

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-01872

XXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Correct his official military record to reflect his retired grade as master sergeant (E-7).

APPLICANT'S CONTENTIONS

He was falsely accused of sexual assault resulting in charges that would never have seen a courtroom being added to the charge sheet. The sexual assault conviction was overturned unanimously by the Air Force Court of Appeals. The remaining convictions were for having a consensual sexual relationship with a junior member that was not within his chain of command and inviting two other airmen on group trips. Those charges alone normally would result in a squadron-level Letter of Reprimand (LOR) at best, not an unprecedented loss of two stripes.

The relationships at issue in this case fall within the "many gradations of relationships and associations between servicemembers that will not put the parties fairly on notice that the conduct might be inappropriate." (Rogers, 54 M.J. at 257; Johanns, 20 M.J. at 161 ["Some social contacts may be constitutionally protected."])

Air Force Instruction (AFI) 36-2909, *Professional and Unprofessional Relationships*, violates due process because it "fails to provide a person of ordinary intelligence fair notice of what is prohibited," (Williams, 553 U.S. at 304) and "is so standardless that it authorizes or encourages seriously discriminatory enforcement."

The most serious of his alleged misconduct consisted of a consensual sexual relationship with a junior member that was not within his chain of authority, nor was he ever put on notice prior to court-martial to refrain from the relationship, nor was any lesser remedy ever explored to correct the misconduct as recommended by AFI 36-2509 (sic).

The remaining two forms of misconduct were simply piled on to obtain an aggravated charge at court, as they consisted of nothing other than "invites" to two junior airmen to join in on group bus trips to nearby locations in Europe. The airmen in question did not attend 2 of 3 trips, and no misconduct occurred on the one trip that was attended by one female airman.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force staff sergeant (E-5).

On 17 Oct 15, according to General Court-Martial Order No. XX, dated 11 Feb 16, the applicant was arraigned on the following offenses:

Charge I: Article 92, Uniform Code of Military Justice (UCMJ)

Specification 1: Who knew of his duties at or near Ramstein Air Base, Germany, from on or about 16 Oct 13 to on or about 14 Feb 14, was derelict in the performance of those

duties in that he willfully failed to refrain from pursuing an unprofessional sexual relationship with [Airman First Class (A1C) BK], as it was his duty to do. Plea: Not Guilty. Finding: Guilty.

Specification 2: Who knew of his duties at or near Ramstein Air Base, Germany, from on or about 1 Aug 12 to on or about 1 Apr 14, was derelict in the performance of those duties in that he willfully failed to refrain from pursuing an unprofessional dating relationship with [A1C TR], as it was his duty to do. Plea: Not Guilty. Finding: Guilty.

Specification 3: Who knew of his duties at or near Ramstein Air Base, Germany, from on or about 1 Aug 12 to on or about 1 Apr 14, was derelict in the performance of those duties in that he willfully failed to refrain from pursuing an unprofessional dating relationship with [A1C JS], as it was his duty to do. Plea: Not Guilty. Finding: Guilty.

Specification 4: Who knew of his duties at or near Ramstein Air Base, Germany, from on or about 1 Aug 12 to on or about 31 Mar 14, was derelict in the performance of those duties in that he willfully failed to refrain from pursuing an unprofessional dating relationship with [A1C KV], as it was his duty to do. Plea: Not Guilty. Finding: Guilty.

Specification 5: Who knew of his duties at or near Ramstein Air Base, Germany, from on or about 28 Feb 14 to on or about 2 Mar 14, was derelict in the performance of those duties in that he willfully failed to refrain from pursuing an unprofessional sexual relationship with [A1C CG], as it was his duty to do. Plea: Not Guilty. Finding: Guilty.

Charge II: Article 120, UCMJ

Specification 1: Did, at or near Kindsbach, Germany, on or about 1 Mar 14, commit a sexual act upon [A1C CG], by causing bodily harm to her, without her consent. Plea: Not Guilty. Finding: Guilty.

