

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

No. ACM S32535

UNITED STATES
Appellee

v.

Kyle R. HERNANDEZ
Airman First Class (E-3), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary
Decided 21 May 2019

Military Judge: Mark F. Rosenow.

Approved sentence: Bad-conduct discharge, confinement for 6 months, reduction to E-1, and a reprimand. Sentence adjudged 19 April 2018 by SpCM convened at Robins Air Force Base, Georgia.

For Appellant: Major Rebecca J. Otey, USAF; Major Mark J. Schwartz, USAF.

For Appellee: Lieutenant Colonel Joseph J. Kubler, USAF; Mary Ellen Payne, Esquire.

Before JOHNSON, DENNIS, and LEWIS, *Appellate Military Judges*.

**This is an unpublished opinion and, as such, does not serve as
precedent under AFCCA Rule of Practice and Procedure 18.4.**

PER CURIAM:

The approved findings and sentence are correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Articles

59(a) and 66(c), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a), 866(c) (2016). Accordingly, the approved findings and sentence are **AFFIRMED**.*



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

* We note the court-martial order fails to reflect the plea and finding with respect to the Specification of Charge I. In addition, we note the court-martial order omits the language of the reprimand from the convening authority's action. We direct the publication of a corrected court-martial order to remedy these errors.