

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>																																			
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 <div style="border: 1px dashed black; height: 100px; width: 100%;"></div>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: center;">VOTE OF THE BOARD</th> </tr> <tr> <th style="width: 15%;">HON</th> <th style="width: 15%;">GEN</th> <th style="width: 15%;">UOTHIC</th> <th style="width: 15%;">OTHER</th> <th style="width: 15%;">DENY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center;">X</td> </tr> </table>		VOTE OF THE BOARD					HON	GEN	UOTHIC	OTHER	DENY					X					X					X					X					X
VOTE OF THE BOARD																																						
HON	GEN	UOTHIC	OTHER	DENY																																		
				X																																		
				X																																		
				X																																		
				X																																		
				X																																		
ISSUES A92.21		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 20 Feb 2007		CASE NUMBER FD-2006-00276																																				
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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></div>																																						
INDORSEMENT 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-2006-00276
<p>GENERAL: The applicant appeals for upgrade of discharge to general.</p> <p>The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.</p> <p>The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.</p> <p>FINDINGS: Upgrade of discharge is denied.</p> <p>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.</p> <p>ISSUE:</p> <p>The applicant did not receive an administrative discharge, thus his contention of inequity is not applicable. 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.</p> <p>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.</p> <p>Attachment: Examiner's Brief</p>	

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 Hurlburt Field, FL on 28 Apr 02 UP SPCMO No. AB-2 (Conviction by Court Martial). Appeals for General Disch.

2. **BACKGROUND:**

a. DOB: 30 Jun 80. Enlmt Age: 17 5/12. Disch Age: 21 9/12. Educ: HS DIPL. AFQT: N/A. A-49, E-36, G-40, M-82. PAFSC: 2T131 - Vehicle Operations Apprentice. DAS: 4 Mar 99.

b. Prior Sv: (1) AFRes 23 Dec 97 - 20 Oct 98 (9 months 28 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 21 Oct 98 for 4 yrs. Svd: 03 Yrs 06 Mo 08 Das, all AMS.

b. Grade Status: AB - 23 Oct 00 (Article 15, 23 Oct 00)
A1C - 21 Feb 00
Amn - 21 Apr 99

c. Time Lost: (Examiner's Note: SPCMO No. AB-2 indicates that applicant was sentenced to 4 months confinement, and that confinement was served. However, no lost time is indicated on the DD Form 214, nor is there any documentation in the record to show time lost. Therefore, lost time cannot be accurately reflected on this Brief).

d. Art 15's: (1) 12 Dec 00, Hurlburt Field, FL - Article 121. You did, between on or about 1 Dec 99, and on or about 26 Sep 00, did wrongfully steal from Sprint telephone company, phone and long distance phone services, of a value of about \$199.64, to wit: splicing a phone line to tap into the line of A1C [redacted], Jr. Thirty days extra duty and 30 days restriction to Hurlburt Field, Florida to commence on 22 Dec 00. (No appeal) (No mitigation)

(2) 22 Oct 00, Hurlburt Field, FL - Article 121. You, did, at or near Fort Walton Beach, Florida, on or about 15 May 00, steal \$60.00, the property of A1C [redacted]. Article 123. You did, at or near Hurlburt Field, Florida, between on or about 1 Apr 00 and on or about 31 May 00, with intent to defraud, falsely make a certain check number 0125, in the following words and figures, to wit: writing your name as the payee, endorsing the back of the check and writing a dollar amount on the front of the check, \$100.50, a writing