Specification 2: Did, at or near Kindsbach, Germany, on or about 1 Mar 14, commit sexual contact upon [A1C CG], by causing bodily harm to her, without her consent. Plea: Not Guilty. Finding: Not Guilty, and Not Guilty of the lesser included offense of attempted abusive sexual contact, in violation of Article 80, UCMJ.

Specification 3: Did, at or near Bitburg Annex, Germany, on or about 14 Mar 03, rape [A1C NR]. Plea: Not Entered. Finding: Dismissed after arraignment.

The applicant was sentenced to be reprimanded, to be reduced to the grade of E-3; to be confined for one year, zero months, zero days, and to be discharged from the service with a bad conduct discharge.

On 17 Oct 15, according to AF Form 2098, *Duty Status Change*, the applicant's duty status changed from "00-Present for Duty" to "17-Military Confinement – Sentenced Prisoner/30 Days or More."

On 31 Jul 16, according to AF Form 2098, the applicant's duty status changed from "17-Military Confinement – Sentenced Prisoner/30 Days or More" to "00-Present for Duty."

On 11 Aug 17, according to General Court-Martial Order (GCMO) No. XX, dated 7 May 18, upon appellate review, the findings of guilt to Specification 5 of Charge I, to Specification 1 of Charge II, and to Charge II, along with the sentence promulgated in GCMO No. XX, dated 11 Feb 16, were set aside by the Air Force Court of Criminal Appeals (AFCCA). The applicant's grade of master sergeant (E-7) was restored. A rehearing was ordered before another court-martial to be thereafter designated.

On 26 Jun 18, according to GCMO No. XX, dated 22 Oct 18, the applicant was arraigned before a general court-martial, a rehearing on the sentence having been ordered in GCMO No. XX, dated 7 May 18. The findings of guilt to Specification 5 of Charge I, to Specification 1 of Charge II, and to Charge II, were set aside and dismissed with prejudice. The findings of guilt to Specifications 1, 3, and 4 of Charge I of the former proceedings were affirmed, but the sentence was set aside and a rehearing on the sentence authorized by the AFCCA on 11 Aug 17. Sentence

adjudged, upon rehearing: to be reprimanded and to be reduced to the grade of staff sergeant (E-5).

On 3 Oct 18, according to Department of the Air Force Special Orders (DAFSO) No. XXXX, the applicant was relieved from active duty, organization, and station of assignment on 31 Dec 18, and retired in the grade of staff sergeant (E-5), effective 1 Jan 19, with the highest grade held on active duty of staff sergeant (E-5).

On 10 Oct 18, according to DAFSO No. XXXXX, DAFSO No. XXXXX, dated 3 Oct 18, was rescinded.

On 17 Oct 18, according to DAFSO No. XXXXX, the applicant was relieved from active duty, organization, and station of assignment on 31 Dec 18, and retired in the grade of staff sergeant (E-5), effective 1 Jan 19, with the highest grade held on active duty of master sergeant (E-7).

On 31 Dec 18, the applicant was furnished an honorable discharge, in the grade of staff sergeant (E-5), with Narrative Reason for Separation: Maximum Service or Time in Grade, and credited with 24 years, 2 months, 26 days active service.

On 28 Jan 19, according to Action on behalf of the Secretary of the Air Force, it was determined the applicant did not serve satisfactorily in the higher grade of master sergeant (E-7) within the meaning of Section 8964 of Title 10, United States Code (10 USC § 8964). However, it was determined he did serve satisfactorily in the grade of technical sergeant (E-6) and shall be advanced to that grade on the Retired List, effective the date of completion of all required service.

On 22 May 19, according to DAFSO No. XXXXX, DAFSO No. XXXXX (sic) was amended to include: Remarks: Effective 5 Oct 24, the above-named individual is advanced to the grade of technical sergeant (E-6) on the USAF Retired List by reason of completing a total of 30 years active service plus service on the Retired List on 4 Oct 24. Authority: 10 USC 9344 and 9362 plus SAFPC memo, dated 28 Jan 19.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisories at Exhibits C, F, and G.

