

NO.
D-1-GN-24-000896

SAN JUANITA MEDELES)	IN THE DISTRICT COURT
<i>Plaintiff</i>		
V.)	
JEANETTE JIMMERSON OF THE TEXAS MILITARY -TEXAS STATE GUARD, DARREN FITZGERALD OF THE TEXAS MILITARY -TEXAS STATE GUARD, JOE CAVE OF THE TEXAS MILITARY DEPARTMENT -TEXAS STATE GUARD and TEXAS MILITARY DEPARTMENT -TEXAS STATE GUARD)	OF TRAVIS COUNTY, TEXAS 459th JUDICIAL DISTRICT
<i>Defendants</i>		

PLAINTIFF’S SECOND MOTION FOR FINAL SUMMARY JUDGMENT (AMENDED)

TO THE HONORABLE JUDGE OF THE COURT:

Plaintiff, through undersigned counsel, respectfully files this Amended Final Motion for Summary Judgment pursuant to Rule 166a(c) of the Texas Rules of Civil Procedure and shows the Court as follows:

I. INTRODUCTION

This case concerns Defendants’ **ultra vires issuance and maintenance of an unlawful discharge** in direct violation of Texas State Guard (“TXSG”) Regulation 600-10. Plaintiff was discharged under an “Other Than Honorable” classification without the legally required general court-martial. After litigation commenced, Defendants attempted to alter Plaintiff’s discharge classification to a status **not recognized by TXSG regulations** and which failed to restore Plaintiff’s rights, status, or eligibility for service. This Court denied Defendants’ Second Plea to the Jurisdiction, and the **Fifteenth Court of Appeals affirmed**, holding that Plaintiff’s ultra vires claims are **not moot**, that Defendants’ post-litigation reclassification **did not cure the legal defects**, and that Plaintiff’s requests for declaratory and injunctive relief — including reinstatement and correction of records — remain live and justiciable. The appellate court’s holdings are binding under the law-of-the-case doctrine and foreclose renewed jurisdictional or mootness arguments.

No genuine issue of material fact exists as to Defendants' lack of legal authority to issue or maintain Plaintiff's discharge. Plaintiff is entitled to judgment as a matter of law.

II. UNDISPUTED MATERIAL FACTS

A. Unlawful Discharge

1. Plaintiff was discharged from the Texas State Guard on December 19, 2022, under an "**Other Than Honorable**" classification.
2. TXSG Regulation 600-10 §7-4(C) permits an "Other Than Honorable" discharge **only upon conviction by a general court-martial** and approval by the Adjutant General.
3. Plaintiff was **never convicted by a general court-martial**.
4. Defendants admitted in their April 10, 2025 memorandum and related filings that **no court-martial occurred**.
5. Plaintiff did not receive official discharge documentation until February 12, 2024, in violation of TXSG Regulation 600-10 §7-3(A).

B. Post-Litigation Reclassification Did Not Cure the Violation

6. After this lawsuit was filed, Defendants altered Plaintiff's discharge classification within TXSG's Readiness Management Software ("RMS") to "**General**."
7. TXSG regulations do **not** recognize "General" as an authorized discharge classification.
8. Defendants have characterized "General" as the "closest approximation" available in RMS, but the appellate court confirmed that this change **left Plaintiff with a discharge status not recognized by regulation**.
9. Plaintiff remains coded **RE-4** and remains ineligible for reinstatement without a waiver.
10. Plaintiff has not been reinstated, had her records corrected, or had her status restored.

C. Procedural History

11. This Court denied Defendants' First Plea to the Jurisdiction on August 8, 2024.
12. This Court overruled Defendants' Second Plea to the Jurisdiction on May 12, 2025.
13. On December 30, 2025, the Fifteenth Court of Appeals **affirmed**, holding that:
 - Plaintiff's ultra vires claims are not moot;
 - Defendants' post-litigation reclassification did not resolve Plaintiff's requested relief; and

- Declaratory and injunctive relief under the UDJA remains proper.

III. SUMMARY JUDGMENT STANDARD

Summary judgment is proper when the evidence establishes that there is **no genuine issue of material fact** and the movant is entitled to judgment as a matter of law. Tex. R. Civ. P. 166a(c).

IV. ARGUMENTS AND AUTHORITIES

A. Defendants Acted Ultra Vires as a Matter of Law

Government officials act ultra vires when they exercise authority **not granted** or **expressly prohibited** by law. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009). Issuing an “Other Than Honorable” discharge without a general court-martial is **expressly prohibited** by TXSG Regulation 600-10. Defendants therefore acted outside the scope of their lawful authority.

B. The Post-Litigation Reclassification Does Not Moot or Cure the Violation

The appellate court squarely rejected Defendants’ mootness argument, holding that the change to a “General” discharge classification — not recognized by regulation — does not resolve Plaintiff’s requests for reinstatement or correction of records. Because Defendants’ actions continue to affect Plaintiff’s rights and status, declaratory and injunctive relief remains appropriate.

C. Declaratory and Injunctive Relief Is Proper Under the UDJA

The UDJA authorizes courts to determine rights, status, and legal relations affected by statutes and regulations. Tex. Civ. Prac. & Rem. Code §37.004(a).

Plaintiff seeks:

- A declaration that her discharge was unlawful and void;
- Reinstatement to service;
- Correction and expungement of unlawful records.

Such relief is expressly permitted in ultra vires actions. *Heinrich*, 284 S.W.3d at 380.

D. Attorney’s Fees Are Recoverable

Attorney’s fees are recoverable under Tex. Civ. Prac. & Rem. Code §37.009 where equitable and just, including fees incurred on appeal in furtherance of Plaintiff’s

successful claims. *Bocquet v. Herring*, 972 S.W.2d 19, 21 (Tex. 1998). Plaintiff's appellate fees were incurred in direct response to Defendants' unsuccessful jurisdictional challenge and were necessary to preserve the Court's authority to grant final relief.

V. EQUITABLE INTEREST AND NECESSITY OF RELIEF

Plaintiff's sworn affidavit demonstrates ongoing harm resulting from Defendants' unlawful actions, including loss of employment opportunities and reputational damage. This evidence supports the necessity of **prospective equitable relief**, including reinstatement and record correction, to prevent continued harm. Plaintiff does **not** seek an award of monetary damages in this motion, but seeks all relief that flows as a matter of law from restored legal status.

VI. RELIEF REQUESTED

Plaintiff respectfully requests that the Court **GRANT** final summary judgment and:

1. Declare Plaintiff's December 19, 2022 discharge **void ab initio**;
2. Declare that Defendants acted **ultra vires** in issuing and maintaining Plaintiff's discharge;
3. Order Defendants to **reinstate Plaintiff** to active duty or such equivalent status as required to fully restore Plaintiff's eligibility, rank, and service record under TXSG regulations.
4. Order correction and expungement of all unlawful discharge and reclassification records;
5. Restore Plaintiff's rank, seniority, service credit, and employment status as if no unlawful discharge occurred;
6. Enjoin Defendants from enforcing or relying on the unlawful discharge classification;
7. Award Plaintiff reasonable attorney's fees and costs under the UDJA;
8. Grant all other relief to which Plaintiff may be justly entitled.

VII. CERTIFICATE OF CONFERENCE

Counsel for Plaintiff conferred with opposing counsel Denver Burris. Defendants oppose this motion.

VIII. NOTICE OF SUBMISSION

This motion is set for submission on a date to be determined by the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tara P. Enahoro', written in a cursive style.

TARA P. ENAHORO, ESQ.

TPC Enahoro Law Group, PLLC

1642 Crescent Drive, Tarrytown, NY 10591

(212) 470-4080 | tara@tpcenahorolaw.com

State Bar No. 24136188

Attorney for Plaintiff

EXHIBIT LIST

Exhibit A – December 19, 2022 Discharge Memorandum (indicating “Other Than Honorable” classification)

Exhibit B – TXSG Regulation 600-10 (Sections 7-3 and 7-4 governing discharge authority and procedural requirements)

Exhibit C – April 10, 2025 Memorandum (admitting discharge occurred without a court-martial, in violation of regulation)

Exhibit D – February 12, 2024 Discharge Certificate (showing delay and procedural impropriety)

Exhibit E – Sworn Amended Affidavit of Plaintiff (describing professional loss, emotional harm, and systemic failure)

Exhibit F – TXSG System Metadata (showing last access by Sergeant Steward on January 10, 2023)

Exhibit G – Internal Discharge System Printout (showing recent reclassification to “General” approved by Col. Fitzgerald)

Exhibit H – August 8, 2024 Court Order Denying Defendants’ First Plea to the Jurisdiction

Exhibit I – May 12, 2025 Court Order Denying Defendants’ Second Plea to the Jurisdiction

Exhibit J – TXSG Chain of Command Diagram (showing Defendant Joe Cave was outside Plaintiff’s supervisory hierarchy)

Exhibit K – CDI 2022 Investigation Guide (highlighting procedures for conflicts of interest and disqualification)

Exhibit L – Plaintiff’s Correspondence with TXSG Offices, OGC, and TAG (showing exhaustion of internal administrative remedies)

Exhibit M – The Fifteenth Court of Appeals Judgment and Opinion

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tara Enahoro on behalf of TARA ENAHORO

Bar No. 24136188

tara@tpcenahorolaw.com

Envelope ID: 109626601

Filing Code Description: Motion (No Fee)

Filing Description: PLAINTIFF'S SECOND MOTION FOR FINAL SUMMARY JUDGMENT (AMENDED)

Status as of 1/4/2026 12:09 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michelle Norred		michelle.norred@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
Denver Burris		Denver.Burris@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
DARREN FITZGERALD		darren.fitzgerald@txsg.state.tx.us	1/4/2026 2:34:11 AM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
quennette rose		quennette.rose@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
JEANETTE JIMMERSON		jjmo229@aol.com	1/4/2026 2:34:11 AM	SENT
SAN JUANITA MEDELES		jennietrev@hotmail.com	1/4/2026 2:34:11 AM	SENT
DARREN FITZGERALD		darren.p.fitzgerald.nfg@army.mil	1/4/2026 2:34:11 AM	SENT
Tara Enahoro		tara@tpcenahorolaw.com	1/4/2026 2:34:11 AM	SENT
Joe Cave		joe.cave@txsg.state.tx.us	1/4/2026 2:34:11 AM	SENT
denver burris		denver.burris@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	1/4/2026 2:34:11 AM	SENT

TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

EXHIBIT A



NGTX-TDC

19 DEC 22

MEMORANDUM FOR CPL San Juanita Medeles

SUBJECT: Commander's Determination, RE: Written Second Reconsideration Request

REFERENCE: (a) Investigating Officers report of 02 OCT 2022
(b) Commanders Determination, TXSG COS of 21 NOV 2022
(c) Personal Statements, CPL Medeles of, assumed 5 DEC 2022
(d) Exhibits provided by CPL Medeles of 5 DEC 2022
(e) Character Reference letters, various dates
(f) TDS Argument of 5 DEC 2022
(g) Trial Defense Service Attorney email, Monday 12/5/2022 @ 0951

1. After a review of documents presented, see references (a) through (g), I conclude and support the allegation that you did ask, then **CPL Kelly Hall**, to alter or create fraudulent OLS-BS orders.

2. I acknowledge the written and verbal statements received, see reference (e), do speak well of you, and I do appreciate your desire to stay in the Texas State Guard, however these cannot excuse such an act.

3. Due to the preponderance of evidence revealed during the investigation, your second request for reconsideration is denied. I intend to uphold the recommendation that you be discharged from the Texas State Guard with a Discharge Code of RE-4 "Involuntary Discharge - Other".

4. POC is the undersigned at 512-782-5728.

Digitally signed by Joe
D. Cave
Date: 2022.12.19
11:31:13 -06'00'

Joe D. Cave
JOE D. CAVE
Brigadier General, TXSG
Deputy Commander

Personnel and Administrative Procedures

TEXAS STATE GUARD (TXSG)

By Order of The Adjutant General:

JOHN F. NICHOLS
Major General TXANG
Adjutant General

Official:
Patrick Hamilton
COL, NGTX
Chief of Staff

History. This regulatory guidance incorporates five interim change/policy letters to the basic Texas State Guard (TXSG) Reg 600-10 dtd 09 JUL 2009.

Summary. This revision updates the information concerning the enlistment, appointment, promotion, required professional military education, reduction, reassignment, transfer, selective retention or discharge of Texas State Guard personnel, adds regulatory guidance for personnel ordered to State Active Duty with pay and provides specific direction for administration of TXSG units.

Applicability. This regulation applies to all members of the Texas State Guard.

Proponent and exception authority. The proponent of this regulation is the Commanding General, Headquarters, TXSG. The proponent has the sole authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

Management control process. This regulation does not contain management control provisions.

Supplementation. Supplementation of this regulation is prohibited.

Suggested Improvements. Users are invited to send comments and suggested improvements to the Adjutant General's Department, ATTN: TXSG-J1, P.O. Box 5218, Austin, Texas 78763-5218.

This regulation supersedes all previous releases of TXSG Reg 600-10.

Distribution. A

Contents (listed by paragraph and page number)

Chapter 1

General	Paragraph	Page
Purpose.....	1-1	7
Abbreviations and Acronyms.....	1-2	7
Definitions.....	1-3	7
References.....	1-4	7
Policy.....	1-5	7
Command Responsibility.....	1-6	7
Recruitment.....	1-7	7
Participation.....	1-8	8
Review Boards.....	1-9	8
Enlistment/Appointment Packet.....	1-10	9
Texas State Guard Database.....	1-11	9

Chapter 2

New Applicants

Eligibility Criteria for all Applicants.....	2-1	9
Physical Qualifications.....	2-2	9
Ineligibility	2-3	10
Prior Military Service.....	2-4	10
Officer and Warrant Officer Appointments.....	2-5	10
Officer Accessions Process.....	2-6	12
Eligibility Criteria for all Officer and Warrant Officer Appointments.....	2-7	13
Eligibility Criteria for Appointment as O1	2-8	15
Eligibility Criteria for Appointment as Warrant Officer (WO1)	2-9	16

Chapter 3

Promotions	Paragraph	Page
General.....	3-1	17
Responsibility	3-2	17
Recommendation.....	3-3	17
Unit Manning Document (UMD) Vacancy.....	3-4	17
Enlisted Member Appointed as an Officer or Warrant Officer.....	3-5	17
Authority to Promote.....	3-6	17
Rank Insignia	3-7	17
Exception to Policy.....	3-8	17
Time in Grade.....	3-9	18
Brevet Promotion.....	3-10	18
Officer and Warrant Officer Promotions.....	3-11	18
Enlisted Personnel Promotions.....	3-12	20

Chapter 4

Reductions

Authority to Recommend Reduction.....	4-1	22
Reductions	4-2	22
Determination.....	4-3	22

Chapter 5

Retention

Retention of Senior Officers	5-1	23
Retention of Company Grade Officers, Warrant Officers and Senior Enlisted Members.....	5-2	23
Maximum Age for Retention	5-3	23
Relief of Commanders	5-4	23

Chapter 6

Reassignments and Transfers	Paragraph	Page
Reassignment	6-1	23
Reassignment and Transfer	6-2	23
Procedure for Transfer Between Major Subordinate Commands or Components	6-3	23
Inactive Reserve (IR).....	6-4	24
Honorary Reserve (HR).....	6-5	24

Chapter 7

Discharges	Paragraph	Page
Statutory Authority.....	7-1	25
Authority to Discharge.....	7-2	25
Certificate and Order of Discharge.....	7-3	25
Classes of Discharge.....	7-4	25
Reasons for Discharge.....	7-5	26
Letter of Resignation.....	7-6	27
Reduction in Rank or Dismissal	7-7	27

Chapter 8

Personnel Benefits	Paragraph	Page
Awards	8-1	27
Identification Cards.....	8-2	27
Concealed Handgun Licensing Program	8-3	28
Tuition Reimbursement Program (TRP).....	8-4	28
Texas Guard License Plate.....	8-5	28
National Guard Association of Texas (NGAT).....	8-6	29
State Guard Association of the United States (SGAUS).....	8-7	29
Texas Parks and Wildlife Division (TXPWD).....	8-8	29

Chapter 9

Administrative Procedures	Paragraph	Page
Military Orders.....	9-1	29
Correspondence.....	9-2	30
Envelopes.....	9-3	30
Email.....	9-4	31
Personnel File.....	9-5	31
Unit Files.....	9-6	31
Blank Forms.....	9-7	32
Routing of Routine Reports and Requests.....	9-8	32
Workers Compensation	9-9	32

Chapter 10

State Active Duty (SAD) During Disaster Procedures	Paragraph	Page
SAD Orders and Pay Processing	10-1	33
SAD In-Processing.....	10-2	33
SAD Out-processing.....	10-3	34
SAD Deactivation.....	10-4	34
SAD Strength Report	10-5	34

Appendixes

- A. TXSG Authorized Rank & Abbreviations
- B. Definitions
- C. References
- D. Men's Height and Weight Chart
- E. Women's Height and Weight Chart
- F. Required Professional Military Education
- G. Promotion Packets
- H. Retention Packets
- I. Physical Training (PT) Standards
- J. Exception to Policy Memorandum

This Page Intentionally Left Blank

Chapter 1

GENERAL

1-1. Purpose. This regulation:

- A.** Prescribes the eligibility criteria, procedures and instructions for appointment of officers, warrant officers and the enlistment of qualified applicants into all components of the Texas State Guard.
- B.** Provides policies and procedures for personnel actions concerning the enlistment, appointment, promotion, required professional military education, reduction, reassignment, transfer, selective retention or discharge of Texas State Guard personnel.
- C.** Provides policies and procedures for the establishment and maintenance of personnel records.

1-2. Abbreviations & Acronyms. Abbreviations used in this regulation are listed in Appendix A.

1-3. Definitions. Definitions of terms shown herein are listed in Appendix B.

1-4. References. Publications used as references in preparation of this regulation are shown in Appendix C.

1-5. Policy.

- A. Nondiscrimination.** Personnel actions prescribed in this regulation will be accomplished without regard to race, color, religion, sex, age, or national origin. Unless clearly applicable to only one sex, the terms noting "member", "members", "applicants", and "personnel" apply to both men and women.
- B. Sexual Harassment.** All potential members, current members, and civilian employees should be free from any type of sexual harassment. Sexual harassment will not be tolerated.
- C. Qualifications.** A member's eligibility for appointment, enlistment or retention in the Texas State Guard will be determined on the basis of that individual's ability to meet requirements of law and regulation.
- D. Conduct.** Personnel of the TXSG, as members of the Texas Military Forces are subject to the Texas Code of Military Justice. Commanders are responsible for the maintenance of good order and discipline in their command. Members having knowledge of violations of law or regulations committed by other members of the TXSG shall report such conduct to the Commander concerned. Serious offenses shall be reported to Headquarters, TXSG immediately and a determination will be made as to required action.

1-6. Command Responsibility. All commanders shall ensure that the policies and procedures contained in this regulation are applied.

1-7. Recruitment.

- A. Prospective Member.** Only qualified, responsible, and respected citizens of the community are considered prospective recruit possibilities.
- B. Unit Manning Document (UMD).** Personnel will only be recruited to fill valid unit manning document positions for their command element. Valid positions are contained in TXSG Reg 10-0 TXSG HQ, 10-1 Army Component Command, 10-2 Air Component Command, 10-3 Texas Medical Brigade and 10-4 Texas Maritime Regiment.
- C. Recruiter.** The Commander should encourage all current members of the unit to recruit new members.

1-8. Participation.

- A. *Recommended.*** Enlistees or appointees are highly encouraged to participate to the maximum of their ability recognizing the TXSG is a volunteer organization.
- B. *Notification.*** Members are required to notify their immediate commander and give the specific reason why they are unable to attend any duty periods in advance. This includes drills and any State Active Duty deployment.

1-9. Review Boards.

A. *Authority.* All review boards will convene under the authority of Texas Statutes Government Code Section 431.054 and The Adjutant General of Texas Memorandum- *SUBJECT: Composition of Texas Military Forces Promotion/Vacancy Selection Board* dated 21 September 2005 provides guidance on composition of TXMF Boards.

B. *Personnel Action Board (PAB).* Personnel Action Board appointed by the CG, TXSG, will meet bi-monthly, and as required, to make recommendations to the Commanding General for the personnel actions. A General Officer or O6 will preside as the Board President. The Board President will send a memo to the CG with the results of the PAB. Upon approval determination by the CG, the board will give approval or issue orders, as applicable. An officer applicant will not be considered a member of the TXSG until the Personnel Action Board has given its approval. The requests will be considered as follows:

- Appointments
- Enlistments
- Awards
- Discharges
- Promotions
- Reductions
- Retirements
- Transfers

C. *Notification.*

1) *Approval.* After the CG has made a determination of the PAB's recommended actions, the Chief of Staff will implement the PAB's actions by endorsements or issuing orders to the major subordinate commanders. The major subordinate commander will notify each member of the PAB's decision and, if decision was favorable, make presentation of promotion or award upon receipt of orders.

2) *Disapproval.* If a request is denied, the applicant/member will be notified through the chain of command and given the reason for disqualification. If the reason for rejection does not permanently bar the member from a future personnel action, the applicant will be advised of procedures and requirements for re-submission of application. Members may appeal actions in writing thru command channels within sixty days of date of notification.

D. *Schedule of Board Meeting.* The PAB will convene during odd months and other times as needed.

E. *Personnel Packets.* All packets must be received by the J1 office to the specific email at least one month prior to the Board meeting to be considered for action.

F. *Personnel Retention Review Board.* Upon order of the CG, TXSG, a Personnel Retention Review Board (PRRB) will convene each even numbered year to review performances and potential for officers, O1 – O3 and warrant officers, W3-W5 and senior non-commissioned officers, E7 thru E9. Senior officers O4-O6 will receive a retention review on odd numbered years. The Board may consist of active or retired TXMF officers and non-commissioned officers. The Board must have at least three members and a recorder present to have a quorum. The board recorder may be an active TXSG officer. Membership of any Board will be composed of the diversity requirements published by the TAG.

1-10. Enlistment/Appointment Packet. Automated enlistment, appointment and promotion packets will be used. Component Personnel officers will ensure that all forms and supporting documentation required for joining the TXSG must be complete and correct before forwarding to TXSG-J1. Lists of required documents are shown in Chapter 2. Until approval is received, as shown on appointment orders or TXSG Form 35, the new applicant will be considered a visitor. Major subordinate commanders are authorized to approve enlistment packages thru E8, and appointment packages thru O-3, without a Personnel Action Board (PAB), if the applicant meets all the criteria in paragraph 2-1.

1-11. Texas State Guard Database. The TXSG database is the only authorized database for personnel actions and will be utilized for accountability. Correctness and completeness of member records is a high priority. TXSG-J1 is the Manager of the TXSG Database. TMF-TXSG-J6 maintains the server. Members not in the active part of the TXSG database are not members of the TXSG.

Chapter 2

NEW APPLICANTS

2-1. Eligibility Criteria for all Applicants

A. Citizenship.

- 1) Be a resident of this state for at least 180 days and:
 - a) A citizen of the United States; or
 - b) A person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.)
- 2) Be at least 17 years of age;
- 3) Must maintain a Texas Drivers License as proof of residency

B. Age. Maximum age is 70.

C. Social Security Number. Applicants must have a valid social security number issued by the Social Security Administration.

D. Texas Driver's License. Applicants must have a valid Texas driver's license.

E. Criminal Background Check. Applicants must submit to a background check and be cleared prior to enlistment or appointment. The method and procedure for the background check is outlined in the enlistment/appointment packet document.

F. Education. A non-prior military service member may enter the TXSG as an E4 if they have an associate degree or 60 college hours. A prior federal service member may enter the TXSG as one rank above. This advanced entry is at the discretion of the unit commander.

2-2. Physical Qualifications

A. Permanent Disability. An applicant must not have any permanent physical disorder that would interfere with his/her ability to perform all duties of a TXSG member.

B. Correctable Vision. An applicant must have correctable vision as required for receipt of a valid Texas state driver license.

C. Extremities. Applicants must have full use of all extremities or cleared for duty by the TXSG Chief Medical Officer.

D. Height/Weight. An applicant must meet all height/weight criteria as set forth in the Height and Weight
This regulation supersedes all previous releases of TXSG Reg 600-10

27 JUN 2013
TXSG Reg 600-10

Tables in Appendices D and E. If a member does not meet the height/weight standards in the chart, the body fat content method of measurement as described in AR 600-9 may be used to determine eligibility (see Appendix C).

E. Mental. Applicants must be of sound mind and free of mental or emotional disorders.

2-3. Ineligibility.

A. Subversive or Disloyal Acts. Applicants who have engaged in subversive or disloyal acts against the United States or the State of Texas are ineligible to join the TXSG.

B. Felony Charge or Conviction. Any applicant who has been convicted of an offense by a civilian or military court will be reviewed by the TXSG SJA legal review board. Any applicant who has felony or class A misdemeanor charges pending against them may not join the TXSG until all charges have been cleared. Applicants with a history of misdemeanor convictions may be denied enlistment or appointment. Misdemeanor convictions will be reviewed on a case by case basis.

C. Re-enlistment Code. Prior federal service applicants whom were issued a discharge under other than honorable conditions or a re-enlistment code of RE-4 are ineligible to join the TXSG. RE-4 due to retirement is exempted.

2-4. Prior Military Service

A. Federal Service. Prior military service in the Armed Forces of the United States or their reserve components. An applicant must have received an Honorable Discharge as evidenced by DD Form 214 (member's copy 1), NGB Form 22 or the service's equivalent. Applicants who were honorably discharged from Active Duty, National Guard, or Reserves may be appointed in the TXSG at one grade higher than their previously held rank within the parameters established below.

B. State Service. Prior state service in the TXSG or State Military Forces of another state is considered acceptable service. (Civil Air Patrol or other similar auxiliary organizations are not considered part of the State Military Forces.) A member must have received an honorable discharge as evidenced by TXSG Form 35 or equivalent state documentation. On a case-by-case basis, and pending a review by a Personnel Action Board and with the Component Commander's approval, an applicant may be inducted at the same rank.

C. Current Members of Military Forces.

1) Active. Applicants who are currently active members of the Armed Forces of the United States, the Military Forces of Texas or any state National Guard or defense force are ineligible to join the TXSG.

2) Inactive Reserve Components. Members of the Individual Ready Reserve, Inactive National Guard, Standby Reserve or Retired Reserve who have no commitment to attend drills or active duty periods may join the TXSG unless prohibited by regulations of their particular reserve component. The member's Chronological Statement of Retirement Points (DARP Form 249, ARPC 249R-2-c) or other U.S. Armed Forces' equivalent document is considered proof of membership in a reserve component.

2-5. Officer and Warrant Officer Appointments.

A. Officer Rank Structure. Officer and warrant officer ranks authorized are only those ranks authorized by the branches of service represented in the TXSG.

27 JUN 2013
TXSG Reg 600-10

B. Leadership. The TXSG values are principles, standards and qualities considered essential for successful leaders. A potential officer applicant must possess those TXSG leadership values and the demonstrated ability to lead subordinates effectively. The TXSG Lone Star Values:

- Loyalty – Bear true faith and allegiance to the State, Mission, and Family
- Opportunity – Cultivate an environment for ALL to excel
- Networked – Connect to communities, families, interagency partners and components
- Ethics – Honor the public trust, exceed standards and expectations
- Selfless Service – Place the welfare of the Texas Military Forces and State first
- Texas Spirit – Embrace the courageous spirit of our people, history, and culture
- Adaptability – Act with understanding, innovation, resourcefulness, flexibility & urgency
- Ready – Prepare mentally, physically and spiritually to deploy

C. Procurement Sources.

1) Prior Federal Service Officer. A former federal officer or warrant officer in the Armed Forces of the United States.

