

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; width: 150px; height: 20px; margin-top: 5px;"></div>		GRADE AB	AFSN/SSAN <div style="border: 1px dashed black; width: 100px; height: 20px; margin-top: 5px;"></div>							
TYPE BCD		PERSONAL APPEARANCE	X	RECORD REVIEW						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">COUNSEL</td> </tr> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;">X</td> </tr> </table>		COUNSEL		YES	No		X	NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL
COUNSEL										
YES	No									
	X									
MEMBER SITTING			VOTE OF THE BOARD							
			HON	GEN	UOHC	OTHER	DENY			
<div style="border: 1px dashed black; width: 200px; height: 100px; margin-top: 5px;"></div>							X*+			
							X*+			
							X*+			
							X*+			
							X*+			
ISSUES A92.35		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 HE						
HEARING DATE 21 Nov 2006		CASE NUMBER FD-2006-00151								
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> <p>* Reason and Authority + Reenlistment Code</p> <div style="border: 1px dashed black; width: 750px; height: 40px; margin-top: 20px;"></div>										
INDORSEMENT				DATE: 12/8/2006						
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-2006-00151

GENERAL: The applicant appeals for upgrade of discharge to honorable, to change the reason and authority for the discharge, and to change the reenlistment code.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge, change of reason and authority for discharge, and change of reenlistment code are 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. 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)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF Little Rock AFB, AR on 31 Jan 06 UP SPCMO No.18 (Conviction by Court Martial). Appeals for an Honorable, and to Change the RE Code, Reason and Authority for Discharge.

2. **BACKGROUND:**

a. DOB: 30 Mar 82. Enlmt Age: 18 10/12. Disch Age: 23 10/12. Educ: HS DIPL. AFQT: N/A. A-63, E-73, G-68, M-50. PAFSC: 4Y031 - Dental Assistant Apprentice. DAS: 11 Mar 02.

b. Prior Sv: (1) AFRes 2 Feb 01 - 23 Jul 01 (5 months 22 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 24 Jul 01 for 6 yrs. Svd: 04 Yrs 06 Mo 08 Das, of which AMS is 03 yrs 11 months 19 days (excludes 6 months 20 days lost time).

b. Grade Status: AB - 13 Apr 04 (SPCMO No.5, 24 May 04)
A1C - 10 Sep 01

c. Time Lost: 13 Jul 03 thru 16 Jul 03 and 13 Apr 04 thru 30 Oct 04 (6 months 20 days)

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial No.5 - 24 May 04

CHARGE I: Article 92. Plea: Guilty. Finding: Guilty.

Specification: Having knowledge of a lawful order issued by MSgt [redacted], to wit: a No Contact Order prohibiting A1C [redacted] from contacting A1C [redacted], dated 19 Sep 03, an order which it was his duty to obey, did, at or near Jacksonville, Arkansas, on divers occasions between on or about 20 Sep 03 to 25 Oct 03, fail to obey the same by wrongfully having contact with A1C Erin C. Young. Plea: Guilty. Finding: Guilty.

CHARGE II: Article 128. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at or near Jacksonville, Arkansas, on or about 13 Jul 03, commit an assault upon A1C [redacted] by assaulting her with a force and means likely to produce death or grievous bodily harm, to wit: choking her neck with his hands.

Plea: Guilty. Finding: Guilty.

Specification 2: Did, at or near Jacksonville, Arkansas, on or about 13 Jul 03, unlawfully strike, push, and spit upon A1C [] Plea: Guilty. Finding: Guilty.

CHARGE III: Article 134. Plea: Guilty. Finding: Guilty.

Specification: Did, at or near Jacksonville, Arkansas, on or about 13 Jul 03, wrongfully communicate to A1C [] a threat to kill her, to wit: "I'm leaving here in a body bag and so are you", or words to that effect. Plea: Guilty. Finding: Guilty.

ADDITIONAL CHARGE: Article 92. Plea: Guilty. Finding: Guilty.

Specification: Having knowledge of a lawful order issued by MSgt [], to wit: a No Contact Order prohibiting A1C [] from contacting A1C [], dated 18 Jul 03, an order which it was his duty to obey, did, at or near Jacksonville, Arkansas, on divers occasions between on or about 18 Jul 03 to 12 Sep 03, fail to obey the same by wrongfully having contact with A1C []. Plea: Guilty. Finding: Guilty. Sentence adjudged by military judge on 13 Apr 04: Bad conduct discharge, 8 months confinement, forfeiture of \$795.00 pay per month for 8 months, and reduction to airman basic. Sentence affirmed by Special Court Martial Order, No. 18, 30 Sep 05.

g. Record of SV: (Enlisted Performand Reports are missing from file)

h. Awards & Decs: AFTR, NDSM, GWOTSM.

i. Stmt of Sv: TMS: (04) Yrs (05) Mos (11) Das
TAMS: (03) Yrs (11) Mos (19) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 12 Apr 06.