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-2909, *Professional and Unprofessional Relationships*, 1 May 99:

2.2. *Unprofessional Relationships*. Relationships are unprofessional, whether pursued on or off-duty, when they detract from the authority of superiors or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between officers, between enlisted members, between officers and enlisted members, and between military personnel and civilian employees or contractor personnel. Fraternization is one form of unprofessional relationship and is a recognized offense under Article 134 of the Uniform Code of Military Justice (UCMJ).

3.1. *Relationships Within an Organization*. Familiar relationships between members in which one member exercises supervisory or command authority over the other can easily be or become unprofessional. Similarly, differences in grade increase the risk that a relationship will be, or will be perceived to be unprofessional, because senior members in military organizations normally exercise authority or some direct or indirect organizational influence over the duties and careers of more junior members. The danger for abuse of authority is always present. The

ability of the senior member to influence, directly or indirectly, assignments, promotion recommendations, duties, awards, and other privileges and benefits, places both the senior member and the junior member in vulnerable positions. Once established, such relationships do not go unnoticed by other members of a unit. Unprofessional relationships, including fraternization, between members of different services, particularly in joint service operations, can have the same impact on morale, discipline, respect for authority and unit cohesion, as if the members were assigned to the same service, and must be avoided.

3.3. Dating and Close Friendships. Dating, courtship, and close friendships between men and women are subject to the same policy considerations as are other relationships. Like any personal relationship, they become matters of official concern when they adversely affect morale, discipline, unit cohesion, respect for authority, or mission accomplishment. Members must recognize that these relationships can adversely affect morale and discipline, even when the members are not in the same chain of command or unit. The formation of such relationships between superiors and subordinates within the same chain of command or supervision is prohibited because such relationships invariably raise the perception of favoritism or misuse of position and erode morale, discipline and unit cohesion.

3.7. Other Relationships. Other relationships, not specifically addressed above, can, depending on the circumstances, lead to actual or perceived favoritism or preferential treatment and, if so, must be avoided.

4. Relationship of Unprofessional Conduct to Other Provisions of the UCMJ. All military members are subject to lawful orders. When a military member has been lawfully ordered to cease an unprofessional relationship or refrain from certain conduct, the military member is subject to prosecution under the UCMJ for violation of the order. Similarly, all military members are subject to prosecution for criminal offenses committed incidental to an unprofessional relationship (e.g., gambling, adultery, assault).

6. Individual Responsibility To Maintain Professional Relationships. All military members share the responsibility for maintaining professional relationships. However, the senior member (officer or enlisted) in a personal relationship bears primary responsibility for maintaining the professionalism of that relationship. Leadership requires the maturity and judgment to avoid relationships that undermine respect for authority or impact negatively on morale, discipline, respect for authority, or the mission of the Air Force. This is especially true of officers and noncommissioned officers who are expected to exhibit the highest standards of professional conduct and to lead by example. The senior member in a relationship is in the best position to appreciate the effect of that particular relationship on an organization and in the best position to terminate or limit the extent of the relationship. However, all members should expect to be and must be held accountable for the impact of their conduct on the Air Force as an institution.

10 U.S. Code § 9344 - *Higher grade after 30 years of service: warrant officers and enlisted members*

(a) Each retired member of the Air Force or the Space Force covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Air Force.

(b) This section applies to—

- (1) warrant officers of the Air Force or the Space Force;
- (2) enlisted members of the Regular Air Force or the Regular Space Force; and

(3) reserve enlisted members of the Air Force or the Space Force who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time duty).

10 U.S. Code § 9362 - *Recomputation of retired pay to reflect advancement on retired list*

(a) *Entitlement to Recomputation.* An enlisted member or warrant officer of the Air Force or the Space Force who is advanced on the retired list under section 9344 of this title is entitled to recompute his retired pay in accordance with this section.