2) Current Enlisted Member. Any TXSG member who meets the requirements of officer or warrant officer may be appointed in that rank (see paragraph 2-7).

D. Recommendation. An applicant seeking an officer appointment must be recommended by the immediate commander of the unit they wish to join, through the chain of command. After reviewing the officer applicant qualifications for appointment and receiving approval from the immediate commander, the applicant must complete an officer's packet. Use of the automated packet officer accession packet is mandatory. The commander will initiate a letter of recommendation and then forward the completed packet through the chain of command to TXSG-J1.

E. Verification. The commander must verify that a member recommended for appointment meets all criteria listed in this regulation.

F. Assignment. Appointment of officers will only be done to fill existing Unit Manning Document (UMD) vacancies. (UMDs are found in TXSG Regulations 10-0 through 10-4.)

G. New Officer Applicants. A non-TXSG applicant seeking an officer appointment will be considered a visitor until the Personnel Action Board has recommended, and the CG has approved, the appointment and orders have been issued. The applicant may attend a single drill up to a maximum of three drill days (documentation will be signed by applicant and O6 commander and maintained for record), but will not be assigned state-owned property, nor allowed to wear the TXSG uniform, nor participate in any activities or field exercises until approved for appointment. Visitors are not covered by TXSG insurance or worker's compensation as long as packet is in process and pending. No applicants may attend annual training, operation or overnight exercise.

H. Oath of Office. The Oath of Office will not be administered nor signed by either the applicant or the officer administering the oath until the commander has received the appointment orders. Orders published by TXSG-J1 reflect the Officer's date of initial entry and effective date of the appointment. Failure to follow this procedure will invalidate an officer's appointment.

I. Professional Skills. The TXSG recognizes the importance of having members with certain specialized professional skills that are required for missions. Proof of proficiency in a required skill must be provided in the form of certificates or licenses (in good standing with State of Texas regulatory and I licensing agency) and a civilian resume. Applicants must agree to serve in the TXSG in their recognized specialty for at least one year to be considered for officer appointments. If an officer applicant has a TXSG recognized professional skill and there is a valid UMD vacancy but prefers not to enter the TXSG based on these skills, he/she may join the enlisted ranks. Professions recognized by the TXSG are outlined in Table 2-2.

J. Branch in Which Appointed.

This regulation supersedes all previous releases of TXSG Reg 600-10

27 JUN 2013
TXSG Reg 600-10

- 1) *Civil Affairs*. All officer and warrant officer appointments in the Texas State Guard will be in the Civil Affairs branch except as listed in the followings paragraphs.
- 2) *Chaplain's Corps*. Chaplain vacancies may not be filled by other than officers commissioned as chaplains. All candidates for appointment as a chaplain must also receive the approval of the Chaplain's Board, Texas State Guard prior to an application being forwarded to the Personnel Action Board.
- 3) *Judge Advocate General Corps*. Officers and warrant officers assigned to positions of Staff Judge Advocate (SJA) will wear appropriate branch insignia. Upon reassignment to another line officer position, the branch insignia will be changed to the Civil Affairs unless the UMD position calls for one of the other specialty branches. These appointments and assignments must be approved by the TXSG SJA and the Commanding General.
- 4) *Signal Corps*. TXSG officers and warrant officers assigned to J6, signal staff positions, or C41 Detachments may wear Signal Corps branch insignia.
- 5) *PIO Branch*: TXSG officers and warrant officers assigned has assigned to PIO will be allowed to wear that insignia.
- 6) *Medical Officers*. TXSG officers and warrant officers assigned to TXSG Med BDE UMD positions will wear Medical Service Corps branch insignia unless the UMD position calls for physician, dentist, veterinarian, physician assistant, nurse practitioner, registered dietitian, chiropractor, or registered nurse corps or one of the other Army specialty branches.
- 7) *IG Branch*: TXSG officers and warrant officers assigned to IG section will be allowed to wear IG branch insignia.
- 8) *Air Component Command*. TXSG line officers appointed in the Air Component will not be appointed in a specific branch.
- 9) *Texas Maritime Regiment (TMAR)*. TXSG line officers appointed in the TMAR Component will not be appointed in a specific branch.
- 10) *Branch Insignia for Prior Service Officers*. Officers and warrant officers who were appointed in a branch while in federal service may wear the branch insignia for which the qualification was attained through graduation from an appropriate federal military school (i.e. Infantry Officer Basic Course, Armor Officer Advanced Course, etc.).

2-6. Officer Accessions Process

- A. Officer Accession Checklist.** The following automated file and documentation will be used for consideration of an applicant or member to be appointed in the TXSG. The unit personnel officer (S1/A1/N1/G1) will assist in the proper procedures for completing the documentation. The Officer Appointment Packet contains the followings:
- Appointment Checklist
 - TXSG Form 35 (Request for officer personnel action).
 - DD Form 2807-1 (Report of Medical History).
 - TXSG Regulation 10-0, 10-1, 10-2, 10-3 or 10-4 (UMD), whichever is applicable, showing position member is assigned to in relation to other members already assigned in the unit
 - Proof of prior military service as evidenced by DD Form 214 (member copy 4) or NGB Form 22 or equivalent. Equivalent documents determined on a case by case basis. **Prior Military Service Only.**
 - Proof of current inactive reserve military service as evidenced by ARPC/DARPA Form 249-2c, if applicable. **Prior Military Service Only**
 - Evidence of college ROTC completion, if applicable.

This regulation supersedes all previous releases of TXSG Reg 600-10

27 JUN 2013
TXSG Reg 600-10

- Proof of highest civilian education as evidenced by high school diploma, GED certificate, or college transcript. College must be accredited by the United States Department of Education.
- Legible copies of: Social Security card and valid Texas driver license. High resolution color copies are required. Federal retired military ID may be used if the social security number is present.
- Proof of professional skills as evidenced by certificate or license, if applicable.
- Commander's letter of input (through the chain-of-command) as shown in Appendix H .
- If currently a member of the TXSG: Photograph in duty uniform (Combat Duty Uniform (CDU) from the head to just below the knees. Stand facing the camera at parade rest wearing the appropriate cap. Size of photo to be 4" x 6" or 6" x 8". Digital files will be sent to the TXSG-J1.
- If currently not a member of the TXSG:

- 1) Photograph in civilian clothes, right oblique, no jewelry, no sunglasses, no shorts, no hands in pockets, at attention.
- 2) Background completion (NCIC check).

B. Automated Officer Appointment Packet. The automated package contains the required forms and can be obtained from the recruiter or unit/component command personnel officer.

C. Officer Candidate School (OCS).

1) **Process.** The member who desires to attend OCS to earn a commission is responsible for initiating the application process. The process begins when the OCS applicant presents a completed packet formatted in accordance with the OCS CMP to his immediate commander. Component commanders (**O6-level**) will board an applicant and forward the packets of selected qualified applicants to their component headquarters. Components will forward qualified personnel packets to the TXSG-J1 officer personnel manager. The Officer Candidate Review Board must receive the recommendations for the officer candidate no later than 30 days prior to the next OCS class start date.

2) **Notification.** The Officer Candidate Review Board will notify the OCS detachment of the personnel accepted into OCS within one month prior to the beginning of OCS. The OCS detachment will then contact the student with information and TXSG-J1 will publish orders for the program.

3) **Assignment of Officer Candidates (OC).** Members appointed to OC rank will be assigned to the OCS detachment for administrative and TCMJ control. Upon commissioning the OC will be assigned back to the component command based on Form 35 assignment request.

4) The OCS honor graduate will be allowed to transfer to the branch of their choice prior to graduation from OCS.

5) Candidates who drop out of the OCS program are not allowed to wear the OC insignia, and must return to their original rank designation.

2-7. Eligibility Criteria for all Officer and Warrant Officer Appointments. Officer and warrant officer applicants must meet the general criteria listed in paragraph 2-1. Appointments will be to one of the two functional areas;

A. Line Officer – An officer assigned to HQ or a component. All OCS candidates must have one year TXSG service with successful completion of Basic Orientation Training in order to be considered for OCS.

B. Professional Skills Officer (PSO) – An officer appointed based on civilian skills and licensing as authorized in Table 2-2. A PSO will not be assigned or reassigned as a line officer without the written approval of the CG TXSG for detailing the PSO to the slot.

C. Specific Criteria. The applicant for an appointment as an officer must also meet the following qualifications.

- 1) **Age.** Only members between the ages of 21 and 60 can be commissioned officers or warrant officers with the exception of prior federally commissioned officers and warrant officers and former TXSG

This regulation supersedes all previous releases of TXSG Reg 600-10

**27 JUN 2013
TXSG Reg 600-10**

Officers. These former officers and warrant officers may be appointed in the TXSG through the age of 75. After age 70 must have annual medical approval from TXSG Medical Review Board (MRB) to maintain retention.

2) *Leadership.* An officer applicant must possess the attributes of a potential leader i.e.; commanding presence, professional image, reasonably good health (mental & physical), projection of self confidence & composure, innovative attitude, empathy and resiliency in dealing with problems. Applicants will possess potential to develop the values of loyalty, duty, respect, selfless service, honor, integrity and personal courage.

D. Non prior federal service applicants will be appointed as a line officer in the rank of O1 provided they meet all applicable conditions (see paragraph 2-8). Professional skills officer appointment will be determined by the PAB based on their experience and licensing as required by the state in their chosen profession.

1) See Table 2-1 TXSG Rank for Prior Military Service Members and Table 2-2 Minimum Requirement Education and Licensing for Professional Skills Officers.

2) All appointments without prior federal service are required to meet all officer PME requirements in order to promote to the next rank. This includes, but is not limited to, Basic Orientation Training, FEMA, Officer Basic Course, Officer Advanced Course, or service equivalent.

E. Officers and warrant officers with prior federal military service may be considered for initial appointment as a line or professional skills officer in the rank shown in Table 2-1.

Table 2-1 TXSG Rank for Prior Military Service Members		
Service	Rank Attained	TXSG Rank Considered
Commissioned	O6	O6
Commissioned	O1 thru O5	Same or one rank above federal rank
Warrant	WO1 thru CW4	Same or one rank above federal rank

Note: Warrant officers appointed above the grade of WO1 and officers appointed above O1 are still required to meet all military and civilian education criteria for promotion (i.e., a member appointed as a line officer O3 is required to complete the Officer Basic and Advanced Courses and a Bachelor's degree for promotion to the rank of O4.)

F. Personnel to be appointed as PSOs (i.e., chaplains, physicians, dentists, veterinarians, physician assistants, nurse practitioners, registered nurses and staff judge advocates officers), other specialized areas (e.g., legislature) and CG approved, may be given consideration for initial appointment in the rank, as shown in Table 2-2 below.

Table 2-2 Minimum Required Education and Licensing for Professional Skills Officers			
Position	Education	Required minimum Certifications	Rank
Chaplain	Master's degree in theological studies (MDiv or its equivalent or 72 hours of graduate level courses leading to a single degree in theology).	Endorsement letter for 'Service as a Texas State Guard Chaplain' by recognized ecclesiastical body.	O1-O3
Physician, Dentist, Veterinarian	Doctorate in Medical, Dental or Veterinarian field	Unrestricted License to practice in the State of Texas	O3
Registered Nurse	Associate of Arts or Baccalaureate in Nursing	Unrestricted License to practice in the State of Texas	O1
Chiropractor	Doctorate in Chiropractic	Unrestricted License to practice in the State of Texas	O2

Registered Dietician	CADE Approved Baccalaureate	Successful completion of the national Commission on Dietetic Registration (CDR) examination	O1
Nurse Practitioner, Physician Assistant, Pharmacist, Resident Physician	Master degree in related field	Unrestricted License to practice in the State of Texas. Resident physician must have Institutional Permit	O3
Staff Judge Advocate	Doctorate of Jurisprudence	Unrestricted License to practice law in the State of Texas	O2- O3
Professional Engineer	Bachelor degree in Engineering	Professional Engineering License in the State of Texas	O3

G. Commissioned officers who were honorably discharged from Active Duty, National Guard, or Reserves may be appointed in the TXSG at one grade higher than their previously held rank (not to exceed the grade of O6).

H. A member previously commissioned in the TXSG or other state defense force may be appointed at the highest rank attained, not to exceed the grade of O6 if they meet the specific TXSG criteria for promotion to that grade.

I. Non-prior military service personnel may be considered for appointment as Professional Skills Officers from O1 to O3 within the appropriate component, see Table 2-2.

J. Officers and warrant officers commissioned as a professional skills officer with no prior service must complete the appropriate OBC and TXSG Basic Orientation Training course within 12 months of appointment or the appointment will be voided. If the officer or warrant officer appointment is voided, the member may opt to remain in the TXSG as an enlisted member. Rank shall be determined by the approving authority.

2-8. Eligibility Criteria for appointment as O1. Officers of the Texas State Guard are appointed, commissioned, and assigned by the governor or under the governor's authority. The governor may remove or reassign an officer. In addition to the general criteria listed in paragraph 2-1 and the eligibility criteria for officer appointments as shown in paragraph 2-5, the applicant must further qualify for appointment to O1 by meeting one of the alpha qualifications listed a. thru c., below;

A. Prior Federal Service/Currently Enlisted in TXSG (Eligible for OCS Commission)

- Served in federal active duty or federal active reserve service.
- Earned a baccalaureate degree from an accredited college or university.
- Participated as an enlisted member of the TXSG for a minimum of one year.
- Obtained a memorandum of recommendation from immediate Commander and CSM/CCM/MCPO/CMCPO.
- Approved for physical activity as evidenced by Report of Medical History (DD Form 2807-1) signed by a physician.
- Completed OCS.
- Upon commissioning, OBC must be completed within the followings 24 months or commission will be withdrawn.

B. Non-Prior Federal Service/Currently Enlisted in TXSG/OCS Candidate.

- Completed the TXSG Basic Orientation Training (or equivalent if taken before 1FEB2011 reference J1 Policy Statement of JUL2011)
- Earned a baccalaureate degree from an accredited college or university.
- Participated as an enlisted member of the TXSG for a minimum of two years.
- Obtained a memorandum of recommendation from immediate commander and CSM/CCM/MCPO/CMCPO.

This regulation supersedes all previous releases of TXSG Reg 600-10

27 JUN 2013
TXSG Reg 600-10

- Approved for physical activity as evidenced by Report of Medical History (DD Form 2807-1) signed by a physician.
- Completed OCS.
- Upon commissioning, OBC must be completed within the following 24 months or commission will be withdrawn.

C. Non-Prior Federal Service/Completed 4 year ROTC/Corps of Cadets Program

- Earned a Baccalaureate Degree from an accredited college or university.
- Completed 4 years ROTC/Corps of Cadet Program.
- Obtained a memorandum of recommendation from immediate Commander.
- Approved for physical activity as evidenced by Report of Medical History (DD Form 2807-1) signed by a physician (may be TXSG physician).
- Upon commissioning, OBC must be completed within the following 24 months or commission will be withdrawn.

D. Non Prior Federal or State Service/New Applicant with Professional Skills

Criteria for appointment as a PSO such as chaplain, registered nurse, physician, dentist, physician's assistant, pharmacist, nurse practitioner, registered dietician, chiropractor, professional engineer or other specialized areas (e.g., legislature) are outlined in Table 2-2.

2-9. Eligibility Criteria for appointment as Warrant Officer One. Appointment to warrant officer is not a path to obtaining an officer commission. Warrant Officers may apply for OCS and complete the program to attain an officer commission. In addition to the general criteria listed in paragraph 2-1 and the eligibility criteria for officer appointments as shown in paragraph 2-2., the applicant must further qualify for appointment to warrant officer one (WO1) by meeting the qualifications listed below.

A. Prior Federal Service/Currently Enlisted in TXSG

- Served a minimum of three years federal service.
- Completed 30 college credit hours at an accredited college or university.
- Participated as an enlisted member of the TXSG for a minimum of one year.
- Obtained rank of E-5 in TXSG.
- Obtained a memorandum of recommendation from immediate Commander and CSM/CCM/MCPO/CMCPO.
- Upon appointment, appropriate WOBC course must be successfully completed within the following 24 months or warrant will be withdrawn. (Appendix F)

B. Non Prior Federal Service/Currently Enlisted in TXSG

- Served a minimum of five years TXSG service.
- Completed 60 college credit hours at an accredited college or university.
- Obtained rank of E-5 in TXSG. Must provide a memorandum of recommendation from immediate Commander.
- Upon appointment, appropriate WOBC course must be successfully completed within the following 24 months or warrant will be withdrawn. (Appendix F)

C. Exception to Policy for Warrant One

- Members of the MARS Detachment will enter the TXSG as a WO1.
- Members of the MARS Detachment are civilian members of the TXSG.
- Members of the MARS Detachment are not eligible for promotions.
- Requirements to be a member of the MARS Detachment include being an active member of MARS and holding a FCC amateur radio operator license.
- Members of the MARS Detachment are not eligible for TXSG awards, State Active Duty pay or Yearly Annual Training pay.

Chapter 3

PROMOTIONS

3-1. General. Promotions will only be made to the next higher rank. Promotion criteria will be based on potential for service in the next higher grade, efficiency, time in grade, demonstrated command and staff ability, military and civilian education. Promotion will not be used solely as a reward for past performance. Promotion will support equal opportunity and will be made without regard to race, color, religion, sex or national origin.

3-2. Responsibility. It is the responsibility of commanders to initiate the process for promotions of qualified members within their immediate command. A letter of recommendation must accompany TXSG Form 35 through the chain of command with supporting documentation qualifying the member.

3-3. Recommendation.

A. Appropriate. A member can only be recommended by his/her immediate commander and by the Component Commander for promotion to the next higher grade.

B. Inappropriate. In no case is it considered appropriate for a member to recommend oneself for promotion.

C. Promotion Packet. (See Appendix G for appropriate packet formation. Incomplete packets will not be accepted. The promotion packet consists of:

- A letter of recommendation from member's Component Commander (i.e. with an endorsement).
- TXSG Personnel Action request Form 35.
- Color ¾ length photo in military uniform (see paragraph 2-6a. above for details).
- Copy of highest civilian education completed transcript or diploma.
- Copy of Promotion Orders for current rank and grade
- Copy of required Professional Military Education completed.
- Copy of required FEMA course completions transcript.

3-4. Unit Manning Document (UMD) Vacancy. A member can only be promoted if there is a vacancy in the UMD that the member is qualified to fill. Unit Manning Documents are found in TXSG 10 Series Regulations. Any exceptions must be approved by the Commanding General.

3-5. Enlisted Member Appointed as an Officer or Warrant Officer. When an enlisted member is appointed an officer or warrant officer, an honorable discharge certificate will be issued for the enlisted career.

3-6. Authority to Promote: Recognition of Promotion. Commanders will wait for the Personnel Action Board to approve and TXSG-J1 to publish orders on all requests for promotions which are sent to PAB before announcing promotions or presenting the new rank insignias to their members. The effective date of the promotion is the date of the Commander's signature on the Form 35. No "frocking" or "field" or "temporary" promotions are authorized. Promotion ceremonies are a formal event in the TXSG. See 3-12 for additional authority to promote not applicable to PAB requirements.

3-7. Rank Insignia. A member will not wear the rank insignia of the next higher rank until the promotion order is published by TXSG-J1 and received by the unit of assignment.

3-8. Exception to Policy.

A. Waivers. Waivers are replaced by exceptions to policy. Exceptions to policy originate from the guardsman's O6 commander (not the individual), and are routed through the component commander to the President of the PAB. This request must be submitted in a memo format (See Appendix J) and

explain the reason the exception is requested, the benefits to the TXSG of granting the exception, and verify that the guardsman is in good standing and meets all other requirements for promotion. The exception memorandum will be attached to the promotion request form as a coversheet. Component Commanders are not delegated promotion authority under this paragraph. All requests will be forwarded to TXSG-J1 and a PAB will be convened for approval.

B. Civilian Education and Federal Service Requirements. All officers, warrant officers, and enlisted personnel are required to meet current criteria for promotion.

C. PME. There will be no exception to policy for PME.

3-9. Time-in-Grade (TIG). A guardsman's time-in-grade represents a zone of consideration for promotion. At no time will a promotion be based solely on a member's time-in-grade.

3-10. Brevet Promotion. Brevet promotions will be processed IAW AGTXR 600-6 Brevet Promotions dtd 13 Mar 06. Brevet promotions require 120 day minimum lead time, and an AGTX review prior to submission to the Governor's Office.

3-11. Officer and Warrant Officer Promotions

A. Authority to Promote: Recognition of Promotion. Commanders will wait for the Personnel Action Board to approve and TXSG-J1 to publish orders on all requests for promotions which are sent to PAB before announcing promotions or presenting the new rank insignias to their members. The effective date of the promotion is the date of the Commander's signature on the Form 35. No "frocking" or "field" or "temporary" promotions are authorized. Promotion ceremonies are a formal event in the TXSG.

1) A Commander of a battalion/group has the authority to initiate a request for promotion of a member to the grade of O3 and WO3 in accordance with the criteria set forth in this regulation. Packets will consist of minimum items in 3-3.c. above. If an exception to policy is requested, the packet must go to the PAB regardless of rank.

2) The major subordinate Commander must recommend approval of the request on TXSG Form 35 and send to TXSG-J1 who will publish the order before the promotion is considered approved.

3) *Personnel Action Board (PAB).* A Personnel Action Board will be appointed by the CG, TXSG. The PAB will make recommendations to the CG, TXSG for promotions of all officers and warrant officers.

B. Time-in-Grade.

1) *Federal Service.* An officer who was honorably discharged from federal service may count their time-in-grade for promotion consideration in the TXSG at the last grade held in federal service.

2) *Inactive Reserve.* Any time period a member is assigned to the Inactive Reserve **will not** be counted towards time-in-grade in rank

C. Officers with Professional Skills. Officers assigned within their professions must have a current ordination, certification or license and show a reasonable amount of continuing education within their professional field to be considered for promotion. PME requirements for all grades appointed above must be completed before promotion. Table 2-2 lists the Professional Skills Officers.

D. General Requirements for Promotion of all Officers and Warrant Officers. In addition to the general criteria listed in paragraph 2-1, all officers and warrant officers should be considered for promotion based on their potential to assume additional responsibilities and the needs of the organization. For PME and FEMA requirements see Appendix F.

E. Promotion to O2.

In addition to the general criteria listed in paragraph 2-1, the officer must meet the qualifications listed below to be considered for promotion.

27 JUN 2013
TXSG Reg 600-10

- 1) Earned a Baccalaureate Degree from an accredited institution.
- 2) Time-in-Grade as O1: 18 months
- 3) Completion of all required FEMA courses.
- 4) Completion of required PME.
- 5) Attendance at 60% drills/required events approved and documented by immediate commander.
Active participation in drill/required events for promotion at immediate commander's prerogative.

F. Promotion to O3.

In addition to the general criteria listed in paragraph 2-1, the officer must meet the qualifications listed below to be considered for promotion.

- 1) Earned a Baccalaureate Degree from an accredited institution.
- 2) Time-in-Grade as O2:
 - a) Normal – 3 years
 - b) Below the zone– 2 years
- 3) Completion of all required FEMA courses.
- 4) Completion of required PME.
- 5) Attendance at 60% drills/required events approved and documented by immediate Commander.
Active participation in drill/required events for promotion at immediate Commander's prerogative.

G. Promotion to O4. In addition to the general criteria listed in paragraph 2-1, the officer must meet the qualifications listed below to be considered for promotion.

- 1) Earned a Baccalaureate Degree at an accredited institution.
- 2) Time-in-Grade as an O3:
 - a) Normal – 5 years
 - b) Below the zone– 4 years
- 3) Completion of all required FEMA courses.
- 4) Completion of required PME.
- 5) Attendance at 60% drills/required events approved and documented by immediate Commander.
Active participation in drill/required events for promotion at immediate Commander's prerogative.

H. Promotion to O5. In addition to the general criteria listed in paragraph 2-1, the officer must meet the qualifications listed below to be considered for promotion.

- 1) Earned a Baccalaureate Degree from an accredited institution.
- 2) Time-in-Grade as an O4:
 - a) Normal – 5 years
 - b) Below the zone– 4 years
- 3) Completion of all required FEMA courses.
- 4) Completion of PME: Minimum requirement: 50% completion of Intermediate Service School (Command and General Staff College).
- 5) Attendance at 60% drills/required events approved and documented by immediate Commander.
Active participation in drill/required events for promotion is at immediate Commander's prerogative.

I. Promotion to O6. In addition to the general criteria listed in paragraph 2-1, the officer must meet the qualifications listed below to be considered for promotion.

- 1) Earned a Baccalaureate Degree from an accredited institution.
- 2) Time-in-Grade as an O5:
 - a) Normal – 5 years
 - b) Below the zone– 4 years
- 3) Completion of all required FEMA courses.
- 4) Completion of PME: Completion of Intermediate Service School (Command and General Staff College).
- 5) Attendance at 60% drills/required events approved and documented by immediate Commander.
Active participation in drill/required events for promotion is at immediate Commander's prerogative.

J. Promotion to O7. In addition to the general criteria listed in paragraph 2-1, the officer must meet the qualifications listed below to be considered for appointment. Furthermore, all candidates will be screened by a special TXSG Personnel Actions Board. The Commanding General of the Texas State Guard will nominate a suitable candidate and submit these applicants to the TMF General Officer Management Office (GOMO) for a comprehensive review. All general officer appointments are made at the pleasure of the Governor with the advice of the Adjutant General.

- 1) Earned a Baccalaureate Degree from an accredited institution.
- 2) Time-in-Grade as an O6:
 - a) Normal – 5 years
 - b) Below the zone– 4 years
 - c) Must have been a federally recognized officer of not less than field grade of the Texas National Guard or a regular or reserve component of the United States Army or Air Force or
 - d) served at least 15 years as a commissioned officer in the state military forces or a regular reserve component of the United States Army or Air Force and
- 3) Successful completion of an Intermediate Service School.
- 4) Completion of all FEMA courses
- 5) Meet all Texas Government Code requirements

K. Promotion to O8. In addition to the general criteria listed in paragraph 2-1, the officer must meet the qualifications listed below to be considered for appointment. Candidates for promotion to O8 will submit the required documentation to the TMF General Officer Management Office (GOMO) for a comprehensive review. The Adjutant General will nominate a candidate for appointment to the Governor. All general officer appointments are made at the pleasure of the Governor.

- 1) Earned a Baccalaureate Degree at an accredited college or university.
- 2) Successful completion of an Intermediate Service School.
- 3) Completion of Senior Service College is desirable.

L. Promotion to Chief Warrant Officer. In addition to the general criteria listed in paragraph 2-1, the applicant must further qualify for promotion to chief warrant officer by meeting the minimum qualifications listed below:

Grade	Minimum College	TIG
W2/CW2	60 Semester Hours	36 Mo as WO1
W3/CW3	60 Semester Hours	36 Mo as CW2
W4/CW4	BA/BS	48 Mo as CW3
W5/CW5	BA/BS	48 Mo as CW4

3-12. Enlisted Personnel Promotions.

A. Authority to Request Promotion. The TXSG Commander has delegated the authority to promote E3-E8 and O1-O3 to TXSG component commanders who may, in turn distribute and determine authority of subordinates, at their discretion. (For PME and FEMA requirements see Appendix F.)

