

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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**UNITED STATES**

**v.**

**Airman First Class MATTHEW MULRAY  
United States Air Force**

**ACM S30410**

**28 March 2005**

Sentence adjudged 16 April 2003 by SPCM convened at RAF Lakenheath, United Kingdom. Military Judge: Linda S. Murnane (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 2 1/2 months, and reduction to E-1.

Appellate Counsel for Appellant: Major Andrew S. Williams.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Captain Richard W. Rockenbach.

Before

**MALLOY, JOHNSON, and GRANT**  
Appellate Military Judges

**OPINION OF THE COURT**

This opinion is subject to editorial correction before final release.

JOHNSON, Judge:

We have examined the record of trial, the assignment of error, and the government's reply thereto. The appellant alleges the staff judge advocate (SJA) failed to advise the convening authority concerning the appellant's request for entry into the Return to Duty Program (RTDP) and what options the convening authority had regarding that request. The staff judge advocate's recommendation (SJAR) must include a specific recommendation as to the action to be taken by the convening authority on the sentence. Rule for Courts-Martial (R.C.M.) 1106(d)(3)(F). When the defense submits matters for the convening authority's consideration, the SJA should prepare an addendum to the SJAR that attaches the matters submitted by the defense and advises the convening

authority of his obligation to consider these matters before taking action. *United States v. Foy*, 30 M.J. 664, 665-66 (A.F.C.M.R. 1990); R.C.M. 1107(b)(3)(A)(iii). If there are no legal errors alleged in the defense matters, no further comment is required in the addendum. *Foy*, 30 M.J. at 666. Here, the defense submitted matters and specifically requested consideration of the appellant's request for entry into the RTDP. The defense did not raise any legal errors in their submission. Hence, we find there was no requirement for the SJA to specifically address the RTDP in the addendum. Furthermore, we hold the SJA sufficiently advised the convening authority of his obligations and made a specific recommendation as to the action to be taken by the convening authority. We find no error.

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the findings and sentence are

AFFIRMED.

OFFICIAL

FELECIA M. BUTLER, TSgt, USAF  
Chief Court Administrator