

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) []		GRADE AB	AFSN/SSAN []			
TYPE BCD	PERSONAL APPEARANCE	X	RECORD REVIEW			
COUNSEL		ADDRESS AND OR ORGANIZATION OF COUNSEL				
YES	No					
	X					
MEMBER SITTING []		VOTE OF THE BOARD				
		HON	GEN	UOTIC	OTHER	DENY
						X
						X
						X
						X
ISSUES A93.01	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 25 Jan 2007	CASE NUMBER FD-2006-00181					
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE 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> 						
INDORSEMENT				DATE: 2/6/2007		
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-2006-00181

GENERAL: The applicant appeals for upgrade of discharge to honorable.

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 her 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 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.

In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a BCD Disch fr USAF Little Rock AFB, AR on 28 Jun 04 UP SPCMO No.2 (Conviction by Court Martial). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 5 Oct 84. Enlmt Age: 17 9/12. Disch Age: 19 8/12. Educ: HS DIPL. AFQT: N/A. A-47, E-20, G-47, M-31. PAFSC: 1T131 - Aircrew Life Support Apprentice. DAS: 15 Apr 03.

b. Prior Sv: (1) AFRes 12 Jul 02 - 2 Dec 02 (4 months 21 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 03 Dec 02 for 4 yrs. Svd: 01 Yrs 06 Mo 26 Das, of which AMS is 1 Yr 2 Mos 20 Das (excludes 4 months 6 days).

b. Grade Status: AB - 05 Mar 04 (Adjusted for time lost from confinement)
AB - 28 Nov 03 (SPCMO No.2, 12 Feb 04)
Amn - 3 Jun 03

c. Time Lost: 28 Nov 03 thru 1 Apr 04 (4 months 6 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court-Martial Order No.2 - 12 Feb 04

CHARGE I: Article 81. Plea: Guilty. Finding: Guilty.

Specification: Did, at Al Udeid AB, Qatar, between on or about 4 Oct 03 and on or about 17 Oct 03, conspire with A1C [redacted] to commit an offense under the UCMJ, to wit: larceny of a Hewlett Packard ZE 1230 laptop computer, of a value of about \$879.00, the property of SrA [redacted]; a Compaq Presario 725US laptop computer, of a value of about \$980.00, the property of SSgt [redacted]; a compaq Presario 1200 laptop computer, of a value of about \$480.00, the property of SSgt [redacted] and an X-box game system and accessories, of a total value of about \$385.00, the property of SrA [redacted]; a combined total value of about \$2,724.00, and in order to effect the object of the conspiracy, the said Amn [redacted] and A1C [redacted] did steal and conceal the said property. Plea: Guilty. Finding: Guilty.

CHARGE II: Article 121. Plea: Guilty. Finding: Guilty.

Specification 1: Did, at Al Udeid AB, Qatar, on or about 4 Oct 03, steal a Hewlett Packard ZE 1230 laptop computer, of a value of about \$879.00, the property of SrA [REDACTED].
Plea: Guilty. Finding: Guilty.

Specification 2: Plea: Not Guilty. Finding: Withdrawn after arraignment.

Specification 3: Did, at Al Udeid AB, Qatar, on or about 7 Oct 03, steal a Compaq Presario 725US laptop computer, of a value of about \$980.00, the property of SSgt [REDACTED]. Plea: Guilty. Finding: Guilty.

Specification 4: Plea: Not Guilty. Finding: Withdrawn after arraignment.

Specification 5: Did, at Al Udeid AB, Qatar, on or about 10 Oct 03, steal a Compaq Presario 1200 laptop computer, of a value of about \$480.00, the property of SSgt [REDACTED]. Plea: Guilty. Finding: Guilty.

Specification 6: Plea: Not Guilty. Finding: Withdrawn after arraignment.

Specification 7: Did, at Al Udeid AB, Qatar, on or about 12 Oct 03, steal an X-box game system and accessories, of a total value of about \$385.00, the property of SrA [REDACTED]. Plea: Guilty. Finding: Guilty.

Specification 8: Plea: Not Guilty. Finding: Withdrawn after arraignment.

CHARGE III: Plea: Not Guilty. Finding: Withdrawn after arraignment. Sentence adjudged by military judge on 28 Nov 03: Reduction to AB, confinement for five(5) months, and a bad conduct discharge.

g. Record of SV: None.

h. Awards & Decs: AFOUA W/VALOR, AFTR.

i. Stmt of Sv: TMS: (01) Yrs (04) Mos (14) Das
TAMS: (01) Yrs (02) Mos (20) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 06 May 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

06JUL06/ia

23 May 2006

FD-2006-00181

(AFDRB Docket#: FD-2006-00181)

To whom it may concern,

I am submitting in writing my formal request to have the AFDRB reconsider my application for the following reasons:

I was young and quite immature at the time of my enlistment. I joined immediately after high school and was not fully thinking as an adult. When I took the Air Force enlistment oath I did not understand the responsibility that I was undertaking and honestly did not take it seriously. This was a foolish mistake.

