RECORD OF PROCEEDINGS

IN THE MATTER OF: **DOCKET NUMBER:** BC-2022-00011

XXXX X. XXXX **COUNSEL:** XXXX XXXX

HEARING REQUESTED: YES

APPLICANT'S REQUEST

1. His rank of master sergeant (E-7) be reinstated with a date of rank (DOR) of 1 Oct 19 with differential back pay and allowances.

2. His Letter of Reprimand (LOR) issued on 13 Oct 20, Unfavorable Information File (UIF) created on 20 Oct 20, and administrative demotion administered on 2 Nov 20 be removed from his records.

3. Removal of any reference to the LOR, UIF, administrative demotion, and positive urinalysis test from his personnel records.

APPLICANT'S CONTENTIONS

On 28 Apr 21, an Administrative Discharge Board comprised of three officers determined he did not engage in the wrongful use of an illegal drug, Tetrahydrochloride (THC), as alleged by his command. Following that finding, he requested his civilian director to rescind the LOR, UIF, and administrative demotion imposed on him before the Administrative Discharge Board convened. The adverse actions imposed by his civilian director were based on the same allegation of drug abuse. He requested these actions to be rescinded but was verbally denied on 25 May 21 and denied again when he requested the same relief in an Article 138, *Complaints of wrongs*.

In addition, according to a brief provided by the applicant's counsel, his counsel argues that since the administrative Discharge Board determined the applicant did not wrongfully use THC, the doctrine of collateral estoppel (issue preclusion) requires the Air Force to adopt that determination in any other proceeding concerning the same issue. As such, the decision by the applicant's supervisory and chain of command to deny his requests to rescind the LOR and administrative demotion action were not in accord with applicable Air Force regulations or Article 138, UCMJ, which permitted his command chain to overturn the LOR and the demotion. Therefore, his command chain's refusal to rescind the adverse actions is arbitrary, capricious, an abuse of discretion, and violates his right to due process.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force technical sergeant (E-6).

On 30 Apr 03, according to Standard Form 86 (SF86), Questionnaire for National Security Positions, section 24, the applicant indicated he used Marijuana three times previously.

On 13 Oct 20, provided by the applicant, he was issued a LOR for testing positive for THC, which is an illegal substance commonly found in Marijuana.

On 2 Nov 20, according to *Administrative Demotion of Airmen Memorandum and Endorsements*, provided by the applicant, he was notified of his commander's intent to recommend his demotion to technical sergeant (E-6) based on the reason that he tested positive for THC on a Commander Directed Urinalysis. On 9 Nov 20, he provided a response stating he is not guilty and provides an argument of how he tested positive for THC.

On 23 Dec 20, according to Special Order XXXX, the applicant was demoted to the permanent grade of technical sergeant (E-6) effective 1 Dec 20.

On 8 Mar 21, according to a memorandum, provided by the applicant, the applicants commander recommended his discharge based on the wrongful use of marijuana.

On 28 Apr 21, according to the Findings and Recommendations Worksheet, provided by the applicant, the Administrative Discharge Board found the applicant did not wrongfully use marijuana. The recommendation was, "Since it has not been shown by a preponderance of the evidence that a drug offense has been committed by the Respondent, he should be retained in the United States Air Force."

On 18 May 21, a memorandum with subject "Request for Restoration of rank and set-aside of LOR," provided by the applicant, was submitted to the applicant's commander. In the memorandum, the applicant requests his rank be restored and the LOR and UIF be rescinded.

On 26 Oct 21, a memorandum from the applicant's Major Command (MAJCOM) commander and provided by the applicant, states his Article 138 request was denied, and that the MAJCOM commander did not believe the commander's actions were arbitrary and capricious or unfair and unjust.

On 21 Dec 21, according to AF Form 910, *Enlisted Performance Report (AB thru TSgt),* the applicant received an annual evaluation for period of report 1 Oct 20 thru 30 Nov 21. The evaluation was referred due to section IV, *Followership/Leadership*, marked "Met some but not all expectations" with comment, "Tested positive for THC on Commander Directed Urinalysis, received reprimand/administrative demotion". Section VI, *Overall Performance Assessment* was marked "Met some but not all expectations".

