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3

FB ✓ UAB 7/17
FB ceJ CB6

PRELIMINARY POST-AUDIT CHECKLIST

Case Number 1664

Auditor tps

_____ Flagged
_____ ✓ PME Review
_____ Computer

1. Board decision

- a. too severe
- _____ b. too lenient
- _____ c. Correct

2. Summary

- _____ a. Inclusion of Unadjudicated offense(s)
- _____ b. Incorrect inclusion of NJP, SCM
- _____ c. Inclusion of non-felony civil offense(s)
- _____ d. Prejudicial hearsay material
- _____ e. _____
- _____ f. _____

3. Board misapplication of aggravating/mitigating factors

- _____ a. Omission of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____
- _____ b. Misapplication of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____



4. Incorrect result in light of combination of factors

- a. Aggravating 5, 8
- b. Mitigating 3

5. Comments

No reason for denial of clemency. Illness was apparent reason for an AWOL - mit 3 was awarded. Summary is very limited should get baseline -

B.L. 3
A5, 8 m3
No Clemency
5/22/75

PRESIDENTIAL CLEMENCY BOARD
Case Summary

PCE Attorney: Brackett
Telephone: (202) 456-2865
Summary Completed: 15 Apr 75
Total Time Served: none
Discharge Status: Undesirable
Discharge in lieu of court-martial

Case No.: 75-1664-KDC-M
Branch of Service: Army
Age: 25
Present Status: Civilian
Date of Application: 16 Jan 75

Offenses:

3 Sep 70 AWOL
4 Sep 70 AWOL
4 Sep 70 Failure to obey NCO
4 Sep 70 Failure to obey NCO
4 Sep 70 Breaking restriction
Total Time AWOL: 2 days
Total Creditable Service: 4 mos.,
25 days

Background:

The applicant, born in Massachusetts, is 25 years old, Caucasian and single. He is the third of six children raised in a stable family. He is a high school graduate. His GT score is 110 and AFQT measures 90 (Group II). There is no prior criminal record.

Circumstances of Offense:

The applicant was given NJP on 27 Aug 70 for having missed guard mount on 23 Aug 70. A part of the punishment awarded was 14 days restriction (effective 27 Aug 70) and extra duty for two hours a day for 14 days, to be assigned by the first Sergeant. The applicant was ordered to report for K.P. on 3 and 4 Sep 70. He went AWOL those days and, thereby, disobeyed the orders of his NCO's. The applicant's claims as to illness and personal reasons for going AWOL appear to relate to the AWOL of 10 Jul 70 - 15 Jul 70. His Medical File indicates he was admitted with a temperature but released to duty after receiving medicine.

Chronology:

18 Nov 49	Date of birth
4 Jun 70	Date of enlistment as PV 1
10 Jul 70 - 15 Jul 70	AWOL
20 Jul 70	NJP
25 Jul 70	Failure to repair
27 Jul 70	NJP
23 Aug 70	Missed Guard Mount



Case No. 75-1664-KDC-M

Chronology cont.:

27 Aug 70	NJP
3 Sep 70	AWOL
4 Sep 70	AWOL
4 Sep 70	Failure to obey NCO
4 Sep 70	Failure to obey NCO
4 Sep 70	Broke restriction
28 Oct 70	Discharged

Total time AWOL, all offenses: 8 days

Awards and Decorations:

National Defense Service Medal

Vietnam Service: None

Prior Military Offenses:

20 Jul 70	NJP	UA (AWOL) 10 Jul 70 - 15 Jul 70. Partial forfeiture and restrictions with extra duty.
27 Jul 70	NJP	Failure to repair 25 Jul 70 and did not return until 26 Jul 70. Partial forfeiture and restrictions with extra duty.
27 Aug 70	NJP	Missing guard mount 23 Aug 70. Partial forfeiture and restrictions with extra duty.

Sources:

Military Personnel File
Application for clemency
Letter attached to application

②

F13 ✓ L113
FB @ 4/18/86

PRELIMINARY POST-AUDIT CHECKLIST

Case Number 1773

Auditor tp

_____ Flagged
_____ PME Review
_____ Computer

1. Board decision

- a. too severe
- _____ b. too lenient
- _____ c. Correct

2. Summary

- _____ a. Inclusion of Unadjudicated offense(s)
- _____ b. Incorrect inclusion of NJP, SCM
- _____ c. Inclusion of non-felony civil offense(s)
- _____ d. Prejudicial hearsay material
- _____ e. _____
- _____ f. _____

3. Board misapplication of aggravating/mitigating factors

- _____ a. Omission of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____
- _____ b. Misapplication of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____

4. Incorrect result in light of combination of factors

- a. Aggravating (2), 5
- b. Mitigating 3, 11

5. Comments

Agg #2 appears to be incorrectly marked - AA states that Board never applied Agg #2 without it, 24 mos seems too harsh

Agg #2
7/13

File Room

PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

B L 3
A 2, 5
M 3, 11
24 mos.

PCE Attorney: Edwards
Telephone: (202) ~~456-2110~~ 4-4378
Summary Completed: 14 Apr 75
Current Sentence: 3 years probation
(contempt suspended)
Court: USDC Western Dist. of Missouri
Total Time Served: None, but has completed
5 months probation
Offense: Failure to submit to induction

Case No.: 1773-BCH-C
Age: 22
Present Status: On probation
Date of Application: 11 Jan 75

*Evidence of malingering
Difficult - high
24 too high
e4*

Background:

Applicant is 22 years old, born in Baltimore, Maryland 22 Nov 52, and reared in Kansas City, Missouri since pre-school childhood, in an apparently normal family life. He graduated from high school in 71 with average grades. He discontinued junior college after one semester because he was tired of going to school. He received psychotherapy for emotional problems diagnosed as a personality disorder.

Circumstances of the Offense:

Applicant was classified I-A by local draft board and ordered to report for physical 7 Aug 72. He did not report. Ordered again to report on 22 Oct 72, he refused to submit to induction. He had cited psychiatric problems and drug usage as reasons for not reporting for induction. Army physicians did not find any psychiatric illness, and applicant later disclaimed serious problems with drugs or psychiatric illness. He was indicted 8 Feb 73. Following a number of court appearances, he changed his plea to guilty on 14 Sept 73 and was continued on bond pending presentence report. On 7 Dec 73, he was ordered by the court to be committed to the Federal Correctional Institution at Englewood, Colorado for observation, and directed to report personally. The Court entered an order 4 Jan 74 for the applicant to surrender himself at the Center on 9 Jan 74. Instead, the applicant left for Canada with his wife on 5 Jan 74. The Court revoked bail, and issued a warrant for arrest on 28 Jan 74. Meanwhile, the applicant sought and found employment in Calgary, Alberta. Attempts to qualify as a landed immigrant under Canadian law were not fruitful, and the applicant was finally advised to leave Canada within ten days to avoid deportation. Moving to Vancouver, applicant assumed a new name and again obtained employment. After the President's Proclamation, applicant returned to the U.S. on 12 Oct 74. Applicant secured counsel and returned

74?
himself to the custody of the USDC in Kansas City, Missouri. On 22 Nov 70 the Court placed the applicant on three years probation, secured employment as an insurance salesman, rented a house, and reported regularly to his probationer.

Chronology:

22 Nov 52
7 Aug 72
22 Oct 72
8 Feb 73
14 Sept 73
7 Dec 73

4 Jan 74

5 Jan 74
12 Oct 74
12 Nov 74
17 Jan 75

Date of birth
Ordered to report for physical
Refused to submit to induction
Indicted
Pleaded guilty, and put on bond
Committed to Federal Correctional Institute
Ordered to report to Federal Correctional Institute on 9 Jan 74
Left for Canada
Returned to U.S.
Placed on probation for 3 years
PCB application

Sources:

Application and attorney's addendum
Letter from Probation Officer

②

FB ✓ WTB
FB 6/2 COS

PRELIMINARY POST-AUDIT CHECKLIST

Case Number 1810

_____ Flagged

Auditor tp

_____ PME Review

_____ Computer

1. Board decision

- a. too severe
- _____ b. too lenient
- _____ c. Correct

2. Summary

- _____ a. Inclusion of Unadjudicated offense(s)
- _____ b. Incorrect inclusion of NJP, SCM
- _____ c. Inclusion of non-felony civil offense(s)
- _____ d. Prejudicial hearsay material
- _____ e. _____
- _____ f. _____

3. Board misapplication of aggravating/mitigating factors

- _____ a. Omission of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____
- _____ b. Misapplication of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____

4. Incorrect result in light of combination of factors

- a. Aggravating None
- b. Mitigating 7, 10, 11

5. Comments

should be automatic pardon
instead of 6 mos. A/S

Re A

Apparent CO.

Base 3, better pardon.

WTB

7/13

A-Nonem-4,10,11
BL 3
6 mos f/s
may

PRESIDENTIAL CLEMENCY BOARD
/ Case Summary

PCB Attorney: Edwards
Telephone No. (202) 456-2110
Summary Completed: 16 Apr 75
Current Sentence: 2 yrs.

