

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

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**UNITED STATES**

**v.**

**Airman Basic JACLYN L. FOSTER  
United States Air Force**

**ACM S30862**

**30 March 2006**

Sentence adjudged 17 March 2005 by SPCM convened at Malmstrom Air Force Base, Montana. Military Judge: Jack L. Anderson (sitting alone).

Approved sentence: Bad-conduct discharge and confinement for 5 months.

Appellate Counsel for Appellant: Lieutenant Colonel Mark R. Strickland and Major John N. Page III.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer.

Before

**BROWN, MOODY, and FINCHER  
Appellate Military Judges**

**PER CURIAM:**

This case was submitted to this Court for review under Article 66(c), UCMJ, 10 U.S.C. § 866(c), on its merits. However, at trial, the military judge found that the appellant had been subjected to unlawful pretrial punishment, in violation of Article 13, UCMJ, 10 U.S.C. § 813, during the period of 20 December 2004 to 24 December 2004 and 29 December 2004 to 7 January 2005, a total of 15 days. On 27 April 2005, the convening authority approved the findings and sentence adjudged but failed to reflect the illegal pretrial punishment credit ordered by the military judge in the action, as required by Rule for Courts-Martial 1107(f)(4)(F).

Accordingly, we return the record of trial to The Judge Advocate General for remand to the convening authority to withdraw the erroneous action and substitute a corrected action and promulgating order. Thereafter, Article 66, UCMJ, 10 U.S.C. § 866, will apply.<sup>1</sup>

OFFICIAL

ANGELA M. BRICE  
Clerk of Court

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<sup>1</sup> At trial, the parties and the military judge computed the total pretrial confinement credit as 72 days. The parties and the military judge *erroneously* computed these days. The correct number of days is 73. If correctional authorities did not correct this error, the appellant was confined one day longer than she should have been. The appellant has served her confinement. If in fact, she served one day more than she was supposed to, we order that she receive an amount equal to one day's pay and allowances at the grade of airman basic. See *United States v. Sherman*, 56 M.J. 900, 902-03 (A.F. Ct. Crim. App. 2002). See also *United States v. Hammond*, 61 M.J. 676, 680 (Army Ct. Crim. App. 2005).