On 14 Jan 22, the applicant provided comments to his referral Enlisted Performance Report (EPR) where he addresses the LOR and administrative demotion, stating he was found by the

Administrative Discharge Board that he did not wrongfully use THC and was recommended for retention. He attached the Administrative Discharge Board findings and retention memorandum as supporting documentation.

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

APPLICABLE AUTHORITY

AFI 36-2502, *Enlisted Airman Promotion/Demotion Programs*

6.1. Demotions. Do not use administrative demotions when it is more appropriate to take actions specified by the Uniform Code of Military Justice (UCMJ).

6.1.4. If the commander has sufficient reason to initiate demotion action, use the entire military record in deciding whether demotion is appropriate.

6.1.5. When appropriate, give Airmen an opportunity to overcome their deficiencies before demotion action is initiated. Commanders should maintain supporting documentation of all rehabilitation and probationary actions.

6.3. Reasons to Demote.

6.3.4. Failure to fulfill Responsibilities. Airmen may be demoted for failing to fulfill Airman, noncommissioned officer (NCO), or senior noncommissioned officer (SNCO) responsibilities under AFI 36-2618, *The Enlisted Force Structure*, Chapters 3 through 5.

AIR FORCE EVALUATIONS

AFPC/DP2SPP recommends granting the reinstatement of master sergeant (E-7) with back pay. Through the results of the Administrative Discharge Board, the findings stated the evidence did not show that the applicant committed a drug offense. Demotion actions were carried out based on these same allegations which were unfounded. Based on the documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. AFPC/DP2SPP recommends reinstatement of rank with back pay and supplemental consideration for the missed promotion cycle.

The complete advisory opinion is at Exhibit C.

AFPC/DP2SSM recommends denying the request to remove his LOR and UIF. The applicant has provided documentation suggesting a LOR was issued on 13 Oct 20. Adverse actions documentation would be filed in the applicant's official military record (ARMS); however, during a review of the pertinent facts this documentation was not filed in the applicant official records (ARMS). Based on the documentation provided by the applicant and analysis of the facts, there is not evidence of an error or injustice.

The applicable authority (AFI 36-2907, *Adverse Administrative Actions)* addressing the issuance of LORs and standard of proof can be found in the advisory provided by AFPC/DP2SSM.

The complete advisory opinion is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATIONS

The Board sent a copy of the advisory opinion to the applicant on 23 Feb 22 for comment (Exhibit E), and the applicant replied on 15 Mar 22. In the response, the counsel contended the Board should follow the rationale and recommendations in the AFPC/DP2SPP advisory opinion and the applicants brief submitted with his application. Additionally, the second advisory opinion from AFPC/DP2SSM, misapprehends the breadth of the applicant's request. The opinion understood his request to ask only for removal of the LOR and UIF from his personnel file. The applicant's request is broader, extending to any reference to the adverse actions in any of his Air Force records. Of note, the applicants command recently closed out a referral EPR on 19 Jan 22. The referral EPR is based on and explicitly references the LOR. The referral EPR language also references to a positive urinalysis test. Therefore, the applicant requests removal of any reference to a positive urinalysis test from his performance reports and records, as a positive urinalysis test is not in itself an adverse action.

The applicant's complete response is at Exhibit F.

ADDITIONAL AIR FORCE EVALUATION

AFPC/JA recommends denying the applicant's request. Based on review of the case file, AFPC/JA finds that sufficient evidence exists to conclude that the decision by applicant's leadership, not to revoke the LOR or administrative demotion, was not arbitrary and capricious and thus recommend the board deny the applicant's petition.

The applicant asserts that an injustice occurred when his leadership chain declined his request to remove his LOR or reinstate his rank after he was retained at an administrative separation board. AFPC/JA disagrees that any injustice has occurred. The applicant and his counsel appear to rest their request solely on the fact that the discharge board found the applicant did not wrongfully use THC and recommended he be retained. However, the findings and recommendation of a board are not binding on other administrative or disciplinary actions. Additionally, because the standard of proof (preponderance of the evidence) is the same for LORs, administrative demotions, and administrative discharges, there is no greater weight to be given to the findings of a discharge board versus the findings of an impartial commander. Furthermore, several facts in this case call the applicant's credibility into question.

