

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Senior Airman GINNY L. KLEINHANS
United States Air Force**

ACM 36157

27 February 2006

Sentence adjudged 8 November 2004 by GCM convened at Buckley Air Force Base, Colorado. Military Judge: Barbara G. Brand (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 6 months, and reduction to E-1.

Appellate Counsel for Appellant: Lieutenant Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, Major James M. Winner, and Captain John S. Fredland.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Captain Jefferson E. McBride.

Before

BROWN, MOODY, and FINCHER
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignments of error, and the government's answer. The appellant argues that a new action is necessary because the convening authority's action regarding waiver of automatic forfeitures was ambiguous. We disagree and affirm.

We review post-trial processing issues de novo. *United States v. Kho*, 54 M.J. 63, 65 (C.A.A.F. 2000). In the appellant's case, the convening authority initially waived mandatory forfeitures for the benefit of the appellant's spouse and infant son for six months beginning on 22 November 2004. He later received negative information about the appellant's spouse and canceled the waiver, effective 3 December 2004. The defense

requested reconsideration of his decision because the care of the son had been taken over by the appellant's mother-in-law. The convening authority granted the defense request and waived mandatory forfeitures for 5 months and 19 days beginning on 5 January 2005. Nothing could have been clearer.

We have examined the appellant's other assignment of error and find it has no merit. *See United States v. Matias*, 25 M.J. 356, 361 (C.M.A. 1987).

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

ANGELA M. BRICE
Clerk of Court