which would, if genuine, apparently operate to the legal harm of another, and was used to the legal harm of A1C [REDACTED], in that when the check was presented for payment, A1C [REDACTED] bank account was debited. Article 123. You did, at or near Hurlburt Field, Florida, between on or about 1 Apr 00 and on or about 31 May 00, with intent to defraud, utter a certain check number 0128, that was property of A1C [REDACTED], in the following words and figures, to wit: writing your name as the payee, endorsing the back of the check and writing a dollar amount on the front of the check, \$60.00, a writing which would, if genuine, apparently operate to the legal harm of another, which said writing was, as you well know, falsely made. Article 123. You did, at or near Hurlburt Field, Florida, between on or about 1 Apr 00 and on or about 31 May 00, with intent to defraud, falsely make a certain check number 0129, in the following words and figures, to wit: writing your name as the payee, endorsing the back of the check and writing a dollar amount on the front of the check, \$100.00, a writing which would, if genuine, apparently operate to the legal harm of another, and was used to the legal harm of A1C [REDACTED], in that when the check was presented for payment, A1C [REDACTED] bank account was debited. Reduction to AB, forfeiture of \$200.00 pay per month for 2 months, and 45 days extra duty. (Appeal/Denied) (No mitigation)

- (3) 08 Feb 00, Hurlburt Field, FL - Article 107. You, did, on or about 5 Jan 00, with intent to deceive, sign an official record, to wit: AF Form 1168, which record was false in that you stated in the record that Amn [REDACTED] gave you permission to store some of SrA [REDACTED] belongings, and was then known by you to be so false. Article 121. You did, between on or about 1 Nov 99, to on or about 4 Jan 00, wrongfully appropriate two Bose 100 speakers, four Bose Acoustimass speakers, a Sony 5 disc CD changer, a Sony FM-AM stereo receiver, a 27" Goldstar color television, a Goldstar video cassette recorder, a Uniden 900 MHZ cordless phone, a Nintendo 64 game console, ten assorted Nintendo 64 game cartridges, ten assorted VHS tapes, two Nintendo 64 memory cards, 28 assorted compact disc cases without for compact discs, and one box of clothing, of a value of about \$3,850.00, the property of SrA [REDACTED]. Article 121. You did, between on or about 1 Nov 99, to on or about 4 Jan 00, wrongfully appropriate a rocking chair, of a value of under \$100.00, the property of SrA [REDACTED]. Article 134. You did, between on or about 1 Nov 99, to on or about 4 Jan 00, unlawfully enter the storage room in Building 90322. Suspended reduction to AB. Forfeiture of \$100.00 pay per month for 2 months. Thirty days extra duty, and a reprimand. (No appeal) (No

mitigation)

e. Additional: None.

f. CM: Special Court-Martial Order No. AB-2 - 30 Apr 01

CHARGE I: Article 112a. Plea: Not Guilty. Finding: Guilty.

Specification: Did, in the Continental United States, between on or about 29 Dec 00 and on or about 2 Jan 01, wrongfully use marijuana. Plea: Not Guilty. Finding: Guilty.

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

Specification: Did, at the Hurlburt Field Base Exchange, Hurlburt Field, Florida, on or about 21 Dec 00, steal a Kenwood 728S amplifier, of a value of about \$179.00, the property of the Army and Air Force Exchange Service. Plea: Guilty. Finding: Guilty.

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

Specification: Having been restricted to the limits of Hurlburt Field, Florida, by a person authorized to do so, did, in the Continental United States, on or about 29 Dec 00, break said restriction. Plea: Guilty. Finding: Guilty. Sentence adjudged on 28 Mar 01: Bad conduct discharge and confinement for 4 months.

g. Record of SV: 21 Oct 98 - 28 Aug 00 Hurlburt Field 3 (Initial)

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

i. Stmt of Sv: TMS: (04) Yrs (04) Mos (06) Das
TAMS: (03) Yrs (06) Mos (08) Das

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 16 Jul 06.
(Change Discharge to General)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.

30AUG06/ia

I would like my discharge to be reviewed because, the mistakes I made while serving were mistakes as a young adult. I do not think it reflects me as an adult now. My military career was not full of trouble like the charges reflect. I was very active in the off base community, like the Big Brother program, and community food drives. I was also involved with every Squadron activity that was available. I received more coins and Letters of Appreciation than any other Airman did in my Squadron.