First, when the applicant was initially served with the LOR, he asserted that the cause was likely hemp contained in energy bars. The applicant produced pictures of several bars allegedly brought into the home by his wife. The applicant notes in his LOR response that "normally, my wife goes through the bars prior to bringing them home to ensure that anything brought into our household does not contain substances I cannot have." He goes on to say, "I asked my wife about this, and she said it [is] very possible [that] they could have been accidently overlooked." The

applicant appears to take very little responsibility for the products that enter the home as well as what he ultimately ingests.

Secondly, the applicant's defense completely changed after apparently being advised that even if the energy bars contained a substance like "hemp" it would be highly unlikely to cause a positive drug test. After being served with the administrative demotion, the applicant responded, "my wife…recreationally experiments with products that contain THC." He goes on to say that his wife mistakenly traveled "…from Florida with a bottle of vodka that had been infused with a THC distillate syringe." The applicant continues to explain that his wife removed the bottle from the car and placed it in the liquor cabinet of the home. Based on these facts, the applicant asserts that his wife now believes the most probable scenario for inadvertent ingestion, was "inadvertently consuming a drink mixed using that particular bottle." Again, the applicant places the responsibility for his positive drug test on his wife and is still not sure that the vodka is the source of his innocent ingestion.

While the explanation given by the applicant is theoretically possible, it is not beyond reproach. Instead, there are significant inconsistences that call into question the veracity and credibility of his defense. First, it is hard to believe that the applicant only advised his wife of the positive drug test after the administrative demotion. The applicant states in his LOR response that his wife believed that she may have failed to identify an energy bar containing hemp prior to bringing it in the home. Conversely, his wife attests that she only informed the applicant of the THC laced bottle after the applicant, "…explained the complete depth of the trouble he was in." A member of the applicant's rank and longevity in the Air Force should have immediately understood the severity of a positive drug test and relayed that information to his wife. Instead, the applicant initially alleges that the THC came from energy bars. Only after the hemp product defense fails, the applicant turns to allegedly THC laced alcohol as the reason for the positive drug test. Furthermore, the applicant stated in his response to the LOR he "never intentionally or knowingly consumed or used any product with THC in it". However, a review of his SF86 shows that not only did the applicant previously use marijuana but did so on 3 previous occasions. In short, while the result of the Administrative Discharge Board is notable, there is also sufficient evidence to justify the command's decision not to revoke the LOR and administrative demotion.

The complete advisory opinion is at Exhibit G.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the additional advisory opinion to the applicant on 6 Jun 22 for comment (Exhibit H), and the applicant replied on 16 Jun 22. In the response, the counsel made mention of various administrative errors with the advisory opinion where the stated case number was incorrect, applicant's name misspelled, and the paragraph numbering was not sequential. The counsel contended the advisory did not address the applicant's primary argument based on the legal issue of collateral estoppel. That is, when an administrative agency litigates and reaches a conclusion about a factual issue through a formalized hearing process, the doctrine of collateral estoppel (or issue preclusion) prevents subsequent re-litigation within the agency concerning the same factual issue. (Attorney Brief at page two and three). Additionally, the

advisory opinion recites the facts the applicant's supervisory chain used to support their refusal to rescind the LOR and administrative demotion. The question before the Board for Correction of Military Records (BCMR) is not whether the applicant's supervisory chain had a factual basis to disagree with the discharge board's finding, but rather whether the supervisory chain had a legal basis to refuse to implement the factual finding of the discharge board. The relevant injustice is the refusal of the supervisory chain, against established law, to implement the finding of fact determined by the discharge board, a formalized hearing.

The advisory opinion states in conclusory fashion that "the findings and recommendation of a board are not binding on other administrative or disciplinary actions." However, the opinion fails to provide any support in existing law to prove that contention. Further, the opinion does not address the cases and citations in the applicant's original brief which demonstrate that the findings and recommendations of an agency's determination at a formalized hearing must be followed in subsequent actions by that agency. (Exhibit I page two)

The advisory opinion also does not address the applicant's secondary argument, regarding the fundamental question of fairness that undergirds the principle of collateral estoppel, *i.e.*, that different parts of a single federal agency should not be allowed to reach two diametrically opposed factual conclusions when one conclusion has been reached in a formalized hearing. It is a grave injustice for a member to go through a binding agency hearing with live testimony provided under oath, achieve a favorable result, only to have another member of the same agency, utilizing the same standard of proof, but without the benefit of viewing the testimony offered at the hearing, simply disagree for their own reasons. All the above constitute violations of the Administrative Procedures Act, constitutional Due Process, and basic notions of fairness that the BCMR is empowered to enforce.