(Change Discharge to Honorable, and Change the RE Code, Reason and Authority for Discharge)

Issue 1: My discharge was inequitable because it was based on one isolated incident in 33 months of service with no other adverse action. I made a huge mistake when I was mad and I have paid for it dearly. While in confinement I took action to learn how to channel those feelings in a constructive manor (sic). I feel that I belong in the U.S.A.F and wish to get back in and prove to myself that I can overcome adversity and make a better life for myself. I want to serve my country and become a Dentist for the United States Air Force. I feel a huge void in my life now that I have been out of the Air Force. I also feel it is the correct path for me to be on. Just to add, my actions were not of that I am a bad person, I made a mistake. I have paid for that already, and I don't wish to continue to ask "what if?" Thank you for your time.

ATCH

1. Three Letters of Support.
2. DD Form 214 (Member 4 & 1).

25MAY06/ia

CORRECTED COPY - DESTROY ALL OTHERS

DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS, 314TH AIRLIFT WING (AETC)
 LITTLE ROCK AIR FORCE BASE, AR 72099-4940

Special Court-Martial Order
 No. 5

24 May 2004

AIRMAN FIRST CLASS: [REDACTED] United States Air Force, 314th Medical Operations Squadron, was arraigned at Little Rock Air Force Base, Arkansas, on the following offenses at a court-martial convened by this headquarters.

CHARGE I: Article 92. Plea: G. Finding: G.

Specification: Having knowledge of a lawful order issued by Master Sergeant: [REDACTED] to wit: a No Contact Order prohibiting Airman First Class Daniel J. Schneider from contacting Airman First Class: [REDACTED] dated 19 September 2003, an order which it was his duty to obey, did, at or near Jacksonville, Arkansas, on divers occasions between on or about 20 September 2003 to 25 October 2003, fail to obey the same by wrongfully having contact with Airman First Class: [REDACTED] Plea: G. Finding: G.

CHARGE II: Article 128. Plea: G. Finding: G.

Specification 1: Did, at or near Jacksonville, Arkansas, on or about 13 July 2003, commit an assault upon Airman First Class: [REDACTED] by assaulting her with a force and means likely to produce death or grievous bodily harm, to wit: choking her neck with his hands. Plea: G. Finding: G.

Specification 2: Did, at or near Jacksonville, Arkansas, on or about 13 July 2003, unlawfully strike, push, and spit upon Airman First Class: [REDACTED] Plea: G. Finding: G.

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

Specification: Did, at or near Jacksonville, Arkansas, on or about 13 July 2003, wrongfully communicate to Airman First Class: [REDACTED] a threat to kill her, to wit: "I'm leaving here in a body bag and so are you", or words to that effect. Plea: G. Finding: G.

ADDITIONAL CHARGE: Article 92. Plea: G. Finding: G.

Specification: Having knowledge of a lawful order issued by Master Sergeant [redacted] to wit: a No Contact Order prohibiting Airman First Class [redacted] from contacting Airman First Class [redacted] dated 18 July 2003, an order which it was his duty to obey, did, at or near Jacksonville, Arkansas, on divers occasions between on or about 18 July 2003 to 12 September 2003, fail to obey the same by wrongfully having contact with Airman First Class [redacted]. Plea: G. Finding: G.

SENTENCE

The member was sentenced by the military judge on 13 April 2004: Bad conduct discharge, 8 months confinement, ~~forfeiture of two-thirds~~ forfeitures of \$795.00 pay per month for 8 months, and reduction to airman basic.

ACTION

In the case of AIRMAN BASIC [redacted], United States Air Force, 314th Medical Operations Squadron, Little Rock Air Force Base, Arkansas, the sentence 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]

Commander

FOR THE COMMANDER



Staff Judge Advocate

DISTRIBUTION:

