MEMBERS SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
COL LLOYD F. LeROY					X
LT COL NORMAN L. BURSON				X	
LT COL DAVID A. CHRISTIANSON					X
LT COL RICHARD M. STEDDING, JR.				X	
LT COL STEVEN A. SIMON				X	

ISSUES: A91.06

INDEX NUMBER: A39.00

HEARING DATE: 980901

CASE NUMBER: FD98-00028

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
X	TAPE RECORDING OF PERSONAL APPEARANCE HEARING

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AFHQ FORM 0-454.

REMARKS

Case heard at Dobbins, ARB GA

Advise applicant of the decision of the Board.

SIGNATURE OF RECORDER

Steven A. Simon

STEVEN A. SIMON, LT COLONEL, USAF

SIGNATURE OF BOARD PRESIDENT

LLOYD F. LeROY, COLONEL, USAF

INDORSEMENT

DATE: 98/09/23

TO:

SAF/MIBR
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 20331-7002

ADIVSE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER FD98-00028

GENERAL: The applicant appeals for upgrade of discharge to General and change of reason for discharge.

The applicant appeared and testified before the Discharge Review Board without counsel at Dobbins ARB, Georgia on September 1, 1998.

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

FINDINGS: Upgrade of discharge to General was denied. However, the discharge is changed to Under Other Than Honorable Conditions.

The Board finds that evidence of record and that provided by the applicant provides a sufficient basis in clemency for a change in discharge.

The applicant's issues are listed in the attached brief and at attachment 2.

Issues 1 through 4 are similar and will be addressed together. The applicant requested an upgrade based on his family and social life, involvement in youth development and community, his lack of a criminal record, and his desire to be an example for his grandchildren. The Board took these factors into account in determining that an upgrade to Under Other Than Honorable Conditions was appropriate.

CONCLUSIONS: The Discharge Review Board concludes that as an act of clemency, the applicant's characterization of discharge should be changed to Under Other Than Honorable Conditions under the provisions of Section 1553, 10 USC.

2 Attachments:
1. Examiner's Brief
2. Additional Issues

01 SEP 1998

FD-98-00028

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

[redacted] (Former A1C)

1. MATTER UNDER REVIEW: Appl rec'd a BCD Disch fr USAF 84/06/15 UP AFR 39-10 (Conviction by Court Martial). Appeals for General Disch.

2. BACKGROUND:

a. DOB: 54/07/30. Enlmt Age: 18 6/12. Disch Age: 29 10/12. Educ: HS DIPL. AFQT: N/A M-55, A-55, G-60, E-55. PAFSC: 81170 - Security Supervisor. DAS: (APR Indicates): 80/11/09 - 81/06/30.

b. Prior Sv: (1) AFRes 73/02/13 - 73/03/12 (27 days) (Inactive)

(2) Enld as AB on 73/03/12 for 4 years. Reenld 77/08/26 for 4 years. Ext on 80/06/06 for 4 months. Svd: 7 yrs 8 months 3 days, all AMS. AMN-(APR Indicates):73/03/12-74/03/12. A1C-(APR Indicates):73/03/12-74/03/12. SRA-(APR Indicates):75/10/26-76-10-25. SGT - 75/12/01. SSGT - 79/04/01. APRs. 7,9,9,9,9,9,9,9,9.

3. SERVICE UNDER REVIEW:

a. Enld as: SSGT 80/12/02 for (4) Yrs. Svd: 3 Yrs 3 Mo 29 Das, all AMS.

b. Grade Status: A1C - 82/03/02 (SPCM No.23, 82/06/10)

c. Time Lost: 82/03/05-82/05/20

d. Art 15's: none.

e. CM: (1) Special Courts Martial Order No.23 - 82 June 10, Article 134, Plea: Not Guilty. Finding: Of the Specifications 1 through 4 of the Charge: Guilty. Of Specification 5 of the Charge: Withdrawn after arraignment of the Charge: Guilty.

Specification 1: In that Staff [redacted], USAF, 92d Security Police Squadron, did, at Fairchild AFB, WA, o/a 14 Nov 81, wrongfully sell cocaine.