The advisory opinion sheds no new light on the issues before the BCMR. The opinion does not analyze the legal authority cited or arguments delivered in the applicants original Attorney Brief. The applicant respectfully requests the BCMR follow its mandate, as well as the recommendation of AFPC/DP2S in their advisory opinion, and restore the applicants rank to master sergeant (E-7) with the date of rank of 01 Oct 19, order differential back pay and allowances at the master sergeant (E-7) rate from the date of his administrative demotion on 01 Dec 20, order removal of any reference to the LOR and administrative demotion in any of the applicants performance reports or other personnel records, and order removal of any reference to a positive urinalysis from the applicants performance reports or other personnel records.

The applicant's complete response is at Exhibit I.

ADDITIONAL AIR FORCE EVALUATION

AFPC/JA recommends denying the applicant's request. In a supplemental letter to the BCMR dated 16 Jun 22, the applicant's counsel raised two principles in support of applicant's request to have his records corrected: 1) the legal principle of collateral estoppel and 2) a generalized assertion of "fundamental fairness". Based on the applicable law and guidance and facts of this case, neither of the principles raised require the BCMR to grant the relief requested. The applicant did not demonstrate the director's or other reviewing authorities' decisions, while

differing from the later decision of the Administrative Discharge Board, were arbitrary or capricious or that either collateral estoppel or fundamental fairness necessitate relief in this case. Accordingly, AFPC/JA recommends this application be denied.

Collateral estoppel was described by the Supreme Court in *B&B Hardware, Inc. v Hargis Indus., 575 U.S. 138 (2015)* as follows: "when an issue of fact or law is *actually litigated* and determined by a *valid and final judgment*, and the determination is essential to the judgment, the determination is conclusive in a *subsequent action* between the parties…". In other words, collateral estoppel is designed to prevent multiple litigation actions for the same fact or legal issue between the same parties. The Court goes on to explain the reason for this principle is to avoid the unnecessary expense, trouble, and waste, both to the courts and to litigants, of multiple lawsuits regarding the same matters and to protect against inconsistent verdicts. The Court bluntly summarized its position when it said: "In short, a losing litigant deserves no rematch after a defeat fairly suffered."

AFPC/JA agrees that the principle of collateral estoppel would prevent the Air Force from initiating discharge against the applicant for the same underlying misconduct that was previously litigated at his 28 Apr 21 discharge board. The issue of whether the applicant should be discharged for wrongful drug abuse was *actually litigated* and there was a *valid and final judgement* that resulted in a recommendation for retention. Therefore, the Air Force is estopped from pursuing *subsequent discharge action* based on this same alleged misconduct—essentially barring the proverbial, "rematch after a defeat fairly suffered". However, in this case, the applicant *is not* requesting relief from a prospective "rematch" because the Air Force *is not* pursuing a *subsequent* involuntary discharge board. Rather, under the auspices of collateral estoppel, the applicant is requesting the BCMR to go back in time and discard otherwise lawfully administered personnel actions simply because the discharge board made a retention recommendation five months later. As articulated by the Court in *B&B Hardware*, the purpose of collateral estoppel is to prevent the expense and waste of litigating *the same issue in future* lawsuits or judicial proceedings, not in overturning otherwise legally issued personnel actions.

Fundamental fairness was the applicant's second argument in support of the requested relief. Through counsel, he argues that different parts of a single federal agency should not be allowed to reach two diametrically opposed factual conclusions when one conclusion has been formalized in a hearing. While this position is not wholly meritless, it is important to establish a proper analytical framework before coming to a final conclusion on whether the applicant has been treated unfairly: First, is the Squadron director or other reviewing authority required by law, guidance, policy or statute to reverse the factual finding and subsequent administrative actions based on the findings of the discharge board? No, neither the director nor other reviewing authorities are required by any applicable law, guidance, policy, or statute to substitute the judgment of the discharge board for their own. The director recommended discharge. The Administrative Discharge Board recommended retention. IAW his authority found in AFI 36-3208, *Administrative Separation of Airmen,* the separation authority approved that retention recommendation.

