	AIR FORCE DISCHARGE REVI	EW BOARD I	HI	EARING RECO	RD		
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A93.01		1		ORDER APPOINTIN	NG THE BOAR	.D	
A01.39		2	+	APPLICATION FOR		DISCHARGE	
A94.05		3	+-	LETTER OF NOTIF			
		4_	_	BRIEF OF PERSON COUNSEL'S RELEA			
				ADDITIONAL EXH			IE OF
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HEARING DATE	CASE NUMBER						
24 Aug 2006	FD-2005-00487						
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Case heard in Washington,	, D.C.						
Advise applicant of the dec submit an application to the	cision of the Board, the right to a pe	rsonal appear	ar	nce with/without	counsel, ar	nd the righ	t to
Names and votes will be m	nade available to the applicant at the	applicant's re	eq	luest.			
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7.	INDOMSEMENT		84	123 3 10 123 3 10 124 3 10	DATE: 8/28/20	06	* * * * * * * * * * * * * * * * * * *
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RANDOLPH AFB, TX 781				ND DR, EE WING, 3RD FI FB, MD 20762-7002	JOUK		

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2005-00487

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 did not receive an administrative discharge, thus her contention of inequity is not applicable. The applicant received a Bad Conduct Discharge, a punitive discharge, as part of her sentence resulting from a Special Court Martial conviction. She was found guilty of two offenses. The first was for wrongful use of marijuana on divers occasions and the second offense was for attempt to wrongfully possess Lysergic Acid Diethylamide (LSD). She received Bad Conduct Discharge, reduction to airman and two months confinement. Under the provisions of Section 1553, 10 USC, the only basis for 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)	(HCH AMN)
•	:	(FOLUMEL AD)	(HGH AMM)
:	<u> </u>		
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1. MATTER UNDER REVIEW: Appl rec'd a BCD Disch fr USAF Peterson AFB, CO on 12 Dec 96 UP Special Court Martial Order No.8 (Conviction by Court Martial). Appeals for General Discharge.

2. BACKGROUND:

a. DOB: 12 Nov 76. Enlmt Age: 17 5/12. Disch Age: 20 1/12. Educ: HS DIPL. AFQT: N/A. A-92, E-58, G-59, M-60. PAFSC: 3M031 - Services Apprentice. DAS: 14 May 95.

b. Prior Sv: (1) AFRes 10 May 94 - 18 Jan 95 (8 months 9 days) (Inactive).

3. SERVICE UNDER REVIEW:

- a. Enlisted as AB 19 Jan 95 for 4 yrs. Svd: 01 Yrs 10 Mo 24 Das, of which AMS is 01 Yrs 09 Mo 10 Das (excludes 1 mo 14 days lost time).
 - b. Grade Status: AB 6 May 96 (SPCMO #8, 6 Jun 96) Amn - 19 Jul 95
 - c. Time Lost: 22 Apr 96 thru 6 Jun 96 (1 month 14 days).
 - d. Art 15's: None.
 - e. Additional: None.
 - f. CM: Special Court Martial No.8 6 Jun 96

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

Specification: Did, on divers occasions between on or about 1 Feb 96 and 20 Feb 96, wrongfully use Marijuana. Plea: Guilty. Finding: Guilty.

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

Specification: Did, on or about 2 Mar 96, attempt to wrongfully possess Lysergic Acid Diethylamide (LSD). Plea: Guilty. Finding: Guilty.

CHARGE III: Withdrawn after arraignment. Sentence adjuged on 22 Apr 96: Bad conduct discharge, reduction to E-1, and 2 months confinement. Sentence affirmed by Special Court Martial Order No. 5, 22 Nov 96.

- q. Record of SV: None.
- h. Awards & Decs: AFTR, NDSM.
- i. Stmt of Sv: TMS: (02) Yrs (05) Mos (19) Das

 TAMS: (01) Yrs (09) Mos (10) Das
- 4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 15 Dec 05. (Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

ATCH

- 1. Applicant's Issues.
- 2. Six Character References.
- 3. Three Letters of Appreciation.
- 4. Certificate of Appreciation.
- 5. Two Training Certificates.
- 6. Personal Statement.
- 7. College Transcript.
- 8. Training Certificate.
- 9. Copy of Military Personnel Record.
- 10. Bill of Sale.

