



Work-Product

## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-00705

Work-Product

**COUNSEL:** Work-Product

**HEARING REQUESTED:** YES

### APPLICANT'S REQUEST

1. The Air Force Medical Operations Agency's (AFMOA) submission to the National Practitioner Data Bank (NPDB) dated 26 Dec 16 be corrected.
2. His clinical privileges be reinstated.
3. He be considered for promotion to the rank of major (O-4) by a special selection board (SSB).
4. He be paid for all recouped pay and entitlements.
5. His under honorable conditions (general) discharge be upgraded to honorable.
6. His narrative reason for separation of "Unacceptable Conduct" be changed to "Secretarial Authority."

### APPLICANT'S CONTENTIONS

Counsel, on behalf of the applicant, contends the AFMOA/SGHQ reported incorrect information to the NPDB. The corrected information must be reported based on the 2017 decision by the Air Force Court of Criminal Appeals (AFCCA). The wrongful convictions and the attendant consequences have had a devastating impact on his life. His clinical privileges should be reinstated or amended.

The requested corrections are based on substantive errors. At the time of the events, he was serving as a physician assistant (PA). In Oct 13, he was verbally removed from patient care and on 15 Nov 13, he was suspended from engaging in patient care due to an ongoing investigation by the Air Force Office of Special Investigations (AFOSI). On 28 Aug 14, he received a letter of reprimand (LOR), downgraded to a letter of admonishment (LOA) for prescribing his wife antibiotics.

He was tried by a military judge in a general court-martial (GCM). Contrary to his not guilty plea, he was convicted of one specification of assault consummated by a battery of a child under 16 years of age, perjury for false testimony and child endangerment. On 20 Apr 16, the AFMOA Peer Review Panel recommended the revocation of his credentials. The dissenting minority panel member recommended a temporary or permanent removal of his clinical privileges for patients under the age of 18 and over the age of 65. The dissenting member did not find the allegations proved untrustworthiness and disregard for medication policies. On 24 Jun 16, the military treatment facility commander (MTF/CC) revoked the applicant's clinical privileges. He appealed

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the decision and on 26 Dec 16, the Air Force Surgeon General (AF/SG) concurred with the decision to revoke his clinical privileges and directed the revocation in the NPDB.

On 14 Jul 17, the AFCCA issued a decision in *United States v. [Applicant]* that the evidence was factually insufficient to sustain the conviction for perjury. Further, the AFCCA concluded the finding of guilty for the additional charge of child endangerment was fatally flawed and set aside the finding of guilty for the additional charge of child endangerment.

On 10 Sep 19, the Court of Appeals for the Armed Forces (CAAF) denied his appeal for review of his case. Following his appeals, he remains convicted of only one specification of assault consummated by a battery upon a child under 16 years of age for spanking his son. He was sentenced to no punishment.

The existence of the patently false information in the NPDB materially prejudices him. The inclusion of the convictions, for which he was vindicated falsely leads anyone conducting a background check, to include prospective employers and any healthcare related entity, to believe he was convicted of the offenses. He requests the Board direct AFMOA/SGHQ to amend its report to the NPDB to accurately reflect he remains convicted only of assault consummated by a battery upon a child under 16 years of age. Further, the dissenting Peer Review Panel member's minority vote memorandum for record (MFR) provides a persuasive argument for permitting him to be credentialed for adult populations of 19 to 64 years old. The argument is even more persuasive considering the AFCCA set aside and dismissed the findings of guilty for perjury and child endangerment. There were no allegations against him to claim he was medically negligent or clinically incompetent. The Air Force even promoted the applicant to captain (O-3) while he was under investigation.

He should be considered for promotion by an SSB to the rank of major. His record demonstrates clear and obvious unfairness. With the restrictions set in place, he was ineligible for a license within his home state. While there is a struggle after any life changing event, the errors and disregard for protocol in his case left a devastating impact that lasted years, to include child custody issues, loss of their home and living at a poverty level.

The applicant's complete submission is at Exhibit A.

## **STATEMENT OF FACTS**

The applicant is a former Air Force captain (O-3).