- 1 - AB: [redacted], 314 MDOS, 1090 Arnold Drive, Little Rock AFB AR 72099 (ACC)
- 1 - Maj: [redacted], USAF Judiciary, 550 D St West, Ste 3, Randolph AFB, TX 78148-4529 (MJ)
- 1 - Capt: [redacted], 314 AW/JA, 1250 Thomas Avenue, Ste 222, Little Rock AFB, AR 72099-4940 (TC)
- 1 - Capt: [redacted], AFLSA/ADC, 1255 Vandenburg Blvd, Little Rock AFB, AR 72099 (ADC)
- 1 - 314 AW/CC, 1250 Thomas Avenue, Ste 106, Little Rock AFB, AR 72099-4940
- 1 - 314 MDOS/CC, 1090 Arnold Drive, Little Rock AFB, AR 72099
- 1 - 314 MDG/CC, 1090 Arnold Drive, Little Rock AFB, AR 72099
- 1 - RCF/CC, Naval Consolidated Brig, 1050 Remount RD, Bldg 3107, Charleston, SC 29406-3515
- 1 - RCF, Naval Consolidated Brig, 1050 Remount RD, Bldg 3107, Charleston, SC 29406-3515
- 2 - 314 CPTS/FMFC, 1255 Vandenburg Blvd, Little Rock AFB, AR 72099-5020
- 4 - 314 MSS/DPMPE, 1255 Vandenburg Blvd, Little Rock AFB, AR 72099-5000
- 1 - 314 AW/JA, 1250 Thomas Ave, Ste 222, Little Rock AFB, AR 72099-4940
- 1 - 19 AF/CC, 73 Main Circle, Ste 1, Randolph AFB, TX 78150-4549
- 1 - 19 AF/JA, 73 Main Circle, Ste 1, Randolph AFB, TX 78150-4549
- 10 - AFLSA/JAJM, 112 Luke Ave, Room 343, Bolling AFB, DC 20032
- 1 - HQ AFPC/DPSFCM, 550 C Street West, Ste 21, Randolph AFB, TX 78150-4723
- 1 - HQ AFPC/DPWROP, 550 C Street West, Ste 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
- 4 - HQ AFSFC/SFCI, 1517 Billy Mitchell Blvd, Lackland AFB, TX 78236-0119

- 1 - HQ 11 WG/JAJR, 20 MacDill Blvd, Room 207, Bolling AFB, DC 20032
- 1 - AFOSI, Det 427, 816 Leadership Drive, Ste 3, Little Rock AFB, AR 72099-4954
- 1 - HQ AETC/JA, 61 Main Circle, Ste 1, Randolph AFB, TX 78150-4544

"DNA processing required. 10 U.S.C. § 1565"

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

Special Court-Martial Order
No. 18

30 September 2005

In the special court-martial case of AIRMAN FIRST CLASS: [REDACTED]
[REDACTED] United States Air Force, 314th Medical Operations Support Squadron, the sentence to a bad conduct discharge, eight months confinement, forfeiture of \$795.00 pay per month for eight months, and reduction to airman basic, as promulgated in Special Court-Martial Order No. 5, Headquarters 314th Airlift Wing (AETC), dated 24 May 2004, 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 13 April 2004 (ACM S30618).

[REDACTED]
Commander

DISTRIBUTION:

- 1 - AB [REDACTED] 224 SW 148th Street, Oklahoma City OK 73170-7274 (ACC)
- 1 - Lt Col [REDACTED] AFLSA Central Circuit, 550 D Street West Suite 3, Randolph AFB TX 78150-4529 (MJ)
- 1 - Capt [REDACTED] 374 AW/JA, Bldg 315, Airlift Avenue, Unit 5078 APO AP 96328-5078 (TC)
- 1 - Capt [REDACTED] 71 FTW/JA, 246 Brown Parkway, Suite 202, Vance AFB OK 73705-5014 (ADC)
- 1 - 19 AF/CC, 73 Main Circle, Suite 1, Randolph AFB TX 78150-4549
- 1 - 314 MOS/CC, 344 Third Street, Suite 113, Little Rock AFB AR 72099-4981
- 1 - 314 MDG/CC, 1250 Thomas Avenue, Suite 119, Little Rock AFB AR 72099-4940

SPCMO No. 18

Personal Data – Privacy Act of 1974 (5 U.S.C. 552a)

1 - 314 AW/CC, 1250 Thomas Avenue, Suite 106, Little Rock AFB AR 72099-4940
2 - 314 CPTS/FMS, 1255 Vandenberg Blvd, Little Rock AFB AR 72099-4942
4 - 314 MSS/DPMPE, 1255 Vandenberg Blvd, Little Rock AFB AR 72099-4942
1 - 314 AW/JA, 1250 Thomas Avenue, Suite 222, Little Rock AFB AR 72099-4940
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/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-PMJCBA/DE, 6760 East Irvington Place, Denver CO 80279-3000
1 - AFCAF/PSA, 229 Brookley Avenue, Building 520, Bolling AFB DC 20032-7040
4 - HQ AFSFC/SFCI, 1517 Billy Mitchell Boulevard, Lackland AFB TX 78236-0119
1 - AFDW/JAJR, 20 MacDill Boulevard, Room 207, Bolling AFB DC 20032
1 - AFOSI Det 427, 816 Leadership Drive, Little Rock AFB AR 72099-4945
1 - HQ AETC/JA, 61 Main Circle, Suite 1, Randolph AFB TX 78150-4544