Case No. 1810-CGW-C
Age: 27
Date of Application: 20 Jan 75
Present Status: Probation

Probation and alternative service
Court: U.S.D.C. Dist. of S.C.
Total Time Served: 8 mos. alternate service
and probation
Offense: Refusal to submit to induction

1 yr. (Aug)
MID - P
e.o. case w/ no Ag,
e-7

Background:

Applicant is a twenty-seven year old white, married male. He was born 7 Apr 48 in South Carolina and was reared on a farm in Lexington County. His late father (died 2 Nov 71) was a local native, college graduate, and owned and operated a dairy farm on which the applicant grew up. His mother is employed in a department store. The applicant married a college graduate in Aug 71. The couple is childless and rents a small apartment in a college town where the applicant attended the university. Applicant studied mechanical engineering from Jul 66 to May 71, discontinuing study because of academic insufficiency. Prior to college, the applicant was a regular communicant in the Protestant Church, and his pastor continues to regard him well. The applicant has a good employment record as an engineering technician in the offices of a large electric utility Company.

Circumstances of Offense:

The applicant was tried for refusal to submit to induction. He is known to have a sincere respect for life. Found guilty, he was sentenced to two years confinement. The case was appealed and denied, and a petition for rehearing denied. A writ of certiorari was denied by the Supreme Court, and a petition was filed for reduction of sentence and stay of service of that sentence. The District Court reduced the sentence to two years probation with two years alternative service under supervision. Alternative service has run eight months in the engineering department of a local general hospital. (Selective Service System, file in this case, has been destroyed)

Chronology:

7 Apr 48	Date of Birth
28 Aug 71	Married
15 Nov 71	Refusal to Submit for induction
21 Nov 72	Convicted
4 Dec 72	Sentenced
12 Sep 73	4th Circuit Court of Appeals affirms conviction
20 Dec 73	Petition for rehearing denied
10 Jun 74	Writ of certiorari denied by Supreme Court
26 Jul 74	Sentence reduced
12 Aug 74	Alternate service and probation commenced
20 Jan 75	PCB Application

Sources:

Presentence Report

Case No. 1810-CGW-C

Probation Record
Letters
Application

DOUBLE DISPOSITION CASES



#7021

This case was given six months on July 1 and flagging action was initiated. The records concerning this action are presently in Senator Goodell's office and have not yet been returned. I presume that the flagging action was legitimate on the basis of agg/mit factors given at the initial panel, but cannot ascertain who initiated it without the record. The case was re-heard on July 22 and given three months.

#586

This case was originally heard by Panel A on March 26 and awarded a pardon. Additional correspondence was received from the applicant, and in a memo dated March 28, John Foote suggested that it be re-heard since: 1) it had been unripe when heard originally, and 2) the applicant was entitled to a chance for an upgrade. Accordingly, the case was re-docketed and re-heard on May 25 by Panel G. At that time a pardon was again awarded.

#664

This case was heard by Panel B on April 4 (and given six months, I believe) and it was decided to refer it to the full Board. The full Board heard the case on May 23 and decided on six months.

#3032

This is a very strange case. It was initially presented to Panel A by Mr. Crumlish of the Kodak team on May 8 and received twelve months. It was again presented by Mr. Crumlish on the basis of the same summary to Panel T on June 4 and tabled for more information. It was presented a third time, again by Mr. Crumlish, and again with the same summary. It received six months from Panel L on June 20. I have spoken to Mr. Kodak who had the case file in his possession. Not only was he unable to account for the multiple presentations (the team file shows only the presentations of May 8 and June 20), but he indicated that annotations in the case file showed another presentation, this time to the full Board, where Chairman Goodell indicated that we had no jurisdiction. This was August 13. I have carefully checked both the decision sheets and the dockets of the August 13 Board meeting and find no record of this case being heard or presented. Two problems, therefore, are in need of resolution; i.e., which is determinative of a presentation, the records of the scribe shop from whence come entries in the Master Log and docketing logs, or the records of the attorneys involved. If it is the former, which disposition is determinative. Although there was no reason given for the May 8 presentation, the case was tabled for additional information. Presumably additional information was obtained. On that basis a six-month recommendation was made. We must thus determine

Double Disposition Cases

2.

whether to accept the June 20 outcome on the basis of additional information, or the May 8 outcome on the basis of no reason being furnished for the second presentation June 4. On the twelfth list we recommended six months to the President. It also has not come back so it can be re-submitted.

#1175

A pardon was awarded on March 7 by Panel A and the case was re-heard on May 9 with three months being awarded. We can find no basis for the re-hearing, but the applicant has already been notified he has a pardon.

#1176

This was heard by Panel A on March 7, and a pardon was given. On May 9 it was given to Panel B and awarded three months. I note that a letter was received from the applicant on April 1, but it did not contain any information of sufficient note to warrant a second presentation. The applicant has been informed he received a pardon.

#1177

It was presented to Panel B on March 7 and awarded a pardon with upgrade. It was presented again on May 9 to Panel B, and a pardon only was recommended. Nothing in the file accounts for the duplicate presentation.

N.B. These cases, as you can see, are in sequential order. They were all heard the first time on March 7 and the second time on May 9. They were all on Dancheck's team. I think it is clear that Dancheck's team simply re-cycled them inadvertently.

#5958

It was presented initially to Panel J on June 11 and received six months. It was presented again to Panel B on August 1 and given three months.

#4208

Double Disposition Cases

3.

#1761

It was originally presented to Panel T on August 26 and given a pardon. It was re-presented to Panel S two days later and given three months. From the short interval, it is obvious that normal re-docketing procedures could not have been adhered to, and it is likely that this duplicate presentation resulted from docketing error. Indeed, it may be possible that one of the presentations could have been from a different case which was mis-numbered. Will explore further.

41st case - #2738.

Initial presentation was made on July 3 by Wince with summary prepared May 24. No copy of this case summary is in file. Then the case came into the hands of Switek (how and why no one knows), who prepared a summary on July 29, and having no indication of a prior presentation, re-presented the case on August 8. In each case the disposition was six months.



ok FB
@J

Case # 10459

Missing



PRELIMINARY POST-AUDIT CHECKLIST

FB ✓ LMB
FB ~~CLJ~~ LMB

3

Case Number 10374

Auditor Tgo

Flagged
 PME Review
 Computer

1. Board decision

- a. too severe
- b. too lenient
- c. Correct

2. Summary

- a. Inclusion of Unadjudicated offense(s)
- b. Incorrect inclusion of NJP, SCM
- c. Inclusion of non-felony civil offense(s)
- d. Prejudicial hearsay material
- e. _____
- f. _____

3. Board misapplication of aggravating/mitigating factors

- a. Omission of factor(s)
 - 1) Aggravating _____
 - 2) Mitigating _____
- b. Misapplication of factor(s)
 - 1) Aggravating 7 - no serious violation of probation occurred
 - 2) Mitigating _____



4. Incorrect result in light of combination of factors

- a. Aggravating 5, (7)
- b. Mitigating NONE

5. Comments

No clemency seems too severe in this case (a civilian case) since Agg # 5 is the only factor. ✓ I Agree
LMB
7/19

SPECIAL DOCKET DISPOSITION FORM

Case Number 10374-CRL-C

Action Attorney W. PICZAK Telephone 634-4385

Date of Board Panel Disposition JUNE 20

Board Members Present WALT, VINSON, FORD, CARTER

Panel Counsel WM. KLEIN

Case referred to special docket by:

_____ Action attorney

_____ Applicant

_____ Panel Counsel

_____ Board Member

_____ Planning, Management & Evaluation Staff

SCOTT PARTRIDGE other ASST. TEAM LEADER



Baseline recommended by Board panel: No CLEMENCY

Aggravating factors cited by Board panel: (5), (7)

Mitigating factors cited by Board panel; None

Reason for Special Docketing:

NO CLEMENCY DECISIONS IN CIVILIAN CASES ARE RARE AND, FOR THE MOST PART, HAVE BEEN GIVEN IN INSTANCES WHERE THE APPLICANT HAS COMMITTED OTHER SERIOUS OFFENSES, E.G. MURDER. IN THIS CASE THERE ARE NO OTHER CONVICTIONS. THE APPLICANT HAS NOT ADJUSTED WELL DURING PROBATION BUT HE ^{RECOMMENDATION:} ~~HE~~ HAS NOT BEEN A VIOLATOR OF PROBATION. THUS, AG FACTOR # (7) SHOULD NOT BE CHECKED. THE JUDGMENT IN THIS CASE IS TOO HARSH.

PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

PCB Attorney: Walter A. Piczak
Telephone: (202) 634-4379/4384
Summary Completed: 27 May 75
Current Sentence: Remanded

Case No.: 10374-CRL-C
Age: 22
Date of Application: 15 Feb 75
Present Status: On probation

custody Attorney General for
period of ~~2 years, serve 30~~
days in an institution -
balance of sentence suspended
and probation for 2 years
(~~Youth Corrections Act~~)

Court: USDC, N. Dist., Ind.
Total Time Served: 30 days,
county jail; 1 year, 2 months
probation
Offense: Failure to report for
induction

*Sentence - Probation w/ no A/S. ?
off so no probation violation.*



Background:

The applicant is 22 years old, white, married and born in Indiana on 2 Jul 52. He has two older sisters and one brother younger than he. His father is employed as a truck driver. He graduated from high school in 1971, and according to his mother made a satisfactory school adjustment. The applicant married in June 1972 and is the father of a one-year old child. The applicant's mother states that the reason he didn't want to go in the service was because his wife needed him and he wanted to be with her. His wife verifies that he didn't want to go in the service. There are no IQ scores available on the applicant. After graduation from high school, the applicant worked at various jobs for short periods of time. It appears that he either quit or was terminated in each of them. For six months prior to July 73, the applicant worked at a used car lot which went out of business because the owner was deeply in debt. In July 73, the applicant went into the used car business on his own and operated the business for six months.