03FEB06/ia

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 end 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 Services 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

BACK OF THIS PAGE.						
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DISCLOSURE: Voluntary; however, failure to Social Security Number is strictly to assure					pplication. The request for	
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199606		AN HONORABLE CONDI			NORABLE CONDITIONS	
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6. ISSUES: WHY AN UPGRADE OR CHANG Page 3.)	E IS REQUESTED AND	JUSTIFICATION FO	R THE REQUES	T (Conti	nue in Item 14. See instructions on	
I am requesting an upgrade because I feel	I I was unjustly tried	and lumped into a g	group of indivi	iduals v	vho were also discharged	
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others who have been discharged from the						
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I AND/OR (counsel/representative) WISH TO A	PPEAR AT A HEARING A	T NO EXPENSE TO THE	GOVERNMENT I	BEFORE '	THE BOARD IN THE	
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(enter city and state)		(NOTE: The N	lavy Discharge Re	eview Boa	ard does not have a traveling panel.)	
10.a. COUNSEL/REPRESENTATIVE (If any) NA		itial) AND ADDRESS	b. TELEPHONE	NUMBE	R (Include Area Code)	
(See Item 10 of the instructions about couns	el/representative.)		c. E-MAIL			
		•	d. FAX NUMBE	ER (Includ	de Area Code)	
1. APPLICANT MUST SIGN IN ITEM 13.a. B	ELOW If the record in	n guestion is that of	a deceased or it	ncompe	tent person LEGAL PROOF OF	
DEATH OR INCOMPETENCY MUST ACC	OMPANY THE APPLIC	ATION. If the applica	ation is signed l	by other	than the applicant, indicate	
the name (print)		and relationship	by marking a b	ox belov	N.	
SPOUSE WIDOW WIDOWER	NEXT OF KIN	LEGAL REPRESENT		HER (Sp		
2.a. CURRENT MAILING ADDRESS OF APPL		BOVE	b. TELEPHONE	NUMBE	R (Include Area Code)	
(Forward notification of any change in addres	is./		c. E-MAIL ma	chaum	bennett@amedd.army.mil	
			1112	1511a W 11.	beiniett@aniedd.army.mii	
			d. FAX NUMBE	R (Includ	le Area Code)	
3. CERTIFICATION. I make the foregoing s	statements as part of	my claim with full ke	nowledge of the	<u></u>	CASE NUMBER	
penalties involved for willfully making a fa	alse statement or claim	i. (U.S. Code, Title 1	8. Sections 287	7	(Do not write in this space.)	
and 1001, provide that an individual shall be fined under this title or imprisoned not more than bor both.)			more than 5 ye.	ars,		
a. SIGNATURE - REQUIRED (Applicant or person in	n Item 11 shovel	b. DATE SIGNED -	REQUIRED	†	-D 2005-00487	
GIGHATORE - REGOMED (Applicant of person in	a nem i abovej	(YYYYMMDD)				
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years old when I was being discharged from the military. The the least. We were rushed through the process and my lawyer lot for me. I was also rushed into questioning and pressured ir I was a scared girl and unsure of what to do. I thought that the me. I tried to cooperate with them, but when I couldn't deliver	I feel my discharge is inequitable. In regards to propriety, I was 19 process as to which I went through my discharge were strange to say, who I only got to sit with the day before the court-martial, didn't do a not answering questions immediately and without a lawyer present. It officers or OSI would take care of me and not let anything happen to anyone else for them to prosecute, they threw me to the fishes and if them to do, since we are taught that officers are there to help you and
15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If app	olicable)
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16. REMARKS (If applicable)	
To. HEMPING III approache)	
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MAIL COMPLETED APPLICATIONS	TO APPROPRIATE ADDRESS BELOW.
ARMY	NAVY AND MARINE CORPS
Army Review Boards Agency	Naval Council of Personnel Boards
Support Division, St. Louis 9700 Page Avenue	720 Kennon Street, S.E.
St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Room 309 (NDRB) Washington Navy Yard, DC 20374-5023
	COACT CHAPP
AIR FORCE	COAST GUARD
Air Force Review Boards Agency SAF/MRBR	U.S. Coast Guard Commandant (G-WPM)
550-C Street West, Suite 40	2100 Second Street, S.W. Room 5500
Randolph AFB, TX 78150-4742	Washington, DC 20593

