

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Captain KEVIN K. VARGA
United States Air Force

ACM 36093 (f rev)

26 March 2008

Sentence adjudged 10 October 2007 by GCM convened at Davis-Monthan Air Force Base, Arizona. Military Judge: Steven J. Ehlenbeck (sitting alone).

Approved sentence: Dismissal.

Appellate Counsel for the Appellant: Lieutenant Colonel Mark R. Strickland, Major Anniece Barber, Major David P. Bennett, Major Shannon A. Bennett, and Major Sandra K. Whittington.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, Major Matthew S. Ward, and Major Nurit Anderson.

Before

FRANCIS, SOYBEL, and BRAND
Appellate Military Judges

UPON FURTHER REVIEW

This opinion is subject to editorial correction before final release.

PER CURIUM:

This case is before us on the merits for further review. In *United States v. Varga*, ACM 36093 (A.F. Ct. Crim. App. 12 Oct 2006) (unpub. op.), this Court found error and set aside the sentence and a portion of the findings. A rehearing was authorized and the appellant was subsequently retried and resentenced.

Upon further review, 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 approved findings and sentence are

AFFIRMED.

OFFICIAL



STEVEN LUCAS, GS-11, DAF
Clerk of the Court