Circumstances of Offense:

On 3 Aug 71, the applicant was declared I-A by his local Board. On 16 Jun 72, he passed the pre-induction physical examination. The applicant wrote to the local Board on 19 Sep 72 asking for a postponement from induction because the Board failed to take into consideration the effects of an accident he had been in and that for physical reasons he should have been found unacceptable for military service. He did not submit a physician's statement. The applicant was ordered to report for induction on 22 Sep 72. On that date, the local Board received a letter from the applicant stating that he would not report for induction because the Induction Center had ignored the report from his doctor stating that he was not physically fit. He claimed that he sustained a ruptured kidney in an automobile accident two or three years ago which resulted in a chronic condition. In addition, he advised the local Board that he has a child and that this should change his draft status. His family doctor confirms that the applicant was in a car accident and had suffered a cerebral concussion and a possible renal contusion. A colleague of the family doctor saw the

applicant on 12 Aug 70 and again in May 72, and gave the applicant a note to the effect that his kidney had healed satisfactorily. He never returned for further consultation with his doctors. At an interview with the U.S. Probation Officer, the applicant admitted he did not want to go in the service because he was recently married and his wife was pregnant. He further stated that he did not think he would be suited for service life. Upon the failure of the applicant to submit for induction on 22 Sep 72, Federal authorities took him into custody on 26 Sep 73. On 27 Nov 73, the applicant was tried and was found guilty for failure to submit to induction. On 7 Feb 74, the District Court for the N.D. of Indiana, pursuant to the Youth Corrections Act, ordered the applicant committed to the custody of the Attorney General for a period of 2 years, with the provision that after he served 30 days in a jail-type institution the execution of the balance of the sentence would be suspended, and he would be placed on probation for 2 years. A report dated 12 May 75 from the U.S. Probation Officer concerning the applicant's probationary status reveals that so far his adjustment has been poor in the sense that he has shown no real initiative and has been out of work most of the time, letting his wife support him.

Chronology:

7 Jul 52	Date of Birth
1971	Graduated from high school
3 Aug 71	Declared I-A by local Board
June 72	Married
16 Jun 72	Passed pre-induction physical
19 Sep 72	Request for postponement of induction
22 Sep 72	Ordered to report for induction
22 Sep 72	Letter to local Board applicant would not report for induction
26 Sep 72	Taken into custody by Federal authorities
27 Nov 73	Convicted
7 Feb 74	Sentenced
15 Feb 75	PCB Application

Sources:

Presentence Report
Letters

PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
WASHINGTON, D. C. 20500

Calculation of Baseline for Alternative Service:

Starting Point	24	Months
Less Three Times <u>1</u> Months in Prison	- 3	Months
Less Alternative Service Performed if Period Satisfactorily Completed	-	Months
Less Time Served on Probation or Parole if Period Satisfactorily Completed	- 14	Months
BASELINE	<u>7</u>	Months
Judge's Sentence to Imprisonment as Reduced by Competent Authority, which is the Baseline if Less Than the Above Figure	<u>1</u>	Months
Minimum Baseline	<u>3</u>	Months
Final Baseline for Determining the Period of Alternative Service	<u>3</u>	Months

Aggravating Factors:

- (1). Other adult convictions
- (2). False statement by applicant to the Presidential Clemency Board
- (3). Use of force by applicant collaterally to AWOL, desertion, or missing movement or civilian draft evasion offense
- (4). Desertion during combat
- (5). Evidence that applicant committed offense for obviously manipulative and selfish reasons
- (6). Prior refusal to fulfill alternative service
- (7). Violation of probation or parole
- (8). Multiple AWOL/UA offenses
- (9). AWOL/UA of extended length _____
- (10). Failure to report for overseas assignment
- None of the above

Mitigating Factors:

- (1). Lack of sufficient education or ability to understand obligations or remedies available under the law
- (2). Personal and immediate family problems
- (3). Mental or physical condition
- (4). Employment and other activities of service to the public
- (5). Service-connected disability
- (6). Extended period of creditable military service _____
- (7). Tours of service in the war zone
- (8). Substantial evidence of personal or procedural unfairness
- (9). Denial of conscientious objector status on procedural, technical, or improper grounds
- (10). Evidence that an applicant acted for conscientious, not manipulative or selfish reasons
- (11). Voluntary submission to authorities by applicant
- (12). Behavior which reflects mental stress caused by combat
- (13). Volunteering for combat, or extension of service while in combat
- (14). Above average military conduct and proficiency or unit citations
- (15). Personal decorations for valor
- (16). Wounds in combat
- None of the above

Based on these factors, the Board's decision is that the _____ month baseline should be _____ . Therefore, a pardon will be granted after performance of _____ months of alternative service.

10374
Case Number

NO CLEMENCY

Walt Piczak
Staff Attorney

PRELIMINARY POST-AUDIT CHECKLIST

Case Number 3066

Auditor J. Maurus

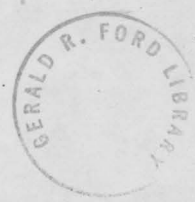
Flagged
 PME Review
 Computer

- 1. Board decision
 - a. too severe
 - b. too lenient
 - c. Correct

- 2. Summary
 - a. Inclusion of Unadjudicated offense(s)
 - b. Incorrect inclusion of NJP, SCM
 - c. Inclusion of non-felony civil offense(s)
 - d. Prejudicial hearsay material
 - e. _____
 - f. _____

8 mit.
never in service.

- 3. Board misapplication of aggravating/mitigating factors
 - a. Omission of factor(s)
 - 1) Aggravating _____
 - 2) Mitigating _____
 - b. Misapplication of factor(s)
 - 1) Aggravating _____
 - 2) Mitigating _____



- 4. Incorrect result in light of combination of factors
 - a. Aggravating _____
 - b. Mitigating _____

5. Comments Decision: 6 mos A/S; Ag 1, 5, 8, 9; Mit 1, 6 (probably weak)

① AFQT 10 (lowest Cat IV). Parole indicated lowest IQ.

② Weak Ag 5 under current guidelines

Therefore reconsideration warranted.

Refer to showing for Project 100,000 and treatment of services.

SPECIAL DOCKET DISPOSITION FORM

Case Number 3066 - SCN-M

Action Attorney O'Hare Telephone _____

Date of Board Panel Disposition 4 June 75

Board Members Present O'Connor, Craig, Vinson, Riggs

Panel Counsel Lohfd

Case referred to special docket by:

- Action attorney
- Applicant
- Panel Counsel
- Board Member
- Planning, Management & Evaluation Staff
- other

Baseline recommended by Board panel:

3

6 mos. A/S

Aggravating factors cited by Board panel:

1, 5, 8, 9

Mitigating factors cited by Board panel:

1, 6

Reason for Special Docketing:

AFQT of 10 should never have been in military.

Recommendation:

THE PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

JB Attorney: Thomas O'Hare
Telephone Number: (202) 456-2110
Summary Completed: 28 Apr 75
Discharge Status: Undesirable Discharge
for reason of unfitness
Offense: Frequent Involvement with
Military Authorities
Total Creditable Service: 9 months, 19 days

Case Number: 3066-SCN-M
Branch of Service: Army
Age: 27
Present Status: Civilian
Date of Application: 28 Jan 75

Background

This white male applicant was born in Virginia on March 20, 1948. He was raised in and now lives in Virginia. He is the oldest of five children. He has completed eight grades of school. He enlisted in the Army on February 6, 1968 for 2 years. His AFQT score is 10 (Category IV) and his GT score is 64. He completed his AIT at Ft. Dix, New Jersey. The highest rank he achieved was E-2. He received two excellent conduct/efficiency ratings while in training.

Circumstances of Offense

Applicant was given an Undesirable Discharge for unfitness because of frequent involvement with military authorities. Applicant had several AWOL's for which he received one Article 15 and two Special Court-Martials. The Commanding Officer of the U.S. Army Engineer Center Brigade at Ft. Belvoir, Virginia, found that the applicant "...has repeatedly shown a complete lack of interest in becoming a satisfactory soldier and his conduct indicates that he will never serve an usefull purpose while in the service. He will continue to be a disciplinary problem, adversely affecting the military mission." The applicant waived his right to counsel and an administrative hearing and was discharged January 26, 1970.