AFI 36-3203, *Service Retirements*, dated 18 Sep 15:

7.5. Advancing Enlisted Members to a Higher Grade After 30 Years of Service.

7.5.1. When Regular enlisted members' and certain reserve enlisted members' active service plus service on the retired list totals 30 years, they may be advanced on the retired list to the highest grade served on active duty satisfactorily and receive retired pay in that grade, as determined by the SecAF or designee under 10 USC §8964 (see PSD Guide on AFPC MyPers website for processing procedures). See paragraph 7.7 for re-computation of retired pay after advancement.

7.5.2. Indicators that service was not satisfactory:

7.5.2.1. The member held the highest grade for less than 6 months

7.5.2.2. The highest grade held was terminated for cause

7.5.2.3. Retirement was in lieu of or a result of a demotion action and the retired grade is not the highest grade held, or

7.5.2.4. New evidence exists about misconduct during past service.

7.5.3. If a member's retired grade is two or more grades lower than the highest grade held, SECAF or designee may advance the member to whichever grade is the highest served on active duty satisfactorily.

AIR FORCE EVALUATION

AFPC/DP2SPP recommends denying the application. Per AFI 36-2909, an unprofessional relationship is also for individuals who may not fall within direct leadership of another and includes dating and close friendship scenarios such as shared activities. "Living accommodations, vacations, transportation, and off-duty interests on frequent or recurring basis can be, or can reasonably be, perceived to be unprofessional." Further, the AFI stipulates more severe forms of punishment may be appropriate based on the severity of the actions taken by the airman.

On 11 Feb 16, a military judge found the applicant violated Article 92, unprofessional relationship, and he was sentenced to be 1) reprimanded; 2) reduced in rank to airman first class (E-3); 3) confined for one year; and 4) discharged from service with bad conduct characterization. He was also found guilty of dereliction in duty for willfully failing to refrain from pursuing an unprofessional sexual relationship with two junior airmen and another airman outside his unit.

The AFCCA partially overturned the previous conviction, on 11 Aug 17, and authorized resentencing based on set-aside/dismissal of Specification 5 of Charge I and Specification 1 of Charge II. In a General Court-Martial rehearing, on 26 Jun 18, the applicant was charged with violations of Article 92, as follows: 1) Specification 1 – unprofessional sexual relationship; 2) Specification 2 – unprofessional dating relationship; and 3) Specification 3 – unprofessional

dating relationship and found guilty on all three counts. The applicant was sentenced to reduction in grade to staff sergeant (E-5) and a reprimand. On 24 Jun 20, the applicant requested an appeal of the Air Force trial judiciary citing denial of due process of the law. The appeal was denied, and his sentence confirmed.

DAFSO No. XXXXX, dated 17 Oct 18 relieved the applicant from active duty, effective 31 Dec 18, in the grade of staff sergeant (E-5), with highest grade held on active duty of master sergeant (E-7). DAFSO No. XXXXX, dated 22 May 19, included the advancement to the grade of technical sergeant (E-6) after completing a total of 30 years plus service on the Retired List on 4 Oct 24.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice regarding the demotion actions.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 2 Jun 22 for comment (Exhibit D), and the applicant replied on 9 Jun 22. In his response, the applicant contended the advisory incorrectly states he will be returned to technical sergeant (E-6) at his 30-year mark, but his rank should be updated to master sergeant (E-7) as that was his highest rank achieved.

The applicant's complete response is at Exhibit E.

AIR FORCE EVALUATION

SAF/MRBP recommends denying the applicant's request to be retired in the higher grade of master sergeant (E-7). There is no evidence provided to undermine the validity of the decision of the Secretary of the Air Force's designee.

In accordance with GCMO No. XX, dated 11 Feb 16, the applicant was reduced from master sergeant (E-7) to airman first class (E-3), effective 31 Oct 15. Upon appellate review, the findings of guilty to Specification 5 of Charge I, to Specification 1 of Charge II, and to Charge II, along with the sentence promulgated in GCM Order No. XX, were set aside by the AFCCA. The grade of master sergeant (E-7) was restored, effective 11 Aug 17, and a rehearing was ordered before another court-martial.

