

# 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>AB</b>	AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div>																																			
TYPE BCD	PERSONAL APPEARANCE <b>X</b>	RECORD REVIEW <b>X</b>																																				
COUNSEL YES <input type="checkbox"/> No <input checked="" type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION ADDRESS AND OR ORGANIZATION OF COUNSEL																																				
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HEARING DATE <b>20 Feb 2007</b>	CASE NUMBER <b>FD-2006-00346</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> <div style="border: 1px dashed black; height: 40px; width: 100%; margin-top: 20px;"></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																																				

<b>AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE</b>	<b>CASE NUMBER</b> <b>FD-2006-00346</b>
<p><b>GENERAL:</b> 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><b>FINDINGS:</b> 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><b>ISSUE:</b></p> <p>The applicant did not receive an administrative discharge. He 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 did not present evidence which the DRB could consider for upgrade. Therefore, the DRB opined his application did not warrant granting clemency.</p> <p><b>CONCLUSIONS:</b> 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 Offutt AFB, NE on 2 Sep 04 UP SPCMO No.4 (Conviction by Court Martial). Appeals for General Discharge.

2. **BACKGROUND:**

a. DOB: 9 Nov 77. Enlmt Age: 22 9/12. Disch Age: 26 9/12. Educ: HS DIPL. AFQT: N/A. A-59, E-67, G-53, M-78. PAFSC: 3E451 - Utilities Systems Journeyman. DAS: 20 Feb 01.

b. Prior Sv: (1) AFRes 18 Aug 00 - 25 Sep 00 (1 month 8 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 26 Sep 00 for 6 yrs. Svd: 03 Yrs 11 Mo 06 Das, of which AMS is 03 Yrs 09 Months 26 days (excludes 1 month 11 days lost time).

b. Grade Status: AB - 23 Feb 03 (SPCMO No.4, 23 Dec 02)  
A1C - 10 Nov 00

c. Time Lost: 20 Nov 02 thru 31 Dec 02 (1 month 11 days).

d. Art 15's: None.

e. Additional: None.

f. CM: Special Court Martial Order No.4 - 23 Dec 02

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

Specification 1: Did, at or near Offutt AFB, Nebraska, on or about 1 Jul 02, wrongfully introduce some quantity of marijuana onto Offutt AFB, Nebraska, an installation used by the armed forces. Plea: Guilty. Finding: Guilty.

Specification 2: Did, within the Continental United States, on divers occasions, between on or about 16 May 02 and on or about 1 Jul 02, wrongfully use marijuana. Plea: Guilty. Finding: Guilty. Sentence adjudged by judge alone on 20 Nov 02: Reduction to AB, confinement for 50 days, and a bad conduct discharge.

g. Record of SV: 26 Sep 00 - 25 May 02 Offutt AFB 4 (Initial)

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

- 1 - DFAS-DE/PMJPC, 6760 E. Irvington Place, Denver, CO 80279-3000
- 1 - AFCAF/PSA 229 Brookley Ave, Bolling AFB DC 20332-7040
- 4 - HQ AFSFC/SFC, 1517 Billy Mitchell Blvd, Lackland AFB, TX 78236-0119
- 1 - HQ 11 WG/JAJR, 20 Mac Dill Blvd, Rm 207, Bolling AFB, DC 20032
- 1 - AFOSI, Det 204, 106 Peacekeeper Dr, Ste 2N3, Offutt AFB NE 68113-4004

CMORDC

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS EIGHTH AIR FORCE (ACC)  
BARKSDALE AIR FORCE BASE LOUISIANA 71110-2290

Special Court-Martial Order

20 October 2003

No. 2

In the special court-martial case of AIRMAN FIRST CLASS [redacted]  
[redacted] United States Air Force, 55<sup>th</sup> Civil Engineer Squadron, Offutt Air Force Base,  
Nebraska, the sentence to a bad-conduct discharge, confinement for 50 days, and reduction to  
airman basic, as promulgated in Special Court-Martial Order No. 4, Headquarters 55<sup>th</sup> Wing,  
dated 23 December 2002, has been finally affirmed. Article 71(c) having been complied with,  
the bad-conduct discharge will be executed. The sentence was adjudged by the military judge  
alone on 20 November 2002. (ACM S30267)



Commander

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.

FOR THE JUDGE ADVOCATE GENERAL

29 OCT 03

## DISTRIBUTION:

- 1 - AB [redacted], 18218 Colony Rd, Bow WA 98232 (ACC)
- 1 - Lt Col [redacted], AFLSA/JAJT3, 550 D St W Ste 3, Randolph AFB TX 78150-0000  
(MJ)
- 1 - Capt [redacted], 55 WG/JA, 711 Nelson Dr Ste 118, Offutt AFB NE 68113-2020  
(TC)
- 1 - Capt [redacted], 86 AW/JA, Unit 3200 Box 325, APO AE 09094-0325 (DC)
- 1 - 8 AF/CC, 245 Davis Ave E Rm 200, Barksdale AFB LA 71110-2279
- 1 - 55 CES/CC, 106 Peacekeeper Dr Ste 2N3, Offutt AFB NE 68113-0000
- 1 - 55 WG/CC, 205 Looking Glass Ave Ste 121, Offutt AFB NE 68113-0000
- 1 - 55 MSG/CC, 205 Looking Glass Ave Ste 140, Offutt AFB NE 68113-0000
- 2 - 55 CPTS/FMFP, 106 Peacekeeper Dr, Ste 2N3, Offutt AFB NE 68113-4035



2 - 55 SFS/SFOJ/CC, 198 Butler Blvd, Offutt AFB NE 68113-2110  
4 - 55 MSS/DPMAR, 106 Peacekeeper Dr, Ste 2N3, Offutt AFB NE 68113-4035  
1 - 55 WG/JA, 711 Nelson Dr, Ste 118, Offutt AFB NE 68113-2020  
1 - 8 AF/JA, 66 Kenney Ave Ste 200, Barksdale AFB LA 71110-2290  
10 - AFLSA/JAJM, 112 Luke Ave Rm 343, Bolling AFB DC 20032-8000  
1 - HQ AFPC/DPSAM, 550 C St W Ste 21, Randolph AFB TX 78150-4723  
1 - HQ AFPC/DPWROP, 550 C St W Ste 15, Randolph AFB TX 78150-4717  
1 - DFAS-POAB/DE, 6760 E Irvington Pl, Denver CO 80279-7500  
1 - DFAS-PMJPC/DE, 6760 E Irvington Pl, Denver CO 80279-3000  
1 - AFCAF/PSA, 229 Brookley Ave Ste 200, Bolling AFB DC 20032-7040  
4 - HQ AFSFC/SFC, 1517 Billy Mitchell Blvd, Lackland AFB TX 78236-0119  
1 - HQ 11 WG/JAJR, 20 MacDill Blvd Rm 207, Bolling AFB DC 20332-0110  
1 - HQ ACC/JA, 114 Douglas St Ste 114, Langley AFB VA 23665-2774