- 1) *Battalion/Group.* A commander of a battalion/group has the authority to initiate a request for promotion of a member to the grade of E6 in accordance with the criteria set forth in this regulation. Packets will consist of minimum items in 3-3.c. above. The Major Subordinate Commander must recommend approval of the request on TXSG Form 35 and send to TXSG-J1 who must publish the order before the promotion is considered approved.
- 2) *Major Subordinate Command.* (O6 command equivalent to regiment.)
 - a) *Promotion to E7& E8.* A commander of a Major Subordinate Command has the authority to promote a member up to the grade of E-8 in accordance with the criteria set forth in this regulation. The commander must complete Form 35 and attach a memorandum of recommendation and forward both to the component command for necessary paperwork to be completed and approved. Promotion to E-9 must be submitted to the Personnel Action Board through component command to

This regulation supersedes all previous releases of TXSG Reg 600-10

the TXSG-J1 for consideration and recommendation to the CG. The CG must approve the request before the promotion is considered final. (See para j below.)

b) Promotion to Command Position within E9 Rank. A commander of a Major Subordinate Command has the authority to initiate a request for promotion of a member to a command position. No one will be appointed to a 1SG or Command Sergeant Major, Command CMSgt, and Master CPO laterally without an existing position on the UMD. "Double Slotting" will not be authorized. All promotions within the E9 rank will be in accordance with the criteria set forth in this regulation. The Major Subordinate Command commander must forward the promotion packet in 3-3.c. above to the component command Personnel Action Board for approval. TXSG-J1 will forward the Board's recommendation to the TXMF CSM for concurrence. The Personnel Action Board will publish orders as applicable.

B. Effective Date. For promotions through the grade of E6, the effective date of promotion will be the date of the Commander's signature on the Form 35.

C. Distinctive Rank Insignia. Only a member whom has orders from TXSG-J1 promoting or laterally appointing them to the position of First Sergeant, Command Sergeant Major, Command Chief Master Sergeant, Force Master Chief Petty Officer on the UMD is authorized to wear the distinctive rank insignia for that position.

D. Entry to E2. All enlisted personnel, with no prior military service, will enter the TXSG at E-2. Requirements and Qualifications (see paragraphs 2.1; 2.2, 2.3 and 2.4):

- High School Diploma or GED completion certificate.
- Medically fit to deploy.
- Must complete BOT before promotion to E3.

E. Promotion to E3. Upon completion of BOT, the member will automatically be promoted to E3.

F. Promotion to E4. In addition to the general criteria listed in paragraph 2-1, the member must further qualify for promotion to this grade by meeting the qualifications listed below.

- 12 months TIG as an E3.
- Completion of FEMA courses. See Appendix F.
- Completion of PME. See Appendix F.
- Completion of BOT (NOTE: BOT must be completed prior to promotion.)

G. Promotion to E5. In addition to the general criteria listed in paragraphs 2-1, the member must further qualify for promotion to this grade by meeting the qualifications listed below.

- 18 months TIG as an E4.
- Completion of FEMA courses. See Appendix F.
- Completion of PME. See Appendix F.
- Completion of BOT.

H. Promotion to E6. In addition to the general criteria listed in paragraph 2-1, the member must further qualify for promotion to this grade by meeting the qualifications listed below.

- 24 months TIG as an E5.
- Completion of FEMA courses. See Appendix F.
- Completion of PME. See Appendix F.
- Completion of BOT.

I. Promotion to E7. In addition to the general criteria listed in paragraph 2-1, the member must further qualify for promotion to this grade by meeting the qualifications listed below.

- 24 months TIG as an E6.

This regulation supersedes all previous releases of TXSG Reg 600-10

- Minimum 60 hrs of college credit from an accredited college or university.
- Completion of FEMA courses. See Appendix F.
- Completion of PME. See Appendix F.
- Obtain a memorandum of recommendation from Regiment/Brigade CSM/Wings CCM/MCPO.

J. Promotion to E8. In addition to the general criteria listed in paragraph 2-1, the member must further qualify for promotion to this grade by meeting the qualifications listed below.

- 10 years TXSG service.
- 24 months TIG as an E7.
- Completion of FEMA courses. See Appendix F.
- Completion of PME. See Appendix F.
- Obtain a memorandum of recommendation from Regiment/Brigade CSM/Wing CCM/MCPO/CMCPO.

K. Promotion to E-9. In addition to the general criteria listed in paragraph 2-1, the member must further qualify for promotion to this grade by meeting the qualifications listed below. Paragraph 3-6 applies to all senior enlisted promotions.

- Holds an E8 position as MSG/SMSgt/MSgt/SCPO/1SG or 1st Sgt.
- 15 years TXSG Service.
- 36 months TIG as an E8.
- Completion of FEMA courses. See Appendix F.
- Completion of PME. See Appendix F.
- Obtain a memorandum of recommendation from regiment/brigade commander.
- At no time will the E9 wear command chevrons or distinctive rank insignia until lateral appointment orders are approved and received from HQs, TXSG.

Chapter 4

REDUCTIONS

4-1. Authority to Recommend Reduction. Any member may have his/her rank reduced by any commander in the member's chain of command who has the authority to promote to the grade of the member whose rank is to be reduced.

4-2. Reductions.

Involuntary. A member may have his/her rank reduced involuntarily. Some reasons for reduction in rank include, but are not limited to:

- 1) Absences
- 2) Failure to adapt or participate satisfactorily
- 3) Insubordination
- 4) Misconduct

4-3. Determination.

A) Officer. The Personnel Action Board must approve a reduction in rank of officers. If an officer decides to join the enlisted ranks, the board will decide which rank the member will be authorized to use. Field grade officers reduction requires a TMF 600-20 inquiry.

B) Enlisted. All commanders in the enlistee's (E3 thru E6) direct chain of command through Major Subordinate Command level must approve the reduction in rank. E7 thru E9 reduction requires an AR

This regulation supersedes all previous releases of TXSG Reg 600-10

600-20 Commander's Inquiry.

Chapter 5

RETENTION & RELIEF

- 5-1. Retention of Senior Officers.** A Senior Officer Board will meet on odd numbered years to review the performance of O4s, O5s and O6s to determine the potential of those officers for assignments of greater responsibilities in the TXSG.
- 5-2. Retention of Company Grade, Warrant, and Senior Noncommissioned Officers.** The CG will convene boards that will meet on even numbered years to review the performance and determine the potential of O2/CW2-O3/CW5, E7 thru E9 members for retention in the TXSG. See Appendix H.
- 5-3. Maximum Age for Retention.** No member may serve in an active TXSG position past their 71st birthday unless annual medical approval is received from TXSG Medical Review Board.
- 5-4. Relief of Commanders.** Relief for cause of any field grade officer from command will require a Commander's Inquiry

Chapter 6

REASSIGNMENTS AND TRANSFERS

- 6-1. Reassignment.** Reassignment of a member from one UMD position to another within Major Subordinate Command/Detachment/Group may be requested by the member or be decided by the chain-of-command with the approval of the Component Command commander.
- 6-2. Reassignment & Transfer.**
- A. Between Units of Same Component Command.** Reassignment of a member between units of the same Component Command may be requested by the member or be decided by the losing and gaining commanders and approved by the Component Command commander.
- B. Between Component Commands.** Transfer of a member between Component Commands may be requested by the member and must be approved by the chain of command and the Commanding General. These individuals are ineligible for promotion for 6 months following a cross-component transfer. Individuals who transfer between components must wait 36 months before requesting a second cross-component transfer.
- 6.3 Procedure for Transfer between Major Subordinate Commands or Components.**
- A.** A member requesting to be transferred must receive verbal approval from both the losing and gaining Major Subordinate Command commanders. The member will supply the gaining commander contact information for the losing commander.
- B.** The gaining commander will contact the losing commander for confirmation of the transfer. The gaining commander will supply the followings information to the losing commander:
- 1) New unit member is being transferred to.
 - 2) New Assignment as authorized in TXSG 10 series.
 - 3) Address to mail transfer request form (Form 35) and 201 file.
- C.** The gaining commander will authorize the member to begin drilling with the new unit.

27 JUN 2013
TXSG Reg 600-10

- D. The losing commander will notify their personnel and admin officer/NCO to initiate the transfer Form 35. The losing commander will sign the form. Both the Form 35 and 201 File will be forwarded to the gaining commander.
- E. The gaining commander will sign the transfer form and forward it to state HQ for final approval.
- F. Normal Command Tenure is 36 months. All Changes of Command will be coordinated with the Commander, TXSG.

6.4 Inactive Reserve (IR).

- A. *Purpose.* The TXSG Inactive Reserve is used as a means of retaining valuable members who no longer hold a UMD position and have notified their Major Subordinate Command Commander, in writing, that they are unable to participate satisfactorily. The Major Subordinate Command Commander must make a determination that they have potential for future active membership. A Form 35 and a copy of the written request from the member must be submitted to TXSG HQ J1.
- B. *Reasons for Transfer.* There are many plausible reasons for transferring an active member to the Inactive Reserve. Some, but not all, reasons are listed below.
 - 1) A member, for some reason, is unable to effectively function in their assignment.
 - 2) Increased responsibilities in their civilian job or demands of advanced degree programs at a college.
 - 3) Serious illness of family member.
- C. *Command Responsibility.* Unit commanders may request transfer of assigned members to the TXSG Inactive Reserve. A TXSG Form 35, Request for Personnel Action, to transfer a member to the Inactive Reserve must be accompanied by written justification from the Major Subordinate Command Commander and with written concurrence from the member. If the transfer request is the result of disciplinary action, counseling statements or any other documentation associated with the issue is required. Commanders will not use the Inactive Reserve as a means of handling personnel problems that would not reflect good personnel management policy.
- D. *Time-in-Grade.* Any time period a member is assigned to the Inactive Reserve **will not** be counted towards time-in-grade in rank or time-in-service for longevity/service awards.
- E. *Conduct.* Officers in Inactive Reserve status will conduct themselves in an honorable manner. They will not interfere with nor participate in any TXSG activities. They also will not attend unit drills nor will the member be called to State Active Duty (SAD).
- F. *Tenure.* Assignment to the Inactive Reserve will be limited to a period of two years. If a member is not assigned to a position on the UMD after the two years, the officer will be discharged.
- G. *Return to Duty.* A member in IR less than two years must request to return to active status from previous command. A member requesting to return to active status but in another unit must gain permission from previous and new commands. The command will notify the personnel and admin officer and requests the member return to active status via Form 35 through the G1/A1/N1 and forwarded to the J1. J1 will return member to active status in the database. No new packet is needed.

6-5. Honorary Reserve (HR).

- A. *Purpose.* The Honorary Reserve allows an officer or enlisted member who has served in the military faithfully and honorably for many decades to be honored with membership in the Honorary Reserve, in an inactive status. Induction into the HR officially retires the member from service to the TXSG and TXMF except for those specific occasions requested by the CG, TXSG or the Adjutant General.
- B. *Eligibility.*

**27 JUN 2013
TXSG Reg 600-10**

- 1) Is physically disabled;
 - 2) Is at least 60 years of age; OR
 - 3) Has served satisfactorily for at least 25 years, combination of active and/or federal service.
- C. Procedure.** Any member who is eligible may request or be recommended for induction into the Honorary Reserve after being discharged. The member must write a letter of request to be appointed to the Honorary Reserve. The letter must accompany TXSG Form 35 directly to HQ, TXSG.
- D. Tenure.** All members inducted into the Honorary Reserve will remain in the TXSG indefinitely. The membership will be terminated at the time of death of a member. A member may also be terminated if he or she acts or speaks in a way that would bring dishonor to the TXSG.
- E. Brevet.** A TXSG member may request a Brevet to the next higher grade after being discharged or separated, if they meet the criteria above. The Board will consider the request and its recommendation to the CG, if approved, will be final.
- F. Honorary Reserve Retired Identification Card.** At retirement, the member will surrender their "Active" TXSG ID card and receive an Honorary Reserve Retired ID card.
- G. Documentation.** Requests for discharge and subsequent induction into the HR will be submitted on TXSG Form 35 by the immediate commander and forwarded through the chain of command at least sixty days in advance of requested retirement date. The Personnel Action Board will publish orders.

Chapter 7

DISCHARGES

- 7-1. Statutory Authority.** Texas Government Code, Section 431.089, allows for a member to be discharged from the state military forces according to regulations adopted by the Adjutant General of Texas.
- 7-2. Authority to Discharge.** The personnel who have the authority to request promotion as listed in paragraph 3-11 and 3-12 also have the same authority to request discharge the same grade of members.
- 7-3. Certificate and order of Discharge.** On termination of the appointment of an officer or terminating the enlistment of an enlisted member in the state military forces, they shall be given a certificate of discharge and orders stating the character of the member's service.
- 7-4. Classes of Discharge.**
- A. Honorable.** A form of discharge given under honorable conditions to a member of the TXSG whose service has been honest and faithful.
- B. Administrative.** A form of discharge given under honorable or dishonorable conditions depending on the circumstances. Administrative discharges under honorable conditions include, but are not limited to, discharging an officer, warrant officer or enlisted member of the TXSG due to a reduction in strength, inactivation, reorganization, consolidation or conversion of units. This type of discharge may also be given when required documentation is not submitted or ineligible enlistment due to administrative error. Administrative discharges given under dishonorable conditions include, but are not limited to, actions causing embarrassment to the Texas Military Forces or the State of Texas. Also, anyone intentionally falsifying documentation required by the TXSG will be given an administrative discharge.
- C. Other than Honorable.** This type of discharge is a formal release from the TXSG without honor. It may only be given to a member upon conviction by a general court-martial and with concurrence of the

This regulation supersedes all previous releases of TXSG Reg 600-10

Adjutant General of Texas.

7-5.Reasons for Discharge. Since the TXSG is a voluntary organization, officers, warrant officers, or enlisted members may request discharge at any time. Members are highly encouraged to serve at least three years in the TXSG.

- A. Resignation.** A member may request discharge via written notice, email, or verbal communication to their immediate commander or personnel officer.
- B. Hardship.** A member may be discharged if membership in the TXSG is causing undue hardship. An honorable discharge is issued.
- C. Change of Residence.** A member may be discharged if the member moves out of state and an honorable discharge is issued unless disqualified. The same holds true for TXSG members who move within the state of Texas but are too far for a TXSG unit to participate.
- D. Incompatible Occupation.** A member may request a discharge due to incompatible occupation. This reason is used when it is determined the member's participation in the TXSG sufficiently interferes with their civilian occupation. An honorable discharge is issued.
- E. Physically or Mentally Disabled.** If a member becomes physically or mentally unable to perform the duties of the position assigned, the member may be discharged. An honorable discharge is issued.
- F. Unfitness.** A member may be discharged for unfitness due to frequent incidents of a discrediting nature with civil or military authorities. These kinds of incidents include, but are not limited to, sexual perversion, drug addiction, an established pattern for shirking, an established pattern of failure to pay just debts, or an established pattern for failure to contribute adequate support to dependents. An administrative discharge is issued.
- G. Intentional Omission.** A member may be discharged for intentional omission or concealment of prior service, true citizenship status, a felony conviction by a civilian or military court, or any other information that is intentionally omitted to join the TXSG or to obtain a higher rank than is qualified to receive. An administrative discharge is issued.
- H. Fraudulent Entry.** A member may be discharged for entering fraudulent information on required appointment or enlistment TXSG documents. A member may also be discharged for providing fraudulent documents or changing information on legal documents. An administrative discharge is issued.
- I. Underage.** A member who joined the TXSG at the age of 16 or younger and is still underage will be released from the TXSG. An administrative discharge certificate will be issued.
- J. Conviction of a Crime.** Conviction of a crime as an adult or adverse adjudication as a juvenile will carry the same weight when a member is being considered for discharge by the TXSG. The member's immediate commander must submit a written recommendation as to what action should be taken. It may be in the best interest of the TXSG to retain the member. Discharge action may be initiated against a member under the followings circumstances:
 - 1) When convicted by civil authorities or action is taken that is tantamount to a finding of guilt of a felony. This includes a similar adjudication in juvenile proceedings.
 - 2) When a punitive discharge would be authorized for the same or closely related offense under the TCMJ or the sentence by civil authorities including confinement for six months or more without regard to suspension or probation.
 - 3) When specific circumstances or the offense warrants discharge.
- K. Nonparticipation.** A member will be discharged due to continued absence from military duty in excess of 6 months or 6 drills within a 12 month period. If the member did not provide a valid reason for the absence and did not notify the commander, they may be discharged. Members may be discharged for

failure to turn in, or loss of, state-owned equipment. An Honorable Discharge is issued with a bar to re-appointment or re-enlistment.

L. *Failure to Maintain State Property.* General discharge.

M. *Deceased.* An Honorable discharge certificate will be issued upon notification of member's death.

N. *Court-Martial.* A member will be discharged upon the approved sentence of a General or Special Court-Martial.

O. *Ineligible Appointment or Enlistment.* A member who is found to be ineligible and was appointed or enlisted through administrative oversight will have their appointment or enlistment voided.

P. *Appointment or Enlistment in the Armed Forces of the United States.* A member who joins the Armed Forces of the United States will be issued an honorable discharge.

Q. *Any Other Reason.* A member may be discharged for any other reason indicated in the Military Laws of the State of Texas or by the CG, TXSG, the Adjutant General or the Governor of Texas. The type of discharge will be determined by the CG, TXSG.

7-6. Letter of Resignation. A member initiating their resignation from the TXSG is required to write a letter of resignation. Submission may be via email. The letter should include the effective date of the resignation, the reason and member's signature. The letter should be hand-delivered or emailed to the member's immediate commander and forwarded with a signed Form 35 through the chain-of-command to TXSG-J1.

7-7.Reduction in Rank or Dismissal. When a member is being discharged for other than honorable conditions, the separation authority has the prerogative to reduce the rank of the enlisted member to the lowest enlisted grade of E-1. Officers will be dismissed.

Chapter 8

PERSONNEL BENEFITS

8-1.Awards.

A. *Purpose.* The awards program is to provide recognition to members and units for acts of valor, exceptional service and achievements attained while serving in the State Military Forces of Texas. Award of decorations, service medals and commendations provide a powerful incentive to greater effort and are instrumental in building and maintaining ***esprit de corps*** in the TXSG.

B. *Policy.* The policy, criteria, and administrative procedures for awarding ribbons, certificates and badges are discussed in TMF 600-8-22 State Military Awards and TXSG Appendix D-3, decorations, awards, and honors of the Texas State Guard. No hand delivered awards will be accepted. All award submissions must be sent electronically to awards@txsg.state.tx.us

C. *Federal Awards.* At no time will the TXSG provide awards, ribbons, or medals earned during federal service to any member.

8-2. Identification Cards.

A. *Purpose.* ID Cards are to provide all members of the Active TXSG with viable proof of membership in the Texas Military Forces and is for internal use only. It is a federal offense to use the Texas State guard ID card in the Army and/or Air Force Exchange System (AAFES-PX) or the Naval Exchange (NEX) to include the Camp Mabry (Austin) AAFES facility.

27 JUN 2013
TXSG Reg 600-10

B. Ownership. Identification cards (ID) are property of the State of Texas.

C. Responsibility. Commanders are fully responsible for ID cards issued to their subordinates and will inventory ID cards annually as part of a Personnel Asset Inventory (PAI).

D. Issuance. An ID card will be issued when orders have been issued for the enlistment/appointment and completed enlistment/appointment packets have been received by TXSG-J1 once member is verified in the TXSG Database and in an Active status.

E. Uses.

- 1) Identifies active members in the TXSG, a part of Texas Military Forces.
- 2) Many civilian stores, eating establishments, and entertainment facilities give discounts to military personnel.
- 3) At no time will a Texas State Guard ID be used by its members to gain access to a federal military installation.

F. Possession. Members must carry their TXSG ID cards at all times while in uniform.

G. Replacement. Replacement cards will only be issued for the followings reasons:

- 1) *Expiration.* Expiration of the period for which it was issued.
- 2) *Loss or destruction of the card.* The member who is requesting a replacement of an ID card must provide a written and signed statement explaining the circumstances of how the card was lost or destroyed. The statement will be given to the member's immediate commander. The SEA/CDR will verify that the request is valid and forward to TXSG-J1 for issuing a new card.

H. Change of Information. A request for a new ID card due to change of any data will be submitted through the personnel officer/NCO and routed through the component command personnel officer. The request should be submitted to the designated ID card email account (IDcard@txsg.state.tx.us) the old ID card must be returned to the personnel officer/NCO upon receipt of new card.

I. Disposition. A member possessing an ID card shall relinquish it to their immediate commander upon separation from the TXSG. The ID card will then be destroyed. Failure to return the ID card upon request may result in prosecution, discharge certificate withheld, and annotation in personnel file for future reference.

J. Alterations. No TXSG ID card shall be altered in any manner. Changes in status shall be accommodated by the issuance of a new ID card.

8-3. TXMF Concealed Handgun Licensing Program (CHL). TXMF members may participate in this program. This program is presented in a multi-media training mode in classroom with pistol training on range at a minimum cost fee for the course. License fee to the state is free to all active members of the TXMF.

8-4. State Tuition Reimbursement Program (STRP).

A. Purpose. The TRP was established for those TXSG members who are seeking financial aid to attend college and to encourage active members to further their civilian education.

B. Policy. The policy governing this program is discussed in TMF Regulation 621-5, Texas National Guard Tuition Assistance Program. This program is based on availability of funds.

8-5. Texas Guard License Plate.

A. Purpose. The Texas Guard License Plate is a way for active members to show pride in being a part of the Texas Military Forces.

B. Eligibility. This special license plate is available to **Active** or retired members of the Texas Military Forces.

C. Application. To apply for the Texas Guard License Plate, a member must complete Form D12-139, State Department of Highways and Public Transportation Application for Texas Guard License Plates. The form may be obtained from the State Department of Highways and Public Transportation Motor Vehicle Division located in his/her county or on-line at http://www.txdot.gov/services/vehicle_titles_and_registration/specialty_plates/military_and_veterans/default.htm

8-6. National Guard Association of Texas (NGAT). NGAT is a voluntary membership association whose mission is to promote and support State security, foster and improve the Texas Military Forces as a component for the security of the State of Texas, and to preserve and perpetuate the history and traditions of the Texas Military Forces.

8-7. State Guard Association of the United States (SGAUS). The State Guard Association of the United States is a voluntary membership association that fosters and supports the militia concept in the Constitution of the United States of America and provides assistance and support to the duly authorized militias of the various states and territories.

8-8. Texas Parks and Wildlife Division (TXPWD). A Texas Super Combo Hunting and Fishing License is available to all members of the TXMF at no cost with an Active ID Card. Type: 5IO

Chapter 9

ADMINISTRATIVE PROCEDURES

9-1. Military Orders.

A. Authority. TMF- TXSG-J1 will publish orders affecting all levels of command. Commanders have authority to publish limited orders. Orders issued by higher levels of command will override any conflicting orders issued by lower levels of command.

B. Types.

1) *Permanent Orders.* Only HQ, TMF and HQ, TXSG can issue permanent orders. Various types of permanent orders include, but are not limited to, the following:

- a) Establishment of the unit.
- b) Unit reorganization or deactivation actions.
- c) Record the awarding of the followings medals:
 - Texas Legislative Medal of Honor
 - Texas Legislative Medal of Valor
 - Texas Superior Service Medal
 - Lone Star Distinguished Service Medal
 - Texas Outstanding Service Medal
 - Texas Medal of Merit
 - Texas Homeland Defense Service Medal
 - Texas Humanitarian Service Ribbon

2) *Orders Published by HQ, TXSG.*

- a) State Active Duty (SAD) State active duty orders, training define the different orders. Orders that authorize pay will only be published as authorized by HQ, J1 which affect members or one or more units of the TXSG.
- b) All personnel actions affecting officers and warrant officers.

3) Orders Published by Component Commanders.

- a) Orders given by a commander affecting one or more subordinate units.
- b) All actions affecting enlisted members. TXSG Form 35, Orders for Enlisted Personnel Action, will be used to publish orders for enlisted personnel up to E8.
- 4) *Standing Orders.* Orders for an indefinite period issued by either HQ, TXSG or by a unit authorizing a member to wear his/her TXSG uniform and perform duties in relationship to his/her position in the TXSG. These duties are carried out at other times than at regularly scheduled events.
- 5) *Rescission Orders.* Orders to rescind standing orders are issued when a member is no longer performing regular duties requiring the wearing of the uniform. An order to rescind is also issued to invalidate a previous order.
- 6) *Employer Orders.* MSC will publish non-pay orders for members as required for employers prior to or at the onset of SAD, drill, annual training, or other TXSG recognized events. These orders will be written for the specific date(s) of the event. Non-pay employer orders will not be written for individual community events without prior approval of immediate commander. Abuse of non-pay orders will not be tolerated and subject to disciplinary action.

C. Order Numbers.

- 1) Order numbers will be utilized as appropriate for the type of order issued.
- 2) Order numbers consist of the year, Julian date, followed by the number of the order created. (example: 2013-143-01)
- 3) The numbering of orders starts over each calendar year beginning 1 January. They do not restart based on the TXSG fiscal year of 1 September.

D. Distribution. After orders for personnel actions have been approved by the Personnel Action Board, distribution of the order will be made as follows:

- 1) Headquarters, TXSG – Original order.
- 2) Component Command Headquarters – 1 copy.
- 3) Member affected by order – 1 copy.

9-2. Correspondence.

TXSG HQ will use JSM 5711-01D, Joint Staff Correspondence Preparation, for all correspondence. Internal and external component correspondence may be prepared in IAW with parent component service regulation.

9-3. Envelopes.

A. Permit Envelope.

- 1) *Proper Use.* Permit envelopes furnished to the TXSG units may only be used for mailing to the permit holder, the Adjutant General's Department in Austin, TX. They are not to be used for mailing correspondence to other TXSG units or civilian agencies. Improper use of permit envelopes will result in the correspondence being forwarded to HQ, TXSG, instead of the addressee. Permit mail for HQ, TXSG have "TMF-TXSG-HQ" (or appropriate J section) on the envelopes. Mail for HQ, TXSG is forwarded unopened to them by the TMF mail section.
- 2) *Sizes.* Two sizes of permit envelopes are currently available, 4" x 9-1/2" and 9" x 12". Users will ensure proper utilization of each size. For small quantities or a single sheet of paper, use the smaller

size envelope.

B. *Franked State Envelope.* Blank envelopes used to mail correspondence to HQ, TXSG should be addressed as follows:

Texas Military Forces
Headquarters, Texas State Guard
Attn: TMF-TXSG-
P.O. Box 5218
Bldg 32
Austin, TX 78763-5218

C. *Federal Envelope.* Use of federally franked envelopes by members of the TXSG is prohibited.

9-4. *Email.* Email is the preferred method of communication to use in the TXSG. The general procedures used on other correspondence should be followed when using email. TXSG members will not use civilian email systems for official correspondence.

9-5. *Personnel File.*

A. *Purpose.* A personnel file, referred to as a 201 file, is a chronological history of a member's activity while a member of the TXSG.

B. *Responsibility.* All official 201 files will be maintained by TXSG HQ J1. 201 files will not be maintained below the Component Command level. Component Command S1, A1, N1 or G1 section can keep the following: training records, PT test, promotions and awards. Members are encouraged to keep copies of their own member files. All other documents can be forwarded to J1 for inclusion in the permanent 201 file. Everyone is responsible for the safekeeping and privacy of these files. All social security numbers should be redacted down to last 4 (excluding the social security card).