Vietnam Service None

Chronology

20 Mar 48	Date of Birth
63	Left school
6 Feb 68	Date of Enlistment
3 Mar 68 - 11 Mar 68	AWOL
12 Mar 68	NJP
10 Jul 68 - 10 Jan 69	AWOL
5 Feb 69	Special Court-Martial
16 May 69 - 20 May 69	AWOL
29 May 69 - 22 Jul 69	AWOL
7 Aug 69	Special Court-Martial
26 Jan 70	Date of Discharge
28 Jan 75	PCB Application

Case Number: 3066-SCN-M

Awards and Decorations

National Defense Service Medal

Military Offense

- 12 Mar 1968 Non-Judicial Punishment, AWOL: 3 March 68 to 11 March 68.
Partial Forfeiture.
- 7 Aug 1969 Special Court-Martial, AWOL: Spec. 1
16 May 69 to 20 May 69
29 May 69 to 22 Jul 69
Sentence: 4 months hard labor and forfeiture of \$75 per month
for 4 months; CA approval 28 Aug 69.
- 5 Feb 1969 Special Court-Martial, AWOL: 10 Jul 68 to 10 Jan 69.
Sentence: Reduced to E-1 from E-2. Confined at 3 months hard labor
and forfeiture of \$73 per month for 3 months. CA approval 11 Feb 69.
28 Feb 69 - Remaining confinement suspended; 2 Apr 69 - Suspension
vacated.
- 8 months, 9 days total time absent without authority in these offenses
7 months, 11 days total time in confinement for these offenses

Sources

Military Files and Folders
OB Application

PRESIDENTIAL CLEMENCY BOARD
THE WHITE HOUSE
WASHINGTON, D. C. 20500

Calculation of Baseline for Alternative Service:

Starting Point	24	Months
Less Three Times _____ Months in Prison		Months
Less Alternative Service Performed if Period Satisfactorily Completed		Months
Less Time Served on Probation or Parole if Period Satisfactorily Completed		Months
BASELINE		Months
Judge's Sentence to Imprisonment as Reduced by Competent Authority, which is the Baseline if Less Than the Above Figure		Months
Minimum Baseline	3	Months
Final Baseline for Determining the Period of Alternative Service		
		Months

Aggravating Factors:

- 1). _____ Other adult felony convictions
- 2). _____ False statement by applicant to the Presidential Clemency Board
- 3). _____ Use of force by applicant collaterally to AWOL, desertion, or missing movement or civilian draft evasion offense
- 4). _____ Desertion during combat
- 5). _____ Evidence that applicant committed offense for obviously manipulative and selfish reasons
- 6). _____ Prior refusal to fulfill court ordered alternative service
- 7). _____ Violation of probation or parole
- 8). _____ Multiple AWOL/UA offenses
- 9). _____ AWOL/UA of extended length _____
- 10). _____ Failure to report for overseas assignment
- 11). _____ Non AWOL offenses contributing to an undesirable discharge
- 12). _____ Apprehension by authorities

Mitigating Factors:

- 1). _____ Lack of sufficient education or ability to understand obligations or remedies available under the law
- 2). _____ Personal and immediate family problems
- 3). _____ Mental or physical condition
- 4). _____ Employment and other activities of service to the public
- 5). _____ Service-connected disability
- 6). _____ Extended period of creditable military service _____
- 7). _____ Tours of service in the war zone
- 8). _____ Substantial evidence of personal or procedural unfairness
- 9). _____ Denial of conscientious objector status or other claim for selective service exemption or deferment on procedural, technical, or improper grounds
- 10). _____ Evidence that an applicant acted for conscientious, not manipulative or selfish reasons
- 11). _____ Voluntary submission to authorities by applicant
- 12). _____ Behavior which reflects mental stress caused by combat
- 13). _____ Volunteering for combat, or extension of service while in combat
- 14). _____ Above average military conduct and proficiency or unit citations
- 15). _____ Personal decorations for valor
- 16). _____ Wounds in combat

Based on these factors, the Board's decision is that the _____ month baseline should be _____ . Therefore, a pardon will be granted after performance of _____ months of alternative service.

Case Number _____

Staff Reviewer _____

3

Note
2 sep. pages
flagged

FR ✓ MB

FB CoG CBG

PRELIMINARY POST-AUDIT CHECKLIST

Case Number 3014

_____ Flagged

Auditor tg

_____ PME Review

_____ Computer

1. Board decision

a. too severe

_____ b. too lenient

_____ c. Correct

2. Summary

_____ a. Inclusion of Unadjudicated offense(s)

_____ b. Incorrect inclusion of NJP, SCM

_____ c. Inclusion of non-felony civil offense(s)

_____ d. Prejudicial hearsay material

_____ e. _____

_____ f. _____

3. Board misapplication of aggravating/mitigating factors

_____ a. Omission of factor(s)

_____ 1) Aggravating _____

_____ 2) Mitigating _____

b. Misapplication of factor(s)

1) Aggravating 4 - no evidence of AWOL while in Vietnam

_____ 2) Mitigating _____

4. Incorrect result in light of combination of factors

a. Aggravating 1, (4), 8

b. Mitigating 1, 6, 7, 14



5. Comments

Board may have been misled by phrasing in summary into believing applicant was AWOL while in Vietnam. His Vietnam service was from 30 Apr 67 to 6 Jun 67 and his AWOLs were earlier in April and after his Vietnam service. No Clemency is a bit harsh, especially considering his low AFQT

Agree

MB
7/17

PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

5/8/75
App 11, 4, 8
Milt 1, 6, 7, 14
S.L. 3
No Clemency

PCB Attorney: Simon
Telephone No.: (202) 634-4622
Summary Completed: 17 Apr 75
Discharge Status: Undesirable Discharge
for reason of unfitness
Offenses: Frequent involvement
Total Creditable Service: 1 year,
4 months, 29 days

Case No.: 3014-WJW-M
Branch of Service: Army
Age: 25
Present Status: Discharged
Date of Application: 27 Jan 75

1 yr 5 mos

Background:

Applicant was born in Detroit, Michigan, on 7 Sep 49, to an intact family. He is the third of five children. He completed three years of high school. Prior to his enlistment, he worked as an inventory clerk. He enlisted in the Army for a three year period on 8 Sep 66. His GT is 94; his AFQT is 20 (Category IV). His MOS was Ammunition Records Clerk. Prior to his discharge, he received two excellent conduct and efficiency ratings and one fair conduct and one good efficiency rating. The highest rank ever held by applicant was Pvt (E-3).

Circumstances of Offense:

Applicant received several NJP's and SPCM's for AWOL's from Mar 67 through Jun 68. A psychiatric evaluation indicated that he had an immature personality and lacked motivation. He also had a habit of absenteeism. Because of his frequent involvement, an Undesirable Discharge was granted on 6 Sep 68.

Awards and Decorations:

NDSM, VSM

Chronology:

7 Sep 49	Date of birth
8 Sep 66	Enlisted U.S. Army for 3 years
8 Sep 68	U.D.
27 Jan 75	PCB Application

Prior Military Offenses:

6 Mar 67	NJP for AWOL: 3 Mar 67 - 6 Mar 67. Partial forfeitures for one month and RIR to E-2.
6 Apr 67	NJP for AWOL: 3 Apr 67 - 5 Apr 67. Partial forfeitures for one month.
26 Apr 67	NJP for AWOL: 15 Apr 67 - 25 Apr 67. Partial forfeitures for one month, RIR to E-1.

*No offenses while
in VN
Why 6 wks VN service?
9 or 12 mos*

Case No.: 3014-WJW-M

Prior Military Offenses (cont.):

15 Jun 67	NJP for failure to carry ID card and liberty pass. Oral reprimand and 14 days extra duty.
28 Jun 67	NJP for disobeying lawful order. Oral reprimand, restrictions for 7 days, RIR to E-2.
8 Feb 68	SUMCM for AWOL, 26 Jan 68. Restriction and partial forfeitures for one month.
16 Feb 68	NJP for breaking restriction on 15 Feb 68. Oral reprimand, 14 days extra duty, RIR to E-2.
2 May 68	SPCM for AWOL 19 Feb 68 - 1 Apr 68 and 4 Apr 68 - 8 Apr 68. Sentenced to 6 months CHL; partial forfeitures for 6 months and RIR to E-1.
11 Jul 68	SPCM for AWOL 6 Jun 68 - 13 Jun 68. Sentenced to partial forfeitures for 6 months; CHL 6 months.

Total AWOL all Offenses:

2 months, 14 days

Total Confinement:

2 months, 10 days

Vietnam Service:

Applicant served in Vietnam from 30 Apr 67 to 6 Jun 67. He took part in the Vietnam Counteroffensive, Phase II.

Sources:

PCB Application
Army Personnel File

PRELIMINARY POST-AUDIT CHECKLIST

FB ✓ URS (35)
FB CEJ CEB

Case Number 3014-WJW-M

✓ Flagged

Auditor Carolyn Shain

_____ PME Review

_____ Computer

1. Board decision

✓ a. too severe

_____ b. too lenient

_____ c. Correct

2. Summary

_____ a. Inclusion of Unadjudicated offense(s)

_____ b. Incorrect inclusion of NJP, SCM

_____ c. Inclusion of non-felony civil offense(s)

_____ d. Prejudicial hearsay material

_____ e. _____

_____ f. _____

3. Board misapplication of aggravating/mitigating factors

_____ a. Omission of factor(s)

_____ 1) Aggravating _____

_____ 2) Mitigating _____

_____ b. Misapplication of factor(s)

_____ 1) Aggravating _____

_____ 2) Mitigating _____

4. Incorrect result in light of combination of factors

✓ a. Aggravating 1, 4, 8

✓ b. Mitigating 1, 6, 7, 14



5. Comments

Man has an AFQT of 20 and was accepted for enlistment. No clemency seems a bit harsh.