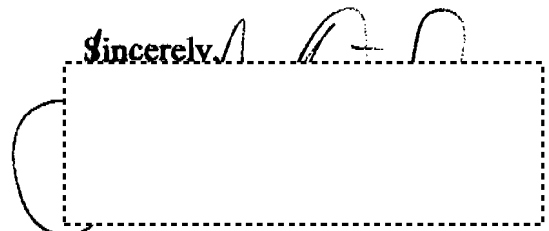
I was court-martialed with a character discharge of bad conduct. The charged was larceny by aiding and abating, although the charge is accurate, I believed at the time that because I stood in no way to benefit from the activity I did not think, at the time, that my behavior would lead to my future being adversely affected.

In retrospect I understand fully what my actions were and accept full responsibility for them. Having said that I feel that I have learned my lesson and would like to get myself in position to move on with my life. By having my discharge upgraded to honorable I believe that I will be able to show potential employers that I am an upstanding citizen who possesses honor and integrity.

In closing this letter I would like to once again ask the members of the board to reconsider on the grounds that I am not the same immature and unscrupulous young woman that I was when I was a member of the armed forces. I have maintained a clean record since my discharge and have been employed continuously. I have even begun taking steps toward public service by applying to the New Orleans Police Department. Please allow me to redeem myself by removing this shameful brand from my military record, it will not be in err.

Thank you for your time and your fair consideration of this request.

Sincerely,



12 FEB 2004

DEPARTMENT OF THE AIR FORCE
379th AIR EXPEDITIONARY WING (ACC)
AL UDEID AIR BASE, QATAR, APO AE 09309

Special Court-Martial Order
No. 2

AIRMAN: [redacted] United States Air Force, 745 EAS, was arraigned at Al Udeid Air Base, Qatar, on the following offenses at a court-martial convened by this headquarters.

CHARGE I: Article 81. Plea: G. Finding: G.

Specification: Did, at Al Udeid Air Base, Qatar, between on or about 4 October 2003 and on or about 17 October 2003, conspire with Airman First Class: [redacted] to commit an offense under the Uniform Code of Military Justice, to wit: larceny of a Hewlett Packard ZE 1230 laptop computer, of a value of about \$879.00, the property of Senior Airman: [redacted]; a Compaq Presario 725US laptop computer, of a value of about \$980.00, the property of Staff Sergeant: [redacted]; a compaq Presario 1200 laptop computer, of a value of about \$480.00, the property of Staff Sergeant: [redacted]; and an X-box game system and accessories, of a total value of about \$385.00, the property of Senior Airman: [redacted]; a combined total value of about \$2,724.00, and in order to effect the object of the conspiracy, the said Airman: [redacted] and Airman First Class: [redacted] did steal and conceal the said property. Plea: G. Finding: G.

Charge II: Article 121. Plea: G. Finding: G.

Specification 1: Did, at Al Udeid Air Base, Qatar, on or about 4 October 2003, steal a Hewlett Packard ZE 1230 laptop computer, of a value of about \$879.00, the property of Senior Airman [redacted]. Plea: G. Finding: G.

Specification 2: Knowing that, at Al Udeid Air Base, Qatar, on or about 4 October 2003, Airman First Class: [redacted] had committed an offense punishable by the Uniform

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Code of Military Justice, to wit: larceny of a Hewlett Packard ZE 1230 laptop computer, of a value of \$879.00, the property of Senior Airman [redacted], did, at Al Udeid Air Base, Qatar, between on or about 12 October 2003 and on or about 17 October 2003, in order to hinder the apprehension of the said Airman First Class [redacted]; assist the said Airman First Class [redacted] by concealing evidence of the offense, to wit: by storing the Hewlett Packard ZE 1230 laptop computer in a black plastic storage box owned by the said Airman First Class [redacted] in the said Airman [redacted] living tent and work place. Plea: NG. Finding: Withdrawn after arraignment.

Specification 3: Did, at Al Udeid Air Base, Qatar, on or about 7 October 2003, steal a Compaq Presario 725US laptop computer, of a value of about \$980.00, the property of Staff Sergeant [redacted]; Plea: G. Finding: G.

Specification 4: Knowing that, at Al Udeid Air Base, Qatar, on or about 7 October 2003, Airman First Class [redacted] had committed an offense punishable by the Uniform Code of Military Justice, to wit: larceny of a Compaq Presario 725US laptop computer, of a value of about \$980.00, the property of Staff Sergeant [redacted], did, at Al Udeid Air Base, Qatar, between on or about 12 October 2003 and on or about 17 October 2003, in order to hinder the apprehension of the said Airman First Class [redacted]; assist the said Airman First Class [redacted] by concealing evidence of the offense, to wit: by storing the Compaq Presario 725US laptop computer in a black plastic storage box owned by the said Airman First Class [redacted] in the said Airman [redacted] living tent and work place. Plea: NG. Finding: Withdrawn after arraignment.