The applicant served a prior period of active duty from 11 Apr 06 to 6 Jan 12 and was honorably discharged in the rank of staff sergeant (E-5) to accept a commission. On 7 Jan 12, the applicant was commissioned in the Regular Air Force.

DD Form 458, *Charge Sheet*, dated 19 Jun 14 shows the applicant was charged with offenses pertaining to sexual assault and property damage. The alleged offenses were to have occurred while the applicant was serving in the rank of senior airman (E-4) during his prior period of service.

On 28 Aug 14, the applicant received an LOA. On 15 Nov 13, the applicant was placed on Summary Suspension of Clinical Privileges, which forbade him to engage in patient care for six months. However, a routine review of primary care providers revealed he wrongfully prescribed antibiotics on two occasions to be filled at an off-base pharmacy.

On 28 Aug 15, the medical wing commander (MDW/CC) informed the applicant a Peer Review Panel would be convened to consider his credentials. The Peer Review Panel would review the evidence on the following allegations:

a. Between 16 Sep 12 and 30 Nov 12, he endangered the physical health, safety and welfare of a child (BTS) by dropping him.

b. Between 12 Oct 13 and 13 Oct 13, he unlawfully struck a child (HES) on the buttocks and thigh with his hand.

c. On or about 2 Dec 13, he knowingly and willfully testified falsely while under oath in civil court when asked whether he was facing a hearing for allegations of sexual assault.

d. On or about 18 Feb 14 and 24 Apr 14, he wrote two prescriptions to be filled at an off-base pharmacy while his clinical privileges were in summary suspension.

The Peer Review Panel would also review an additional allegation that on 4 Jun 13, he did not disclose on his application for clinical privileges he had been a defendant in a felony or a misdemeanor case. The applicant was also alleged to have committed additional misconduct, to include wrongfully damaging ELS's vehicle, sexual misconduct against AJS, unlawfully grabbing ELS's arm and unlawfully biting the child BTS on the face. While he was acquitted of criminal charges, the Credentials Function recommended a Peer Review Panel because of a potential pattern of poor judgment and behavior control. The Peer Review Panel would decide the validity of the allegations and make a recommendation to the Credentials Function.

Per General Court-Martial Order Number 22 dated 30 Oct 15, the applicant was charged with the following offenses:

Charge I: Article 109. Plea: Not Guilty, Finding Not Guilty.

Specification: On 8 Aug 09, he willfully and wrongfully damaged, by flattening tires and scratching a vehicle. Plea: Not Guilty, Finding: Not Guilty.

Charge II: Article 120: Plea: Not Guilty, Finding Not Guilty.

Specification: On 1 Aug 09 and 31 Aug 09, he caused AJS to engage in sexual intercourse by using strength sufficient that she could not avoid or escape the sexual conduct. Plea: Not Guilty, Finding: Not Guilty.

Charge III: Article 125, Plea: Not Guilty, Finding Not Guilty.

Specification: On 1 Aug 09 and 31 Aug 09, he committed sodomy with AJS by force and without the consent of AJS. Plea: Not Guilty, Finding Not Guilty.

Charge IV: Article 128: Plea: Not Guilty, Finding: Guilty.

Specification 1: On 8 Aug 09, he unlawfully grabbed ELS on her arm. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: On 12 Oct 13 and 13 Oct 13, he unlawfully struck HES, a child under the age of 16 years, on the buttocks and thigh with his hand. Plea: Not Guilty, Finding: Guilty.

Charge V: Article 131. Plea: Not Guilty. Finding Guilty.

Specification. On 2 Dec 13, contrary to having taken a lawful oath in a judicial proceeding by a court of competent jurisdiction, he testified falsely in substance that he was not facing a hearing to determine whether he should stand charged with a sexual assault and that he was not under prosecution, which testimony was upon material matter and which he did not then believe to be true. Plea: Not Guilty. Finding Guilty.

Additional Charge: Article 134. Plea: Not Guilty. Finding: Guilty.