With an AFQT 20 - 1 yr. 4 mos. 29 days is remarkable for creditable service. This applicant enlisted the day after his 17th

birthday. A thorough search does not indicate why the panel came down & so hard on him!

Many petty offenses, shut on service & AWOL.
Long creditable service,

Review. URS 7/13

SPECIAL DOCKET DISPOSITION FORM

Case Number 3014 WTW M

Action Attorney SIMON Telephone _____

Date of Board Panel Disposition _____

Board Members Present CGRW Mo W

Panel Counsel _____

Case referred to special docket by:

_____ Action attorney

_____ Applicant

_____ Panel Counsel

_____ Board Member _____

X _____ Planning, Management & Evaluation Staff

_____ other _____

Baseline recommended by Board panel: (3) No clemency

Aggravating factors cited by Board panel:
1 4 8

Mitigating factors cited by Board panel:
1 6 7 14

Reason for Special Docketing:

Recommendation:

PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

PCB Attorney: Simon
Telephone No.: (202) 634-4622
Summary Completed: 17 Apr 75
Discharge Status: Undesirable Discharge
for reason of unfitness
Offenses: Frequent involvement
Total Creditable Service: 1 year,
4 months, 29 days

Case No.: 3014-WJW-M
Branch of Service: Army
Age: 25
Present Status: Discharged
Date of Application: 27 Jan 75

Background:

Applicant was born in Detroit, Michigan, on 7 Sep 49, to an intact family. He is the third of five children. He completed three years of high school. Prior to his enlistment, he worked as an inventory clerk. He enlisted in the Army for a three year period on 8 Sep 66. His GT is 94; his AFQT is 20 (Category IV). His MOS was Ammunition Records Clerk. Prior to his discharge, he received two excellent conduct and efficiency ratings and one fair conduct and one good efficiency rating. The highest rank ever held by applicant was Pvt (E-3).

Circumstances of Offense:

Applicant received several NJP's and SPCM's for AWOL's from Mar 67 through Jun 68. A psychiatric evaluation indicated that he had an immature personality and lacked motivation. He also had a habit of absenteeism. Because of his frequent involvement, an Undesirable Discharge was granted on 6 Sep 68.

Awards and Decorations:

NDSM, VSM

Chronology:

7 Sep 49	Date of birth
8 Sep 66	Enlisted U.S. Army for 3 years
8 Sep 68	U.D.
27 Jan 75	PCB Application

Prior Military Offenses:

6 Mar 67	NJP for AWOL: 3 Mar 67 - 6 Mar 67. Partial forfeitures for one month and RIR to E-2.
6 Apr 67	NJP for AWOL: 3 Apr 67 - 5 Apr 67. Partial forfeitures for one month.
26 Apr 67	NJP for AWOL: 15 Apr 67 - 25 Apr 67. Partial forfeitures for one month, RIR to E-1.

Prior Military Offenses (cont.):

15 Jun 67	NJP for failure to carry ID card and liberty pass. Oral reprimand and 14 days extra duty.
28 Jun 67	NJP for disobeying lawful order. Oral reprimand, restrictions for 7 days, RIR to E-2.
8 Feb 68	SUMCM for AWOL, 26 Jan 68. Restriction and partial forfeitures for one month.
16 Feb 68	NJP for breaking restriction on 15 Feb 68. Oral reprimand, 14 days extra duty, RIR to E-2.
2 May 68	SPCM for AWOL 19 Feb 68 - 1 Apr 68 and 4 Apr 68 - 8 Apr 68. Sentenced to 6 months CHL; partial forfeitures for 6 months and RIR to E-1.
11 Jul 68	SPCM for AWOL 6 Jun 68 - 13 Jun 68. Sentenced to partial forfeitures for 6 months; CHL 6 months.

67 days AWOL

Total AWOL all Offenses:

2 months, 14 days

Total Confinement:

2 months, 10 days

Vietnam Service:

Applicant served in Vietnam from 30 Apr 67 to 6 Jun 67. He took part in the Vietnam Counteroffensive, Phase II.

Sources:

PCB Application
Army Personnel File

PRESIDENTIAL CLEMENCY BOARD
 THE WHITE HOUSE
 WASHINGTON, D. C. 20500

Calculation of Baseline for Alternative Service:

Starting Point	24	Months
Less Three Times <u>4</u> Months in Prison	- 120	Months
Less Alternative Service Performed if Period Satisfactorily Completed	- 0	Months
Less Time Served on Probation or Parole if Period Satisfactorily Completed	- 0	Months
BASELINE	<u>12</u>	Months
Judge's Sentence to Imprisonment as Reduced by Competent Authority, which is the Baseline if Less Than the Above Figure	0	Months
Minimum Baseline	<u>3</u>	Months
Final Baseline for Determining the Period of Alternative Service	<u>3</u>	Months

Aggravating Factors:

- (1). X? Other adult convictions
- (2). _____ False statement by applicant to the Presidential Clemency Board
- (3). _____ Use of force by applicant collaterally to AWOL, desertion, or missing movement or civilian draft evasion offense
- (4). _____ Desertion during combat
- (5). _____ Evidence that applicant committed offense for obviously manipulative and selfish reasons
- (6). _____ Prior refusal to fulfill alternative service
- (7). _____ Violation of probation or parole
- (8). X? Multiple AWOL/UA offenses
- (9). X? AWOL/UA of extended length 3 mos
- (10). _____ Failure to report for overseas assignment
- _____ None of the above

Mitigating Factors:

- (1). X? Lack of sufficient education or ability to understand obligations or remedies available under the law
- (2). _____ Personal and immediate family problems
- (3). _____ Mental or physical condition
- (4). _____ Employment and other activities of service to the public
- (5). _____ Service-connected disability
- (6). X? Extended period of creditable military service 1 yr, 4 mos
- (7). X? Tours of service in the war zone
- (8). _____ Substantial evidence of personal or procedural unfairness
- (9). _____ Denial of conscientious objector status on procedural, technical, or improper grounds
- (10). _____ Evidence that an applicant acted for conscientious, not manipulative or selfish reasons
- (11). _____ Voluntary submission to authorities by applicant
- (12). _____ Behavior which reflects mental stress caused by combat
- (13). _____ Volunteering for combat, or extension of service while in combat
- (14). X? Above average military conduct and proficiency or unit citations
- (15). _____ Personal decorations for valor
- (16). _____ Wounds in combat
- _____ None of the above

Based on these factors, the Board's decision is that the _____ month baseline should be _____ . Therefore, a pardon will be granted after performance of _____ months of alternative service.

3014-WJM-M
 Case Number

Simon
 Staff Attorney

3

FB ✓ LMB
FB ceG COB

PRELIMINARY POST-AUDIT CHECKLIST

Case Number 774

Auditor tps

✓ Flagged
✓ PME Review
 Computer

1. Board decision

- ✓ a. too severe
- b. too lenient
- c. Correct

2. Summary

- a. Inclusion of Unadjudicated offense(s)
- b. Incorrect inclusion of NJP, SCM
- c. Inclusion of non-felony civil offense(s)
- d. Prejudicial hearsay material
- e. _____
- f. _____

3. Board misapplication of aggravating/mitigating factors

- ✓ a. Omission of factor(s)
 - 1) Aggravating _____
 - ✓ 2) Mitigating 2 - wife's illness, marital problems
- b. Misapplication of factor(s)
 - 1) Aggravating _____
 - 2) Mitigating _____

4. Incorrect result in light of combination of factors

- ✓ a. Aggravating 1, 5 (weak), 8, 9 (weak)
- ✓ b. Mitigating (2), 6, 14

#1 is one spec for AWOL

5. Comments

Nothing out of the ordinary that should lead to no clemency rather than some months A/S.

Agree
LMB
7/17



PRESIDENTIAL CLEMENCY BOARD
Case Summary

4/3/75
B.L. 4
Agg 45, 8, 9
Mtl 6, 14
No Clemency

PCB Attorney: Heitz
Telephone No.: (202) 456-2110
Summary Completed: 20 Mar 1975
Current Sentence: Bad Conduct Discharge, confinement at hard labor for 4 months, partial forfeitures and reduction to E-1
Court: Special Court-martial
Great Lakes, Illinois, 28 Jun 1965
Total Time Served: 3 months, 28 days;
19 days pre-trial confinement
Discharge Status: Executed Bad Conduct Discharge
Offense: AWOL, 3 specifications: 23
Apr-18 May 1965, 20 May-2 Jun 1965,
and 5-9 Jun 1965 (1 month, 12 days)
Total Creditable Service: 1 year, 11 months, 14 days

Case No.: 74-774-PCX-M
Branch of Service: U. S. Navy
Age: 29
Present Status: Civilian
Date of Application: 10 Jan 1975

No to barok

2 yrs + @.S.

Background:

Applicant was born on 25 Dec 1945 in Tulsa, Oklahoma. He is Caucasian, married, and the father of two children, aged 6 and 8. The available records do not contain any information regarding applicant's family background. He completed ten years of high school and received a high school G.E.D. while in the service. His AFQT score is 56 (Category III) and his GCT is 44 (just below average). There is no record of applicant's previous employment experience. On 31 Dec 1962, 6 days after his 17th birthday this applicant enlisted in the Navy for the period of his minority years (3 years, 11 months, 25 days). His MOS was in the aviation field and he was an E-3 before he went AWOL. Prior to his AWOLs, his average ratings for professional performance were 3.3, for military behavior 3.5, for military appearance 3.1 and for adaptability 3.6. These marks are considered good.