I am not doing this to receive any benefits from the military. I am doing this because I know that I made mistakes while serving, and I think that I have learned from them and I will not make the same mistake twice. I have a very successful career as an Electrical Technician and supervise employees on a daily basis. I have a wonderful marriage with two boys. I volunteered for a reserve police officers position at the Pryor Police Department, as well as a volunteer Fire Fighter position. I am trying to set good examples for my children as well as others.

In conclusion, I would like to say that I have been in no trouble since my separation. I would like my discharge upgraded to further the example I am trying to set.

Thank you,

**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE SPECIAL OPERATIONS COMMAND (AFSOC)
HURLBURT FIELD, FLORIDA 32544-5273**

Special Court-Martial Order
No. 2

31 DEC 2002

In the special court-martial case of AIRMAN BASIC [redacted] United States Air Force, 16th Transportation Squadron, the sentence to a bad conduct discharge and confinement for 4 months as promulgated in Special Court-Martial Order No. AB-2, 16th Special Operations Wing (AFSOC), dated 30 April 2001, has been finally affirmed. Article 71(c) having been complied with, the bad conduct discharge will be executed. The sentence was adjudged on 28 March 2001 (ACM S29959).

by military judge

[redacted]
Commander

Distribution:

- 1 - Airman Basic [redacted] 306 N. Garfield, Pryor, OK 74361 (ACC)
- 1 - Colonel [redacted] AFLSA/JAJT 112 Luke Ave, Room 301 Bolling AFB, D.C. 20332 (MJ)
- 1 - Captain [redacted] 16 SOW/JA, 131 Bartley Street, Ste. 255, Hurlburt Field, FL 32544 (TC)
- 1 - Major [redacted] AFLSA/JAJA 112 Luke Ave, Suite 343 Bolling AFB, DC 20332 (DC)
- 1 - HQ AFSOC/CC, 100 Bartley Street, Hurlburt Field, FL 32544
- 1 - 16 TRANS/CC, 119 Terry Avenue, Hurlburt Field, FL 32544

Minor error indicated does not require corrected court-martial order.

DEPARTMENT OF THE AIR FORCE
OFFICE OF THE JUDGE ADVOCATE GENERAL
The United States Court of Appeals for the Armed Forces has denied relief under Article 67, accordingly the sentence has become final. This order accurately reflects the final action taken pursuant to appellate review.

SPCMO No. 2

Air Force Legal Services Agency

FOR THE JUDGE ADVOCATE GENERAL

- 1 - 16 SOW/CC, 131 Bartley Street, Hurlburt Field, FL 32544
- 2 - 96 SFS/SFOJ, 302 W. D Avenue, Ste. 102, Eglin AFB, FL 32542
- 2 - 16 CPTS/FMFC, 131 Bartley Street, Hurlburt Field, FL 32544
- 4 - 16 MSS/DPMPE, 131 Bartley Street, Hurlburt Field, FL 32544
- 1 - 16 SOW/JA, 131 Bartley Street, Hurlburt Field, FL 23544
- 1 - HQ AFSOC/JA, 100 Bartley Street, Ste. 249E, Hurlburt Field, FL 32544
- 10 - AFLSA/JAJM, 112 Luke Ave., Room 343, Bolling AFB, DC 20332-8000
- 1 - HQ AFPC/DPSAM, 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 Ave., Bolling AFB, DC 20332-7040
- 1 - AFSFC/SFC, 1720 Patrick Street, Lackland AFB, TX 78236-5226
- 1 - HQ 11 WG/JAJR, 20 MacDill Blvd, Room 207, Bolling AFB, DC 20332-0110
- 1 - Det 309, AFOSI, 223 Cody Ave, Hurlburt Field, FL 32544

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 16TH SPECIAL OPERATIONS WING (AFSOC)
HURLBURT FIELD, FLORIDA 32544-5270

Special Court-Martial Order

AB-2

30 April 2001

AIRMAN BASIC: [REDACTED], United States Air Force, 16th Transportation Squadron, was arraigned at Hurlburt Field, Florida, on the following offenses at a court-martial convened by this headquarters.