	randum For Whom It May Concern	
From		
Subject:	et: Brief for Appeals Review Board	
discharg work on from a L article 1:	am writing to request a review and rge. During my time in service I was considered a "Con time, did as I was told, and even received a couple Lt. Col and a MSgt for hard work. I did have on ins 15 for not showing up to work, but I explained the si and agreed to take the punishment which I deserve up for missing work. I was never late or missed work.	Good" Airman. I arrived to of Letters of Appreciation tance where I received an tuation to my supervisor, Sgt. yed and work and extra shift
grandmo hard time thinking was horr time with when I co how Ai to getting ir do about again. It so much	ruary, when I was arrested by AFOSI, I was really not nother after a bout with Cancer and just returned from me for me, but this is not an excuse. Simply, an explig clearly. I also feel that the way I was treated durin rrible and that I was not given any information about ith my lawyer before the actual court martial. I tried couldn't deliver anyone for them, they just dismissed itried to help them. I was a scared girl then and I had into. After the process was over I was never told or ut appealing my decision. I had never been in that m I have since proven myself to be an exemplary citize has a speeding ticket. I have been blessed with so me band and family.	n emergency leave. It was a canation of why I was not g the process of discharge the process. I hardly had any to cooperate with OSI, but d me and didn't even mention d no idea what I was really explained to what all I could uch trouble before, or ever n, having never even received
be an exc peers and who are t schools a math skill continued I was a cu her. I beg but felt ur could mal Antonio, 2005 Sum and learne moved to language.	eing dismissed from the military I married to a wond exceptional military member making Technical serges and about to test for Master. We have two beautiful de truly the most wonderful children in the world. I hat and helped out whenever possible. She has done outills. is following in her sisters footsteps sho ed to do great work, even though moving jobs. I won customer service representative and after having legan working again in 2001 for another company do unfulfilled. I decided to go to a vocational school and take a career out of. So I went to the National Institute, Texas, and studied Medical Administrative Assistant amma Cum Laude. I began my internship at the Rand and how to check in patients, code visits and work we to Germany I was very excited to have an opportunity e. Also, to start work doing something meaningful. In Regional Medical Center Pediatric clinic. I have the	aughters, inve volunteered at Jada's standing in her reading and wing us how smart she is. I sked at Current Checks, Inc. I quit to stay at home with ing customer service again, d learn something that I te of Technology in San int. I graduated in February dolph Clinic in San Antonio ith doctors. When we is to learn another culture and I got a job working at the

and I love it here. I have gotten nothing but compliments since beginning work here and

I have shown my initiative in taking on new projects, helping run the clinic and setting up and inputting the doctors' schedules. I am one of the two front desk personnel and we are the first and last people who they see and we must make a good impression.

I believe that I have proven to be an excellent citizen and an exemplary employee post-service. And I know that my life shows that I am responsible and that I have a good standing in the community. We have bought and sold a house and have maintained an outstanding credit score. We are responsible and loving parents and our children reflect this. My in service conduct was an abnormality in my behavior and not at all normal to my regular life. I am not malicious in nature and I have demonstrated that I am a good citizen. I am a law abiding citizen who only wants to look ahead and have a loving family and a good career. I have served my time and I believe that I have demonstrated my true character over the years. I am hoping for a change to my discharge so I can have a clean slate and have a new beginning. Thank you for your time.