Circumstances of the Offense(s):

The record of trial contains a post-trial interview with the applicant in which he explains his reasons for his AWOLs. The first time he went AWOL was to get married. The second AWOL was caused by his wife's illness. She was confined to bed and applicant stayed with her 13 days to nurse her. He went AWOL the third time because he was worried about his wife and homesick. At his trial, applicant requested a Bad Conduct Discharge because he felt his obligation to his wife was more important than the Navy. During the post-trial interview, applicant stated: "Before I met and married my wife, I wanted to stay in the Navy; I think it's a great outfit. But, now I can't, because I'm afraid that our marriage wouldn't last. I would most likely go UA again, neither of us

Circumstances of the Offense(s) cont'd:

want that and I feel it would eventually pull us apart. I would like a discharge from the Navy even if it is a BCD. My marriage is more important to me than anything I can think of." Applicant was worried that he and his wife would not be able to live on Navy pay.

During another post-trial interview conducted on 15 Jul 1965, applicant reported that the sole reason for his first AWOL was due to his disappointment in not being relieved of his assigned duties while stationed at the Naval Air Station, Corpus Christi, Texas. He was led to believe that these duties would only be temporary.

Vietnam Service: None

Chronology:

25 Dec 1945	Date of birth
1961	Withdrew from high school after completing the 10th grade
31 Dec 1962	Enlisted in U. S. Navy
23 Apr 1965 -- 18 May 1965	AWOL, terminated by surrender
8 May 1965	Married
20 May 1965 -- 2 Jun 1965	AWOL, terminated by surrender
5 Jun 1965 -- 9 Jun 1965	AWOL, terminated by apprehension; pre-trial confinement began
28 Jun 1965	Special Court-martial; post-trial confinement began
19 Jul 1965	Convening Authority's action
30 Jul 1965	U. S. Navy Board of Review approved conviction
13 Sep 1965	Sentence ordered executed
7 Oct 1965	Post-trial confinement terminated; discharged from Service
10 Jan 1975	PCB application

Awards and Decorations: None

Prior Military Offenses:

5 Nov 1964 -- Special Court-martial for AWOL: 6 Aug-12 Oct 1964 (68 days). Applicant sentenced to confinement at hard labor for 2 months, and partial forfeitures.

Sentence History:

28 Jun 1965 -- Special Court-martial, Great Lakes, Illinois. Sentenced to Bad Conduct Discharge, confinement at hard labor for 6 months, partial forfeitures and reduction to E-1.

Sentence History cont'd:

- 19 Jul 1965 -- Convening Authority action, approved so much of the sentence as provides for a Bad Conduct Discharge, confinement at hard labor for 4 months, partial forfeitures and reduction to E-2.
- 30 Jul 1965 -- U. S. Navy Board of Review, approved the findings of guilty and sentence.

Sources:

HQ Personnel File
Record of Trial
Attorney's letter of 10 Jan 1975

FB ✓ LMB
FB 024 COB

PRELIMINARY POST-AUDIT CHECKLIST

(3)

Case Number 1153

_____ Flagged

Auditor tgs

✓

_____ PME Review

_____ Computer

1. Board decision

✓ _____ a. too severe

_____ b. too lenient

_____ c. Correct

2. Summary

_____ a. Inclusion of Unadjudicated offense(s)

_____ b. Incorrect inclusion of NJP, SCM

_____ c. Inclusion of non-felony civil offense(s)

_____ d. Prejudicial hearsay material

_____ e. _____

_____ f. _____

3. Board misapplication of aggravating/mitigating factors

_____ a. Omission of factor(s)

_____ 1) Aggravating _____

_____ 2) Mitigating _____

_____ b. Misapplication of factor(s)

_____ 1) Aggravating _____

_____ 2) Mitigating _____

4. Incorrect result in light of combination of factors

✓ _____ a. Aggravating 4, 5, 9

✓ _____ b. Mitigating 6, 7, 11, 13, 14

5. Comments

Agg 4 was only a 9-day AWOL while in Vietnam. No Clemency seems too severe. Apparently the Board was displeased by applicant's statements re: opposition to the war in Vietnam, but not to war in general.

Agree - MMB
7/17

PRESIDENTIAL CLEMENCY BOARD
Case Summary

3/6/75
Agg 4,5,9
mt 6,7,11,13
B.L. 3
No Clemency

PCB Attorney: Klein
(Tel: (202) 456-2110)

Case No. 1153-DLJ-M

Summary Completed: 20 Feb 1975
Discharge Status: Undesirable
Discharge
Offense: AWOL, 12 Sept-21 Sept 1971
(9 days)
Total Creditable Service: 2 years,
4 months, 20 days

Branch of Service: Army
Age: 22
Date of Application: 19 Jan 1975
Present Status: Discharged

Background

This white applicant is 22 years old and was born on 19 May 1952 in Maine. He is one of five children and grew up in a stable home environment. He lived in Maine until he was nine years of age and then the family moved to Massachusetts where he continued in school to the 11th grade. The applicant has an AFQT score of 72 (Category II) and a GT score of 106. The applicant has no criminal record. In May 1969 he enlisted in the Army for three years. He did so at the completion of his junior year of high school and therefore had no employment record prior to entry into his period of service.

Circumstances of Offense

After completing his basic training and training as a vehicle repairman, the applicant did a 14-month tour of duty in Germany. He then volunteered for duty in Vietnam. At that time he had attained a grade E-4. After leaving Germany the applicant went home on leave and then to Vietnam. He states that he arrived in Vietnam with strong doubts about the conflict and his role in it. He alleges that he went through the proper procedure for obtaining a C.O. status but that his request was denied. Applicant then felt the only alternative open to him was to take an unauthorized leave of absence from 12 Sept to 21 Sept 1971. He then states that he applied for a Chapter 10 General Discharge which was approved up the chain of command until it was disapproved by the Commanding General. The applicant then requested a discharge for the good of the service. At that time applicant faced trial by special court-martial for his nine-day AWOL and also for giving the Post Exchange a bad check in the amount of \$123 while AWOL. This request by applicant (Tab H) was approved by all commanders and an undesirable discharge was finally executed on 26 Oct 1971. Applicant states

2
Case No. 1153-DLJ-M

that while in Vietnam, a chaplain, psychiatrist and a high ranking officer told him his beliefs were sincere but under current policy he could not obtain a C. O. status because his beliefs were not religious. There is, however, no record in the file of his request for C. O. status. After being discharged, the applicant applied to the Army Discharge Review Board for an upgraded discharge. A hearing was held on 2 Mar 1973, at which time applicant testified that his conscientious objection applied to the Vietnam war, not to war in general. The Army Discharge Review Board denied the request to change the type of discharge.

Vietnam Service: 23 May 1971-20 Oct 1971 (approximately 5 months).

While in Vietnam applicant was assigned to furnish supplies to perimeter guards at his base. It was considered to be an open fire zone.

Chronology

19 May 1952	Date of birth
28 May 1969	Date of enlistment
12 Sept-21 Sept 1971	AWOL
26 Oct 1971	Discharged from Army
2 Mar 1973	Hearing before Army Discharge Review Board
19 Jan 1975	PCB application

Awards and Decorations: National Defense Service Medal

Prior Military Offense

Article 15 - 28 Feb 1971, at Nuremburg, Germany, for possession of marijuana (hashish); reduction to PFC, restriction for 14 days and performance of extra duty for 14 days.

Sources

1. Military Personnel File
2. Hearing proceedings before Army Discharge Review Board
3. Application and attached letter

P.A. Pocket #2

BL 3
A 89
M 11213
9 MOS

PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

PCB Attorney: Burstein/Broder
Telephone No.: (202) 634-4609
Summary Completed: 24 Apr 75
Total Time Served: 2 months, 8 days
(including 13 days pre-trial
confinement)

Case No.: 3356-WGW-M
Branch of Service: Army
Age: 27
Present Status: Civilian
Date of Application: 29 Jan 75

Discharge Status: Undesirable Discharge
for unfitness by reason of frequent
involvement
Total Creditable Service: 2 months, 13 days

Background:

This caucasian applicant was born on 9 May 47. His father is an alcoholic and, when intoxicated, is often physically abusive to applicant's mother. When applicant was younger, applicant, too, was subjected to the physical abuse. Now, physical fights occur between applicant and his father when applicant attempts to protect himself and his mother. (Letter from psychiatrist, 18 Apr 67) Applicant quit school in Sep 63 after finishing the 10th grade. He held several jobs before induction in the Army, and he was married for approximately one year before induction. His AFQT score is 34 (Group III) and his GT score is 91. Applicant has been employed as a car porter for the last ten months. He has two excellent ratings for conduct and efficiency.