C. *Documents.* The official 201 file will consist of initial application documents, transcript of civilian education, professional certification or license, documentation of prior military service, personnel action forms, awards documentation, and a picture of the member. Only documents and records pertaining to the member's TXSG service or qualifications will be kept in the member's official 201 file.

D. *Distribution.* The official 201 file will be kept on each member at HQ, TXSG. All original documentation will be forwarded to HQ, TXSG with hard copies or electronic versions kept at Component Command level only.

E. *Access.* Information from 201 files may only be given out to authorized personnel of the TXSG on a need-to-know basis only. A member may request to view his or her own file, but the procedure must be done in the presence of the personnel officer/NCO responsible for the file or a leader in the member's chain of command. The time of the viewings will be scheduled with the J1 through their COC.

F. *Disposition upon Transfer or Reassignment.* Upon issuance of orders to transfer or reassignment of a member, the losing unit will inventory the member's personnel records for accuracy and completeness, post them to date, and forward them directly to the gaining unit within 30 days.

G. *Disposition upon Discharge or Separation.* When a member of the TXSG is discharged for any reason, the S1, A1, N1, or G1 will destroy or forward any convenient copies to the member or TXSG HQ. TXSG HQ J1 will store the discharged member's 201 file in the TXSG archived records room, per the Texas State Records retention Schedule 4th edition dated 1 September 2007 and the Adjutant General's Department State Records Series.

H. *Confidentiality.* Shall be maintained on medical and personal information at all times. Refer to policy on laptops and encrypted only flash drives. Need to handle personnel and medical records separately.

9-6. *Unit Files.* Headquarters personnel sections at every level are required to maintain file copies of documents, records, and publications applicable to the operation of their unit. Unit files will normally be

maintained in hard copy or electronic versions. They will be available for inspection by representatives from higher headquarters or the Inspector General's Section of the TXSG or the Adjutant General's Department. The items listed below are considered to be the minimum files maintained by each unit headquarters. Some items listed may not be applicable to every unit. In that case, no folder is required to be kept. Units below Component Command are not authorized to keep 201 Personnel files. Redact ALL SSN to last four numbers.

<u>Description</u>	<u>Section</u>
Training records, PT records, weapons qualifications, and certification stating they have read policy and sign/date.	Personnel & Admin
Permanent Orders	Personnel & Admin
Orders Published by HQ, TXSG	Personnel & Admin
Orders Published by Component Commanders	Personnel & Admin
TXSG Regulations	Personnel & Admin
End of Month/Quarter Reports	Personnel & Admin
Reports of Command Inspection	Commander
Alert Plans	Operations
Operation Plans	Operations
Fund Records	Operations
Annual Training Program	Operations
Training Progress Chart	Operations
Quarterly Training Schedule	Operations
Area Studies	Operations
Area Maps	Operations
State-Owned Property Records	Supply
Locally Acquired Property Records	Supply
Directive Memorandums	All Sections
Informative Memorandums	Personnel & Operations
Correspondence Letters	Personnel
Standing Operating Procedures	Personnel & Operations

9-7. Blank Forms.

- A. Website.** The forms used most often by TXSG personnel are available online at <http://www.txsg.state.tx.us/owaforms/owaform.aspx>. Everyone will utilize automated forms from the TXSG Database to fill in the forms before printing rather than printing the forms then writing the information in by hand. Handwritten forms are unacceptable. Accession packets, Form 35s, and all CUB reports will be available online.
- B. Procurement.** Automated forms may be downloaded from the TXSG website. The rest of the forms may be obtained from the next higher-level headquarters. Only the most current revisions of the forms are to be used.
- C. Duplication.** All forms may be reproduced. If a form is printed on both sides of one sheet of paper, then the copy of the form must be printed the same way.

9-8. Routing of Reports and Requests. All routine requests and reports must be routed through chain-of-command.

9-9. Worker's Compensation.

- A.** Leaders at all levels are responsible for the reporting of injuries involving a TXSG member who is activated for state active duty by a TXMF-directed deployment order or attending drill under a HQ TXSG approved unit training schedule. The member's attendance must have been documented on a command-certified duty reporting document at the beginning of such duty.

- B.** An incident must be reported within 24 hours of its occurrence; failure to do so may effect possible worker' compensation benefits. When an incident/injury occurs, a member must immediately notify their "front line supervisor". This is the leader with direct supervisor of the injured person, not the higher chain of command. The supervisor will immediately call the J1, TXSG at (512) 782-5101/5102 to report the circumstances of the injury (the who, what, when and where of the accident).
- C.** The individual member working with their personnel officer must submit the following forms within 72 hours to TXSG J1: Employer's First Report of Injury (DWC-1S), Employee's First Report of Injury (SORM 29), Authorization for Release of Information (SORM 16), Witness Form (SORM 74), and Compensation Network Acknowledgement Form.

Medical Only Claim(No Lost Time)		
What Form	When to file	Where/How to file
1. Employer's First Report of injury or illness (DWC-1S)	Must be received by TXSG HQ J1 within 72 hours	Sent to TXSG HQ J1
2. Employee's First Report of injury or illness (SORM- 29)	Must be received by TXSG HQ J1 within 72 hours	Sent to TXSG HQ J1
3. Witness Statement (SORM 74) <i>one for each witness</i>	Must be received by TXSG HQ J1 within 72 hours	Sent to TXSG HQ J1
4. Authorization for Release of Information (SORM 16)	Must be received by TXSG HQ J1 within 72 hours	Sent to TXSG HQ J1

Chapter 10

10-1.SAD Orders and Pay Processing.

- A.** In preparation for missions where service members will be authorized State Active Duty Pay (mobilizations for emergencies, annual training, or other authorized events) the TXSG J1 will provide components or MSCs a secure database listing of all assigned personnel. This database listing will be used to publish SAD pay orders. Component or MSC's G1, A1, N1 or S1 are authorized to publish non-pay orders that service members may provide to their civilian employer to notify employers of required attendance and or mobilization.
- B.** The TXSG J1 will be responsible for preparing the database file, reviewing all necessary paperwork and orders and providing the State Comptroller all required documents for SAD pay processing.
- C.** During extended missions that last longer than two weeks an SAD payroll will be processed by the TXSG J1 every 14 days.

10-2. SAD In-Processing. Upon activation or in the case of Annual Training Component or MSC G1, A1, N1 or S1 personnel will be responsible for in-processing all the personnel arriving at the designated in-processing site. In-processing will consist of verifying service members present for duty, verifying members personal information, to include home of record, and emergency contact information, making copies of service member's Texas Drivers License, and Social Security Card, and publishing copies of SAD pay orders. Only those service members that are in the Active Database will be mobilized for State Active Duty or missions authorized State Active Duty pay.

- A.** When possible a central point of in-processing will be used by all Components and MSCs. This center point of in-processing allows Commanders more control and accountability of those service members

27 JUN 2013
TXSG Reg 600-10

being activated or attending Annual Training. In addition, a central in-processing provides service members a consistent starting and ending point for personnel actions.

- B.** During in-processing Service Members will review and verify personal information, provide any r required documents and sign copies of their orders. The member will receive a copy at their request and the original signed order will go to TXSG J1.

10-3. SAD Out-Processing. Upon completion of the mission or Annual Training all personnel will report back to the in-processing location where they will be out-processed or released. During out-processing the Component or MSCs G1, A1, N1, or S1 will again verify the members address and all dates of SAD plus travel time. Missions where per diem and travel have been authorized the respective 1s will print Orders and prepare Travel Reimbursement Voucher. Service members will sign the SAD orders verify that travel information is correct and accurate. Once all administrative duties are accomplished service members will be released from SAD and travel to their HOR.

- A.** When possible a central point of out-processing will be used by all Components and MSCs. This center point of out-processing allows Commanders more control and accountability of those service members being released from Active Duty. A central out-processing provides service members the opportunity to finalize travel vouchers and complete any required paperwork.
- B.** Members are required to review and sign their SAD order at the end of SAD and verify accuracy of the address and days paid on the SAD order and reimbursement expense voucher.

10-4. SAD Deactivation Upon deactivation or conclusion of Annual Training the TXSG J-1 personnel will secure all completed orders and travel vouchers in order to prepared the data files necessary for submission to the State Comptroller. Prior to Annual Training and SAD TXSG J1 will verify with the State Comptroller the required format for pay submission. Pay submission for Annual Training will be accomplished within 45 days after the completion of Annual Training. Pay and travel submission for all service members activated for State Active Duty in support of emergency missions will be accomplished within 30 days after the completion of Active Duty.

10-5. SAD Strength Reporting

- A.** Formatted strength report from TMF-JOC will be utilized for each SAD mission. This is an attachment to the FRAGO.
- B.** Reports will be emailed to pre-designated email or faxed to 512-782-5685 at times required by the mission according to FRAGO/OPORD.

Appendix A TXSG AUTHORIZED RANK & ABBREVIATIONS

RANK INSIGNIA OF THE TEXAS STATE GUARD

ENLISTED

E-1 E-2 E-3 E-4 E-5 E-6 E-7 E-8 E-9

ARMY

no insignia										
Private E-1 (PV1)	Private E-2 (PV2)	Private First Class (PFC)	Corporal (CPL) Specialist (SPC)	Sergeant (SGT)	Staff Sergeant (SSG)	Sergeant First Class (SFC)	Master Sergeant (MSG)	First Sergeant (1SG)	Sergeant Major (SGM)	Command Sergeant Major (CSM)

MARINES

no insignia										
Private (Pvt)	Private First (PFC)	Lance Corporal (LCpl)	Corporal (Cpl)	Sergeant (Sgt)	Staff Sergeant (SSgt)	Gunnery Sergeant (GySgt)	Master Sergeant (MSgt)	First Sergeant (1stSgt)	Master Gunnery Sergeant (MGySgt)	Sergeant Major (SgtMaj)

AIR DIVISION

no insignia												
Airman Basic (AB)	Airman (Amm)	Airman First Class (A1C)	Senior Airman (SrA)	Staff Sergeant (SSgt)	Technical Sergeant (TSgt)	Master Sergeant (MSgt)	First Sergeant (E-7)	Senior Master Sergeant (SMSgt)	First Sergeant (E-8)	Chief Master Sergeant (CMSgt)	First Sergeant (E-9)	Command Chief Master Sergeant (CCM)

NAVY

no insignia									
Seaman Recruit (SR)	Seaman Apprentice (SA)	Seaman (SN)	Petty Officer Third Class (PO3)	Petty Officer Second Class (PO2)	Petty Officer First Class (PO1)	Chief Petty Officer (CPO)	Senior Chief Petty Officer (SCP0)	Master Chief Petty Officer (MCP0)	Force or Fleet Command Master Chief Petty Officer (FORMC) (FLIMC)

Appendix A TXSG AUTHORIZED RANK & ABBREVIATIONS

RANK INSIGNIA OF THE TEXAS STATE GUARD

OFFICERS

0-1 0-2 0-3 0-4 0-5 0-6 0-7 0-8

ARMY - AIR DIVISION - MARINES



NAVY



W-1 W-2 W-3 W-4 W-5

ARMY



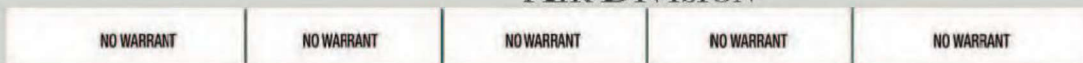
NAVY



MARINES



AIR DIVISION



Appendix B

DEFINITIONS

Accredited - This is recognition by the U.S. Department of Education and the Council on Higher Education Accreditation (CHEA) that the institution or program meets quality standards. In the U.S. there are three types of accreditations: Regional, National and Specialized or Professional accreditations. A full list of the accrediting agencies that the U.S Department of Education and CHEA recognize is available online.

Army Combat Uniform (ACU) – Generic term for CDU, BDU, ABU or any other Class C combat uniform worn by a specific branch of service.

ANCOC – Advanced Non-Commissioned Officer Course.

Applicant – A member who voluntarily applies for appointment or enlistment in the TXSG.

Below the zone (BTZ) - is a competitive early promotion offered to personnel who stand out from their peers and perform duties at a level above their current rank.

BNCOC – Basic Non-Commissioned Officer Course available on-line from TXSG PME.

BOT – Basic Orientation Training offered regionally throughout the year and teaches fundamentals of military skills and basic introduction to the TXSG for all newly appointed non-prior service officers and enlisted.

CDC – A Career Development Course is an Air Force specialty course. These courses are not accepted or approved by TXSG-J1 as PME for promotion or award.

CG – Commanding General.

Combat Duty Uniform (CDU) – Generic term for ACU, ABU, utility, or any other Class C combat uniform worn by a specific branch of service.

Commander –Members in command of a unit. That means command time is an actual assignment and performance as a commander of a company, flight, squadron, battalion, group, wing, brigade, regiment, or component.

Component – Members are assigned either to the Army, Air, Medical, or Maritime Component of the TXSG. (O7 level command ...better wording.)

Conscientious Objector – A member who refuses to serve in the armed forces or bear arms on moral or religious grounds.

Correspondence – All forms of written communication.

Disloyal Acts – Actions that demonstrate absence of allegiance, devotion, obligation, faith, or support against state or federal government.

Excess – A status an officer holds while waiting for a vacancy in a position on the Unit Manning Document for which the officer is qualified to fill.

Initial Entry Training (IET) – Basic military training for enlisted members who are not prior service or have not completed basic training when they were prior service. This is obsolete and was replaced by Basic Orientation Training (see BOT).

Memo – A short term used for memorandum.

27 JUN 2013
TXSG Reg 600-10

Officer – A member appointed a commission in the Texas Military Forces. The term “officer” used herein will include both officers and warrant officers.

OCS – Officer Candidate School, a multi-month course consisting of one weekend per month in a combination of classroom and field training exercises for entry level leaders to be commissioned as Second Lieutenants.

PAB – Personnel Action Board (formerly the Personnel Action Screening Board)

PAI – Personnel Asset Inventory

PLDC - Primary Leadership Development Course emphasizes the skills and knowledge small-unit leaders need to excel in a contemporary operational environment. The US Army recently changed the name to Warrior Leader Course.

PME – Professional Military Education

Shirk - To evade the performance of an obligation.

SORM – State office of Risk Management i.e.: Worker’s Compensation.

Sound Mind – Having the ability to reason and make good judgmental decisions.

Subversive Acts – Attempts to overthrow the government or political system by secretly working from within the organization.

Texas Military Forces – Combined military forces located in the State of Texas composed of the Texas Army National Guard, Texas Air National Guard, and Texas State Guard.

TXMA – Texas Military Academy

UMD – Unit Manning Document refers to the specific TXSG Reg 10-1, 10-2, 10-3 or 10-4 listing of authorized position for fill.

Unit - A number of members organized hierarchically into groups of various sizes for functional, tactical and administrative purposes. Examples of the most common units in the TXSG are Company, Detachment, Brigade, Flight, Squadron, Group, Wings, and Headquarters.

Upper Level Degree – Master’s degree or equivalent from accredited institution.

Warrior Leader Course (WLC) – Leadership course emphasizing the skills and knowledge small-unit leaders need to excel in contemporary operational environment. Current US Army term for what was previously termed Primary Leadership Development Course (PLDC).

Appendix C

REFERENCES

- a. AGTXR Regulation 230-2, Non Appropriated Funds Management and Related Activities – Special Funds. dtd 01 Nov 2001
- b. AR 25-50 Preparing and Managing Correspondence dtd 2002
- c. TMF Regulation 600-6, Brevet Promotions dtd 13 March 2006
- d. TMF Regulation 600-8-22 State Military Awards dtd 10 January 2007
- e. TMF Regulation 621-5, Texas National Guard Tuition Assistance Program 6 September 2009
- f. TXMF OPOrd 06-01 dtd 12 October 2006 (All Hazards OPLAN)
- g. Texas Statutes Government Code, Title 4. Executive Branch, Chapter 431. State Militia, 3rd called session of the 78th Legislature. Updated 04 March 2004
- h. Texas Statutes Government Code, Title 4. Executive Branch, Chapter 432. Texas Code of Military Justice, 3rd called session of the 78th Legislature. Updated 04 March 2004
- i. The Adjutant General's Department, Standing Operation Procedures for State Active Duty dtd 01 May 1997
- j. TXSG Regulation 10-1, Organization and Functions of the Texas State Guard. dtd 01 September 2003
- k. TXSG Regulation 10-2, Organization and Functions of the Texas State Guard dtd 14 January 2008
- l. TXSG Regulation 10-3, Organization and Functions of the Texas State Guard dtd 26 February 2005
- m. TXSG Regulation 10-4, Organization and Functions of the Texas State Guard dtd 04 November 2006
- n. TXSG Regulation 20-1, Texas State Guard Complaint Management System dtd 25 July 1997
- o. TXSG Regulation 20-10, General Inspections of Texas State Guard Units dtd 02 December 1985
- p. TXSG Regulation 600-3, Line of Duty Investigations, Medical Care, Disability Compensation and Death Benefits for Members of State Military Forces on State Duty Revised 01 November 1973
- q. TXSG Regulation 600-21, Nondiscrimination in the Texas State Guard dtd 01 February 1986
- r. TMF P04-05 TSG Use of Facilities Policy dtd 10 February 2004
- s. TMF P04-30 Harassment Prevention Policy dtd 5 October 2004
- t. TMF P04-33 Policy on Camp Mabry Proximity Access Badges dtd 22 November 2004
- u. TMF P07-08 Communications with Elected Officials 2 May 2007
- v. AR 600-9, The Army Weight Control Program dtd 2 April 2007

This regulation supersedes all previous releases of TXSG Reg 600-10

Appendix D

MEN: Height and Weight Table					
Height (inches)	Minimum Weight (regardless of age)	Maximum Weight			
		17-20 years	21-27 years	28-39 years	40 years and over
60	100	160	162	164	167
61	102	166	168	170	174
62	103	170	173	176	179
63	104	176	178	182	185
64	105	182	184	188	191
65	106	187	190	193	197
66	107	193	196	199	204
67	111	200	202	206	209
68	115	206	208	212	215
69	119	212	214	217	222
70	123	217	221	224	229
71	127	223	227	231	235
72	131	230	233	237	242
73	135	236	239	244	248
74	139	243	246	251	255
75	143	250	253	258	262
76	147	256	260	265	269
77	151	263	267	271	276
78	153	270	274	278	284
79	159	277	281	285	290
80	166	284	288	293	298

Appendix E

WOMEN: Height and Weight Table					
Height (inches)	Minimum Weight (regardless of age)	Maximum Weight			
		17-20 years	21-27 years	28-39 years	40 years and over
58	90	129	132	137	140
59	92	133	137	141	145
60	94	138	141	146	146
61	96	143	146	151	155
62	98	148	152	158	160
63	100	153	158	162	166
64	102	158	162	167	170
65	104	162	167	171	176
66	106	168	173	177	182
67	109	171	177	183	186
68	112	177	183	189	192
69	115	182	187	193	198
70	118	187	193	199	204
71	122	192	198	204	209
72	125	198	204	210	216
73	128	204	209	216	222
74	130	210	217	223	228
75	133	216	223	230	235
76	136	223	230	237	240
77	139	229	236	243	247
78	141	235	242	248	253
79	144	240	247	255	260
80	147	246	253	261	267

Appendix F

REQUIRED PROFESSIONAL MILITARY EDUCATION

Discrepancies between this chart and language defaults to language that exists in the Chapter as appropriate.

TO BE PROMOTED TO GRADE	TIME IN GRADE	REQUIRED PME COURSE	REQUIRED FEMA COURSES
E3	--	RBOT	IS 100
E4	12 mo.	RBOT	IS 100
E5	18 mo.	Entry*	IS 100 & 200
E6	24 mo.	Intermediate*	IS 100, 200, 700 & 800
E7	24 mo.	Advanced*	IS 100, 200, 700 & 800
E8	24 mo.	Advanced*	IS 100, 200, 700, 800, 546, 547 & 775
E9	36 mo.	Advanced*	IS 100, 200, 700, 800, 546, 547 & 775
*Service Component specific			

TO BE PROMOTED TO GRADE	TIME IN GRADE	REQUIRED PME COURSE	REQUIRED FEMA COURSES
W1	36 mo.	BOT (for NPS)*	IS 100, 200, 700, 800, 546, 547 & 775
W2	36 mo.	WOBC/OBC**	IS 100, 200, 700, 800, 546, 547 & 775
W3	48 mo.	WOAC/OAC**	IS 100, 200, 700, 800, 546, 547 & 775
W4	48 mo.	WOAC/OAC**	IS 100, 200, 700, 800, 546, 547 & 775
W5	--	Staff Officer Course***	IS 100, 200, 700, 800, 546, 547 & 775

TO BE PROMOTED TO GRADE	TIME IN GRADE	REQUIRED PME COURSE	REQUIRED FEMA COURSES
O2	18 mo.	BOT(for NPS)*	IS 100, 200, 700, 800, 546, 547 & 775
O3	3 yrs	OBC	IS 100, 200, 700, 800, 546, 547 & 775
O4	5 yrs	OAC	IS 100, 200, 700, 800, 546, 547 & 775
O5	5 yrs	50% Intermediate Svc School (ISS) (C&GSC)	IS 100, 200, 700, 800, 546, 547 & 775
O6	5 yrs	Intermediate Svc School	IS 100, 200, 700, 800, 546, 547 & 775
O7	5 yrs	Intermediate Service School	No Additional Course
O8	--	Intermediate Service School Senior Service College (is desirable)	No Additional Course

27 JUN 2013
TXSG Reg 600-10

* BOT must be completed by all non-prior service (NPS) enlisted, warrant officer, and officer personnel regardless of appointment rank, pre-commissioning program.

**OBC and OAC may be substituted for WOBC and WOAC until such time as the WOBC PME is published and available.

***Not yet required; not yet available. Required when available through TXSG PME.

Appendix G

TXSG Promotion Packets

Personnel packets for the promotion board must:


- Be submitted electronically to promotion@txsg.state.tx.us
- No hand delivered packets will be accepted
- Email subject line: ACTION (i.e. promotion, appointment) LAST NAME_FIRST NAME_RANK_UNIT
- Must be received by TXSG-J1 at least 31 days prior Personnel Action Board (PAB) to be considered
- TXSG Form 35
- Letter of Recommendation from component commander
- Color ¾ length photo in military uniform (see paragraph 2-6a and paragraph 3-3c for details)
- Copy of highest civilian education (transcript or diploma) from accredited institution
- Copy of FEMA transcript or certificates
- Copy of Promotion Orders for current rank and grade
- Copy of DD-214 or other relevant prior military service documents
- Copy of highest PME; a copy of certificate of completion or letter from the PME Registrar indicating course completion or % completion of required courses

Appendix H

TXSG Retention Packets

Personnel retention packets for the bi-annual retention boards must:

- Packets must be submitted electronically to retentionboard@txsg.state.tx.us
- Email subject line: ACTION Retention Packet LAST NAME_FIRST NAME_RANK_UNIT
- All documents will be in one email as one file (e.g. pdf) or a compressed file (zipped). Use common file formats.
- Photo: Full length photo in uniform, facing forward, parade rest wearing cap
- Letter of Input from O6 level commander. See Letter of Input example below.
- FEMA course transcript or certificates.
- Copy of highest PME; a copy of completion certificate or letter from the PME Registrar indicating course completion or % completion of required courses
- Civilian Education: Highest education achieved from accredited institution.

	<p>TEXAS MILITARY FORCES Headquarters, X Civil Affairs Regiment Texas State Guard Street Address City, TX, Zip Code</p>
<p>APPLY TO ATTENTION OF</p>	
<p>TXSG-XREGT-CDR</p>	<p>5 February 2010</p>
<p>MEMORANDUM FOR: President, TXSG Personnel Retention Board, ATTN: JFTX-TXSG-J1, PO Box 5218, Austin, TX 78763</p>	
<p>SUBJECT: Letter of Input to the TXSG Personnel Actions Screening Board on behalf of <u>RANK First Name Last Name (###)</u></p>	
<p>1. This memorandum forwards you my strongest recommendation that <u>RANK First Last</u> be promoted (or "not be promoted) in the Texas State Guard.</p>	
<p>2. Use this paragraph to describe the officer's performance, and potential for future service</p>	
<p>3. Use this paragraph to describe what Unit Manning Document position the officer holds.</p>	
<p>4. Use this paragraph to verify the following:</p>	
<p>a. Highest civilian education.</p>	
<p>b. Time in Service: # years, # months</p>	
<p>c. Date of Current Rank: DD MM / YYXX</p>	
<p>d. Time in Grade: # years and # months</p>	
<p>e. Professional Military Education: Military education (QBC, QAC, etc...), and FEMA classes.</p>	
<p>5. POC for this is the undersigned at <u>TXSG email address</u> or <u>phone number</u>.</p>	
<p>FIRST LAST RANK, BRANCH Commanding</p>	

Appendix I

Physical Training (PT) Standards

SIT-UPS

AGE	17-21	22-26	27-31	32-36	37-41	42-46	47-51	52-56	57-61	62-66	67+
MALE	21	19	17	15	13	12	11	10	9	8	7
FEMALE	20	18	16	14	12	11	10	9	8	7	6

PUSH-UPS

AGE	17-21	22-26	27-31	32-36	37-41	42-46	47-51	52-56	57-61	62-66	67+
MALE	17	16	15	13	13	10	9	6	5	4	3
FEMALE	7	6	6	6	5	5	4	4	3	2	1

1-MILE WALK/RUN

AGE	17-21	22-26	27-31	32-36	37-41	42-46	47-51	52-56	57-61	62-66	67+
MALE	11:13	11:42	12:11	12:40	13:09	13:37	13:52	14:00	14:35	14:50	15:05
FEMALE	13:23	13:52	14:50	16:02	16:32	17:00	17:15	17:30	17:51	18:05	18:35

The Army Physical Fitness Test Scorecard can be found at the following link:

<http://armypubs.army.mil/eforms/pdf/a705.pdf>

Strongly encouraged for promotion.

Appendix J

Exception to Policy Memorandum Format



REPLY TO
ATTENTION OF

TEXAS MILITARY FORCES
Headquarters, Texas State Guard
P.O. Box 5218
Austin, TX 78763

NGTX-CDR

11 June 2013

MEMORANDUM THRU Component Commander, Address, City, State, Zip Code

FOR President, Personnel Actions Board, ATTN: TXSG-J1 Personnel Manager, PO Box 5218, Austin, TX 78763

SUBJECT: Exception to Policy for Rank EName, LName (Last 4 SS#).