Specification: On 16 Sep 12 and 30 Nov 12, he had a duty for the care of BTS, a child under the age of 16 years, and did on divers occasions, endanger the physical health, safety and welfare of BTS by throwing and dropping him, and that such conduct was culpable negligence. Plea: Guilty. Finding: Guilty.

The sentence adjudged by the military judge on 11 Jul 15 was dismissal. The sentence, except for the dismissal was approved. Unless otherwise directed, the applicant would have to take leave pending completion of appellate review.

On 20 Apr 16 the Hearing Committee Findings and Recommendation substantiated the following allegations:

Allegation 1: On 11 Jul 15, he was convicted by a GCM of child endangerment between 16 Sep 12 and 30 Nov 12. He had a duty for the care of BTS, a child under the age of 16, and he endangered the physical health, safety and welfare of BTS by dropping him, and that such conduct constituted culpable negligence.

Allegation 2: On 11 Jul 15, he was convicted by a GCM of assault consummated by a battery upon a child under 16 years. On 12 Oct 13 and 13 Oct 13, he unlawfully struck HES, a child under the age of 16 years, on the buttocks and thigh with his hand.

Allegation 3: On 11 Jul 15, he was convicted by GCM of perjury. On 2 Dec 13, he testified falsely that he was not facing a hearing to determine whether he should stand charged with a sexual assault.

Allegation 4: On 18 Feb 14 and 24 Apr 14, he wrote two prescriptions to be filled at an off-base pharmacy while his clinical privileges were in summary suspension.

Allegation 5: On 5 Dec 11 and 4 Jun 13, he failed to disclose on his application for clinical privileges that he had been a defendant in a felony or misdemeanor case.

By majority vote, the committee recommended revocation of the applicant's clinical practice. The panel minority on 21 Apr 16 recommended only a temporary or permanent removal of the applicant's clinical privileges for patients under the age of 18 and over the age of 65. He did not find the substantiated allegations proved untrustworthiness and disregard for medication policy to justify revocation of clinical privileges for adult populations. On 24 Jun 16, the MDW/CC revoked the applicant's clinical privileges.

On 26 Dec 16, AFMOA/SGHQ notified the NPDB of the indefinite revocation of the applicant's clinical services. The basis for the action was failure to disclose and other unprofessional conduct. It stated he was found guilty at a court-martial of striking a child, endangerment of the physical health, safety and welfare of a child, writing prescriptions for family members without medical

documentation while his clinical privileges were in summary suspension, failure to disclose a prior felony or misdemeanor conviction on his clinical privileging application and for falsely testifying under oath in civil court. It also stated the applicant was dismissed from the Air Force.

The AFCCA decision in *United States v. [Applicant]* dated 14 Jul 17, concluded the findings of guilt to Charge V and its Specification (perjury) and the Additional Charge and its Specification (child endangerment) be set aside and dismissed with prejudice. The remaining finding was correct in law and fact and affirmed. The sentence was set aside, a rehearing on the sentence was authorized. The decision was published in GCM Order Number 6 dated 27 Nov 18. The GCM Order A-3 dated 8 Dec 17, reflects on appellate review, the finding of guilty as to Charge V and its specification and the Additional Charge were set aside and dismissed by the AFCCA.

In a memorandum dated 8 Dec 17, the WG/CC (court-martial convening authority) ordered the applicant to return from appellate leave for the purpose of a trial and new sentence.

On 6 Aug 19, the Secretary of the Air Force Personnel Council (SAFPC) accepted the applicant's conditional board waiver request dated 1 Oct 18 that he be discharged with a general discharge.

The applicant's records include no documentation he was previously considered for promotion to the rank of major by any promotion board.

On 28 Aug 19, the applicant was discharged with an under honorable conditions (general) discharge, with narrative reason for separation of "Unacceptable Conduct." He served 7 years, 7 months and 22 days on active duty. The applicant also served a prior period of 5 years, 8 months and 27 days on active duty.

On 10 Sep 19, the CAAF denied the applicant's petition for review.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

#### **APPLICABLE AUTHORITY/GUIDANCE**

Department of the Air Force Instruction (DAFI) 36-3211, *Military Separations*, describes the authorized service characterizations.