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

Specification: Did, in the Continental United States, between on or about 29 December 2000 and on or about 2 January 2001, wrongfully use marijuana. Plea: NG Finding: G

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

Specification: Did, at the Hurlburt Field Base Exchange, Hurlburt Field, Florida, on or about 21 December 2000, steal a Kenwood 728S amplifier, of a value of about \$179.00, the property of the Army and Air Force Exchange Service. Plea: G Finding: G

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

Specification: Having been restricted to the limits of Hurlburt Field, Florida, by a person authorized to do so, did, in the Continental United States, on or about 29 December 2000, break said restriction. Plea: G Finding: G

SENTENCE

Sentence adjudged on 28 March 2001: Bad conduct discharge and confinement for 4 months.

FILE
USAF MASTER PERSONNEL RODS GP
INITIALS AB DATE 14 May 01
HQ USAF (AF/JAJM)

ACMS29959

SO AB-2

ACTION

In the case of AIRMAN BASIC [REDACTED], United States Air Force, 16th Transportation Squadron, the sentence is approved and, except for the bad conduct discharge, will be executed. The period of confinement having been served, no place of confinement is designated. Unless competent authority otherwise directs, upon completion of the sentence to confinement, Airman Basic [REDACTED] is required, under Article 76a, UCMJ, to take leave pending completion of appellate review of the conviction.

[REDACTED]

Commander

FOR THE COMMANDER

[REDACTED]

Staff Judge Advocate

Distribution:

- 1 - AB [REDACTED], 16 TRANS, Hurlburt Field, FL 32544 (ACC)
- 1 - Col [REDACTED], AFLSA/JA/T, Luke Avenue, Suite 301, Bolling AFB DC 20332 (MJ)
- 1 - Capt [REDACTED], Hurlburt Field, FL 32544 (TC)
- 1 - Capt [REDACTED], 500 Fisher Street, Room 124, Keesler AFB, MS 39534-2545 (DC)
- 1 - 16 SOW/CC, Hurlburt Field, FL 32544
- 1 - 16 LG/CC, Hurlburt Field, FL 32544
- 1 - 16 TRANS/CC, Hurlburt Field, FL 32544
- 2 - 96 SFS/CC, Eglin AFB, FL 32542
- 2 - 96 SFS/SFOJ, Eglin AFB, FL 32542
- 2 - 16 CPTS/FMFP, Hurlburt Field, FL 32544
- 4 - 16 MSS/MSPPP, Hurlburt Field, FL 32544

- 1 - 16 SOW/JA, Hurlburt Field, FL 32544
- 1 - HQ AFSOC/CC, Hurlburt Field, FL 32544
- 1 - HQ AFSOC/JA, Hurlburt Field, FL 32544
- 10 - AFLSA/JAJM, 112 Luke Avenue, Room 343, Bolling AFB DC 20332-8000
- 1 - HQ AFPC/DPSRII, 550 C. Street West Ste. 21, Randolph AFB, TX 78150-4723
- 1 - DFAS-DE/FYAB, 6760 East Irvington Place, Denver, CO 80279-7000
- 1 - DFAS-DE/FJPC, 6760 East Irvington Place, Denver, CO 80279-5000
- 1 - Air Force Security Clearance Office, 497 IG/INSA, 229 Brookley Avenue, Room 200, Bolling AFB, DC 20332-7040
- 4 - HQ AFSFC/SFC, 1720 Patrick Street, Lackland AFB, TX 78236-5226
- 1 - 11 WG/JAJR, 20 MacDill Blvd, Room 207, Bolling AFB, DC 20332-5100
- 1 - AFOSI, Det. 309, Hurlburt Field, FL 32544