Circumstances of Offense:

Applicant was inducted for two years on 25 Jul 66. Upon applicant's father's promise to quit drinking, applicant's wife moved in with her parents-in-law and was to remain there until applicant returned from the Army. In Oct of 66 applicant's father again began to drink excessively and was brutal to his wife, although he did not harm applicant's wife. Applicant went AWOL from 7 Oct 66 to 15 Oct 66. He surrendered on the latter date only to assume a status of AWOL again which ended by apprehension on 12 Apr 67. Applicant was motivated to go AWOL in order to be with and to protect his family. The neuropsychiatric report of 25 May 67 shows that applicant is immature, but is mentally responsible and can distinguish between right and wrong. However, the report continues and states that applicant is significantly maladapted to an authority figure and to military rule, and is, therefore, useless to the service. Additionally, applicant's wife was under psychiatric care for her emotional instability and anxiety over the separation from her husband. Applicant served in pre-trial confinement from 12 Apr 67 - 25 Apr 67 and then appeared at the special Court-Martial on 26 Apr 67, when he was sentenced to six months confinement at hard labor and partial forfeiture for six months. The convening authority reduced the forfeiture on 1 May 67, and the unexecuted portion of the sentence was remitted on 20 Jun 67. He received his Undesirable Discharge for unfitness by reason of frequent involvement on 20 Jun 67.



Case No.: 3356-WGN-M

Vietnam Service:

None

Chronology:

9 May 47	Date of birth
Sep 63	Quit school after 10th grade
65	Married
25 Jul 66	Inducted
22 Feb 67	Talked with personal psychiatrist
12 Apr 67 - 25 Apr 67	Pre-trial confinement
17 Apr 67	Applicant's wife talked to personal psychiatrist
26 Apr 67	SPCM
1 May 67	Partial forfeiture reduced by convening authority
25 May 67	Military neuropsychiatric interview
20 Jun 67	Unexecuted portion of sentence remitted
20 Jun 67	Undesirable Discharge
29 Jan 75	PCB Application

Prior Military Offenses:

AWOL, 7 Oct 66 - 15 Oct 66. No disposition.

26 Apr 67, Special Court-Martial, AWOL 15 Oct - 11 Apr 67 (5 months, 28 days) and CHL 6 months (remitted in excess of 1 month, 24 days), partial forfeiture

Sources:

Military Personnel File
PCB File (including letter from Clyde B. Simson, M.D.)

P.A. Packet #2

PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

PCB Attorney: Kaminski
Telephone Number: (202) 634-4608
Summary Completed: 24 Apr 75
Total Time Served: 85 days pre-discharge
confinement
Discharge Status: Undesirable Discharge
in lieu of Court-Martial
Offense: Desertion (Art. 85) - 3 Aug 70 -
26 Feb 72
(1 year, 6 months, 24 days)
Total Creditable Service: 4 months, 8 days

Case Number: 3265-BJE-M
Branch of Service: Army
Age: 24
Present Status: Civilian
Date of Application: 30 Jan 75

Background:

This single, black applicant was born on 9 Nov 50 in Maryland and was the fourth of six children. He completed eleven years of education and left school in 1967. The record does not reflect the applicant's employment prior to enlistment in the military. His AFQT measures 18 (Group 4) and his GT score is 62. He had four months and eight days of creditable service and had two excellent conduct and efficiency ratings. He was awarded the National Defense Service Medal and a Marksman's Badge in the M-16

Circumstances of Offense:

This applicant enlisted in the Army on 28 Feb 70 for a three year period. He went AWOL from 3 Aug 70 until he was apprehended by civilian authorities and returned to military control on 26 Feb 72. While on AWOL he was convicted by civilian authorities. In a telephone communication he stated that he was convicted for shoplifting and was given a one year suspended sentence. Upon his return to military control, he was placed in confinement and remained in confinement until his discharge. The applicant indicated that he went AWOL for two reasons: (1) he had a fight in his unit and was afraid to return and (2) he wanted to go home. (In-Process Interview) On 28 Mar 72 he was charged by the Army with desertion. On that same day, he applied for an Undesirable Discharge in lieu of Court-Martial. His request was granted and his Undesirable Discharge was executed on 22 May 72.

Vietnam Service:

None



Chronology:

9 Nov 50
1967
28 Feb 70
3 Aug 70 - 26 Feb 72
28 Mar 72
22 May 72

Awards and Decorations:

National Defense Service Medal
Marksman's Badge in M-16

Prior Military Offenses:

None

Sources:

1. Army Office Personnel File
2. Clemency Board File

Date of Birth
Last year of school
Enlistment into Army
AWOL (1 year, 6 months, 24 days)
Request for Undesirable Discharge
Undesirable Discharge executed

PA. Packet #3

PRESIDENTIAL CLEMENCY BOARD
Case Summary

PCB Attorney: Lloyd Parker, Jr.
Telephone: 202-634-4634

Case No.: 9988-CCP-M

Summary Completed: 16 May 75
Discharge: Undesirable Discharge in lieu of Court-Martial
Offense: AWOL: 30 Aug 69 - 3 Aug 70 (11 months, 3 days)
Total Creditable Service: 3 months, 24 days

Branch of Service: Army
Age: 25
Present Status: Civilian
Date of Application: 19 Feb 75

Background:

This white applicant born 26 Aug 49 is one of six children born and raised in an upstate New York city by both parents. He quit school in the 10th grade in 1968 and had been working short-term odd jobs for one year when he was inducted into the Army on 6 Jun 69. He scored 101 on the GT and 29 on the AFQT (Category IV). He received excellent ratings in basic training and AIT. He was administered non-judicial punishment for a one-day AWOL in July 69 and one month later he went AWOL for over 11 months until he was apprehended by the FBI and returned to his command. He was in pre-discharge confinement until he accepted an Undesirable Discharge in lieu of court-martial on 5 Sep 70. Applicant is unemployed now because he is undergoing physical therapy for a broken back which he received in an accident in April 74.

Circumstances of Offenses:

On 30 Aug 69 applicant went AWOL until he was apprehended by the FBI and returned to his military command on 3 Aug 70. He was in pre-discharge confinement until he accepted an Undesirable Discharge in lieu of court-martial on 5 Sep 70. In a phone conversation with a Board attorney, applicant stated that he went AWOL because he was denied leave after completing AIT.

Vietnam Service: None

Chronology:

26 Aug 69	Date of Birth
1968	Quit school in 10th grade
6 Jun 69	Inducted in Army
9 Jul 69	Article 15 (1 day AWOL)
30 Aug-69-4 Aug 70	AWOL
4 Aug 70-5 Sep 70	Pre-discharge confinement
5 Sep 70	Undesirable Discharge
19 Feb 75	PCB Application

Awards and Decorations:

National Defense Service Medal



Case No.: 9988-CCP-M

Prior Military Offenses:

9 Jul 69 NJP AWOL: 7 Jul 69 - 7 Jul 69 (1 day)
Punishment: Forfeit \$26, restriction for 14 days.

Sources:

1. Personnel File

PRESIDENTIAL CLEMENCY BOARD
 THE WHITE HOUSE
 WASHINGTON, D.C. 20500

Calculation of Baseline for Alternative Service:

Starting Point	24	Months
Less Three Times <u>1</u> Months in Prison	<u>3</u>	Months
Less Alternative Service Performed if Period Satisfactorily Completed	-	Months
Less Time Served on Probation or Parole if Period Satisfactorily Completed	-	Months
BASELINE	<u>21</u>	Months
Judge's Sentence to Imprisonment as Reduced by Competent Authority, which is the Baseline if Less Than the Above Figure	-	Months
Minimum Baseline	<u>3</u>	Months
Final Baseline for Determining the Period of Alternative Service	<u>21</u>	Months

Aggravating Factors:

- (1). Other adult convictions
- (2). False statement by applicant to the Presidential Clemency Board
- (3). Use of force by applicant collaterally to AWOL, desertion, or missing movement or civilian draft evasion offense
- (4). Desertion during combat
- (5). Evidence that applicant committed offense for obviously manipulative and selfish reasons
- (6). Prior refusal to fulfill alternative service
- (7). Violation of probation or parole
- (8). Multiple AWOL/UA offenses
- (9). AWOL/UA of extended length 11 months
- (10). Failure to report for overseas assignment
- None of the above

Mitigating Factors:

- (1). Lack of sufficient education or ability to understand obligations or remedies available under the law
- (2). Personal and immediate family problems
- (3). Mental or physical condition
- (4). Employment and other activities of service to the public
- (5). Service-connected disability
- (6). Extended period of creditable military service _____
- (7). Tours of service in the war zone
- (8). Substantial evidence of personal or procedural unfairness
- (9). Denial of conscientious objector status on procedural, technical, or improper grounds
- (10). Evidence that an applicant acted for conscientious, not manipulative or selfish reasons
- (11). Voluntary submission to authorities by applicant
- (12). Behavior which reflects mental stress caused by combat
- (13). Volunteering for combat, or extension of service while in combat
- (14). Above average military conduct and proficiency or unit citations
- (15). Personal decorations for valor
- (16). Wounds in combat
- None of the above

Based on these factors, the Board's decision is that the _____ month baseline should be _____. Therefore, a pardon will be granted after performance of _____ months of alternative service.