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DEPARTMENT OF THE AIR FORCE HEADQUARTERS 21ST SPACE WING (AFSPC) PETERSON AIR FORCE BASE, COLORADO 80914-1290

Special	Court-Martial	Order
No. 8		

06 June 1996

AIRMAN: , United States Air Force, 21st Services Squadron, was arraigned at Peterson Air Force Base, Colorado, on the following offenses at a court-martial convened by this headquarters.

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

Specification: Did, on divers occasions between on or about 1 February 1996 and 29 February 1996, wrongfully use Marijuana. Plea: G. Finding: G.

CHARGE II: Article 80. Plea: G. Finding: G.

Specification: Did, on or about 2 March 1996, attempt to wrongfully possess Lysergic Acid Diethylamide (LSD). Plea: G. Finding: G.

CHARGE III: Article 107. Plea: NG Finding: Withdrawn after arraignment.

Specification: Did, on or about 13 May 94, with intent to deceive, sign an official document, to wit: a DD Form 398 stating that she had never used marijuana, which document was totally false and was then known by the said Airman Mashawn D. Bentley to be so false. Plea: NG Finding: Withdrawn after arraignment.

SENTENCE

Sentence adjudged on 22 April 1996: bad conduct discharge, reduction to E-1, and 2 months confinement.

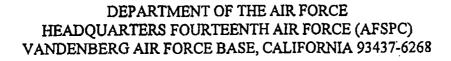




ACTION

d d e	In the case of AIRMAN
·	·
	Brigadier General, USAF Commander
F	FOR THE COMMANDER
. . .	
 c	Staff Tuden Advanta
D	Staff Judge Advocate
Ι	Distribution:
	1 - AB: ; 21 Services Squadron, Peterson AFB, CO
	80914 (ACC) 1 - Lt Col: , USAF Judiciary, Central Circuit, 2035 1st Drive West, Suit
	Randolph AFB, TX 78150-4304 (MJ)
	1 - Captain 321 SW/JA, 660 Mitchell St, Suite 540, Peterson AFB, CO 80914 (TC)
	1 - Captain USAF Judiciary, Area Defense Counsel, Peterson, CO (I
	1 - 21 SW/CC, 775 Loring Ave, Suite 205, Peterson AFB, CO 80914-1290
	1 - 21 SVS/CC, Peterson AFB, CO 80914
	2 - Army Regional Confinement Facility/CC, Fort Carson AIN, CO
	2 - 21 CPTS/FMFMP, Peterson AFB, CO 80914 4 - 21 MSS/MSPP, Peterson AFB, CO 80914
	1 - 21 SW/JA, 660 Mitchell Street, Suite 540, Peterson AFB, CO 80914-1154
	1 - 14 AF/JA/CC, Vandenberg AFB, CA 93437-6285
	10 - AFLSA/JAJM, 172 Luke Ave, Suite 343, Bolling AFB, DC 20332-5113
	1 - AFPC/DPMDOM1, 550.C West Suite 21, Randolph AFB, TX 78150-4723
	4 - HQ AFSPA/SPC, 8201 H Avenue S.E., Kirtland AFB, NM 87117-5664
	1 - 11 WG/JAJR, 20 MacDill Blvd, Suite 207, Bolling AFB, DC 20332-5100

F02005-00487



	Special Court-Martial Order No. 5	2 2 NOV	1996,
şî.	In the special court-martial case of AIRMAN. United States Air Force, 21st Services Squadron, the sentence confinement for 2 months, and reduction to airman basic as p Martial Order No. 8, Headquarters 21st Space Wing (AFSPC finally affirmed. Article 71(c) having been complied with, the executed. The sentence was adjudged on 22 April 1996. (ACC)	romulgated in Special), dated 6 June 1996, l le bad conduct dischar	Court-
' !	Major General, USAF		
	Commander		
	DISTRIBUTION:	•	
	1 - AB:	uit, 2035 1st Drive W treet, Peterson AFB C Lackland AFB TX 782 AFB CA 93437-6268	CO 80914- 236-
	1 - 21 SVS/CC, Peterson AFB CO 80914	· ·	