Specification 2: In that Staff [redacted], USAF, 92d Security Police Squadron, did, at Fairchild AFB, WA, o/a 11 Nov 81, wrongfully possess cocaine.

Specification 3: In that Staff Sergeant [redacted], USAF, 92d Security Police Squadron, did, at Fairchild AFB, WA, between o/a 1 Feb 81 and o/a 1 Mar 81, wrongfully use marijuana.

Specification 4: In that Staff [redacted] USAF, 92d Security Police Squadron, did, at Fairchild AFB, WA, between o/a 1 Feb 81 and o/a 1 Mar 81, wrongfully possess some quantity of marijuana.

Specification 5: In that Staff Sergeant [redacted] USAF, 92d Security Police Squadron, did, at Fairchild AFB, WA, o/a 27 July 81, wrongfully use marijuana. (Specification withdrawn after arraignment).

Sentence adjudged on 2 March 1982: To be discharged from the service with a bad conduct discharge, to be confined at hard labor for three months, to forfeit $250.00 of your pay per month for three months, and to be reduced to the grade of airman first class (E-3).

f. Record of SV: 80/11/09 81/06/30 Fairchild AFB (9) (CRO)
81/07/01 81/12/14 Fairchild AFB (8) (CRO)
(Discharged from Fairchild AFB)

g. Awards & Decs: AFTR, NCOPMER, AFLSR, NDSM, VNSM, AFGCM W/1 OLC.

h. Stmt of Sv: TMS: (11) Yrs (1) Mos (17) Das
TAMS: (11) Yrs (0) Mos (20) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 97/11/10. (Change Discharge to General)

NO ISSUES SUBMITTED.

ATCHS

none.

98/01/20/ia

FD98-000028

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS FIFTEENTH AIR FORCE (SAC)
March Air Force Base, California 92518

Special Court-Martial Order
No. 23

10 June 1982

Before a special court-martial which convened at Fairchild Air Force Base, Washington, pursuant to Special Order AB-2, Headquarters 92d Combat Support Group (SAC), dated 1 February 1982, as amended by Special Order AB-5, Headquarters 92d Combat Support Group (SAC), dated 11 February 1982, as further amended by Special Order AB-9, 92d Combat Support Group (SAC), dated 24 February 1982, [redacted]

STAFF SERGEANT [redacted], United States Air Force, 92d Security Police Squadron

CHARGE: Violation of the Uniform Code of Military Justice, Article 134

Specification 1: In the [redacted] United States Air Force, 92d Security Police Squadron, did, at Fairchild Air Force Base, Washington, on or about 14 November 1981, wrongfully sell cocaine.

Specification 2: In that [redacted] United States Air Force, 92d Security Police Squadron, did, at Fairchild Air Force Base, Washington, on or about 14 November 1981, wrongfully possess cocaine.

Specification 3: In that [redacted] United States Air Force, 92d Security Police Squadron, did, at Fairchild Air Force Base, Washington, between on or about 1 February 1981 and on or about 1 March 1981, wrongfully use marijuana.

Specification 4: In that [redacted] United States Air Force, 92d Security Police Squadron, did, at Fairchild Air Force Base, Washington, between on or about 1 February 1981 and on or about 1 March 1981, wrongfully possess some quantity of marijuana.

Specification 5: In that [redacted] United States Air Force, 92d Security Police Squadron, did, at Fairchild Air Force Base, Washington, on or about 27 July 1981, wrongfully use marijuana. (Specification withdrawn after arraignment.)

PLEAS: To all the Specifications and the Charge: Not Guilty

FINDINGS: Of the Specifications 1 through 4 of the Charge: Guilty
Of Specification 5 of the Charge: Withdrawn after arraignment
Of the Charge: Guilty

SENTENCE: To be discharged from the service with a bad conduct discharge, to be confined at hard labor for three months, to forfeit $250.00 of your pay per month for three months, and to be reduced to the grade of airman first class, E-3.

DATE ADJUDGED: The sentence was adjudged on 2 March 1982