In accordance with GCMO No. [REDACTED], dated 22 Oct 18, the findings of guilt to Specifications 1, 3, and 4 of Charge I were affirmed, but the sentence was set aside, and a rehearing authorized by the AFCCA. Upon rehearing, the sentence, adjudged on 26 Jun 18, was a reprimand and reduction to the grade of staff sergeant (E-5), with date of rank of 10 Jul 18.

An application for advancement on the Retired List was received by the Secretary of the Air Force Personnel Council, and the case adjudicated on 23 Jan 19. On 28 Jan 19, the signed instrument stated the applicant did not serve satisfactorily in the higher grade of master sergeant (E-7) within the meaning of 10 U.S. Code § 8964. It was determined the applicant did serve satisfactorily in the grade of technical sergeant (E-6) and shall be advanced to that grade on the Retired List, effective the date of completion of all service.

Per AFCCA, No. XXXXX (rehearing), dated 24 Jun 20, the approved findings were previously affirmed, and the approved sentence is correct in law and fact, and no error materially prejudicial to the substantial rights of the applicant occurred. Accordingly, the approved sentence was affirmed.

The applicant requested his demotion to staff sergeant (E-5) be reversed and his grade returned to master sergeant (E-7) on the grounds that AFI 36-2909 violates due process because it “fails to provide a person of ordinary intelligence fair notice of what is prohibited.” The applicant served more than 17 years and 1 month, 1 month as a master sergeant (E-7), before initiating an unprofessional relationship with the first of three women with the rank of airman first class (E-3), two of who were assigned to his unit. With more than 17 years of service, testing to earn promotion, and attending in-residence professional military education, he is a person of more than ordinary intelligence with career-long training regarding unprofessional relationships.

The complete advisory opinion is at Exhibit F.

AIR FORCE EVALUATION

AF/JAJI recommends denying the application. After careful review, no error or injustice in his GCM sentence that reduced his grade from master sergeant (E-7) to staff sergeant (E-5) was found.

On 17 Oct 15, the applicant was convicted by a GCM of having unprofessional sexual relationships and unprofessional dating relationships with multiple junior airmen, including those in his chain of command, and convicted of sexual assault. He was sentenced to a bad-conduct discharge, confinement for one year, rank reduction to E-3, and a reprimand.

The AFCCA, on 11 Aug 17, found the facts presented at trial were insufficient to prove guilt on the charge of sexual assault against one individual and on the charge of having an unprofessional relationship with the same individual. AFCCA affirmed the remaining three convictions of unprofessional relationship with junior airmen in his command.

Regarding the set-aside conviction of unprofessional relationship with this individual, it is not that the AFCCA found no evidence of unprofessional conduct – in fact, the applicant admitted to investigators that his relationship with her was unprofessional. Rather, the AFCCA found the prosecution neglected to present specific examples of how the unprofessional relationship with the individual, a woman who was not in his unit, led to a perception of favoritism or preferential treatment. The AFCCA set aside the sentence and ordered a rehearing.

On 26 Jun 18, a new GCM held a rehearing on the applicant’s sentence. It should be noted he had already been released from confinement prior to the full term of one year due to the accrual of good conduct time while confined. A new sentence of rank reduction to E-5 and a reprimand were adjudged. The new sentence was also reviewed by the AFCCA and affirmed.

It is this two-rank reduction that the applicant challenged. He stated his remaining convictions were for “having consensual sexual relationship with a junior member that was not within my chain of command and inviting 2 other airmen on group trips,” which “normally would result in a squadron level LOR at best, not an unprecedented loss of 2 stripes.”

Though not clearly delineated, the applicant appeared to be alleging two distinct errors and/or injustices. First, he alleged the reduction from E-7 to E-5 is overly harsh. Second, he stated, “I was falsely accused of sexual assault resulting in charges that would have never seen a courtroom being added to a charge sheet,” which suggests that he is alleging the court-martial itself was erroneous/unjust since it was an overly harsh forum as opposed to an administrative action like a LOR.

