

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE ARMY, et al.,

Defendants.

Civil Action No.18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's August 13, 2018, Order, Defendants respectfully submit the following status report incorporating herein the attached declaration of Mr. Lin St. Clair, Assistant Deputy for Recruiting, Office of the Assistant Secretary of the Army (Manpower & Reserve Affairs).

1. The Court ordered Defendants to file a report regarding: (1) The status of the Army's policy relating to administrative separation procedures applicable to members of the Delayed Entry Program (DEP) and Delayed Training Program (DTP), including but not limited to any updates that resulted from Marshall Williams' July 20, 2018 memorandum (ECF No. 22-1 at Ex. A); (2) The number of MAVNIs who received a discharge order from the U.S. Army Recruiting Command (USAREC) and/or U.S. Army Reserve Command (USARC) and whose discharge order(s) have been revoked and/or whose involuntary separation is under review as a result of the July 20, 2018 memorandum; and (3) The Army's timeline for implementation of any new policy, as well as the expected time when discharge or involuntary separation proceedings will be initiated against any DEP or DTP member in accordance with this policy.

Advisor on all matters relating to military accessions and retention for the Assistant Secretary of the Army for Manpower and Reserve Affairs, the Principal Deputy, and the Deputy Assistant Secretary of the Army for Military Personnel. I have oversight responsibilities for the Army's officer and enlisted accessions and retention programs across all components. In this capacity, I serve as the action officer oversight for non-citizen recruiting (MAVNI and Lawful Permanent Residents). I have previously submitted a declaration in this case. *See* ECF 22-1.

3. On July 20, 2018, the Acting Assistant Secretary of the Army for Manpower & Reserve Affairs suspended processing of all involuntary separation actions pertaining to members of the DEP and DTP who were recruited through the MAVNI Pilot Program. On August 15, the Deputy Chief of Staff G-1 forwarded recommendations for consideration and approval. Those recommendations, including the use of redeveloped unfavorable MSSD memorandums, are being assessed for legal, regulatory and operational feasibility. If approved for use, the redeveloped unfavorable MSSD memorandums will specify the separation procedures and separation authority for members of the DEP and DTP who receive unfavorable MSSDs. The memorandums are being redeveloped and are estimated to be completed, reviewed, and submitted for approval prior to the next bi-weekly status report due on September 4, 2018. The remainder of the operational feasibility assessments, including a determination on manpower and resource requirements to implement the new policy, can take up to sixty days. Once approved, and as ordered, a description of the Army's policy relating to the administrative separation procedures applicable to members of the DEP and DTP who receive unfavorable MSSDs will be filed with the Court at least 14 days prior to initiating any separation proceedings.

4. As of August 17, 2018, USAREC has reinstated, in the DTP, 32 members of the MAVNI program, and USARC has revoked discharge orders for 6 members of the MAVNI program, including the named plaintiffs. In total, including those MAVNI members whose orders have been revoked, the separation proceedings for 149 MAVNIs have been suspended and are under review pursuant to the July 20, 2018 memorandum.

5. Given the recommendations, if they are operationally feasible, it can be up to sixty days before the policy and procedures are finalized. After these procedures have been approved and finalized, it can be up to another thirty to sixty days before notification packets can be built and separation proceedings can be initiated.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 20, 2018.



LIN H. ST. CLAIR