1. This memorandum forwards you my strongest recommendation that Rank EName, LName be granted an exception to policy (describe specific policy exception) in the Texas State Guard.
2. State the reason for the exception; must include the benefits to the Texas State Guard for granting the request. Verify the guardsman is in good standing and meets all other criteria for promotion.
3. Rank LName currently holds the Unit Manning Document (UMD) position of Line =XX, Position, Title, Branch and Unit.
4. The following information has been verified pertaining to Rank EName, LName:
 - a. Time in Service: X years, X months
 - b. Date of Current Rank: 11 JUN 2011 (ex.)
 - c. Time in Grade: X years, X months
 - d. Age: XX (01 JAN 1960) (ex.)
 - e. Education: Member meets all required FEMA and PME requirements.
5. My signature below indicates that I have reviewed this information, and verify that it is true and correct.
6. POC for this is the undersigned at my_email_name@txsg.state.tx.us or 555 555 5555

Signature
Signature Block



TEXAS MILITARY DEPARTMENT
 TEXAS STATE GUARD
 POST OFFICE BOX 5218
 AUSTIN, TX 78763-5218
 (512) 782-5001

NGTX-TPE

10 APR 2025

MEMORANDUM FOR Chief of Staff, Texas State Guard, 2200 W. 35th Street, Camp Mabry, Austin TX 78763 *JSW*

SUBJECT: Change to Discharge Status, RE: Medeles, San Juanita

1. This memorandum documents the approval to change the discharge status for Corporal San Juanita Medeles as described below.
2. Ms. Medeles' discharge is currently recorded in the TXSG Readiness Management System (RMS) as 'Other Than Honorable.' Per TXSG regulation 600-10, para. 7-4.C., an Other Than Honorable discharge "...may only be given to a member upon conviction by a general court-martial..." Ms. Medeles was not convicted by a general court-martial. She was discharged following a finding in a Command Directed Investigation.
3. Ms. Medeles' discharge will officially be changed to "Administrative" in accordance with (IAW) TXSG Regulation 600-10, para. 7-4.B., "A form of discharge given under honorable or dishonorable conditions depending on the circumstances...dishonorable conditions include, but are not limited to, actions causing embarrassment to the Texas Military Forces or the State of Texas. Also, anyone intentionally falsifying documentation required by the TXSG will be given an administrative discharge."
4. RMS does not have an option to choose "Administrative" as a status of discharge. The closest approximation is an option to choose the code "General" as a status of discharge.
5. Approval of this memorandum effects the following:
 - a. Ms. Medeles' official discharge status is changed from 'Other Than Honorable' to "Administrative Under Dishonorable Conditions" IAW TXSG Reg. 600-10.
 - b. Ms. Medeles' discharge status code within RMS is changed from "Other Than Honorable" to "General" for the reasons stated above.
 - c. Ms. Medeles' reenlistment/reappointment code is unchanged and remains RE-4, meaning the service member is ineligible for re-entry to TXSG without a waiver.
6. POC for this action is the undersigned, at darren.fitzgerald@sg.tmd.texas.gov.

Darren P. Fitzgerald
 DARREN P. FITZ GERALD
 COL, TXSG
 Director, T-1 Personnel



TEXAS MILITARY DEPARTMENT

Texas State Guard
Post Office Box 5218
Austin, Texas 78763-5218
512-782-5101

EXHIBIT D

12 Feb 2024

TO WHOM IT MAY CONCERN

***-**-3418

SUBJECT: Verification of Other Than Honorable Discharge - Medeles, San Juanita (3418)

Upon discharge from State of Texas service, the Texas State Guard does not issue DD-214 (Department of Defense), NGB-22 (National Guard) or similar documents. This letter indicates the named Service Member performed services to the State of Texas during his/her tenure in the Texas State Guard.

CPL (TX) San Juanita Medeles was discharged from the Texas State Guard.

Period of Service: 02-Jul-2019 to 19-Dec-2022

Discharge Type: Other Than Honorable

Any questions can be directed to the undersigned at (512) 782-6223 or at discharge@txsg.state.tx.us.

FORMAT: 305

Auth: V.T.C.A., Texas Government Code Chapter Section 437

BY ORDER OF THE COMMANDER

DISTRIBUTION:

1-Individual

1-HQ, TXSG 201 File



DARREN P. FITZGERALD

COL, TXSG

T1/ADJUTANT

AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

STATE OF TEXAS

COUNTY OF Comal

BEFORE ME, the undersigned authority, on this day personally appeared **San Juanita Medeles Casiano**, who, after being duly sworn, stated as follows:

1. My name is **San Juanita Medeles Casiano**, and I am the Plaintiff in the above-captioned matter. At all relevant times, I served under **State Active Duty (SAD)** orders with the **Texas State Guard (TXSG)**, a component of the **Texas Military Department (TMD)**. Defendants Jeanette Jimmerson (JJ), Darren Fitz-Gerald (DF), and John Cave (JC), named individually as Defendants 1 through 3, were employed by the TXSG during the events described herein. The TMD-TXSG is named as the 4th Defendant.
2. Defendants JJ, DF, and JC, acting in their official capacities, exceeded their lawful authority by initiating and effectuating an "Other Than Honorable" discharge against me without compliance with governing state law and TXSG regulations. Their actions lacked due process and did not follow the codified procedures mandated by Texas law or TXSG Reg 600-10.
3. The underlying facts supporting my claims are outlined as follows:
 - a. I am a certified Bookkeeper and served honorably under SAD from 2019 to 2022 for Operation Lone Star – Border Surge (OLS-BS), specifically within the Recruiting & Retention (R&R) department. A true and correct copy of my enlistment is attached as **Exhibit 2**.
 - b. Defendant JJ oversaw the overall TXSG budget, while I managed a subset pertaining to R&R. JJ was not within my official chain of command.
 - c. Beginning October 11, 2021, I was activated under SAD to assist with budget structure and accountability for R&R, reporting directly to LTC M. Sledge (MS). My tasks involved maintaining general ledgers, quarterly reconciliations, and budget accuracy.
 - d. In March 2022, I discovered inconsistencies in quarterly expenditures. Funds assigned to R&R had been redirected to other departments. Upon confronting JJ, she admitted that unused departmental funds could be appropriated elsewhere without proper reallocation protocols. I informed LTC Sledge, who confirmed he had no knowledge of such transfers.
 - e. By June 2022, I had documented multiple instances of budget mismanagement. Upon reporting these findings to MS, Defendant JJ's behavior toward me became increasingly hostile. I reported the hostile environment to MS and later to LTC Daniel McCarroll (DM) in August 2022.

f. In late August 2022, Master Sergeant Gerald Steward (GS) informed me that JJ sought to obtain private social media photos to fabricate misconduct allegations. JJ initiated inquiries into my family, relationships, and compensation in an attempt to discredit me and justify my removal.

g. JJ initiated an unfounded investigation against me, alleging that I had asked CPL Hall to falsify my orders approximately 16 months prior. Despite these serious allegations, no direct evidence was ever produced to support the claim, nor was I given an opportunity to cross-examine the individual implicated.

h. DF, relying on JJ's claims, ordered an investigation without proper authority. Despite asserting my right to counsel, I was denied the opportunity to meaningfully participate in the investigation. The investigating officer, COL T. Dale (TD), failed to provide my attorney with access or updates. My appointed Trial Defense Service (TDS) counsel, CPT S. Autry, confirmed that the disciplinary process was fundamentally flawed and deprived me of due process. A true and correct copy of his statement is attached as **Exhibit 30**.

i. On October 20, 2022, I was informed by DF of my "Other Than Honorable" discharge. Under TXSG Reg 600-10, Ch. 7, Para 7-4(c), such a discharge may only follow a general court-martial and with the concurrence of the Adjutant General. I was neither afforded a court-martial nor provided with access to the Texas Code of Military Justice procedures.

j. My subsequent request for reconsideration was denied by DF without fair evaluation, citing frivolous procedural objections. A copy of the investigating officer's report is attached as **Exhibit 9**.

4. I assert that my discharge was retaliatory in nature, resulting from my disclosure of budget misappropriation and subsequent hostile work environment created by JJ with DF's awareness and approval.
5. As per TXSG Reg 600-10 and related TCMJ provisions, only a commanding officer has the legal authority to initiate such investigations and discharges. DF, as a civilian Chief of Staff, lacked the authority to do so, rendering my discharge procedurally invalid. A copy of the applicable regulation is attached as **Exhibit 19**.
6. I sought redress through all available administrative channels, including:
 - a. Reaching out to the Office of State Administration, Office of General Counsel, and the Adjutant General's Office.
 - b. Filing internal complaints, which were consistently ignored or inadequately addressed.
 - c. Receiving confirmation on December 20, 2022, from SA that JC affirmed my discharge as "Other Than Honorable," again violating procedural requirements.

d. Initiating correspondence and follow-up communications with key TMD officials, including COL Golby and CPT Moore, to no avail. Copies of relevant communications are attached as **Exhibit 20**.

7. After exhausting internal remedies:
 - a. I filed a claim in Small Claims Court (Cause No. 21S2201492), which was dismissed on May 5, 2023, for lack of jurisdiction but preserved my right to pursue other legal avenues. See **Exhibit 23**.
 - b. I filed an EEOC complaint (Charge No. 451-2023-03405), and on July 14, 2023, I was granted a Right to Sue letter. See **Exhibit 25**.
 - c. I initiated congressional inquiries, including one with Congressman Chip Roy's office, which remains ongoing. See **Exhibit 26**.
8. On October 9, 2023, I filed a separate lawsuit against JJ (Cause No. 212301006), which was also dismissed for jurisdictional reasons, preserving my right to escalate to higher courts. See **Exhibit 27**.
9. A Certificate of Discharge was issued on February 12, 2024, over 13 months after my discharge. This delay violated established procedures. The issuance lacked an initiating memorandum, rendering it improper. See **Exhibits 17 and 28**.
10. Subsequent to my discharge, the TMD attempted to change the characterization to "General" without my knowledge or consent. However, TXSG Reg 600-10 recognizes only "Honorable," "Administrative," or "Other Than Honorable" discharges. "General" is not an authorized classification.
11. Internal RMS records were unlawfully altered to obscure the original discharge. I retain earlier versions of the record demonstrating this falsification. A justification memo from COL Fitz-Gerald conflicts with governing regulations and reflects improper conduct, particularly as he was under administrative review at the time.
12. The deliberate issuance of an unauthorized discharge and the subsequent cover-up constitute an institutional failure and reflect broader misconduct and retaliation. These acts caused irreparable harm to my career and reputation.
13. I further state that I am gravely concerned that COL Darren Fitz-Gerald continues to occupy a leadership position within the Texas State Guard (TXSG), despite being under active administrative review or investigation. Following his previous role as Chief of Staff (CoS), he was appointed as the T1 Personnel Officer—a position that grants him continued authority over personnel files, administrative records, and internal systems such as the Record Management System (RMS).

14. This appointment is both improper and unethical. According to the standards of the Texas Military Department (TMD) and the ethical obligations outlined in TXSG Reg 600-10 and the TMD Code of Conduct, any officer under administrative investigation should be relieved of all duties that grant access to or control over sensitive personnel matters. COL Fitz-Gerald's continued involvement in personnel administrative actions, despite being under review, constitutes a serious conflict of interest and a violation of these standards.
15. While in this position, internal RMS records relating to my discharge were altered in a manner that falsely erased the original classification of "Other Than Honorable." I am in possession of earlier versions of the RMS record that confirm the original discharge and clearly demonstrate this falsification. A justification memorandum authored by COL Fitz-Gerald attempting to explain the change not only conflicts with governing regulations—specifically TXSG Reg 600-10, CH 7, Subpara 7-4—but also reflects improper conduct, particularly because he was under administrative review at the time the memorandum was issued.
16. According to TXSG Reg 600-10, CH 7, Subpara 7-4, the only authorized discharge classifications are "Honorable," "Administrative," and "Other Than Honorable." The classification of "General," which was later inserted into my record, is not recognized under this regulation. The change is therefore unauthorized, and the justification provided does not align with TXSG policy.
17. I state under penalty of perjury that COL Fitz-Gerald's continued access to and manipulation of personnel records while under administrative review is both procedurally improper and ethically unacceptable. His actions undermine the integrity of TXSG's personnel system and reflect a broader institutional failure to ensure accountability and impartiality within its leadership.
18. I assert that the Defendants interfered with my contractual relationship with TXSG, resulting in both economic and reputational damage.
19. My legal counsel, Ms. Tara P. Enahoro, has informed me that the Defendants have failed to respond substantively to the claims and have obstructed efforts to schedule a hearing.
20. I respectfully submit that the interests of justice require the granting of this Motion for Summary Judgment to prevent further delay and prejudice.
21. I declare under penalty of perjury under the laws of the United States and the State of Texas that the foregoing is true and correct.

Further affiant sayeth not.

Executed this 10 day of MAY, 2025.


San Juanita Medeles Casiano

SUBSCRIBED AND SWORN TO before me on this 10 day of May, 2025.

Jared Murphy
Notary Public, State of Texas

My Commission Expires: 2/22/2027

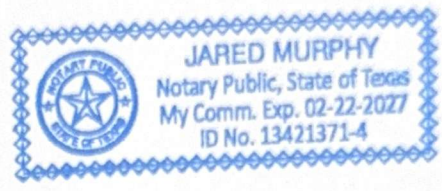


EXHIBIT F

Home Recruiting Personnel Maps Management Activity Calendar Documentation Sign Out

My Account

Personal Assignment Education Awards Drill Licenses Evaluation Admin

Corporal (E-4) Medeles, San Juanita



Joined: Jul 2, 2019
TIG: 1 Years, 1 Months, 19 Days
TXSG TIS: 3 Years, 7 Months, 27 Days
Status: Inactive/Discharged
H/W Status: CO
Date of Birth: Feb 1, 1982
Social Security #: XXX XX 3418
Age: 41
City: San Antonio
DDC/Region: 1884/9
Email: sanjuanita.medeles@txsg.state.tx.us
Home Phone #: 210-718-6692
Cell Phone #: 210-718-6992

Last update: Jan 10, 2023
Last updated by: Master Sergeant Steward


Transfer Promoted/Demote

Unit		History
Active	false	Discharge History
Rank	Corporal (E 4)	History

Discharge Date	Discharge Type	Discharged By	Discharge Reason	
Dec 19, 2022	Other Than Honorable	MSG Gerald Steward	Involuntary Discharge Other	Full
Dec 19, 2022	Other Than Honorable	MSG Gerald Steward	Involuntary - DNR per Chief of Staff (RE4) code	Full

My Account

- Back
- Personal
- Assignment
- Education
- Awards
- Drill
- Licenses
- Evaluation
- Admin

 **Corporal (E-4) Medeles,
San Juanita**



Joined: Jul 2, 2019
TIG: 1 Years, 1 Months, 19 Days
TXSG TIS: 3 Years, 7 Months, 27 Days
Status: Inactive/Discharged
H/W Status: GO
Date of Birth: Feb 1, 1982
Social Security #: XXX-XX-3418
Age: 43
City: San Antonio
DDC/Region: 18B/6
Email: sanjuanita.medeles@txsg.state.tx.us
Home Phone #: 210-718-9992
Cell Phone #: 210-718-9992

Last update: Jan 10, 2023
Last updated by: Master Sergeant Steward

[Transfer](#) [Promote/Demote](#)

Unit		History
Active	false	Discharge History
Rank	Corporal (E-4)	History

Discharge Date	Discharge Type	Discharged By	Discharge Reason	
Dec 19, 2022	General	MSG Gerald Steward	Involuntary - CDI; RE-4	Edit

EXHIBIT G

My Account

- Back
- Personal
- Assignment
- Education
- Awards
- Drill
- Licenses
- Evaluation
- Admin



**Corporal (E-4) Medeles,
San Juanita**



Joined: Jul 2, 2019
TIG: 1 Years, 1 Months, 19 Days
TXSG TIS: 3 Years, 7 Months, 27 Days
Status: Inactive/Discharged
H/W Status: GO
Date of Birth: Feb 1, 1982
Social Security #: XXX-XX-3418
Age: 43
City: San Antonio
DDC/Region: 18B/6
Email: sanjuanita.medeles@txsg.state.tx.us
Home Phone #: 210-718-9992
Cell Phone #: 210-718-9992

Last update: Jan 10, 2023
Last updated by: Master Sergeant Steward

Transfer

Promote/Demote

Unit		History
Active	false	Discharge History
Rank	Corporal (E-4)	History

Discharge Date	Discharge Type	Discharged By	Discharge Reason	
Dec 19, 2022	General	MSG Gerald Steward	Involuntary - CDI; RE-4	Edit

IT IS THEREFORE ORDERED that Defendants' Plea to the Jurisdiction on Plaintiff's claim for ultra vires against Defendants Jimmerson, Fitzgerald, and Cave in their official capacities is DENIED.

Entered on this 8th day of August, 2024.



JUDGE PRESIDING
KARIN CRUMP
250TH DISTRICT COURT

EXHIBIT I

05/12/2025 01:51:38 PM
Velva L. Price
District Clerk
Travis County
D-1-GN-24-000896

CAUSE NO. D-1-GN-24-000896

SAN JUANITA MEDELES,
Plaintiff,

v.

JEANETTE JIMMERSON OF THE TEXAS
MILITARY DEPARTMENT – TEXAS STATE
GUARD, DARREN FITZGERALD OF THE
TEXAS STATE MILITARY – TEXAS STATE
GUARD, JOE CAVE OF THE TEXAS
MILITARY DEPARTMENT – TEXAS STATE
GUARD, and TEXAS MILITARY
DEPARTMENT – TEXAS STATE GUARD,
Defendants.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

459TH JUDICIAL DISTRICT

**ORDER OVERRULING TMD DEFENDANTS' SECOND PLEA TO THE
JURISDICTION**

On this day, the Court heard TMD Defendants' Second Plea to the Jurisdiction (Plea) filed on April 24, 2025.

After considering the pleadings and arguments of counsel, the Court FINDS that Plaintiff was given a type of discharge that under the Regulations requires a court-martial. Instead, Defendants now attempt to moot this case by purporting to change the type of discharge to one that does not require a court-martial. That change, however, is of a type that is not recognized by the Regulations, and it leaves Plaintiff with a discharge that even Defendants' own electronic records system does not recognize.

IT IS THEREFORE ORDERED that Defendants' Plea is hereby OVERRULED.

SIGNED on May 12, 2025.



F. SCOTT MCCOWN
Senior Judge Presiding by Assignment

EXHIBIT J

TXSG 1010.20

TXSG New Member Handbook



Headquarters
Texas State Guard
Austin, TX 78763
04 August 2020

Texas State Guard New Member Handbook

TXSG 1010.20
04 AUG 2020

Texas State Guard (TXSG)
PO Box 5218
Austin, TX 78763

OPR: TXSG Recruiting



ROBERT J. BODISCH, SR.
MG, TXSG
Commanding

Summary. This Handbook is designed to provide new TXSG personnel with the critical information they need to successfully begin their service as new members. It also serves to inform TXSG leadership of their requirements to teach and instruct their new members in this information.

Applicability. This Handbook is applicable to all Texas State Guard personnel.

Proponent and Exception Authority. The proponent for this Handbook is the TXSG Recruiting Section. The TXSG Recruiting OIC has the authority to approve exceptions to this SOP, IAW the Commanding General's intent, that are consistent with controlling law and regulation.

Supplementation. Supplementation of this Handbook is prohibited without prior approval from the Commanding General (TXSG), through the TXSG Recruiting OIC, P.O. Box 5218, Austin, TX 78763-5218.

Suggested Improvements. Users are invited to send comments and suggested improvements concerning this Handbook directly to the TXSG Recruiting OIC, P.O. Box 5218, Austin, TX 78763-5218

Distribution. A

Texas State Guard New Member Handbook

1. **Introduction – TXSG History and Mission**
 - About the TXSG and Command Structure
 - TXSG Chain of Command
 - The Operational Continuum
 - TXSG General Orders and Values
 - Duty, Honor, Texas
2. **Swearing-In, ID and Email**
 - Swearing-In Coordination and needed items
 - TXSG ID/Photo
 - TXSG Email
3. **First 30-days; Initial Tasks and Self-Learning**
 - Grooming Standards
 - Uniform Requirements and overview:
 - The Authorized Field Uniform
 - When/Where to wear The Authorized Field Uniform
 - 3-Day Pack, 7-Day Pack and Supplies
 - Load Bearing Equipment
 - Medical Information
 - Saluting and Greeting of the Day
 - Saluting, Positions, Transitions, Customs and Courtesies
 - TMD Social Network Policy and Texas Adjutant General’s Guidance
 - TXSG Critical Information List (CIL)
4. **Training and Drill Attendance**
 - SAD (State Active Duty) Pay
 - Communication and Availability Requirements
 - E-mail and Phone Communication Policy and Guidance
 - Primary Armory Locations and Drill Expectations
 - Annual Training
5. **First 3 to 6-Months; Trainings and Certifications**
 - BOT – Basic Orientation Training
 - Online Training
 - TXSG Physical Fitness Standards
 - American Red Cross Shelter Management
 - CPR/First Aid
 - ETN - Emergency Tracking Network
6. **6-Months to 1-Year**
 - Time and Grade
 - Promotion Requirements
 - Optional Certification - MEMS

Texas State Guard New Member Handbook

7. Appendix and Documents

- TXSG Policies, Regulations, Directions, Instructions and more
- Texas Military Department Legal Authorities
- Social Media Resources
- Rank Recognition
- Appendix of acronyms

Texas State Guard New Member Handbook



TEXAS STATE GUARD STRATEGY

VISION:

The Texas State Guard is THE Premier State Defense Force in the Nation.

MISSION:

Provide mission-ready military forces to assist the State and local authorities in times of state emergencies, for homeland security and service through Defense Support to Civil Authorities (DSCA).

TAKE CARE OF OUR PEOPLE

- Train the force for mission readiness
- Provide the right training to meet mission needs
- Improve processes; expedite pay and streamline promotions / awards
- Boost internal communication – ensure information disseminates to all levels of command

DO OUR DUTY

- Develop force structure that meets the needs of the State
- Rapid response and deployment of forces
- Effectively manage resources
- Augment State, local, and National Guard response operations; be a force multiplier

MAINTAIN THE PUBLIC TRUST – Go home with our Honor

- Be transparent in our actions; to the community, the State, and the Texas Military Department
- Enhance local relationships through community involvement
- Integrate strategic planning and legislative support with Texas Military Department
- Continue fiscal responsibility through full disclosure



TEXAS STATE GUARD

Texas State Guard New Member Handbook

1. Introduction – About the TXSG

This section provides an overview of the Mission, structure and description of the Texas State Guard.

About the Texas State Guard

Headquartered at Camp Mabry in Austin, Texas, the Texas State Guard is one of the three components of the Texas Military Department (TMD), operating under the command of the Adjutant General of Texas and the Governor of Texas as the Commander-in-Chief for all state military forces. The TMD also includes the Texas Army National Guard (TXARNG) and the Texas Air National Guard (TXANG).

"TEXANS SERVING TEXAS"

Texas Military Department Chain of Command

The Texas Military Department is comprised of three Branches: Texas Army National Guard, Texas Air National Guard and the Texas State Guard. This section gives a high-level overview of the current Chain of Command for the Texas State Guard from the Governor's Office to the Major Component Commands.



Texas Military Forces Commander-In-Chief = Governor Greg Abbott

Texas Military Forces Adjutant General = MG Tracy Norris

Texas Military Forces Senior Enlisted Advisor = CCMSgt Michael Cornitius

Texas State Guard Commanding General = MG Robert Bodisch Sr.

Texas State Guard Command Sergeant Major = CSM Charles Turbeville

Texas State Guard Deputy Commanding General = BG Anthony Woods

Texas State Guard Assistant Deputy Commanding General = BG Talentino Angelosante

Texas State Guard Chief of Staff = COL Darren Fitz Gerald

Texas State Guard First Brigade Commander = BG Robert Hastings

Texas State Guard First Brigade Command Sergeant Major = CSM Barton Williams

Texas State Guard New Member Handbook

Texas State Guard Second Brigade Commander = BG Marco Coppola

Texas State Guard Second Brigade Command Sergeant Major = CSM Ronald Smith

Texas State Guard Third Brigade Commander = BG Thomas Ball

Texas State Guard Third Brigade Command Sergeant Major = CSM Ricardo Olivares

Texas State Guard Sixth Brigade Commander = BG Joe Cave

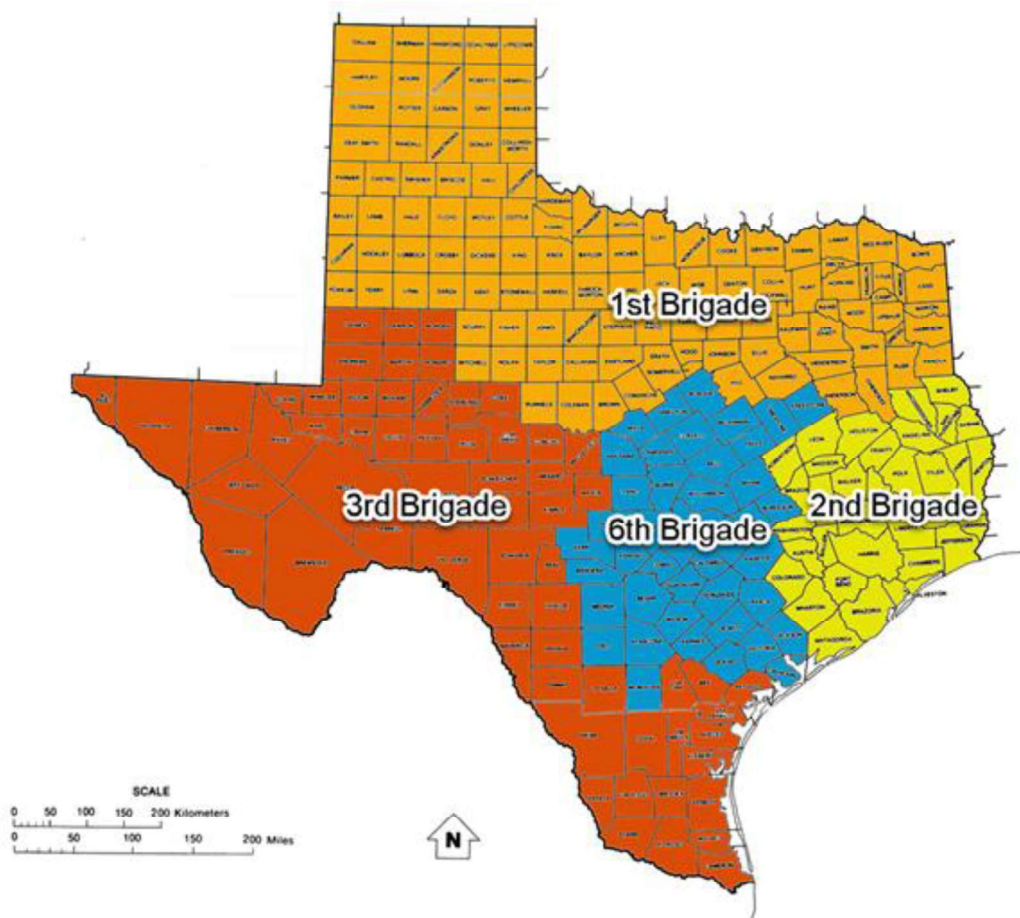
Texas State Guard Sixth Brigade Command Sergeant Major = CSM John Jacobs

<https://tmd.texas.gov/leadership>

TXSG Command Structure

The Command Structure includes the TXSG Headquarters and the 4 geographic Brigades that are aligned with the Texas DPS Regions:

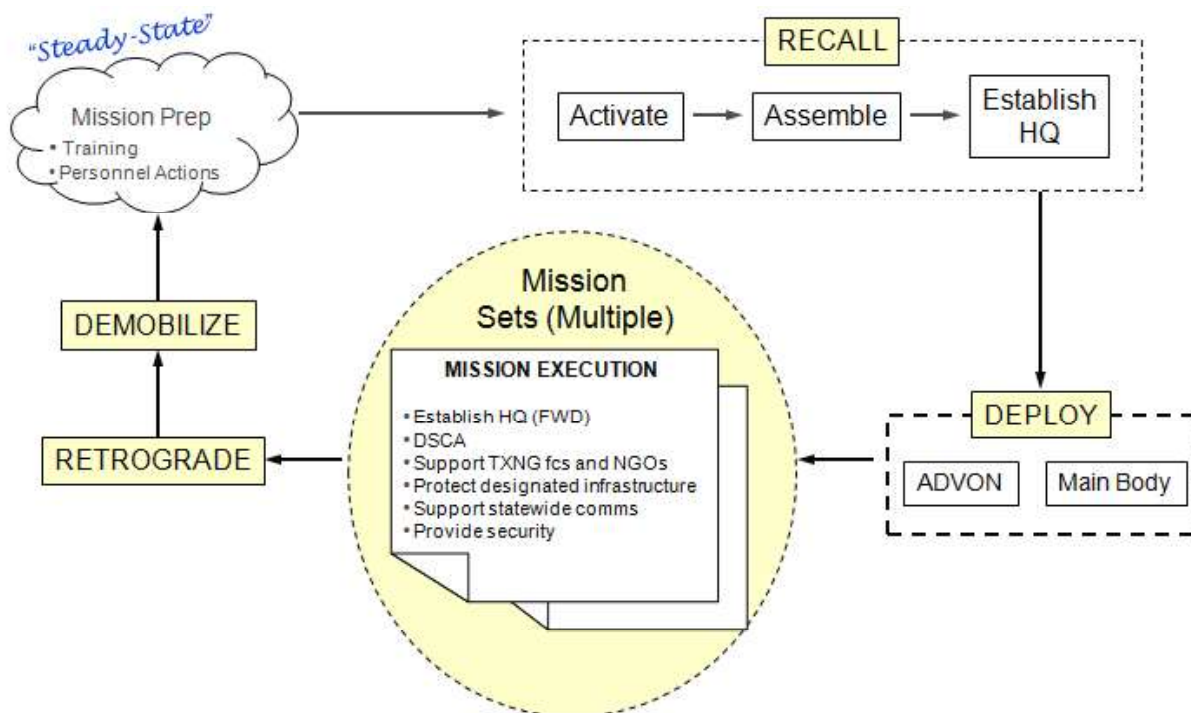
- 1st Brigade = DPS Regions 1 and 5
- 2nd Brigade = DPS Region 2
- 3rd Brigade = DPS Regions 3 and 4
- 6th Brigade = DPS Region 6 and 7



The Operational Continuum (SAD/State Active Duty)

The Primary Missions of the TXSG are Shelter Operations, Points of Distribution/PODS and Emergency Tracking Network. Forces must follow an Operational Continuum to achieve consistency. The Continuum follows a very organized and logical process:

- **Mission Prep / “Steady State”** – Training Personnel in their job functions to a level of mastery, “doing routine things routinely”
- **Recall** – The TXSG is activated by the Governor of Texas to perform a mission/task. Through communication, specified elements (Brigade, Battalion and/or Company) are activated for Duty and given Orders to report/assemble. A Headquarters presence is established to coordinate all elements of the Mission
- **Deploy** – An Advance Party (ADVON) is sent to the area where the Mission will occur to establish a forward Headquarters, then followed by the rest of the Service Members being deployed for the Mission
- **Mission Sets (Multiple)** – Simply put, the Deployed Unit Level (or smaller) does what the State wants them to. The Mission is carried out per guidance of the Chain of Command
- **Retrograde** – Once the Mission is deemed complete (or Manpower will be refreshed), The Deployed element returns to their Home Location (e.g. Armory, Camp Mabry or other designated point)
- **Demobilize** – After all Personnel are accounted for, Service Members return to their Home of Record (HOR) and are released from State Active Duty (SAD). All return to a **Mission Prep / “Steady State”** and the cycle repeats as necessary



TXSG General Orders and Values

General Orders

1. I will guard everything within the limits of my post and quit my post only when properly relieved.
2. I will obey my special orders and perform all my duties in a military manner.
3. I will report violations of my special orders, emergencies and anything not covered in my instructions to the commander of the relief.