Specification 5: Did, at Al Udeid Air Base, Qatar, on or about 10 October 2003, steal a Compaq Presario 1200 laptop computer, of a value of about \$480.00, the property of Staff Sergeant [redacted]; Plea: G. Finding: G.

Specification 6: Knowing that, at Al Udeid Air Base, Qatar, on or about 10 October 2003, Airman First Class [redacted] had committed an offense punishable by the Uniform Code of Military Justice, to wit: larceny of a Compaq Presario 1200 laptop computer, of a value of about \$480.00, the property of Staff Sergeant [redacted], did, at Al Udeid Air Base, Qatar, between on or about 12 October 2003 and on or about 17 October 2003, in order to hinder the apprehension of the said Airman First Class [redacted]; assist the said Airman First Class [redacted] by concealing evidence of the offense, to wit: by storing the Compaq

Presario 1200 laptop computer in a black plastic storage box owned by the said Airman First Class: [redacted] in the said Airman: [redacted] living tent and work place. Plea: NG. Finding: Withdrawn after arraignment.

Specification 7: Did, at Al Udeid Air Base, Qatar, on or about 12 October 2003, steal an X-box game system and accessories, of a total value of about \$385.00, the property of Senior Airman [redacted]. Plea: G. Finding: G.

Specification 8: Knowing that, at Al Udeid Air Base, Qatar, on or about 12 October 2003, Airman First Class: [redacted] had committed an offense punishable by the Uniform Code of Military Justice, to wit: larceny of an X-box game system and accessories, of a total value of about \$385.00, the property of Senior Airman: [redacted], did, at Al Udeid Air Base, Qatar, between on or about 12 October 2003 and on or about 17 October 2003, in order to hinder the apprehension of the said Airman First Class: [redacted] assist the said Airman First Class: [redacted] by concealing evidence of the offense, to wit: by storing the X-box game system and accessories in a black plastic storage box owned by the said Airman First Class: [redacted] in the said Airman: [redacted] living tent and work place. Plea: NG. Finding: Withdrawn after arraignment.

CHARGE III: Article 130. Plea: NG. Finding: Withdrawn after arraignment.

Specification: Did, at Al Udeid Air Base, Qatar, on or about 7 October 2003, unlawfully enter a tent, the dwelling of Staff Sergeant: [redacted] with intent to commit a criminal offense, to wit: larceny, therein. Plea: NG. Finding: Withdrawn after arraignment.

SENTENCE

Sentence adjudged by military judge on 28 November 2003: Reduction to the grade of E-1, confinement for five (5) months, and a bad conduct discharge.

ACTION

In the case of AIRMAN: [redacted], United States Air Force, 745th Expeditionary Airlift Squadron (ACC), 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 Director, Air Force Corrections, HQ SFS/SFC, 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.

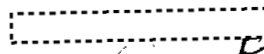
[redacted signature]
Commander

DISTRIBUTION:

- 1 - AB [redacted], 37 SFS/SFOJ, 2269 McChords St, Lackland AFB, TX 78236 (ACC)
- 1 - Lt Col: [redacted], AFLSA/EURCIR, Unit 10305, Box 390, APO AE 09094 (MJ)
- 1 - Major [redacted], 379 AEW/JA, APO AE 09309 (TC)
- 1 - Capt: [redacted], AFLSA/ADC, Unit 10020, Box 575, APO AE 09094 (DC)
- 1 - 379 AEW/CC, APO AE 09309
- 1 - 745 EAS/CC, APO AE 09309
- 1 - 314 AMXS/CC, 290 Ave F West, Little Rock AFB, AR 72099
- 2 - 37 SFS/CC/SFOJ, 2269 McChords St, Lackland AFB, TX 78236
- 2 - 314 AW/FMFS, 1255 Vandenberg Blvd, Little Rock AFB, AR 72099
- 4 - 314 MSS/DPMPS, 1255 Vandenberg Blvd, Little Rock AFB, AR 72099
- 1 - 314 AW/JA, 1255 Vandenberg Blvd, Little Rock AFB, AR 72099
- 1 - 379 ESFS/SFOI, APO AE 09309
- 1 - 379 AEW/JA, APO AE 09309
- 1 - 9 AETF/CC, 524 Shaw Dr, Shaw AFB, SC 29152
- 1 - 9 AETF/JA, 524 Shaw Dr, Shaw AFB, SC 29152
- 2 - 18 AF/CC/JA, 102 E. Martin St, Scott AFB, IL 62225
- 10 - AFLSA/JAJM, 112 Luke Ave, 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 Avenue, Bolling AFB, DC 20032

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- 4 - HQ AFSFC/SFCL, 1517 Billy Mitchell Blvd, Lackland AFB, TX 78236-0119
- 1 - HQ 11 WG/IAJR, 20 Macdill Blvd, Room 207, Bolling AFB, DC 20032
- 1 - 314 SFS/SFOI, Bldg 480, Cannon Dr, Little Rock AFB, AR 72099