**Honorable.** The quality of the airman's service generally has met Department of the Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

**General (Under Honorable Conditions).** If an airman's service has been honest and faithful, this characterization is warranted when significant negative aspects of the airman's conduct or performance of duty outweigh positive aspects of the member's military record.

**Under Other than Honorable Conditions.** This characterization is used when basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of members. The member must have an opportunity for a hearing by an administrative discharge board or request discharge in lieu of trial by court-martial. Examples of such behavior, acts, or omissions include but are not limited to:

The use of force or violence to produce serious bodily injury or death.  
Abuse of a special position of trust.

Disregard by a superior of customary superior - subordinate relationships.  
Acts or omissions that endanger the security of the United States.  
Acts or omissions that endanger the health and welfare of other members of the DAF.  
Deliberate acts or omissions that seriously endanger the health and safety of other persons.  
Rape, sexual assault, aggravated sexual contact, abusive sexual contact, rape of a child,  
sexual abuse of a child, sexual harassment, and attempts to commit these offenses.

Former service members requesting upgrade of their discharge should submit their request via a DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States, to the Air Force Discharge Review Board (AFDRB)* prior to submitting a request to the AFBCMR. In this case, there is no evidence the applicant submitted a request for upgrade of his discharge prior to submitting his request to the AFBCMR. The applicant's request the AFBCMR upgrade his discharge to honorable is on the basis of an error in his discharge based on the AFCCA's set aside of the sentence.

10 U.S.C. § 14502(a)(1) In the case of an officer or former officer who the Secretary of the Military Department concerned determines was not considered for selection for promotion by a mandatory promotion board because of an administrative error, the Secretary concerned shall convene an SSB to determine whether such officer or former officer should be recommended for promotion.

AFI 36-2501, *Officer Promotions and Selective Continuation*, Paragraph 6.2.1., The AFBCMR or a federal court can direct any officer for consideration by an SSB.

## **AIR FORCE EVALUATION**

DAF/JA recommends denial for the requested relief. On 28 Aug 19, the applicant was administratively discharged pursuant to his voluntary request. The applicant was convicted by a general court-martial; then two of his guilty findings were set aside on appeal. A general court-martial was convened to rehear his sentence. In lieu of facing re-sentencing by a court-martial and risking a dismissal, or alternatively risking an administrative discharge with a negative service characterization, the applicant offered to accept a general discharge and the convening authority accepted his offer.

The only error in the AFMOA's notice of revocation is the language, not the revocation itself. The description of offenses by AFMOA is poorly worded and incorrectly suggests he was convicted by a court-martial for improper prescription writing and for failure to disclose the two instances of misconduct which were actually confirmed via administrative hearings. Additionally, although the description correctly stated there were court-martial convictions for child assault, child endangerment and perjury, two of the three guilty findings were subsequently set aside. However, since the applicant is no longer on active duty, the matter is moot and no corrective action is required due to the applicant's voluntary separation. However, if the AFBCMR recommends action, then an addendum letter, and not a removal of the original letter, would be appropriate. DAF/JA provides suggested verbiage for the addendum letter. As for the remaining requested corrections, DAF/JA finds no evidence of an error or injustice to approve the requests.

On 15 Nov 13, the applicant was removed from patient care. While the suspension was in effect, he wrote prescriptions for his wife on two occasions. As a result, he received a LOR. The LOR was downgraded to an LOA after he argued he did not knowingly violate the terms of his suspension since he was not aware the terms of his suspension applied to his own wife. On 2 Sep 15, after the court-martial but before the AFCCA appeal, a Peer Review Panel convened by the WG/CC considered five allegations. The Panel substantiated all five allegations and recommended to the Credentials Function that the applicant's privileges be permanently removed for patients

under the age of 18 and over 65. On 20 Apr 16, a Clinical Adverse Action Hearing Committee found the applicant's conduct did or could have posed a threat to patient safety or could have threatened the integrity of the Air Force Medical Service. For the first three allegations, the committee relied on the court-martial conviction. Regarding Allegation 4, the committee found the applicant's written prescriptions. Regarding Allegation 5, the committee found when the applicant was asked if he ever was a defendant in a felony or a misdemeanor case, the applicant on two separate occasions misrepresented the information although he had the education and background to clearly understand what was being asked. DAF/JA can reasonably conclude the AFMOA would have revoked the applicant's privileges irrespective of either the AFCCA's decision or the imprecise language of the notice to the NPDB. The writing of prescriptions when privileges were in summary suspension and lying twice on applications for clinical privileges were sufficient cause to revoke privileges. Hence there was no nexus between any error and any alleged harm to the applicant.