TXSG Values

Our values are the foundation of our success. Military professionals worldwide share the same values of duty, honor, courage, commitment, integrity, judgment, teamwork and selfless service. Our values are the reason we are here doing what we do and why we will ultimately be successful in our endeavors. We must always and in everything be true to our values. We must also understand that our values may be different from others. Different partners and stakeholders may have different organizational values. We must understand the values of others and adapt to accommodate them, while never compromising our own. This is especially true regarding integrity.

LEADERSHIP: Leadership is the coin of the realm. Every TXSG leader is expected to exhibit those qualities inherent in world class leaders: integrity, courage, knowledge, decisiveness, dependability, initiative, tact, sound judgment, loyalty, unselfishness, bearing and accountability. Your communications must be consistent, clear, and courteous. As leaders we must also be good listeners. When leaders don't listen; they stop gaining wisdom, they stop "hearing" what isn't being said, team members stop communicating, indifference begins to spread, and ultimately, poor listening leads to hostility, miscommunication, and a breakdown of team cohesion.

Every leader bears a huge responsibility. Nothing less will be expected. Lapses or failures in leadership must be brought to light immediately and corrected. When lapses or failures occur, and they will, leaders at all levels are charged with the responsibility to seek answers to the following questions for the command in an effort to keep our own house in order:

- Is the issue caused, at least in part, by inability or decreased ability to cooperate/coordinate/ communicate with internal/external organizations?
- Do the senior leaders understand the scope of the problem?
- Does command have the resources at its disposal to correct the issue?
- Is leadership being trained on effective change management principles?
- Has command properly addressed the level of criticality, threat, urgency, risk, etc., of the operational results of the issue?
- Is senior leadership aware of the drivers and barriers to resolving the issue within the organization?
- Has senior leadership identified cultural drivers and barriers which hinder or otherwise affect issue resolution?
- Is there existing policy that addresses the issue or relates to the issue?

Texas State Guard New Member Handbook

- Are there operating procedures in place that are NOT being followed which contribute to the issue?
- If the operating procedures were followed, at least in part, would this correct the issue or lessen its impact?
- If no policies or procedures are in place which pertain to the issue, do new policies, or new procedures need to be developed and implemented which provide either a complete or partial solution to the issue?

TEAMWORK: Teamwork is our greatest enabler. We have to work together as a team. We have to use all our assets and leverage each other for the unique strengths that we all bring to the table. We must work together in order to understand the differences in each of our missions and our priorities. We must overcome the differences to get to the same goals and objectives that we are all working toward.

COMMUNICATION: Communication is essential to a successful organization. Information sharing empowers us to make good decisions, analyze problems, and assists others in helping us to succeed. We must be precise – words have meaning, and we must use them correctly. We have a diverse team, so we must avoid national, service, or other slang or acronyms that inhibit communication. We must also discriminate carefully between what we know, and what we think we know. If you are asked a question, please ensure that the person asking the question completely understands whether what you are telling them is what you know as a fact or what you believe, or think is the case. If you don't know the answer, do the professional thing, tell the person asking the question you don't know and get back to them with the answer. Often issues are really a result of miscommunication; good communication is a powerful enabler and overcomes many obstacles.

CULTURAL UNDERSTANDING: The Texas State Guard is rich with history and tradition and is blessed to have members from many cultural backgrounds. Cultural differences are important to understand, not just to avoid offense, but to ensure that we use the best methods to assist and appreciate them.

DIGNITY AND RESPECT: Dignity and respect are fundamental values of our society. The TXSG has a diverse team which is a real benefit as we innovatively and creatively tackle our missions. Every member deserves to be treated with dignity and respect, regardless of nationality, race, gender, religion, or any other differences that, as an organization, makes us stronger. Earn and develop trust by doing the right thing. The TXSG will not tolerate any form of discrimination, period.

BALANCE: As professionals we have to balance the competing demands of immediate-need versus long-term value, and achieve balance between ensuring success and creating dependency. It will be a delicate and difficult task, so we will have to take intelligent and managed risks. Shooting from the hip is not acceptable. Think issues through, use your intelligence, experience, education, and training, and most of all, seek the advice of others who are knowledgeable and experienced in the issues you are dealing with.

STEWARDSHIP: Stewardship is the responsibility of every individual. We are in an important business and from time to time entrusted with significant assets and resources. We must ensure that we use these assets and resources wisely, properly, and with complete accountability.

TAKING CARE OF EACH OTHER: Our mission and responsibility is sometimes stressful, laborious, and time consuming. From time to time our families suffer for our good service. We have to rely on each other. Whether it is lending a patient ear, telling a story to lift a spirit, referring a person with a problem to someone who can help, or noting a deficiency in adhering to our high standards and values and making an on-the-spot correction, we must all take care of each other. We are in this fight together, and we will succeed together. Every officer and NCO will be held strictly accountable to ensure that no member is deployed on a mission that is not fit for duty, physically or mentally. All commanders must keep command informed of any member that is or becomes physically or mentally unfit for duty.

FORCE PROTECTION: Force protection of our personnel is of paramount importance. We cannot cut corners. We live in a dangerous environment and we are all exposed to some level of risk regardless of the mission. Proper risk management and discipline in all that we do, whether in tactical risk management, or in managing the risk of accidents, including training, is an inherent responsibility of every member of the command. Safety issues or concerns are to be brought to the attention of command immediately.

MISTAKES: TXSG is a human organization, we cannot be perfect, and we will make some mistakes. We should react to honest mistakes by analyzing what happened, understanding why it happened, learn how to keep from making the same mistake again, and taking corrective action. Mistakes become a serious issue when they are repetitive or are the result of negligence or dishonesty.



TEXAS MILITARY DEPARTMENT VALUES

DUTY

BEAR TRUE FAITH & ALLEGIANCE TO THE STATE AND NATION. CULTIVATE AN ENVIRONMENT FOR ALL TO EXCEL. PREPARE MENTALLY, PHYSICALLY & SPIRITUALLY TO DEPLOY AT HOME & ABROAD.
BE READY WHEN CALLED

HONOR

HOLD THE PUBLIC TRUST IN THE HIGHEST REGARD, EXCEED STANDARDS & EXPECTATIONS. ACT WITH UNDERSTANDING, INNOVATION, RESOURCEFULNESS, FLEXIBILITY & URGENCY. DO ALL YOU CAN, WHERE YOU ARE, WITH WHAT YOU HAVE & ALWAYS PLACE THE WELFARE OF THOSE YOU LEAD FIRST.

TEXAS

EMBRACE THE COURAGEOUS SPIRIT OF OUR PEOPLE, HISTORY & CULTURE.

2. Swearing-In, ID and Email

This section provides an overview of the items to be completed once your application packet has been completed and processed

Oath of Enlistment/Appointment

Once you have been approved to join the TXSG, you will report to your assigned Unit to take your Oath and become an Active Service Member.

TXSG ID/Photo

Your ID will be processed and submitted by the T-1 (Personnel Shop) and mailed to your Home of Record (HOR) provided in your Accession Packet. This may take 30-45 days for processing.

TXSG Email

Your TXSG email will be created and confirmation provided to you when available. Standard format is first.last@txsg.state.tx.us unless there is a duplicate name in the data base and middle initial or number designation will be included (e.g, steve.jones1@txsg.state.tx.us). The initial login will require communication with your Unit Level G/S-6 to perform a password reset for access.

Login is via <https://outlook.com/owa/txsg.state.tx.us> and you will use your “first, last” username to access.

TXSG email can also be set up on most Smartphones (iOS, Android, Blackberry, Windows, etc...). Settings can be found when logged into **Outlook Web Access** or by speaking with your Unit's G/S-6.

3. First 30-days; Initial Tasks and Self-Learning

This section provides the needed information to ensure correct uniform and supply procurement.

Grooming Standards

The Texas State Guard adheres to the US Army Grooming and Appearance Standards:

ALL BRIGADES – [AR 670-1](#)

Male:

- Hair neatly groomed, tapered appearance to the shape of the head (graphic below)
- When combed, must not fall below the ears or eyebrows, not touching the collar (except for closely cut/shaven hair at the back of the neck)
- Braids, cornrows, dreadlocks are not authorized while in uniform or civilian clothing while on Active Duty
- Sideburns must be neatly trimmed, flat at the bottom and not extending below the lowest part of the exterior ear opening
- Must be clean shaven while in uniform or civilian clothes while on Active Duty (not required to be maintained between Drills/Training/Deployment)
- Mustaches that are neatly trimmed, do not cover the upper lip or extend past the corners of the mouth are permitted (graphic below)
- **NO EARINGS OR PIERCINGS ARE AUTHORIZED**
- Fingernails will be kept trimmed, not to extend past the tip of the finger

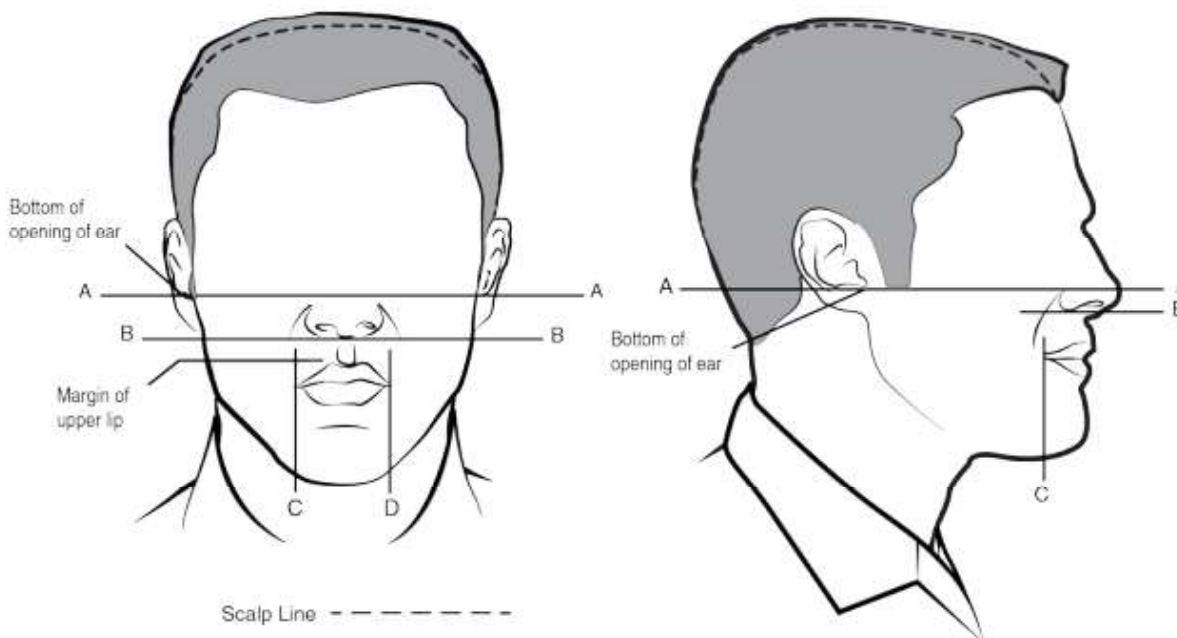


Figure 3-2. Male grooming standards

(graphic from U.S. Army Regulation 670-1)

Female:

- Hair neatly groomed, length and bulk not excessive (graphic on next page)
- Must not fall below the ears or eyebrows, not touching the collar (except for closely cut/shaven hair at the back of the neck)
- Long hair that naturally falls below the bottom edge of the collar must be neatly fastened or pinned so that no free-hanging hair is visible
- Fingernails will be kept trimmed, not to extend ¼” past the tip of the finger
- Cosmetics that are conservative and compliment the uniform and complexion of the Service Member are authorized as is permanent makeup (tattooed eyebrows and/or eyeliner)
- Female Service Members may only wear appropriate earrings with the Dress and Mess uniforms as prescribed by their specific service regulations

ALL:

- Service Members will maintain good personal hygiene and grooming on a daily basis and wear the uniform so as not to detract from their overall military appearance
- Tattoos or brands anywhere on the head, face and neck above the Class A Uniform collar are prohibited
- Tattoos or brands that are extremist, indecent, sexist, or racist are prohibited, regardless of location on the body, as they are prejudicial to good order and discipline within units.
- Service Members may wear a wristwatch, a wrist identification bracelet, and a total of two rings (a wedding set is considered one ring) unless prohibited by the commander for safety or health reasons. Any jewelry Service Members wear must be conservative and in good taste. Identification bracelets are limited to medical alert bracelets and MIA/POW identification bracelets. Service Members may wear only one item on each wrist.

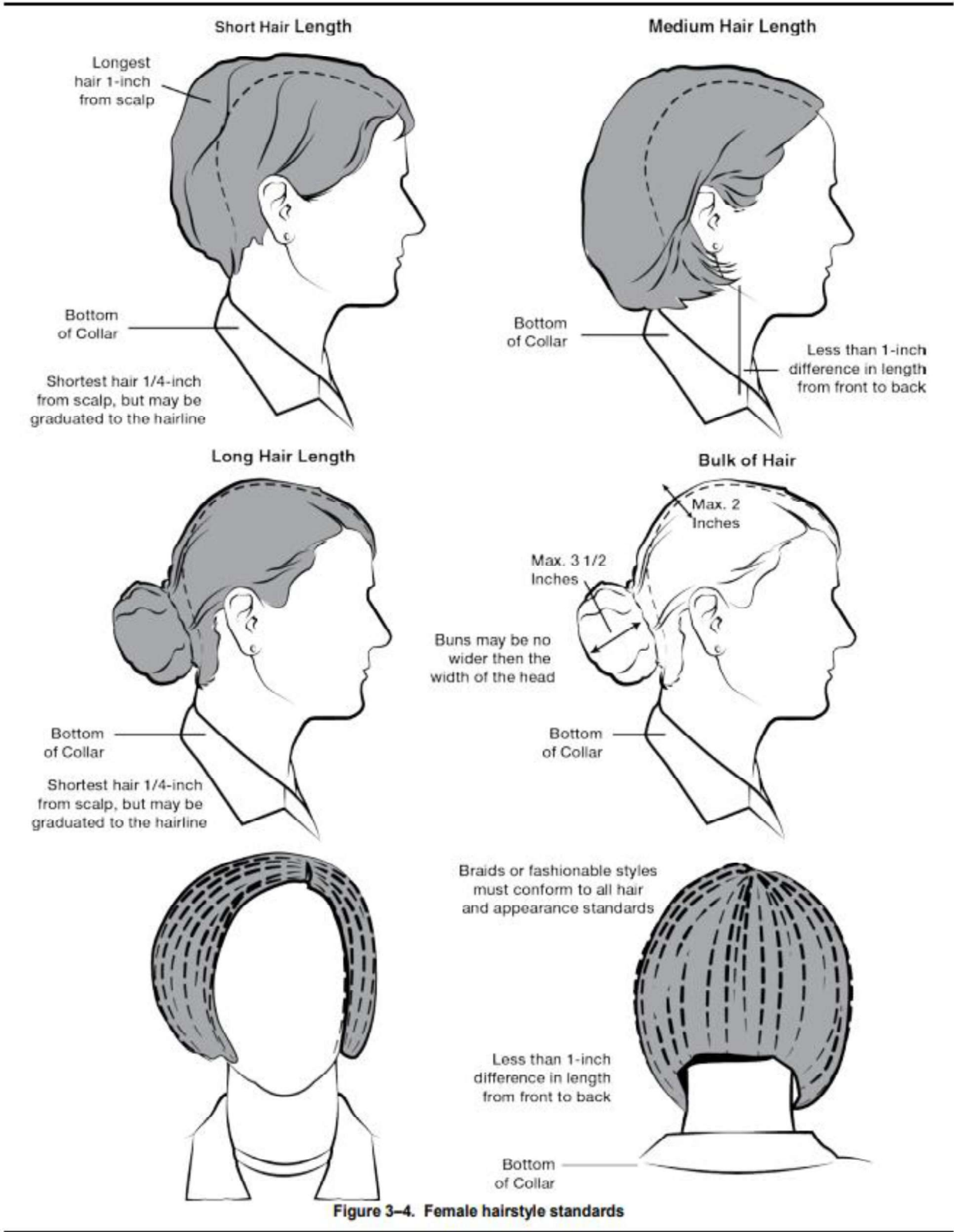


Figure 3-4. Female hairstyle standards

(graphic from U.S. Army Regulation 670-1)

Uniform Requirements

Name Tapes and Tabs/Patches

The TXSG adheres to the Uniform Standards of the Army Regulation 670-1 for the Army Combat Uniform (ACU) in Operational Camouflage Pattern (OCP). Here is the description for the Authorized Combat Uniform to be worn for Drills, Training and Deployment/Activation while serving in the TXSG.

It is recommended you acquire two full Uniforms and two pairs of boots, however minimum requirement is one complete set.

The Texas State Guard may supply uniforms when items are available at the Unit, Major Subordinate Command, Component or HHC level; Service Members will need to provide some items for their own uniforms, including patches. Items are available online or at local surplus stores. Resources:

- <http://www.1800nametape.com> – Great source for all patches, name tapes and rank
- <https://statedefensesupply.com> – Source for individual and kitted/bundled items
- Check Local Army/Military Surplus retailers and Goodwill near local Federal Installations for the Uniform, Cap/Cover, belt and boots.

In addition, there are many online sources for new and used/surplus Uniforms and supplies. Uniforms for the Air and Maritime Components are not commonly found at local Surplus Stores.

ACU OCP

The ACU is the primary Uniform worn for all TXSG Drills, Training and Deployments for all Service Members MANDATORY Wear-In starting date of 01Jan2020.

The OCP Scorpion W2 pattern is authorized. When putting your Uniform together, the Blouse, Pants and Patrol Cap MUST MATCH each other in Scorpion W2 pattern.

- The Branch Tape will read as “TEXAS STATE GUARD”
- The Flag on the Right Shoulder will be the Texas Flag in Reverse Full-Color

TXSG Basic Uniform Requirements



Recommended Uniform items:

- 2x ACU (OCP) Jacket
- 2x ACU (OCP) Pants
- 1x ACU (OCP) Patrol Cap
- 1x Coyote Brown Belt
- 3x Coyote Brown Undershirts
- 3x Olive Drab, Brown or Black Socks
- 1x Coyote Brown (AR 670-1 Compliant) Boots
- 1x Identification Tags

Notes:

1. Initial Rank for non-prior Federal Service Members is PV1 (Private), Grade E-1. No rank insignia is worn
2. Upon completion of Basic Orientation Training (BOT) and promotion to PV2/E-2, a single chevron is the correct rank insignia as pictured above
3. For the name tape, branch tape and rank insignia, all 3 must be either attached by Velcro to the ACU jacket –or– all three can be sewn onto the ACU jacket
4. The patrol cap rank insignia may be metal pin-on –or– sewn-on

When/Where to wear The Authorized Field Uniform

The wear of uniform is ONLY to be under the following conditions (*DO NOT wear the Field/Utility Uniform to any Drills, Events, Exercises or Functions until you have been Sworn-In to the TXSG*):

- Under written or verbal Orders for Drill, Training or Deployment of Mission
- When conducting Official Texas State Guard duties under written or verbal Orders from your Chain Of Command
- Only under pre-approved conditions for special events through written or verbal communication

The Uniform is not to be worn at the Service Member's personal discretion for purpose of recognition, personal gain or benefit.

The Uniform is not to be worn out-of-State UNLESS under verifiable authorization (by Written Orders) through the TXSG Commanding General or above.

The Dress Uniform

The Class A, Service Dress and Mess Dress Uniforms are OPTIONAL and not required for Service in the Texas State Guard.

Under pre-approved circumstances (by Orders and/or event requirements), a TXSG Service Member may wear the Army Service Uniform (Class A) or Dress Uniform for Formal Events (e.g. Military Ball, Holiday Party, Retirements, Weddings, Graduations, etc.).

Be sure to speak with your Chain of Command prior to purchase of the Dress Uniform as the cost is much higher than the Authorized Combat Uniform – there are also more details that need to be adhered to.

TXSG - Deployment Bags, Load Bearing Equipment, Prohibited Items and Medical Information

TXSG Service Members are required to maintain two deployment bags with the following items. The readiness bag shall be stocked with all items necessary to sustain a seven to fourteen-day deployment. Certain Mission Ready Packages (MRPs – e.g. GSAR, Ground Search and Recovery, Dive Teams, Boat Teams, etc...) may have additional/alternative loadout list(s).

A Bag - The A Bag is intended to be a medium/large back-pack sized bag that Service Members carry with them that provides ready access to necessary items. If transportation space is limited, Service Members may have to live out of the A Bag for up to three days:

- 1x set of ACUs
- 1-3x pairs socks
- 1-3x sets underwear (female Service Members: 1-3x bra/sports bra)
- 1-3x t-shirt
- Personal hygiene kit
- Work gloves (black, tan or green)
- Wet weather gear (i.e. poncho, Field Jacket, rain suit or Gore-Tex parka) – military only
- 24 hours of nonperishable foodstuffs (three meals) for emergency subsistence should immediate support be unavailable
- 14-day supply of all prescription medications
- First Aid kit w/ adhesive bandages, cleansing pads, sting/bite treatment, pain relievers.
- Spare prescription glasses
- Wet weather bag
- Poncho liner or light weight blanket
- Sleeping mat/pad or air mattress
- Boot care kit
- Spare headgear and insignia
- Flashlight, preferably two D-cell or four D-cell, with one extra set of batteries and one extra bulb (crookneck, Surefire, or Mag-Lite recommended)

B Bag - The B Bag is intended to be the size of a duffle bag and contain the extra items a Service Member needs to make life comfortable on longer deployments:

- 2x sets (3x sets are recommended) of ACUs
- 5-7x pairs socks
- 5-7x pairs underwear (female Service Members: 2x bras or sports bras)
- 5-7x t-shirts
- 1x additional set boots
- Spare towel
- Shower shoes, all plastic no cloth
- 48 hours of nonperishable foodstuffs (6 meals) for emergency subsistence should immediate support be unavailable
- Spare batteries
- Sleeping Bag
- Shorts, t-shirt, sweat pants to sleep in

OPTIONAL B BAG ITEMS:

- Folding cot
- Small pillow
- Cell phone w/charger and extra battery
- Notebook(s) small
- Alarm clock
- Insect netting
- Cord for clothesline and small zip-lock bag laundry soap
- Laptop computer
- Civilian clothes
- Camera
- PT uniform w/vest reflective or belt
- Sunscreen (SPF 30 or greater)
- Insect Repellent
- Sewing kit

Load Bearing Vest (LBV) and Load Bearing Equipment (LBE) - During some operations, it may be necessary for Service Members to carry equipment with them. Within their financial means, all Service Members are encouraged to procure Military LBV/LBE for field use:

- Web Gear (OD) consisting of pistol belt, and suspenders (“H”, “Y” or “X” pattern suspenders)
- Hydration equipment: “Camel Back” or other commercial hydration system (matching camouflage pattern or all Black, Tan or Coyote Brown only) OR 1x or 2x 1 qt plastic canteens w/ canteen covers, w/ canteen cup
- 1x bottle of water purification tablets
- First Aid pouch with field dressing if owned or issued.
- Personal survival kit consisting of eating utensils, one box of bouillon cubes, whistle, mirror, disposable lighter, multi-tool or Swiss Army type knife, water purification, space blanket.

Prohibited Items – The following items are NOT permitted on deployment or on the property of any Texas State Guard facility, armory or military base of operations

- Alcohol
- Illegal drugs/drug paraphernalia
- Pornography
- MP brassards
- **Unauthorized** weapons/firearms
- Civilian camouflage clothing (mossy oak, real tree...)

