 93 to on or about 9 Jan 93, wrongfully provide alcoholic beverages to *****, a juvenile fifteen years of age. Plea: Not Guilty. Finding: Guilty. Sentence adjudged on 11 Mar 93: Bad conduct discharge, confinement for three months, and reduction to AB.

g. Record of SV: 01 Mar 90 - 31 Oct 91 Barksdale AFB 4 (Initial)
01 Nov 92 - 20 Apr 92 Barksdale AFB 3 (CRO)
21 Apr 92 - 05 Aug 92 Barksdale AFB 1 (Cmdr Dir)REF

h. Awards & Decs: AFOUA, AFGCM, NDSM, AFTR.

i. Stmt of Sv: TMS: (06) Yrs (00) Mos (19) Das
TAMS: (05) Yrs (00) Mos (06) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 03 Nov 05.
(Change Discharge to General)

NO ISSUES SUBMITTED.

ATCH
None.

6DEC05/ia

*for cc
BWRK*

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 2D WING (ACC)
BARKSDALE AIR FORCE BASE, LOUISIANA 71110-2270

Special Court-Martial Order
No. 10

27 April 1993

AIRMAN FIRST CLASS [REDACTED], United States Air Force, 2d Maintenance Squadron, was arraigned at Barksdale Air Force Base, Louisiana on the following offenses at a court-martial convened by this headquarters.

CHARGE I: ARTICLE 92. Plea: None Entered

Specification: Violation of a lawful order on 12 January 1993. Plea: None Entered. Finding: Dismissed on motion of defense that order was vague, over-broad, and unreasonably interfered with accused's rights to free speech, freedom of association, and privacy.

CHARGE II: ARTICLE 120. Plea: NG. Finding: G.

Specification: Did, at or near Barksdale Air Force Base, Louisiana, on divers occasions between on or about 2 January 1993 to on or about 9 January 1993, commit carnal knowledge with *****. Plea: NG. Finding: G.

CHARGE III: ARTICLE 125. Plea: NG. Finding: NG.

Specification: Did, at or near Barksdale Air Force Base, Louisiana, on divers occasions between on or about 2 January 1993 to on or about 9 January 1993, commit sodomy with *****. Plea: NG. Finding: NG of the specification directed by military judge; NG of lesser included offense of indecent acts by the court.

CHARGE IV: ARTICLE 134. Plea: NG. Finding: G.

Specification: Did, at or near Barksdale Air Force Base, Louisiana, between on or about 2 January 1993 to on or about 9 January 1993, wrongfully provide alcoholic beverages to ***** a juvenile fifteen years of age. Plea: NG. Finding: G.

SENTENCE

Sentence adjudged on 11 March 1993: Bad-conduct discharge, confinement for three months, and reduction to airman basic.

ACTION

In the case of AIRMAN FIRST CLASS [REDACTED], United States Air Force, 2d Maintenance Squadron, only so much of the sentence as provides for bad-conduct discharge, confinement until 16 May 1993, and reduction to airman basic is approved, and except for the part of the sentence extending to bad-conduct discharge, will be executed. The confinement facility, Barksdale Air Force Base, Louisiana, is designated as the place of confinement.

[REDACTED]

Commander

FOR THE COMMANDER

[REDACTED]

Staff Judge Advocate

DISTRIBUTION:

- 1 - AB [REDACTED], 2 MS, 437 Lindbergh Rd W, Rm 31 Barksdale AFB LA 71110-3216 (ACC)
- 1 - Lt Col [REDACTED], AFLSA/JAJT-3, 2035 1st Drive W, Ste 2, Randolph AFB TX 78150-4304 (MJ)
- 1 - Capt [REDACTED], 2 WG/JA, 66 Kenney Ave, Ste 300, Barksdale AFB LA 71110-2293 (TC)
- 1 - Capt [REDACTED], AFLSA/JAJD, 319 K Ave, Ste 3, Sheppard AFB TX 76311-2635 (CDC)
- 1 - Lt Col [REDACTED], 2 CS, 134 Davis Ave E, Barksdale AFB LA 71110-2100 (PRES)
- *1 - 2 WG/CC, 841 Fairchild Ave, Ste 100, Barksdale AFB LA 71110-2270
- 1 - 2 WG/JA, 66 Kenney Ave, Ste 300, Barksdale AFB LA 71110-2293
- 1 - 2 MS/CC, 437 Lindbergh Rd W, Rm 31, Barksdale AFB LA 71110-3216
- 1 - 2 LG/CC, 841 Fairchild Ave, Barksdale AFB LA 71110-2164
- *1 - 2 SPS/CC, 425 Lindbergh Rd E, Ste 200, Barksdale AFB LA 71110-3200
- 1 - 2 SPS/SPOC, 876 Luke Ave, Barksdale AFB LA 71110-2266
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- 1 - 2 MSSQ/MSMPP/MSMPR/MSMUE/MSMEC, 345 Davis Ave W, Ste 200, Barksdale AFB LA 71110-2073
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*Recipients of unexpurgated CMO