

# 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 <b>A1C</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																																				
TYPE GEN		<b>PERSONAL APPEARANCE</b>	<b>X</b>	<b>RECORD REVIEW</b>																																			
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HEARING DATE <b>19 Sep 2006</b>		CASE NUMBER <b>FD-2006-00046</b>																																					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE																																							
<p>Case heard in Washington, D.C.</p> <p>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</p> <p>Names and votes will be made available to the applicant at the applicant's request.</p>																																							
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>																																					
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																																					

**AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE**

CASE NUMBER

**FD-2006-00046**

**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 for wrongful use of marijuana. Under the provisions of Section 1553, 10 USC, the only basis for a change of a Bad Conduct discharge is clemency. The applicant did not present 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 AlC) (HGH TSGT)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF McConnell AFB, KS on 27 Feb 91 UP SPCM Order #2, 11 Feb 91. Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 1 Nov 58. Enlmt Age: 18 1/12. Disch Age: 32 3/12. Educ: HS DIPL. AFQT: N/A. A-34, E-36, G-44, M-54. PAFSC: 45770 - Strategic Aircraft Maintenance Technician. DAS: 28 Feb 85.

b. Prior Sv: (1) AFRes 14 Dec 76 - 27 Jan 77 (1 month 14 Days) (Inactive).

(2) Enlisted as AB 28 Jan 77 for 4 years. Reenlisted as SrA 23 Dec 80 for 4 years. Extended on 19 Nov 84 for 11 months. Svd: 7 Yrs 11 Mos 15 Das all of which is AMS. AlC - 28 Jan 78. SSgt - 1 Oct 82. No other promotion data available. APRs: 9,9,9,9,9,9,9,9,9.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 13 Jan 85 for 6 years Svd: 06 Yrs 01 Mo 15 Das, all AMS.

b. Grade Status: AlC - 26 Jun 90 (SPCM Order #2)  
TSgt - 1 Mar 88

c. Time Lost: None.

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial - 26 Jun 90.

CHARGE: Article 112a. Pleas G. Findings: G.

Specification 1: Did, at or near McConnell AFB, KS, on or about 17 Jan 90 and on or about 14 Feb 90, wrongfully use marijuana.  
Plea: G. Finding: G. Sentence adjudged on 31 May 90: Bad conduct discharge and reduction to airman first class.

g. Record of SV: 2 Jan 85 - 1 Jan 86 McConnell AFB 9 (Annual)  
2 Jan 86 - 1 Jan 87 McConnell AFB 9 (Annual)  
2 Jan 87 - 1 Jan 88 McConnell AFB 9 (Annual)  
2 Jan 88 - 1 Jan 89 McConnell AFB 9 (Annual)  
2 Jan 89 - 1 Jan 90 McConnell AFB 4 (Annual)

h. Awards & Decs: AFTR, AFOUA W/1 OLC, AFAA W/1 OLC, AFGCM W/3 OLC,  
NCOPMER.

i. Stmt of Sv: TMS: (14) Yrs (02) Mos (14) Das  
TAMS: (14) Yrs (01) Mos (00) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 26 Jan 06.  
(Change Discharge to General)

NO ISSUES SUBMITTED.

ATCH  
None.

16MAR06/day

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 384TH BOMBARDMENT WING (H) (SAC)  
MCCONNELL AIR FORCE BASE, KANSAS 67221-5000

Special Court-Martial Order  
No. 7

26 June 1990

TECHNICAL SERGEANT [REDACTED] United States Air Force, 384th Organizational Maintenance Squadron, was arraigned at McConnell Air Force Base, Kansas, on the following offenses at a court-martial convened by this headquarters.

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

Specification 1: Did, at or near McConnell AFB, KS, on or about 17 Jan 90 and on or about 14 Feb 90, wrongfully use marijuana. Plea: G. Finding: G.

SENTENCE

Sentence adjudged on 31 May 1990: Bad conduct discharge and reduction to airman first class.

ACTION

In the case of TECHNICAL SERGEANT [REDACTED] United States Air Force, 384th Organizational Maintenance Squadron, the sentence is approved and, except for the part of the sentence extending to bad conduct discharge, will be executed.

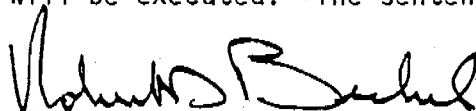
[REDACTED]  
Commander

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS FIFTEENTH AIR FORCE (SAC)  
MARCH AIR FORCE BASE, CALIFORNIA 92518-5000

Special Court-Martial Order  
No. 2

11 February 1991

In the special court-martial case of TECHNICAL SERGEANT [REDACTED],  
[REDACTED] United States Air Force, 384th Organizational Maintenance  
Squadron, the sentence to a bad conduct discharge and reduction to airman  
first class, as promulgated in Special Court-Martial Order No. 7,  
Headquarters, 384 Bombardment Wing, dated 26 June 1990, has been finally  
affirmed. Article 71(c) having been complied with, the bad conduct discharge  
will be executed. The sentence was adjudged on 31 May 1990 (ACMS 28350).

  
ROBERT D. BECKEL  
Lieutenant General, USAF  
Commander

DISTRIBUTION:

- 1 - A1C [REDACTED], 3231 S. Holyoke Circle, Wichita KS 67216 (ACC)
- 1 - Col [REDACTED], USAF Trial Judiciary, Lowry AFB CO 80230-5000 (MJ)
- 1 - Maj [REDACTED], USAF Judiciary, Lowry AFB CO 80230-5000 (TC)
- 1 - Capt [REDACTED], 384 BMW, McConnell AFB KS 67221-5000 (ATC)
- 1 - Capt [REDACTED], USAF Judiciary, McConnell AFB KS 67221-5000 (DC)
- 1 - 15 AF/CC, March AFB CA 92518-5000
- 1 - 384 OMS/CC, McConnell AFB KS 67221-5000
- 1 - 384 BMW/CC, McConnell AFB KS 67221-5000
- 1 - 384 CSG/CC, McConnell AFB KS 67221-5000
- 1 - 384 SPS/SPOC, McConnell AFB KS 67221-5000
- 2 - 384 CPTS/ACFPM, McConnell AFB KS 67221-5000
- 4 - 384 MSSQ/MSPQA, McConnell AFB KS 67221-5000
- 1 - 384 BMW/JA, McConnell AFB KS 67221-5000
- 6 - 15 AF/JA, March AFB CA 92518-5000