TXSG Form 2807-1 and Pocket Emergency Card – A current Report of Medical History should be filled out and maintained, keeping with you at all times (will be required for participation of Annual Training and other major Field Exercises (FTXs). A Pocket Emergency Card (3x5) should be maintained with the following information:

Texas State Guard New Member Handbook

- Full Name
- Home of Record (HOR) address
- Name of Closest/Best Emergency Contact with primary and secondary (if available) phone numbers
- List of Allergies (all to include medication, pollens, animals, bites/stings, etc...)
- List of Current Medications with dosage and frequency

Saluting and Greeting of the Day

When approaching an Officer (All Warrant Officers and Commissioned Officers) outdoors facing your direction, within 6 paces a sharp salute is given. Do not break the salute until the Officer salutes and breaks, or you are 6 paces past them.

When in a group and an officer is approaching within your view, it is your responsibility to announce “Group/Squad/Class, Attention” and initiate the salute – do not assume another Service Member in your group will do this and avoid a salute all-together.

When greeting a Service Member, you state the time-period of the day (e.g. “Good Morning / Good Afternoon / Good Evening”) and the appropriate greeting for the rank of the individual:

Officers (O-1 through O-10) = male is “Sir”, female is “Ma’am”

Warrant Officer One (WO1) = “Mr.” or “Ms.” (Sir or Ma’am is acceptable, however not proper protocol)

Chief Warrant Officer (CW2-CW5) = “Chief”

Officer Candidate = a greeting of the day as appropriate for the time with “Cadet” or “Candidate”

NCO (E-4 and above) = a greeting of the day for the time is appropriate. Below are examples:

Corporal = “Corporal”

Sergeant, Staff Sergeant, Sergeant First Class and Master Sergeant = “Sergeant”

First Sergeant = “First Sergeant”

Command Sergeant Major or Sergeant Major = “Sergeant Major”

Enlisted (E-1 to E-4) = a greeting of the day for the time is appropriate. Below are examples:

Trainee = “Trainee” (during participation in RBOT)

PV1/PV2 = “Private”

Private First Class = “PFC” or “Private”

Saluting, Positions, Transitions, Customs and Courtesies

This section briefly describes basic Drill and Ceremony positions, transitions and the “Position of Honor” when walking, marching or staging

Salute (“Present Arms”) – Raise the right hand sharply, fingers and thumb extended and joined, palm facing down and place the tip of the forefinger on the rim of worn cover slightly to the right of the right eye. The outer edge of the hand is slightly canted downward so that neither the back of the hand or palm is clearly visible from the front. Keep the hand and wrist straight with the elbow slightly forward and upper arm horizontal to the ground.



Figure 4-5. Hand Salute

Attention (At Attention) – Hold the head erect and looking straight forward, not turning your head to the direction of anyone speaking or moving. Arms are straight-down at the sides, with the backs of the hands facing outward. Curl the fingers so the tips of your thumbs are alongside and touching the first joint of the forefingers. The thumbs should be straight and along the seams of your pants/trousers. Feet with heels together and toes forming a 45-degree angle.



Figure 4-1. Position of Attention

Parade Rest – Hold the head erect and looking straight to the front. Feet are just past shoulders width apart and arms are held at the small of the back, palms facing rearward with right hand over left.

Stand at Ease – Hold the head erect and turn your head directly toward the direction of anyone speaking/addressing you and/or the formation. Other than turning the head and eyes directly toward the person in charge of the formation, this position is the same as Parade Rest.

NOTE - Keep the legs straight without locking your knees; hips and shoulders stay level.

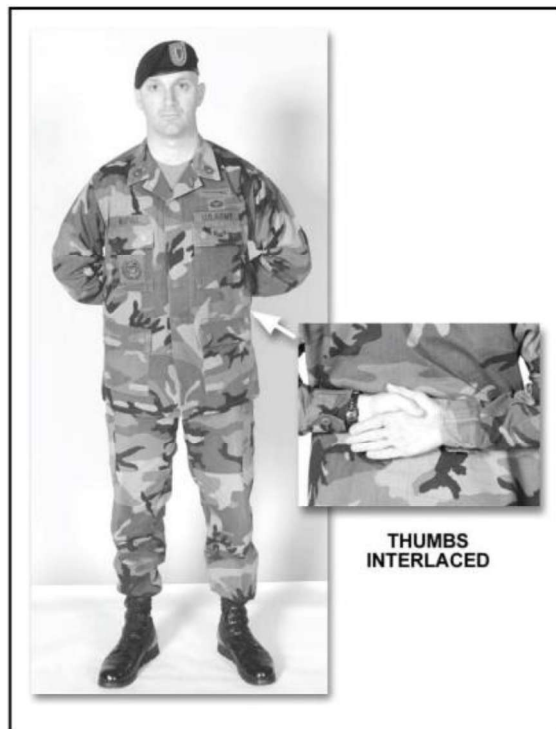


Figure 4-2. Parade Rest

Transitions – When transitioning from “Attention” to “Parade Rest/Stand at Ease”, the right foot stays in-place and the Service Member will move the left foot out, just past shoulders width. The hands will move from the Service Member’s sides to clasping behind their lower back centered on the belt with fingers extended and palms facing rearward, right palm over left.

When transitioning from “Parade Rest/Stand at Ease” to “Attention”, the right foot stays in-place and the left foot moves in, bringing the heels together and toes forming a 45-degree angle. The hands will move from behind the Service Member’s lower back to arms straight-down at the sides, with the backs of the hands facing outward. Curl the fingers so the tips of your thumbs are alongside and touching the first joint of the forefingers. The thumbs should be straight and along the seams of your trousers. Keep the head erect and look straight to the front.

Walking Note – When walking with another Service Member, the lower ranking Service Member should always walk to the left of the senior ranking Service Member. The “Position of Honor” is to the right of a pair or group.



Texas Military Department

Instruction

Number 5400.03

NGTX-XZ

SUBJECT: Texas State Guard Social Media Guidance

References. (a) TMDD 5400.2, TMD Internet and External Social Media Presence, 05DEC17
(b) ALARACT 075/2017, Professionalization of Online Conduct, 17AUG17
(c) DODD 1344.10, Political Activities by Members of the Armed Forces.
(d) Texas Code 556, Political Activities by Certain Public Entities and Individuals
(e) TMD Public Affairs Guidance TMD Border Operations (2017)
(f) Office of Government Ethics Legal Advisory, LA-15-03, "The Standards of Conduct as Applied to Personal Social Media Use," April 9, 2015

1. PURPOSE. This instruction provides guidance related to the use of official and unofficial internet and social media presences, including those that could be considered personal, by TXSG personnel.

2. APPLICABILITY AND SCOPE. This instruction applies to all TXSG personnel and replaces TXSGI 2430.10 Social Media Guidance dated 12 April 2018.

3. POLICY. This instruction directly supports the directives laid out in TMDD 5400.2, Texas Military Department Internet and External Social Media Presence.

a. All social media/network posts—to include posts to personal social media/network sites—related to the TXSG, TXSG personnel, the Texas Military Department, or self as a member of the TXSG, must conform to the Texas Code of Military Justice (TCMJ). Commenting, posting, or linking to material that violates TCMJ may lead to disciplinary action.

b. Avoid offensive and inappropriate online behavior that can bring discredit to the TXSG or TMD. Avoid defamatory; libelous; obscene; abusive; threatening; racially or ethnically hateful; and otherwise offensive or illegal posts. Correcting errors or misrepresentations made by others about TMD or TXSG should be done professionally and respectfully. When posting photos of fellow TXSG members on personal social media, you are implying they agree with the postings on your social media.

c. Do not misrepresent TXSG or TMD by words, photos, or images.

d. TXSG personnel are prohibited from using military rank, official titles, positions, or any authority associated with TXSG for personal or financial gain. TXSG personnel are prohibited from using titles or positions in any manner that would create an appearance that the TXSG or TMD sanctions or endorses their personal activities. TXSG personnel may identify official titles or positions in an area of the personal social media account designated for biographical information.

e. Posts of TXSG personnel in uniform and holding/displaying weapons is prohibited. The only exceptions are photos/videos of approved TXSG weapons training and approved TXSG/TMD weapons competitions. TXSG personnel can submit photos and videos of training or competitions through the TMD App.

f. TXSG personnel are prohibited from posting Personally Identifiable Information (PII) that is protected by the Privacy Act Program. No PII is to be posted for any personnel serving on border operations.

g. Never post any orders, missions, locations of units or of individual TXSG members (including yourself), GPS data, or any other information that could affect the safety and security of our members or the mission. Think OPSEC!

h. TXSG personnel cannot post a video on an official TXSG social media platform unless approved by TMD PA. TXSG personnel can post videos to personal social media without clearance or approval. TXSG personnel can submit videos through the TMD App for use by the TMD Public Affairs Office.

i. Websites and/or web logs (blogs or vlogs) produced by TXSG personnel in a personal capacity and not in connection with official duties require no clearance. TXSG personnel are encouraged to share their TXSG experiences with their friends and family. However, it is the personal responsibility of TXSG personnel to ensure such electronic communication does not contain inappropriate or non-releasable information.

j. Do not violate trademark, copyright, or intellectual property by posting material without permission. Examples include protected logos, trademarks, songs, videos, and photographs.

k. All TXSG personnel have freedom of speech, freedom of association and political association as guaranteed by the federal and state constitutions. However, where confusion or doubt is likely to arise regarding the personal nature of social media activities, TXSG personnel are encouraged to include a disclaimer clarifying their social media communications reflect only their personal views and do not necessarily represent the views of the TXSG or TMD.

l. Use discretion when posting or linking personal information—such as phone numbers, emails, and physical addresses—to social media sites and other online platforms.

4. RESPONSIBILITIES. All TXSG leaders will ensure this guidance is disseminated throughout their units, understood, enforced, and followed by their personnel.

5. INFORMATION REQUIREMENTS. NA

6. RELEASABILITY UNLIMITED.

7. EFFECTIVE DATE. This instruction will expire 2 years from the effective date of publication unless sooner rescinded or superseded.

8. POINT OF CONTACT. TXSG Public Affairs, (512) 782-6595.



TRACY R. NORRIS
Major General, TXARNG
Adjutant General

DISTRIBUTION:

A
RACHEL M. DEVERE
CW3, TXSG
J5 - Assistance
MD
Official



TXSG Critical Information List (CIL)

1. Current and future Unit operations
2. Personal Identifiable Information
3. Base security procedures
4. Ammunition, weapon systems, high dollar, sensitive equipment
5. Systems infrastructure specifications and vulnerabilities
6. TXSG key leader details living and travel information
7. State Partnership Programs joint operations and training events
8. Details of TXSG units with sensitive missions
9. TXSG contracts and services provided.
10. Intelligence/Surveillance/Recon Systems capabilities

SOCIAL MEDIA PROGRAM Manager, WO1 Kevin Farley at kevin.farley@txsg.state.tx.us

4. Training and Drill Attendance

This section is a brief overview stating the expectation of TXSG Drill participation and availability

SAD (State Active Duty) Pay

When under specific orders from the State of Texas Governor's Office, TXSG Service Member's will be eligible for SAD (State Active Duty Pay) and qualify for Military Paid Leave if your Employer has a category for such when reporting your Time-Off.

Check with your Employer for all rules they have in place when it comes to Military Paid (and Un-Paid) Leave (see Texas Workforce Commission link below).

Specific to receiving Orders and Reporting for State Active Duty, it is critical that you are listed on the PERSTAT (Personnel Status Report) that is submitted to TMD Payroll for purpose of Pay. Should there be a discrepancy, work with your Unit's G/S-1 for resolution and correction as quickly as possible. It is also critical your current HOR (Home of Record) address be correct in RMS as this could impact receipt of Pay.

- [Texas Workforce Commission – Legal Issues for Military Leave](#) (link)

Communication and Availability Requirements

It is your responsibility to communicate through your Chain of Command when you are unable to attend a Drill, Exercise, Training or Deployment with reasonable advanced notice. This is critical in the awareness of your presence or absence when accounting for Service Member safety. Communication should be made through both email and phone/voicemail to ensure awareness and acknowledgement of the necessary information.

To maintain an active status, attendance to as many drills, trainings, exercises and deployments in good faith to the best of your circumstances is the intended mutual agreement. The unexcused absence from three or more drills or trainings in a 12-month period could lead to removal from service. The TXSG has a high respect for Family and work, it is the expectation you will serve to the best of your ability and in good faith. Being a Service Member of the TXSG is a reciprocation of respect, honor and discipline to your life and service – open two-way communication ensures everyone involved can work together as an optimized Team.

E-mail and Phone Communication Policy and Guidance

The purpose of this section is to establish e-mail and cellular telephone communication framework used to communicate to Officers, Enlisted, Recruits and the general public. This will be addressed in two sections; Policy (specific rules that must be followed) and guidance (practices that should be followed whenever practically possible).

Email is accessed through **Outlook Web Access** (OWA):

- <http://outlook.com/owa/txsg.state.tx.us>

The initial login is your User Name (“first.last” as provided by your S/A/N-1, Mentor or CoC), your password will be provided to you. Upon your first successful login, it is imperative that your password be changed from the default provided to a secure, unique string of characters.

Policy

1. **TXSG exchange e-mail account will be the primary form of electronic communications for all TXSG business and communications.** In the event that the TXSG mail system failure or unavailability, the personal e-mail account on record for each Service Member MAY serve as an interim backup. Notification of TXSG mail service failure or restoration will originate from TXSG T-6 or designated Brigade G-6 representatives.
When addressing e-mails, all mail should be addressed from the senders TXSG address to the recipients TXSG address.
2. Inform the Unit Level PERSONNEL SHOP of your home/personal e-mail address for backup use. Information provided will be entered into the Unit Level contact list maintained by the Unit Level PERSONNEL SHOP.
3. Inform the Unit Level PERSONNEL SHOP of your home and cellular phone numbers. Include the provider (Verizon, Sprint, AT&T, etc.) and if your service is enabled to send / receive text messages.
4. Read all e-mails and text messages / Listen to all voice-mails. The Major Subordinate Command and Unit Level are not full-time organizations, and as such, most communications will be outside of drill or deployments. Important information will be provided or requested ahead of known or scheduled events.
5. Anticipate communications. Many events are scheduled, and as such, when a planned event is approaching, checking your TXSG prior to the event is mandatory. Relevant communication will be provided in advance of the scheduled event. Unless directed otherwise, Service Members are required to check e-mail on a daily basis beginning a minimum of one week prior to any scheduled event (i.e. drill, etc.) In line with the TXSG mission, some events are unplanned, such as weather related or other state emergencies, etc. As such, Service Members are expected to check their e-mail more frequently in advance of any threatening event.
6. Respond Promptly. Acknowledge all WARNORDS, Drill Orders, OPORDS and other communications that request such. If a response is requested and a complete answer is not possible within a requested timeframe, provide an acknowledgement with details of when a full response will be provided. Responses requested by Officers, Team Leaders, NCOs, or their designated representatives are required and take priority.
7. Inform your Chain-of-Command if you will be unavailable for more than 24 hours in advance of any threatening event (i.e. severe weather, etc.), 48 hours in the week prior to a scheduled event (i.e. drill, etc.), and 72 hours or longer in all other cases. Set up your TXSG e-mail out of office reply accordingly if you are unable to access your email account(s) for more than 24 hours. If appropriate, include an alternative contact in the message.
8. TXSG mail for personal use is acceptable, however it must be compliant with the TXSG internet filtering and security policy. Personal use must not make significant demands on TXSG resources, therefore transferring or storing large attachments such as images, audio and video clips is not permitted. Use of TXSG mail for illegal, threatening, offensive, obscene, pornographic use is strictly prohibited. Use of TXSG

e-mail to post comments on public bulletin boards, discussion boards, chat rooms, and/or social networking sites is also prohibited.

9. Chain of Command. All Service Members are expected to follow Chain-of-Command in any communication, written, verbal, or otherwise. Requests for information such as “next drill dates, unable to make drill, etc.” should be communicated thru the Service Member’s immediate command. Strike Team members contact their immediate NCO (i.e. Sergeants), and so up the chain.
10. NOTIFY YOUR CHAIN OF COMMAND IMMEDIATELY of all address, phone number or any other contact information

GUIDANCE

- DO NOT use personal email accounts for TXSG communications.
- Be clear and concise. Messages should be easily read and understood, using plain English.
- Make clear what action, if any, is expected in response to your email / voicemail / text message.
- ONLY use “Reply to All” when your response is required to include all concerned on the distribution. Acknowledging receipt of an order does not benefit everyone on distribution.
- **Be aware of the “Freedom of Information” Act. Anything stated on an e-mail could potentially become public record.**
- Consider the message you want to convey and the method best suited to deliver it. E-mail is an effective tool for conveying information to a person or many people, however, direct communication may be more appropriate to communicate a personal or sensitive message. Direct contact by phone or in person may be more suitable in these situations.
EMAIL ONLY TRANSFERS INFORMATION - A PHONE CALL IS COMMUNICATION.
- Alert your Chain-of-Command if you receive any bounce back emails from server so that the party can address the problem with their respective internet or mail service provider.

Primary Armory Location and Drill Expectations

Each Brigade has a hierarchy of Battalions and Companies. Your Home Unit could be at any of the mentioned levels and your Recruiter will advise of how and where you are assigned to Report.

For Drill weekends, the annual schedule is communicated in August of the calendar year and structured for the subsequent 12 months.

Annual Training

Annual Training (AT) is conducted each year. The exercise and training is conducted over 4 days and a critical development stage in advancing all Service Members’ skill-sets and Professional Military Education. The organization of classes, exercises and events are geared toward specified job-function development, promotion readiness, training and improved skill-sets in a Service Member’s role within the TXSG.

Texas State Guard New Member Handbook

One or more days of AT may be qualified for SAD (State Active Duty Pay) and would also qualify for Military Paid Leave if your Employer has a category for reporting your Time-Off. Check with your Employer for all rules they have in place when it comes to Military Paid (and Un-Paid) Leave.

5. First 3 to 6-Months; Trainings and Certifications

This section is a brief overview stating the needed training and education presented in the first six months of your service with the TXSG.

Basic Orientation Training (BOT)

The BOT Program is the TXSG version of Basic Training a Service Member would experience Enlisting in Federal Service. Due to the nature of our structure – all Volunteer – and missions, the State of Texas has in place a Curriculum of training that spans 42-46 hours to meet the requirements of Graduation and includes sections such as drill and ceremony, customs and courtesies, land navigation, first aid and CPR, organization and structure.

BOT is a required course of completion in order to be Deployable for State Active Duty (SAD) and promotion (*see Appendix for **Required Professional Military Education for Time and Grade / Promotion***). The training provided is Online, Instructor Led and other trainings that will be completed throughout your first year.

Your Chain of Command will register you up for the BOT Class and provide guidance, Orders and information on attending.

Online Training

Online trainings are provided via the FEMA website at <http://training.fema.gov/is/crslist.asp> under the **Independent Study Program**. The courses are designed to provide awareness of the **Incident Command Structure (IS-100.b)** and **Incident Command Structure for Single Resources and Initial Action Incidents (IS-200.b)**. These courses do carry College Credit and contribute to a Service Member's continued education and are required for achievement in rank. The 2 courses listed are the requirements for Service Members of ranks E3-E5.

Texas State Guard Physical Fitness Standards

The TXSG Physical Fitness Ribbon (for wear on the Dress Uniform) can be earned by completing the Personal Fitness Test. All Service Members must be in good physical condition prior to taking the TXSG Physical Fitness Test. For more information about the TXSG Physical Fitness Test, you may refer to Army Field Manual (FM) 21-20.

While the Personal Fitness Test is optional, all TXSG Service Members are expected to meet the Height and Weight requirements or Body Mass Index per [TXSGI 1330.01](#) (link – found on TMD Resource page, see appendix A)

American Red Cross Shelter Management

Training may be provided multiple times per annual calendar at varying training sites; request information for face-to-face training through your Chain of Command. Training is also available online for completion at the individual's pace:

<https://classes.redcross.org/Saba/Web/Main>

Approved National Program CPR/First Aid

Training and certification will typically be conducted during RBOT as part of the curriculum. The Service Member has the option to take the approved classes on their own, outside of TXSG formalized training. Check with your Chain of Command to ensure the selected course is recognized for proper certification.

ETN (Emergency Tracking Network)

This is the primary tracking and people management system used by the TXSG in the process of evacuations and shelter management to determine where a person is from, where they are going and where they need to be returned. Training will be conducted by Mobile Training Teams (MTTs) at varying training sites by designated Certified Instructors (or coordinated by the respective Unit Level S/A/N-3) semi-annually based on the needs of the Major Subordinate Command.

Here is a website listing resources available:

<http://www.txdps.state.tx.us/dem/CouncilsCommittees/ETN/etnResources.htm>

Your Chain of Command will register you for Training Classes (unless available online for self-pace - i.e. Shelter Management and FEMA courses) and provide guidance, Orders and information on attending.

6. Six-Months to One Year

Much of a Service Members development will come during Drills/Exercises, Training and Deployment.

FEMA Courses

To be proactive, these courses may be completed at your own discretion. There are specific courses required for each achievement in Rank; however, they can be completed at any time and count as a portion of your Ongoing Education. By Rank/Grade, here are the courses required at each level:

- **E-3** - IS-100.c
- **E-4** - IS-75, 100.c & 200.c
- **E-5** - IS-75, 100.c, 200.c, 700 & 800
- **E-6** - IS-75, 100.c, 200.c, 546, 547, 700, 775 & 800
- **E-7 to E-9** - IS-75, 100.c, 200.c, 546, 547, 700, 775 & 800

Required Courses

There are specific courses required for each achievement in Rank (Time and Grade) and may be completed by your Chain of Command's discretion/approval when offered by In-Residence (T-7) or through another Brigade:

- **E-2** – Basic Orientation Training (BOT*)
- **E-3** – Electronic Tracking Network (ETN), Shelter Management Training (SMT) & WebEOC
- **E-4** – NCO Indoctrination Course (NIC)
- **E-5** – Primary Leadership Development Course (PLDC)
- **E-6** – Basic NCO Course (BNCOC)
- **E-7** – Advanced NCO Course (ANCOC)
- **E-8** – Senior Enlisted Leadership Course (SELC***)
- **E-9** – SELC

**BOT must be completed by all non-prior service (NPS) enlisted, warrant officer, and officer personnel regardless of appointment rank and pre-commissioning program*

***Each Grade requires completion of the previous Grade's PME required courses, even for those entering the TXSG at an Advance Rank/Grade from prior Federal or other State Guard Service*

****Not yet required; not yet available. Required when available through TXSG PME unless equivalent Federal PME completed*

Optional Certification

Military Emergency Management Specialist (MEMS) – TXSG personnel are encouraged to earn the Military Emergency Management Specialist (MEMS) Badge. This qualification is earned under the auspices of the Texas State MEMS Academy and the State Guard Association of the United States, and the Basic, Senior, and Master level badges may be worn on the field uniform.

7. Appendix and documents

A. TXSG Policies, Regulations, Directions, Instructions and more.

All current items can be found on the Texas Military Department website under the following link and path:

- Link - <https://tmd.texas.gov/texas-military-department-policies-and-regulations>
- Path – [TMD website](#) > [Resources](#) > [Texas Military Department Serially Numbered Issuances](#)
- Under Component, select TXSG to see all published Component-specific documents

B. Texas Military Department Legal Authorities

- [Texas Government Code 431 – State Militia](#) (link)
- [Texas Government Code 432 – Texas Code of Military Justice](#) (TCMJ - link)
- [Texas Government Code 437 – Texas Military](#) (link)

C. Social Media Resources and References

- Facebook - https://security.arizona.edu/sites/default/files/facebook_smartcard.pdf
- Twitter - https://static.dvidshub.net/media/pubs/pdf_33007.pdf
- Instagram -
https://www.miramar.marines.mil/Portals/164/Docs/MCASMiramar/Mission%20Assurance/Instagram_SmartCard_v3.pdf
- LinkedIn
- [https://www.keesler.af.mil/Portals/14/documents/Social%20Media%20Smart%20Cards%20-%20DOs%20and%20DON_Ts%20\(Dec%2014\)-LinkedIn.pdf?ver=2015-07-08-110443-247](https://www.keesler.af.mil/Portals/14/documents/Social%20Media%20Smart%20Cards%20-%20DOs%20and%20DON_Ts%20(Dec%2014)-LinkedIn.pdf?ver=2015-07-08-110443-247)
- US Air Force Social Media White Paper -
https://media.defense.gov/2017/May/11/2001745610/-1/-1/0/CP0006_SOLOMON_SOCIAL_MEDIA.PDF

D. Army Grade, Rank and Insignia

Enlisted:

E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9		
no insignia			 Corporal (CPL)							
Private E-1 (PV1)	Private E-2 (PV2)	Private First Class (PFC)	Specialist (SPC)	Sergeant (SGT)	Staff Sergeant (SSG)	Sergeant First Class (SFC)	Master Sergeant (MSG)	First Sergeant (1SG)	Sergeant Major (SGM)	Command Sergeant Major (CSM)

Warrant Officers:



Commissioned Officers:



E. Texas State Guard Acronyms

- ACU = Army Combat Uniform
- ADVON = Advanced Party/Convoy
- ALC = Advanced Leadership Course
- ANCOC = Advanced NCO Course
- ARC = American Red Cross
- BN = Battalion
- BNCOC = Basic NCO Course
- BOT = Basic Orientation Training
- C&GSC = Command and General Staff College
- CA = Civilian/Civil Affairs
- CDC = Career Development Course
- CO = Commanding Officer
- COC = Chain Of Command
- CWO-(2-5) = Chief Warrant Officer (address as “Chief” and Last Name)
- DEMOB = De-Mobilization
- DSCA = Defense Support to Civil Authorities
- E-(1-9) = Enlisted (address by Rank and Last Name)
- ETN = Emergency Tracking Network
- FEMA = Federal Emergency Management Agency
- FRAGORD = Fragmentary Order(s)
- G-Shops = The Brigade HQ/HHC General Support Group for each 1, 3, 4, 6, etc...
- ICS = Incident Command Structure
- JAG = Judge Advocate General
- JROTC = Junior Reserve Officer Training Course

Texas State Guard New Member Handbook

LBE = Load Bearing Equipment
LRC = Leadership Reaction Course
M.E.T.L. = Mission Essential Task List
NCO = Non-Commissioned Officer
NCOIC = Non-Commissioned Officer in Charge
O-(1-10) = Officer (address as “Sir/Ma’am” or Rank and Last Name)
OAC = Officer Advanced Course
OBC = Officer Basic Course
OCP = Operational Camouflage Pattern
OIC = Officer in Charge
OC = Officer Candidate (address as “OC” or “Candidate” and Last Name)
OCS = Officer Candidate School
OPORD = Operations Order
OPSEC = Operational Security
PAO = Public Affairs Officer
POV = Privately Owned Vehicle
PFT = Personal Fitness Test
PLDC = Professional Leadership Development Course
PME - Professional Military Education
POD = Points of Distribution
ROTC = Reserve Officer Training Course
S-1 = Personnel (HR) element at each Battalion
S-3 = Operations element at each Battalion
S-4 = Supply element at each Battalion
S/A/N-6 = Signal/Communications element of each section
SEA/SEL = Senior Enlisted Advisor/Senior Enlisted Leader
SJA = Staff Judge Advocate
SLC = Senior Leadership Course
SOP = Standards of Process
T-Sections = The TXSG HQ/HHC Support Group for each 1, 3, 4, 6, etc...
TIG = Time In Grade
TiS = Time in Service
TCMJ = Texas Code of Military Justice
TMD = Texas Military Department
TXMF = Texas Military Forces
TXSG = Texas State Guard
UCMJ = Uniform Code of Military Justice
WARNORD = Warning Order(s)
WIIFM = What Is In It For Me
WLC = Warrior Leader Course
WO1 = Warrant Officer (address as “Mr” or “Ms” and Last Name)

TXSG EXHIBIT K COMMANDER-DIRECTED INVESTIGATION (CDI) GUIDE



2022 Edition

2930.10

COMMANDER-DIRECTED INVESTIGATION (CDI) GUIDE

TABLE OF CONTENTS

Chapter 1 – Introduction	2
Chapter 2 – Preliminary Injury/Informal Investigation.....	3
Chapter 3 - General Considerations	5
Chapter 4 - CDI Team – Qualifications and Responsibilities	7
Chapter 5 - Initiating the CDI(Commander's Job)	9
Chapter 6 - Conducting the CDI.....	12
Chapter 7 - CDI Reporting Writing	17
Chapter 8 - Post-Reports Actions	21
Chapter 9 - Post CDI Process.....	22
Chapter 10 – Commander’s Discharge and Rank Reduction Procedures	23
Attachment – All Forms	
Discharge Notice for Commander’s Discharge Procedures.....	26
Rank Reduction Notice for Commander’s Rank Reduction Processes.....	28
Notice of Appeal of Discharge.....	30
Notice of Appeal of Rank Reduction	31

2022 CDI GUIDE edited and revised by Retired COL Randy G. Allen, (TXSG RET.)

TXSG COMMANDER-DIRECTED INVESTIGATION (CDI) GUIDE

CHAPTER 1. INTRODUCTION

1.1 **Guide Overview.** The intent of this guide is to provide commanders and their investigative team members the information and suggestions necessary to aid them in conducting commander-directed investigations (CDIs). The guideline is intended to **help protect the integrity of the investigative process** and the individual rights of those who may be the subject of the CDI. Investigating Officers (IOs) should consult with the commander directing the investigation for specific guidance. Commanders should consult with their serving JAG regarding legal issues pertaining to the investigative process.