Second, was the director's or other reviewing authorities' finding of fact and decision to uphold the administrative actions arbitrary or capricious? No, the director reviewed evidence which

included a positive drug test, an evolving account of how the drugs may have been innocently ingested, and an assertion by the applicant that he has never knowingly used products with THC, despite having admitted on his SF86 that he had previously used drugs on three occasions. While the Administrative Discharge Board ultimately chose to retain the applicant, that decision does not make the aforementioned facts (and others) considered by the director and other reviewing authorities null. Nor does it render their decisions arbitrary or capricious. The applicant was given the opportunity to exercise the full breadth and scope of his due process rights at multiple echelons of command review and at least two other commanders denied the applicant relief based on their independent review of the relevant facts.

Third, given the disagreement between the discharge board and the director regarding the underlying credibility of the applicant, is the BCMR bound to either position? No, the BCMR is permitted and encouraged to review the facts anew and provide relief only where there has been a material error or injustice (AFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)* para 2.3). While the BCMR knows what the Administrative Discharge Board found, without a full transcript of the hearing, the BCMR has a limited view as to why they found as they did. In this regard, there is no legal requirement that greater weight be vested in the discharge board's findings especially where the BCMR has an incomplete record of the hearing.

Ultimately, the burden is on the applicant to show a material error or injustice has occurred and if the Board finds, after reviewing all the facts and circumstances available, that the applicant has met his burden, relief may be granted. However, it is of AFPC/JA's opinion that the applicant failed to demonstrate the director's or other reviewing authorities' decisions were arbitrary or capricious or that either collateral estoppel or fundamental fairness necessitate relief in this case. Accordingly, AFPC/JA retains their recommendation that the application be denied.

The complete advisory opinion is at Exhibit J.

APPLICANT'S REVIEW OF ADDITIONAL AIR FORCE EVALUATION

The Board sent a copy of the additional advisory opinion to the applicant on 22 Sep 22 for comment (Exhibit K), and the applicant replied on 3 Oct 22. In the response, the counsel stated the advisory opinion dated 21 Sep 22 was in violation of AFI 36-2603 paragraph 4.2.2, "Advisory opinions. Advisory opinions represent the one and only opportunity the DAF will have to affirm its position on a case and set forth its rationale." Additionally, AFPC/JA previously wrote an advisory opinion in this case which was provided to the applicant on 6 Jun 22 and he responded on 16 Jun 22. Therefore, the BCMR should disregard this advisory opinion from AFPC/JA and promptly take up the applicants claim. Counsel continues to argue the doctrine of collateral estoppel, stating the applicants command is prevented from taking an opposing view of an issue once legitimately constituted by an Air Force adjudicatory body (Administrative Discharge Board) that has reached a conclusion. The applicants counsel cites multiple examples to support their argument.

A full transcript of the Administrative Discharge Board proceedings was not produced in the applicant's case because of the Air Force's own regulations. AFI 36-3208, Table 8.2 Rule 1, requires only a summarized transcript of the proceeding in case of a retention. The summarized

transcript does not add much to the proceedings, but since the advisory opinion raised the issue, the transcript has been included in this response. Furthermore, the 21 Sep 22 advisory opinion does not address the question of the fundamental fairness of having the same administrative agency reach two diametrically opposed conclusions regarding the same matter in two different forums. When one of those decisions (Administrative Discharge Board) was reached through a formalized process, with an impartial tribunal who heard sworn witness testimony, observed cross-examination, and weighed character evidence to test the allegations, the other decisions regarding the LOR and administrative demotion must give way. The inconsistency in the outcomes would make any reasonable person question the fairness of the Air Force processes.

Finally, the applicant was exonerated of the drug abuse allegations against him by an Administrative Discharge Board. After unsuccessfully petitioning his command to recognize that decision and restore his rank, he filed this application. The BCMR should take the 2 Feb 22 advisory opinion as the final AFPC opinion and disregard any subsequent advisory opinions. The applicant requests the BCMR restore his rank and order the LOR and all adverse references to this incident be removed from his military records before his career is further damaged.