The evidence does not support that a reduction of two grades was an overly harsh punishment. The applicant was convicted of pursuing unprofessional sexual/dating relationships with three

different airmen in his command while he was a master sergeant. The evidence provided, particularly the appellate record, supports the rank reduction. The AFCCA opinion states, “numerous witnesses testified that Appellant paid special attention to attractive young female Airmen during in-processing, on occasions to the detriment of male Airmen.” The prosecution introduced testimony that the applicant’s conduct was so notorious that newly assigned junior female airmen were warned about him in a so-called “[Applicant’s Name] Briefing.” This evidence that shows the reprehensible behavior of a senior enlisted leader repeatedly targeting new impressionable airmen and disaffecting male airmen could very well support a two-rank reduction. Additionally, the applicant minimized the harm of his crimes in his application to the Air Force Board for Correction of Military Records (AFBCMR), and it is reasonable to conclude, if similar statements were presented at the sentence hearing, that could have influenced the court-martial members during deliberation.

Finally, there is no evidence this his misconduct warranted a lesser form of discipline than a court-martial. Based only on the appellate record cited, there is evidence of harm that would warrant both the court-martial and the adjudged punishment. Further, based on the sexual crimes alleged against the applicant, it was reasonable for the commander to refer charge to court-martial vice using administrative disciplinary tools like an LOR.

The complete advisory opinion is at Exhibit G.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent copies of the advisory opinions to the applicant on 20 Sep 22 for comment (Exhibit H), and the applicant replied on 27 Oct 22. In his response, the applicant contended he disagreed with the advisory that stated the likely punishment for his unprofessional relationships would have resulted in a two-stripe reduction. He contacted his commander at the time of his misconduct and requested his likely punishment for his conduct absent the sexual assault allegation. The commander had full knowledge of his wrongdoing and stated he would have given an Article 15 with no rank reduction for the sexual relationship and an LOC/LOR for the trip invites to the other two airmen.

The applicant posed the same question to his previous commander of the same squadron, and his response was an Article 15 with a suspended one-stripe reduction. The applicant provided snapshots of text conversations with these individuals who appear to support his contention that a two-grade reduction was harsh and other administrative disciplinary actions could have been taken.

Further, the applicant contended these commanders are fully aware of the accusations and his character as he was under their command and worked within 10 feet of each of them for two years in the Command Support Staff. He stated both rendered that their punishment would have never entered a courtroom and would have resulted in far less than the two-stripe reduction he received. One commander went as far as stating, “he hopes for a correction in his case.” This commander originally signed off on the applicant’s court-martial, so the applicant believes the statement by him is strong evidence that he has been over-exposed judicially and punitively. Given these two commanders’ opinions absent the false sexual assault allegations, the applicant asks the Board to consider their opinions on the matter and reduce his punishment to an LOR.

On 23 Jan 23, the applicant provided an additional letter of support from a previous commander for the Board’s consideration.

The applicant’s complete response is at Exhibit I.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, to include applicant rebuttals, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationales and recommendations of AFPC/DP2SPP, SAF/MRBP, and AF/JAJI and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant was afforded due process during the original court-martial and during the appellate review by the AFCCA, as evidenced by the set aside and dismissal of two specifications, and the re-sentencing hearing based on the reduced charges. The applicant was also considered under a Secretary of the Air Force grade determination which resulted in advancement to the highest grade satisfactorily held in accordance with 10 USC § 9344. Therefore, the Board recommends against correcting the applicant's records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-01872 in Executive Session on 22 Nov 22 and 26 Jan 23:

- , Panel Chair
- , Panel Member
- , Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 16 Apr 21.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SPP, dated 4 May 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Jun 22.
- Exhibit E: Applicant's Response, w/atchs, dated 9 Jun 22.
- Exhibit F: Advisory Opinion, SAF/MRBP, w/atch, dated 7 Jul 22.
- Exhibit G: Advisory Opinion, AF/JAJI, dated 20 Sep 22.
- Exhibit H: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Sep 22.
- Exhibit I: Applicant's Response, dated 27 Oct 22 and 23 Jan 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

X