On 11 Jul 15, the applicant was tried by a GCM that found the applicant guilty of assault consummated by a battery upon a child, child endangerment by culpable negligence of a different child and perjury by giving false testimony. The applicant was found not guilty of rape of an adult female, assault of a different adult female and property damage. The applicant was sentenced to dismissal. The applicant appealed and the AFCCA set aside the convictions for perjury and child endangerment but affirmed the conviction for assault on a child. Based on the changed guilty findings, AFCCA authorized a sentence rehearing for the commander to convene a new general court-martial to determine the applicant's new sentence. The facts of the child assault and child endangerment convictions regarding allegations he dropped and threw an infant and hit his other child, a toddler. The facts of the perjury allegation pertained to allegations of lying under oath at a deposition during a civil trial in response to a question about whether he was facing military criminal charges for sexual assault. The AFCCA determined that during the civil trial at which the applicant was testifying and allegedly lied, the opposing counsel had asked questions that lacked precision. Although the court-martial members determined there was perjury, the law requires a high level of specificity for a perjury conviction. Regarding the conviction for child endangerment, the problem was that AFCCA found too many instances of child endangerment and the language of the jury's guilty finding was not specific. A court-martial finding of guilty must be specific about the who, what, when and where. As a result, the AFCCA found the charge and specification to be fatally ambiguous since it could not be determined which of the four acts of child endangerment the jury members were referring to when they found the applicant was guilty of the charged singular act.

As for the allegation of error in the court martial, the AFCCA's decision already found error. It found a lack of specificity as to which of the multiple proofs of child endangerment corresponded to the charge and it also found that the applicant's answer during his civilian trial deposition could technically have been correct. The prosecution proved four acts of child endangerment but made a technical error by not being specific in the charge. The prosecution proved the applicant's attempt to deceive during a deposition but the opposing attorney made a technical error due to his failure to understand the nuances of military hearings. These two errors were already corrected and require no action.

The AFCCA set aside the sentence as a result of setting aside the two convictions and authorized a sentence rehearing. In a general court-martial on 8 Dec 17, the general court-martial authority, wing commander (WG/CC), ordered the applicant to return from appellate leave to stand for sentence rehearing. On 12 Jul 18, counsel, on behalf of the applicant, submitted an offer for a conditional board waiver under which he would accept an administrative discharge without a board of inquiry (BOI) hearing. In exchange, the applicant requested the WG/CC withdraw the action ordering the sentence rehearing and approve a sentence of "no punishment" for the remaining

conviction of child assault. The WG/CC accepted the offer stating a rehearing to determine a new sentence was impractical and imposed a sentence of no punishment. Consistent with the agreement, the applicant was voluntarily discharged with a service characterization of under honorable conditions (general).

He requests for retroactive promotion to the rank of major, payment for the recoupment of pay, upgrade of his discharge and change of the narrative reason for separation. These requests suggest there is a nexus between the corrections sought and the AFCCA's set-aside. DAF/JA finds no evidence of such a connection and concludes there is no other error that would merit these corrections. The applicant's discharge was voluntary. If his request for voluntary discharge was not accepted, a new general court-martial would have convened and could have sentenced him to dismissal or an under other than honorable conditions (UOTHC) discharge based on the remaining child assault conviction. The commander would have convened a BOI for the applicant to show cause for retention. A BOI is not bound by the strict rules that exist at a court-martial. Furthermore, the technical legal bases for the appellate court's set aside would not apply at a BOI. When the additional misconduct (to include writing prescriptions for a family member while his patient care privileges were in summary suspension and lying on two applications for clinical privileges by not disclosing he had been a defendant on a felony misdemeanor) is combined with the remaining child assault conviction, DAF/JA concludes the applicant would have been discharged with a UOTHC.