The applicant's complete response is at Exhibit L.

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, the Board concludes the applicant is the victim of an error or injustice. The Board notes the recommendation of AFPC/DP2SSM and AFPC/JA against correcting the record; however, concurs with the recommendation of AFPC/DP2SPP and the findings of the Administrative Discharge Board that the applicant did not commit the alleged drug offense. Had the evidence shown that the applicant had committed the offense, the Administrative Discharge Board had the option to find him guilty yet could have still retained the applicant if they believed that the offense did not rise to the level that warranted a discharge. Instead, the Administrative Discharge Board chose to fully exonerate the applicant when they found that he did not wrongfully use marijuana. In this regard, since the use of marijuana was the sole reason for the applicant's discharge recommendation and the applicant was found innocent, then the ruling does have merit to justify that the Air Force remove the adverse actions taken for an act he did not commit.

Notwithstanding the above, the Board recognizes that the arguments of collateral estoppel and fundamental fairness do not necessitate that relief be provided, and therefore, conducted their own independent review of the evidence presented. As such, the Board came to their own conclusion that a preponderance of the evidence does not show the applicant knowingly used marijuana or ingested THC. This is evidenced by the letter from the applicant's Area Defense Counsel who addressed the proceedings and the matters that were presented to the Administrative Discharge Board. Specifically, the Board notes the testimony from the forensic toxicologist at the Air Force Drug Testing Laboratory who stated that "the amount of THC detected in both urinalyses at issues…are consistent with an unknowing and unfeeling use of

THC;" and the polygraph test that the applicant willingly took and for which he "passed with flying colors." The Board further notes the testimony and the affidavit provided by the applicant's estranged spouse who admitted that she and her friend had infused a bottle of vodka with 5 cc's of THC distillate and indicated that the applicant may have unknowingly drank the vodka after she placed it in their liquor cabinet. As such, the low dosage of THC in both the applicant's urinalyses and in the bottle of vodka show a correlation that is more probable than that of using marijuana. Therefore, given the Board's independent review of the evidence, and the fact that the Administrative Discharge Board found the applicant innocent, the Board finds the preponderance of the evidence supports the applicant's request. As such, the Board finds it fitting to correct the remainder of his record by restoring his rank to master sergeant (E-7), rescinding the LOR/UIF, and removing the referral evaluation report. Therefore, the Board recommends correcting the applicant's records as indicated below.

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 pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

a. The administrative demotion issued 13 Oct 20, Letter of Reprimand (LOR) issued 13 Oct 20, and Unfavorable Information File (UIF) created 20 Oct 20 be declared void and removed from his master personnel records.

b. The AF Form 910, *Enlisted Performance Report (AB thru TSgt)*, rendered for the period 1 Oct 20 thru 30 Nov 21 be declared void and remove from his record.

c. Any reference to the LOR, UIF, administrative demotion, and positive urinalysis test be declared void and removed from his personnel records.

d. His effective date of rank to master sergeant (E-7) be corrected to reflect 1 Oct 19, and receive all retroactive pay and entitlements associated with the correction.

e. He be considered for supplemental consideration for missed promotion cycles.

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-2022-00011 in Executive Session on 11 Oct 22:

, Panel Chair
, Panel Member
, Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 17 Dec 21.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, AFPC/DP2SPP, dated 2 Feb 22.
Exhibit D: Advisory opinion, AFPC/DP2SSM, dated 23 Feb 22.
Exhibit E: Notification of advisory, SAF/MRBC to applicant, dated 23 Feb 22.
Exhibit F: Applicant's response, w/atchs, dated 15 Mar 22.
Exhibit G: Additional Advisory opinion, AFPC/JA, dated 6 Jun 22.
Exhibit H: Notification of additional advisory, SAF/MRBC to applicant, dated 6 Jun 22.
Exhibit I: Applicant's response, dated 16 Jun 22.
Exhibit J: Additional Advisory opinion, AFPC/JA, dated 21 Sep 22.
Exhibit K: Notification of additional advisory, SAF/MRBC to applicant, dated 22 Sep 22.
Exhibit L: Applicant's response, w/atchs, dated 3 Oct 22.

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

Board Operations Manager, AFBCMR