0988-CCP D
 Case Number

 Staff Attorney

PRELIMINARY POST-AUDIT CHECKLIST

FB CMB

FB CMB

Case Number 1825

Auditor tps

_____ Flagged
_____ PME Review
 Computer

1. Board decision

- a. too severe
- _____ b. too lenient
- _____ c. Correct

2. Summary

- _____ a. Inclusion of Unadjudicated offense(s)
- _____ b. Incorrect inclusion of NJP, SCM
- _____ c. Inclusion of non-felony civil offense(s)
- _____ d. Prejudicial hearsay material
- _____ e. _____
- _____ f. _____

3. Board misapplication of aggravating/mitigating factors

- _____ a. Omission of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____
- _____ b. Misapplication of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____

4. Incorrect result in light of combination of factors

- _____ a. Aggravating _____
- _____ b. Mitigating _____

5. Comments

felony conviction was for transporting a stolen vehicle across state lines - not a "heinous crime" because of lengthy ANOK, any amount of A/S should be performed.

Agree
7/17



PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY

5/23/75
B.L. 3
A 1,5,8,9
M 6

No Clemency

PCB Attorney: Silen
Telephone No.: 456-2110
Summary Completed: 16 Apr 75
Total Time Served: 57 days in pretrial confinement
Discharge Status: Undesirable Discharge
in lieu of Court-Martial
Offenses: Desertion: 15 Nov 68 - 12 Mar 70
(DD 458, 10 Apr 70)
Total Time: 1 year, 3 mos., 5 days
Total Creditable Service: 10 months, 26 days

Case No. 1825-BJT-M
Branch of Service: Marine Corps
Age: 26
Present Status: Discharged
Civilian
Date of Application: 27 Jan 75

Background:

Applicant was born 29 Jan 49 in Kansas; he later resided in Missouri, and June 1967, he moved to San Diego, California. He is white and the eldest of three children. He attended 3 years high school in Missouri but did not graduate. Prior to his enlistment he was employed in a cafe in San Diego, and as a truck driver hauling farm crops.

Applicant enlisted in the Marine Corps Reserve on 9 Feb 68 for a term of six years. He was transferred to the Marine Corps on 10 Mar 68 for a two-year period and was discharged from his reserve status on that date. His AFQT score was 34, Category III, and his GIT score was 97. He was assigned as a student cook in the Schools Battalion at Camp Pendleton, California. His fitness reports for duty and conduct were well below average. A final fitness report concludes applicant to be unsatisfactory.

Circumstances of Offense:

Applicant received an Undesirable Discharge in lieu of Court Martial on 8 May 70 for charges involving unauthorized absence from 15 Nov 68 until 12 Mar 70. Applicant was apprehended by civilian authorities on 31 Dec 69 when he was arrested for disturbing the peace on that date. Subsequently, applicant pleaded guilty to a Federal charge that he violated the Dyer Act, in that he transported a stolen motor vehicle across a state line. On 22 Jan 70, applicant was sentenced to two years probation to commence following his discharge from the Marine Corps (military personnel records). Thereafter, he was returned to military authorities on 12 Mar 70 in Illinois and was thereafter transferred to California pending action by higher authority (Military records). In his letter to the Board, applicant refers to a "hardship case of family problems" resulting in AWOL and when he returned to Camp Pendleton he was offered an Undesirable Discharge in lieu of General Court Martial. (Letter to Board)

Vietnam Service:

None

Chronology:

29 Jan 49	Date of birth
9 Feb 68	Enlisted in Marine Corps Reserve
10 Mar 68	Transferred to Marine Corps
25 Mar 68 - 10 May 68	Summary Court Martial
10 May 68 - 30 May 68	Confined
31 May 68 - 12 Jun 68	AWOL, termination method unknown
28 Jun 68	Summary Court Martial
28 Jun 68 - 28 Jul 68	Confined
15 Nov 68	AWOL
31 Dec 69	Apprehended for disturbing the peace by civilian authorities
22 Jan 70	Pleaded guilty to Federal charge of interstate transportation of stolen vehicle
22 Jan 70	Sentenced to probation
12 Mar 70	Returned to military authorities
30 Mar 70	Discharge requested
8 May 70	Discharged
27 Jan 76	PCB Application

Awards and Decorations:

National Defense Service Medal
Marksman Badge (Rifle)

Prior Military Offenses:

28 Jun 1968	Summary Court-Martial Offense: AWOL March 25 - 7 May 1968 (13 days) CHL for 20 days, forfeit \$60.00
10 May 68	Summary Court Martial. Offense: AWOL 31 May 68 - 12 Jun 68 (12 days) Punishment CHL 30 days, and forfeit \$60.00 for one month. C.A. App. 28 Jun 68
Retotal:	25 days: Total time absent without authority 50 days: Total time confinement for AWOL 5 months, 28 days: Total confinement all offenses

Case No.: 1825-BJT-M

Civilian Offenses:

22 Jan 70

U.S. District Court, Topeka, Kansas
Offense: Dyer Act (interstate transportation
of a stolen motor vehicle)
Punishment 2 years probation to commence
upon discharge from Marine Corps
Confinement 2 months, 11 days (71 days)

Sources:

PCB Application
Applicant's Military Personnel Files

PRELIMINARY POST-AUDIT CHECKLIST

FRB / ok ✓ LMB
ok COJ
Baseline 4 COJ
instead of 7.

Case Number 6649

Auditor Mauers

_____ Flagged
X _____ PME Review
✓ _____ Computer

1. Board decision

- _____ a. too severe
- _____ b. too lenient
- _____ c. Correct

2. Summary

- _____ a. Inclusion of Unadjudicated offense(s)
- _____ b. Incorrect inclusion of NJP, SCM
- _____ c. Inclusion of non-felony civil offense(s)
- _____ d. Prejudicial hearsay material
- _____ e. _____
- _____ f. _____

3. Board misapplication of aggravating/mitigating factors

- _____ a. Omission of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____
- _____ b. Misapplication of factor(s)
 - _____ 1) Aggravating _____
 - _____ 2) Mitigating _____

4. Incorrect result in light of combination of factors

- _____ a. Aggravating _____
- _____ b. Mitigating _____

5. Comments

Baseline should have been 3 mos

Base 4 mos - confinement sentence,
LMB 7/13



PRESIDENTIAL CLEMENCY BOARD
CASE SUMMARY.

B27
A5,9W
M2,11
10 MOS

PCB Attorney: J. O'Donnell
Telephone Number: (202) 456-2110
Summary Completed: 30 April 75
Current Sentence: Bad Conduct Discharge
4 months confinement,
partial forfeiture

Case Number: 6649-HTX-M
Branch of Service: Air Force
Age: 23
Present Status: Civilian
Date of Application: 14 Feb 75

Court: Special CM, Chanute AF Base, Illinois
Total Time Served: 3 months, 8 days
Discharge Status: B C D
Offense: AWOL 2 Nov 70 - 17 Feb 71
(3 months, 15 days)
Creditable Service: 4 months, 28 days

BACKGROUND:

This white applicant, was born 9 Apr 52, the second of three children. He is married and has one child. He graduated from high school and enlisted in the Air Force for four years on 23 Jun 70 because he thought he would be drafted. His AFQT score was 38 (Group III). His mother suffered from narcolepsy and diabetes and apparently needed almost full-time care. His father, mother and sister were in an automobile accident in February 70, and the family was without income for some time as a result of injuries incurred in the accident. The applicant submitted a request for a hardship discharge prior to his AWOL.

CIRCUMSTANCES OF OFFENSE:

Applicant was granted emergency leave on 23 Oct 70 because of his grandfather's death. When he got home he learned that his mother was quite ill. This "along with the idea that I was only 18 years old and quite immature at the time was the reason I stayed home," his letter to PCB states: His AWOL began 1 Nov 70. On 17 Feb 71 he voluntarily returned to base. A Special Court-Martial on 5 Mar 71 found him guilty and he was sentenced to be discharged with a Bad Conduct Discharge 4 months confinement at hard labor, and a partial forfeiture. Following the Court Martial sentences the applicant's first sergeant, company commander, and the correction officer all submitted letters recommending clemency under a new Air Force correction program involving retraining but the applicant wanted only a discharge. The staff judge advocate reviewing the case, in his report to the commanding general, considered the sentence well within the maximum permissible punishment and not inappropriate. The sentence was thereafter affirmed on 2 Jun 71.

VIETNAM SERVICE:

None

CHRONOLOGY:

9 Apr 52
1970
23 Jun 70
5 Mar 71 - 13 Jun 71
14 Jun 71

Date of Birth
Graduated high school
Enlisted
Confined following sentence (3 months, 8 days)
Discharge executed



Case Number: 6649-HTX-M

AWARDS AND DECORATIONS:

NDSM

PRIOR MILITARY OFFENSES:

None

SOURCES:

Official Military File
Applicant's Letter to PCB

8/24/Sun

Your Summaries for Docket # 17

- 318 - #3 off - w/in limits, no
- 854 - #3 Jurist ?
- 1825 - #3 ok
- 1864 - ? Check #1664 ?



PRESENTATION LIST

Date: _____ Panel: _____ Docket Block: _____
MO/DA Day of Week

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Panel Counsel: _____

AGC Team: _____

Your Summary for

Docket # 18

967 - # 2 ^{ok}

9988 - # 3 no

3265 - # 2 no

3356 - # 2 no

~~6649 - # 2 -~~



PRESENTATION LIST

Date: _____ Panel: _____ Docket Block: _____
MO/DA Day of Week

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Panel Counsel: _____

AGC Team: _____

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Summary for
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PRESENTATION LIST

Date: _____
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Day of Week

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Panel Counsel: _____

AGC Team: _____