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 26 Sep 22 for comment (Exhibit D). On 3 Jan 23, counsel, on behalf of the applicant concurs with the concession of DAF/JA that there was an error in the notice from AFMOA to the NPDB. However, to the extent there is any risk of creating confusion, the replacement of the original notice and not an addendum is the appropriate remedy.

The advisory improperly exaggerates relevant facts and engages in a lengthy but ultimately hypothetical analysis of whether the errors harmed the applicant. The advisory asserts there was no causal connection but ignores the Apr 16 minority report from the dissenting member of the Clinical Adverse Action Hearing. The minority report provides a persuasive argument for permitting the applicant to be credentialed for adult populations of 19 to 64 years old. None of the allegations against the applicant claim he was medically negligent or clinically incompetent. Moreover, the convening authority ultimately imposed a sentence of no punishment even though he remains convicted of one offense. It is possible his privileges would not have been revoked but for the court-martial convictions. The landscape has changed since the 2015 court-martial.

The applicant's complete response is at Exhibit F.

#### **FINDINGS AND CONCLUSION**

1. The application was not 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of DAF/JA and finds a preponderance of the evidence does not substantiate the applicant's contentions. Counsel, on



behalf of the applicant, desires the Board to believe the revocation of the applicant's privileges and reporting to the NPDB, general court-martial and subsequent discharge were the result of errors, unfairness and disregard in protocol; however, no evidence has been provided to sustain the contentions. Upon allegations and investigations of sexual assault, battery and assault of his infant and toddler, perjury and writing two prescriptions for his wife while under summary suspension, the applicant was charged and tried by general court-martial. While two of his guilty findings were set aside on appeal, there is no evidence of any error or injustice in the convening of the applicant's court-martial. With respect to the revocation of his privileges and report to the NPDB, counsel desires the Board to disregard the majority panel's vote and adopt the dissenting member's opinion dated 21 Apr 16 that the applicant only be restricted from clinical privileges for patients under the age of 18 and over the age 65. However, the Board notes the panel substantiated all five allegations and by majority vote recommended revocation of the applicant's privileges. The Board finds no evidence of any procedural violations or errors in the convening of the hearing and finds the decisions of the applicant's commander in revoking his privileges and report to the NPDB were well within his authority and discretion and not unduly harsh in view of the applicant's judgment and misconduct. Although DAF/JA states AFMOA's report to the NPDB is not pertinent as the applicant has since been discharged, the Board agrees the revocation while not incorrect is poorly written. The Board considered amending the language in the NPDB; however, counsel in his rebuttal response dated 3 Jan 23 states an amendment would be unfavorable to the applicant. In view of counsel's concern, an amendment would prejudice the applicant, the Board does not recommend a change to the AFMOA's revocation language in the NPDB. The Board also notes the applicant's discharge on 28 Aug 19 with a general discharge for unacceptable conduct was voluntary and the result of his conditional board waiver request. The Board agrees with DAF/JA the applicant did not want to risk a BOI or a re-trial with potential to be discharged with a UOTHC. The Board finds the applicant's voluntary discharge was not unduly harsh or disproportionate to the offenses committed. Accordingly, the Board does not recommend an upgrade of his discharge to honorable. With respect to the request the applicant be considered for promotion by a SSB, the Board finds no evidence he was unjustly denied promotion consideration to the rank of major or that his name was improperly removed from any majors promotion list. In view of the above, the Board finds insufficient evidence to warrant granting any of the requested relief. 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 DAFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-00705 in Executive Session on 16 Nov 23:

Work-Product Panel Chair  
Work-Product, Panel Member  
Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 14 Feb 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, DAF/JA, dated 15 Sep 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 26 Sep 22.
- Exhibit E. Applicant's Response for admin close, dated 26 Sep 22.
- Exhibit F: Applicant's Response, dated 3 Jan 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

12/5/2023  
*Work-Product*

Board Operations Manager, AFBCMR

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