



The Holloman Court Reporter

A monthly publication of the 49th Wing Office of the Staff Judge Advocate

49th Wing Legal Office

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Services:

Walk-In

- Power of Attorney Mon-Fri
- Legal Assistance each Thurs.
1330-1500

By Appointment Only

- Legal Assistance each Tues.
- Will Preparation each Wed.

Reenlisting?

Article 137 briefings for reenlisting Airmen is held every Wednesday at 1400.



UNCLASSIFIED/RELEASED

June 2015

Below are the actions taken at Holloman AFB during the month of June 2015. Names are withheld when appropriate to the forum. See our new feature, the "Tip of the Month."

Courts-Martial:

- Senior Airman Seth J. Gonzales, 9th Attack Squadron, was court-martialed and convicted of assault consummated by battery in violation of Article 128, UCMJ. A military judge sentenced him to thirty days confinement, two months hard labor without confinement, and a reduction to E-2.

Article 15 Actions:

- There were no Article 15 Actions that closed in the month of June.

Administrative Discharges:

- An Airman First Class, 49th Materiel Maintenance Squadron, was discharged based on failure to progress in military training. Member failed three Career Development Course exams. The member had additional misconduct that was used in the determination of the service characterization. These infractions included: four instances of failure to go and a two-time failure to adhere to dorm room standards. Member received a General discharge characterization, resulting in the loss of GI bill benefits.
- A Senior Airman, 49th Force Support Squadron, was discharged based on a pattern of misconduct. These infractions included eleven failures to report for duty at the appointed time. The member had additional misconduct that were used in the determination of the service characterization. These infractions included: two fitness assessment failures and a failure to adhere to dress and appearance standards. Member received a General discharge characterization, resulting in the loss of GI bill benefits.
- An Airman Basic, 49th Security Forces Squadron, was discharged based on drug abuse. Member wrongfully used marijuana twice, cocaine, and Methylenedioxyamphetamine. The member had additional misconduct that was used in the determination of the service characterization, including: wrongful use of marijuana, damaging personal property, civilian arrest for possessing .4 grams of methamphetamine and a glass pipe, two consecutive car accidents due to operating a vehicle while taking prescribed medication that causes blurred vision, drowsiness, disorientation, confusion, and seizures. Member received a General discharge characterization, resulting in the loss of GI bill benefits. *Member was court-martialed on 12 Jan 15 and was sentenced to 5 months confinement, forfeiture of \$1,000 pay per month for 5 months, and reduction to E-1.
- A Senior Airman, 49th Operations Support Squadron, was discharged based on minor disciplinary infractions. These infractions included: twice operating a vehicle while drunk, leaving a child unattended, failure to go, failure to obey a lawful order, drinking while enrolled in Alcohol and Drug Abuse Prevention Treatment (ADAPT), absent without leave, and drunk and disorderly. Member received a General discharge characterization, resulting in the loss of GI bill benefits.
- An Airman, 49th Logistics Readiness Squadron, was discharged based on Sleepwalking. Member received an Honorable discharge characterization.

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Administrative Demotions:

- A Master Sergeant from the 49th Aircraft Maintenance Squadron received an administrative demotion for Failure to Fulfill SNCO Responsibilities after the member was charged by the Alamogordo Police Department in New Mexico for operating a motorcycle under the influence of alcohol. The member was demoted to the rank of Technical Sergeant.
- A Senior Airman from the 49th Materiel Maintenance Squadron received an administrative demotion action for Failure to Fulfill Airman Responsibilities after the member was arrested on 15 Mar 15 for driving under the influence of alcohol. The member was demoted to the rank of Airman First Class.
- An Airman First Class from the 49th Operations Support Squadron received an administrative demotion action for failure to maintain or demonstrate the ability and willingness to attain physical fitness standards. The member failed the Fitness Assessment three times in a 24 month period, and subsequently demoted to the rank of Airman.
- An Airman from the 49th Logistics Readiness Squadron received an administrative demotion action for failure to maintain or demonstrate the ability and willingness to attain physical fitness standards. The member failed the Fitness Assessment three times in a 24 month period, and subsequently demoted to the rank of Airman Basic.

Tip of the Month:

- Absent SECAF approval, an airman cannot be involuntarily discharged with an Under Other Than Honorable Conditions (UOTHC) service characterization if the sole basis for discharge is a serious offense that resulted in conviction by a court-martial and the court did not adjudge a punitive discharge (Bad-Conduct discharge, Dishonorable discharge, Dismissal) AFI 36-3208, para 1.21.3. This means if a member is not sentenced to a Bad Conduct Discharge or Dishonorable Discharge at a court-martial, and the conduct for which the member was court-martialed is the only basis for separation, the command **must** recommend no more than a General service characterization for an administrative separation.

Final Item

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