1.2 **U.S. Air Force CDI.** This Guide is patterned from and relies heavily upon the United States Air Force Commander - Directed Investigation (CDI) Guide. When using the attached forms the commanders or IOs should consult with their JA to insure the forms are correctly modified for TXSG use and correctly reference TMD regulations, policy and the TCMJ.

1.3 **Complaint and CDI Flow Chart.** In order to help understand the CDI process a flow chart has been created to **facilitate a visual overview** of the CDI process. The flow chart is an aide and should not be used in deference to the individual chapters and specific paragraphs as set forth in this Guide.

1.4 **Authority to Conduct CDIs.** Commanders have an **inherent authority** to conduct a CDI to investigate matters under their command, unless preempted by higher authority.

1.5 **CDI Purpose.** The CDI is a tool to gather, analyze and record relevant information about matters of primary interest to those in command. The CDI is an extension of the commander's authority to investigate and to correct problems within the command. As such, the CDI is internal to the command concerned. There are two reasons a commander may want to conduct a CDI: **to investigate systemic (or procedural) problems** or to look into matters regarding **individual conduct or responsibility**. CDIs are administrative investigations.

1.6 **Advising.** The commander and IO **should consult with** their serving **JAG** for legal questions arising **before and** during the CDI process.

1.7 **Standard of Proof.** The standard of proof for a CDI is a **preponderance of the evidence**. A preponderance of the evidence is defined as "the greater weight and quality of the credible evidence," meaning the evidence indicates that one position is more probable than the opposing position. After weighing all the evidence, the IO may substantiate a finding when the greater weight or quality of the evidence points to a particular conclusion as more credible and probable than the reverse. While the amount of evidence is something to consider, non-credible evidence will not trump a smaller amount of good evidence. Some additional things to consider when weighing the evidence are witness demeanor, opportunity for knowledge, bias, motive, intent, and the ability to recall and relate events. At all times, IO's may use their own common sense, life experiences and knowledge of the ways of the world to assess the credibility of witnesses they interview.

CHAPTER 2. PRELIMINARY INQUIRY/INFORMAL INVESTIGATION

2.1 **Type Of CDI.** A command directed investigation (CDI) can either be informal/preliminary or formal. The determination of whether a CDI is informal or formal is **dependent upon the facts, issues, and circumstances involved** in the event which gives rise to the CDI process. Depending upon the event that triggers the CDI, the CDI process can be simple and quick or it can be more involved both in terms of people involved in the process, time and the actual process to be followed. The preliminary inquiry (PI) is a quick and informal investigative tool that can be used to determine initially whether a particular incident is serious enough to warrant some form of more formal CDI investigation. A PI is not necessarily required, however, it is “advised” for all incidents potentially warranting an investigation.

2.2 **Method Of Inquiry.** The appointing authority (AA) may conduct a PI personally or appoint a member of the command to do so. There are no requirements or restrictions governing how the inquiry is to be accomplished. The goal is to **take a “quick look”** at a particular incident (e.g., a minor fender-bender), and gather enough information so that an informed decision can be made by the AA regarding whether a more formal investigation is truly necessary. Generally, the PI should not take any longer than three (3) working days. If more time is required it generally means that the investigating officer (IO) is attempting to do too much or has not been sufficiently instructed as to what issue(s) is to be addressed.

Upon completion of the PI, the IO should tender a report to the AA. The PI report need not be in writing, but some form of limited documentation is advisable.

2.3 **Command Options.** Upon reviewing the results of the PI, the AA may **take one of the following actions:**

(A) **Take no further action.** Where further investigation would serve no useful purpose, there is no need to convene a more formal investigation. This is an appropriate course where the PI reveals that the incident is likely to be of little interest to anyone outside the immediate command and does not involve any notable misconduct or TCMJ violation.

(B) Take minor corrective action such as **verbal counseling**, referral to ADR or other informal corrective action.

(C) Conduct a command investigation. If the PI reveals a more serious misconduct or violation of the TCMJ or violation of other rules and regulations, the AA may determine a **formal CDI** is warranted.

(D) If appropriate, **refer the matter to the IG's** office for review and handling.

NOTE: Whenever a question exists about how a particular incident or event should be investigated, command should discuss the matter with their servicing JAG.

2.4 PRELIMINARY INQUIRY CHECKLIST FOR BOTH THE AA AND IO

The **AA should contact their servicing JAG** to discuss issues and answers to any legal questions the AA may have early on in the investigative process.

- A. AA/IO determines whether the matter is considered a “**major**” **incident** under the SIR/CCIR?
- B. AA determines whether this incident involves a member of the command and/or occurred within the command? If not, are you the **appropriate command** to conduct the preliminary inquiry and/or any administrative investigation?
- C. AA appoints a preliminary inquiry investigating officer (IO).
- D. IO **begins work on the inquiry immediately** upon hearing that they are to be appointed, whether or not you have received an appointing order in writing.
- E. IO determines what the purpose and **methodology** of the inquiry will be.
- F. IO determines whether this preliminary inquiry can be completed in **three working days or less**? If not, you may be trying to do too much. Further clarification from the AA may be necessary.
- G. AA/IO determines whether this incident is under investigation by the **IG or local civilian law enforcement agencies**?
- H. IO obtains any available documentation pertaining to the inquiry, i.e., copies of rules and regulations, instructions, correspondence and messages, logs, standard operating procedures, personnel records, medical records, official reports, vehicle accident report forms, etc.
- I. IO locates, preserves, and **secures evidence**, i.e., real objects (logs, firearms, bullets, etc.) and note physical locations (accident sites, etc.)
- J. IO draws up a list of possible witnesses if necessary.
- K. IO advises any military witness who may be suspected of an offense, misconduct or improper performance of duty, of his/her **rights under TCMJ 433.052**.
- L. IO conducts an **interview of any witness deemed relevant** to the inquiry, in other words, those that will provide enough information to understand what occurred and enable an informed recommendation to the AA on a future course of action.
- M. If a witness is not physically available, an interview may be conducted via telephone or message.

2.5 **Report Of Findings.** Upon completion of the PI, the IO shall report their findings to the AA **either verbally or in writing.** It is advisable that the IO document their PI although it is not necessary that the PI follow any particular written report format.

CHAPTER 3. GENERAL CONSIDERATIONS

3.1 **General Disciplinary Policy Statement.** The following is an extract of TMD policy found in TMDI 5145.01 regarding maintaining discipline and reporting action taken pursuant to the TCMJ and administrative regulations. The full text of the instruction is found at the TMD website.

3.2 **Matters Appropriate for a CDI.** Generally speaking, commanders **investigate command matters**, including all issues and circumstances involving people, processes and materials under their command. CDIs may be used to investigate whether an individual has violated a standard defined by law, regulation, or policy.

3.3 **Matters Requiring Immediate Reporting.** There are also certain matters that should be referred directly and immediately to command staff for their evaluation and handling direction. These matters that require immediate reporting are sometimes referred to as **Serious Incident Reports (SIR)** or **Commanding General's Critical Information Requirements (CGCIR)**. The following is the current reporting requirements for CGCIR:

3.3.1 TXSG COMMANDING GENERAL'S CRITICAL INFORMATION REQUIREMENTS (CGCIR)

Reporting Instructions:

A. TXSG members will report **CGCIR using a SPOT** report or Serious Incident Report to the TXSG HQ J3.

1. Primary Method: E-Mail - Robert.Finley@txsg.state.tx.us
2. Alternate Method: Phone - (512) 782-5721

B.. TXSG HQ J3 will ensure that CGCIR events and information are initially reported to the JOC immediately upon learning of the information. Initial reports will be followed up with supplemental and closure reports as needed to continue to keep the TXMF Command Group informed.

The following are the current reporting requirements for CGCIR:

Immediate Notification:

- A. Report any potential **terrorist event** in CONUS;
- B. Report **any threats** against a TXSG person, facility, or equipment;

- C. Any **fatalities, major accidents**, hospitalizations of service members or civilians who are killed or injured in incidents involving TXSG personnel, equipment, or facilities;
- D. Suicide threat or attempt;
- E. All **domestic violence** or sexual assault/harassment events involving TXSG personnel;
- F. Any **arrest or detention** of TXSG personnel by a law enforcement agency;
- G. Loss of accountability of a TXSG service member (AWOL);
- H. Any action that will/could cause **unfavorable publicity** to the TXSG or TXMF; and
- I. Any requests for info or TXSG assets from the Governor's office, or other State agency.

Notification Within 24 hours:

- A. An off-post **incident involving the police** that will cause a SIR to higher or potentially require further information for the TAG;
- B. Officer or NCO misconduct (dependent on seriousness);
- C. Alcohol or drug-related event;
- D. Possibility of **extremist or gang activity** or hazing involving or affecting service members or their families;
- E. Any visit made by state/federal elected or senior appointed government officials to TXMF facilities, or TXSG units; and
- F. Any significant **theft, loss, or vandalism** of TXSG equipment or facilities.

3.3.2 **Self-Investigation.** Commanders should not investigate or direct a CDI into allegations pertaining to their **own alleged misconduct**. Typically, the appropriate venue to address issues involving a commander will be the next higher echelon of command or an outside agency such as the TXSG IG.

3.3.3 **Investigations as an Inspector General Function.** Investigations is the IG function that provides the commander or directing authority another means through which to resolve **allegations of impropriety**. Inspectors general may investigate violations of policy, regulation, or law; mismanagement; unethical behavior; fraud; misconduct; **reprisal or command actions condoning wrongdoing**. Commanders may opt for an IG investigation or investigative inquiry when extreme discretion is necessary or the allegation requires preliminary fact finding before deciding to resolve the alleged impropriety in command, IG, or other channels. The primary purpose of IG investigations and investigative inquiries is to resolve allegations of impropriety; to preserve confidence in the chain of command; and, if allegations are not substantiated, to protect the good name of the subject or suspect.

3.3.4 **Other Matters.** There are also other matters such as issues dealing with **EO/EEO complaints** that should be directed to the EO/EEO office at Camp Mabry, Bldg 34, Room 102 and should be reported pursuant to the CGCIR policy stated in 3.2.1.

3.4 **Completion Timelines.** The commander should establish a **specific suspense date** to have the investigation completed and annotate the suspense in the Investigating Officer appointment letter. Many CDIs are not complex and can be completed in a few days.

CHAPTER 4. CDI TEAM – QUALIFICATIONS AND RESPONSIBILITIES

4.1 **CDI Team Overview.** A successful CDI requires the efforts of several **key players: the commander, the IO, the assigned JA,** and any other subject matter experts or technical advisors (if appropriate). This chapter addresses the qualifications and responsibilities of each CDI team member.

4.2 **Commander (Appointing Authority)** TXSG commanders have the ability to initiate a CDI. The **initiating commander** is the appointing authority.

4.3 **The Investigating Officer (IO)** If the investigation has individual subjects, the IO should be **equal or senior in grade** to the most senior subject and not in their chain of command. In all cases, the IO should be mature and experienced with good writing and critical thinking skills. Generally, the IO will be a captain or higher, or senior NCO.

With commander concurrence, the IO could be selected from a different unit. This may be prudent or necessary to ensure a fair and impartial investigation. The IO should also be fully available to conduct the CDI unhampered by leave, temporary duty, separation, retirement or other commitments that would detract from the investigation. In complex cases, the commander might consider appointing an Assistant IO.

4.3.1 It is recommended that the IO:

- A. Review this guide.
- B. Review all materials provided by the appointing authority.
- C. 4.3.1.3 Review the regulations, directives, instructions, manuals and guidance relating to the allegations.
- D. 4.3.1.4 Formulate an investigative plan and proof analysis in conjunction with the legal advisor.
- E. 4.3.1.5 Coordinate with the commanders of any necessary witnesses to arrange for witness availability.

4.3.2 **Investigative Duties.** Throughout the course of the investigation, the IO:

- A. **Gathers all necessary facts**, through witnesses, documents or other items of evidence, to help the commander make an informed decision.
- B. Stays on task by investigating **only the items outlined** by the commander. If new or different issues come to light during the investigation, the IO should address these issues with the commander. The commander will decide if and how the additional issues will be treated.
- C. Consults with the **assigned JA** when potential legal issues arise.
- D. **Is professional at all times**. This requires the IO's be objective, neutral and fair. IO's should adopt a friendly, but not familiar, attitude. IO's should not disclose witness identities or opinions; deceive, browbeat, threaten, coerce, or make promises; shout, argue, lose composure, or otherwise show emotion.
- E. Treats all information gathered as part of the CDI process as For Official Use Only.

4.3.3.6 **Post-Investigative Duties**. Once the IO has gathered the evidence, the IO:

- A. Writes a **fair and balanced report** of investigation (ROI) that considers both sides of the issue, supports the "right" answer based upon the preponderance of the evidence, and sufficiently documents the deliberative process.
- B. **Organizes the ROI** case file.
- C. Can seek a **legal review** of the ROI from the servicing JAG.
- D. **Forwards the ROI** case file to the commander who directed the investigation.

4.4 **The Assigned JA**. JAs play a critical role in the CDI process.

4.4.1 **The Legal Advisor**. Pursuant to **TMDI 5145.01 5b(2)** JAs are responsible to **provide advise, guidance and training** to Commanders within their Brigade on implementing a command discipline/status of forces program. Commanders are to ensure that JAs are engaged in the command discipline program, **TMDI 5145.01 52.(3)**.

4.4.2 **JAs Engaged**. It is encouraged that JAs are engaged in the discipline process and available for consultation and advise **even prior to the initiation of an informal or informal CDI**. JAs should be available to meet with the IOs to answer any questions, if necessary. The JAs advise the IOs during the investigation, as issues may arise.

4.4.3 **Allegations**. The JAs can assist the commander in framing the allegations prior to commencement of the investigation. After the IO is appointed; and before the investigation begins, the **JAs should be available to meet with the IO** to answer any questions, if necessary. The JAs advise the IOs during the investigation, as issues may arise.

4.4.4. **Legal Sufficiency Review**. Legal Sufficiency Review. Commanders should seek a legal review of the ROI.

CHAPTER 5: INITIATING THE CDI (COMMANDER'S JOB)

5.1 **Drafting Allegations.** The most problematic and recurring issue with CDIs is improperly drafted allegations. The following discusses what allegations are, who should draft them, their constituent parts, how to draft proper allegations, why properly drafted allegations are crucial and when allegations should be drafted.

5.2 **What Is An Allegation.** Simply put, it is an **accusation** that an individual did something wrong. Allegations in the context of military justice proceedings are comprised of two elements, charges and specifications.

5.3 **Who Should Draft The Allegation.** Either the **Appointing Authority or the servicing JAG** should assume the responsibility of drafting the allegation to be included in the appointment letter. Even if the Appointing Authority assumes responsibility the serving JAG should always review the allegations before the Appointment Letter is sent to the IO. The IO should not be involved in drafting the allegations because of their duty to ascertain and impartially consider the evidence on all sides of an issue.

5.4 **Charges.** A charge is the **basis for the action** upon which discipline or other administrative action is predicated and is usually set forth in a law, regulation/rule or policy.

5.5 **Elements Of A Charge.** Charges have elements just like criminal offenses such as assault, theft or murder. Civil proceedings have jury instructions, which are similar to charges such as negligence, premises liability and other instructions, which also have elements. These **elements establish a burden of proof** and all the elements of the charge or in civil cases, the jury instructions, must be proved, if not the charge will fail or the civil action will fail. If the elements of a CDI charge are not proved, it will also fail.

5.6 **Evaluate The Evidence.** It is important to evaluate whatever evidence you have **before you determine the most appropriate charge.** The initial evidence may only be a statement from a complainant which may or may not be comprehensive or specific regarding alleged misconduct.

You should carefully analyze the initial evidence and **ask yourself:**

- A. What does this evidence, if true, **prove**?
- B. Is there **sufficient** evidence, if true, to support a charge?
- C. What are the **deficiencies** in the evidence?
- D. How would I **challenge** this evidence?

5.6.1 **Insufficient Evidence.** If there is insufficient evidence or there are deficiencies in the evidence such as lack of specificity or relevance then you may want to either **further investigate** the complaint or if the evidence is baseless on its face, to make the appropriate decision if you are the Appointing Authority or recommendation to the Appointing Authority if you are the servicing Judge Advocate.

5.6.2 **Independent Acts.** Usually independent acts **merit separate charges** however, one act may encompass more than one charge. An example would be a SM who strikes an officer and at the same time, disobeys an order.

NOTE: It is important to remember that charges must be predicated upon recognizably different reasons but often with different burdens of proof based upon the specific law regulation/rule, policy. **Do not combine charges.** Each charge should be separate and supported by it's own specifications. An exception to this statement would be multiple violations of a law, rule/regulation or policy involving the same charge for all violations.

5.7 **Specifications.** Specifications are the **specific types of facts** which set forth acts or omissions that support the charge.

5.7.1 **Types Of Specifications.** There are four types of specifications which are set forth in the CDI Guide:

A. **WHEN** did the act or omission occur, be as specific as possible with dates, times and locations. If there is some degree of uncertainty as to the exact time the specification can state on or about the times in question.

If the actions occurred during or between certain dates the specification can state between on or about the dates in question.

B. **WHO** is the subject of the charge including their full name, rank, unit and duty position. Use separate allegations when multiple subjects are alleged to have committed the same or similar misconduct.

C. **HOW** the law, regulation/rule or policy was allegedly violated, be specific.

D. **WHAT** law, regulation/rule or policy was violated. Do not combine allegations. Each allegation should address a violation of only one law, regulation/rule or policy always state the actual citation for the law, regulation/rule or policy.

Specifications need to set forth the factual incidents in **concise and unequivocal language.** You must have a specification for each and every element of your charge or the allegations will fail. Eliminate extraneous information. If something is not intended to be proven, it does not belong in the specification.

Specifications must identify the alleged acts or omissions with as much specificity as possible stating dates, times, places, names of all persons involved, units, rank and any and all pertinent documents, identifying material or equipment which may be involved.

5.8 Use Of Legal Standards And Supposition. Do not incorporate legal standards or language that characterizes the offense into your specification unless necessary under the elements of the charge and provable. Examples of **unnecessary language** that may complicate your burden of proof are deplorable conduct, frivolous action, unwarranted behavior, egregious disrespect.

There are some charges that do require the specification to use language that characterizes the action such as Sec. 432-133 Contempt Towards Governor. "A person subject to this chapter who uses contemptuous words against the governor shall be punished as a court-martial directs."

Sec. 432.159 Provoking Speeches or Gestures. "A person subject to this chapter who uses provoking or reproachful words or gestures towards another person subject to this chapter shall be punished as a court-martial directs."

Sec. 432.166 Conduct Unbecoming an Officer and a Gentleman is another example.

In all of the aforementioned examples, specific facts or statements describing the contemptuous words, provoking or reproachable words or gestures and conduct unbecoming must be set forth in the specifications.

NOTE: Suppositions should not be used in drafting the specifications, as SGT Friday said repeatedly, "just the facts mam."

5.8.1 Allegation Example. On or about XX Nov 20XX at 1500 hours (WHEN), Master Sergeant Jack Hammersmith, 4th Brigade Unit SEA; (WHO), did maltreat Staff Sergeant Standup Guy, a person subject to his orders, by repeatedly using profanity towards him (HOW), in violation of [specific TCMJ regulation] (WHAT)

5.9 Importance Of Properly Drafted Allegations. Allegations are the **single most important element** of the Appointment Letter and are crucial to the CDI process. Proper allegations help:

- A. to properly **protect the rights of the accused and accuser** and serve justice;
 - 1. Subject must know specifically what they are **being charged with** in order to defend themselves;
 - 2. The accuser/victim wants to know they are being **protected by the process**;
 - 3. Proper military justice fosters **good order and discipline**;
- B. to provide a **road map** for the IOs investigation;
- C. to help the IO determine **what evidence is needed**;
- D. to help the IO determine **what witnesses** need to be interviewed;

- E. to formulate the most expeditious and **efficient use of investigative time and resources**;
- F. to help focus the **scope of the IO's investigation**; and
- G. to help facilitate the servicing JAG's **legal review** of the report of investigation.

5.9 **Newly Discovered Facts Or Information.** If during the course of the IO's investigation new facts and evidence supporting **additional charges** or other SM's misconduct are discovered or disclosed, then the IO should immediately consult with their servicing JAG.

The servicing JAG should immediately contact the AA to discuss the new information and make recommendations on how to proceed. If new allegations are supported then an **amended or new Appointment Letter** with new and separate allegations should be written.

5.10 **When Should Allegations Be Drafted.** Allegations should be drafted when there is **sufficient evidence to support a charge or charges** and then incorporated into the Appointment Letter. Ideally the servicing JAG should be contacted when the initial complaint or misconduct is at issue.

The servicing JAG should always review the allegations and Appointment Letter regardless of when the servicing JAG is contacted. The servicing JAG should immediately contact the AA and the IO if the allegations are improper or insufficient.

NOTE: Only after the allegation(s) has been drafted should the AA complete the appointment letter. The appointment letter should never be issued until the allegations are finalized and approved by the AA.

5.11 **Forwarding Allegations.** The allegations shall be forwarded to the subject upon the completion of the appointment letter and the IO's receipt of same.

CHAPTER 6. CONDUCTING THE CDI

6.1 **Preparation Tips.** The end result of a CDI typically reflects the amount of **preparation and effort** put into the investigation. The IO's should meet with his or her legal advisor for any assistance in forming an investigative plan, determining what elements of proof are required and interview questions before initiating the investigation.

6.1.1 **Question Formulation.** IO's may **seek input from their legal advisors** when preparing interview questions for relevance, organization, thoroughness and form.

6.1.1.1 **Relevance.** The key to relevance is whether the information sought might have an **effect on the outcome** of the case. The interview questions should focus on the facts and circumstances surrounding, and leading up to, each allegation. Information that relates to the issues and concepts outlined in the proof analysis will always be relevant: when, who, to whom, how, and did what.

6.1.1.2 **Organization.** The best interviews start with background and build up to the pivotal question or issue. Ask pertinent background questions first. Work the witness toward the more difficult subjects. The recommended approach is to **review events chronologically** rather than by allegation (e.g., Thursday, then Friday, rather than allegation 1, then allegation 2). Jumping from allegation to allegation often results in skipping around in time and can be confusing. Using a chronology is helpful in keeping questions in a logical sequence.

6.1.1.3 **Thoroughness.** Thoroughness is required in all CDIs. IO's should **look beyond who, what, where, when, and how.** IO's should also address "why," whether or not motive has been specifically outlined as an element in a proof analysis.

A. Pursue an issue when there is an indication the witness has **additional information.**

B. Find the **source of second-hand information** so that first hand information may be obtained.

C. Determine the **basis for witness opinions** (i.e., A: "In my opinion, he's not a truthful person." Q: "What leads you to believe that?" A: "He lied to me three times." Q: "Explain").

D. Ask for **clarification** when answers contain technical jargon, acronyms, slang or colloquial expressions.

E. **Seek facts, not conclusions** (i.e., A: "He was drunk"; Q: "What gave you that impression?" A: "He smelled like beer, his eyes were bloodshot, he was slurring his speech and couldn't stand up without swaying").

6.1.1.4 **Form.** Let the witness tell what happened and refrain from asking questions that suggest answers. Questions that either assume the answer or leave the witness no choice but to state a particular response (yes or no) are **leading questions.** Leading questions are generally less useful in getting at the truth. While IO's may want to ask leading questions when confirming known facts or when rephrasing answer the witness previously provided, the end goal is for the witness to testify, not the IO. A sure sign of a leading question is the suffix, "Is that correct?"

6.1.1.5 **Avoid compound questions.** A compound question is one that contains **several questions in one.** Compound questions can confuse the witness and often result in one answer, making it impossible later to determine which question the witness answered (erg., Q: "Did you take Private Smith to the store with you, or did you go alone?" A: "Yeah.").

6.2 **Evidence Collection.** IO's should seek **evidence that is accurate** and, where possible, from individuals with direct knowledge. Evidence can be testimonial, physical, or circumstantial. IO's should assess and evaluate evidence while collecting it. Evidence collection often has a ripple effect - the disclosure of one piece of evidence often drives the need to confirm it, or refute it, through other evidence.

6.2.1 **Testimony.** In CDIs, the majority of evidence is witness testimony. Testimony includes **oral statements, written statements and IO summaries** of witness interviews. Testimony can be powerful, as in the case of a hand-written confession. On the other hand, testimony is based on a person's memory. Accordingly it is often incorrect or incomplete.

6.2.1.1 **Witness Availability.** IO's should work through the witnesses' commander to make the witness available for interviews. Most witnesses are willing to cooperate with an IO. In the case of an **unwilling witness**, the IO should stop the interview and consult with the JAs to determine how to proceed

6.2.1.2 **Order of Witnesses.** Each witness must be interviewed individually. The **recommended sequence** is: (1) the complainant; (2) subject matter experts; (3) regular witnesses; (4) subjects or Interviewing the subject last ensures the IO has learned the necessary information to ask the right questions. This process can also enhance truth telling as people are more likely to be truthful if they know the IO has information from others. If such interview is last, the IO can also challenge any statements that are inconsistent with other evidence. Finally, interviewing the subject last allows the IO to advise the subject of all adverse information against them and decreases the need to re-interview.

6.2.1.3 **Interview Locations.** Choosing the correct interview location in advance can prevent a myriad of problems. Choose a place that is private and secure.

6.2.1.4 **Testimony Format.** The IO can obtain testimony in a variety of formats, but **all testimony should be under oath**. Regardless of form, testimony should always include the full names, office designation, and unit for each witness.

6.2.1.4.1 **Privacy Act Notice.** Prior to the commencement of the interview process each and every witness, including the complainant and the subject of the investigation, are required to read and acknowledge the Privacy Act Statement.

6.2.1.4.2 **Under Oath.** All testimony should be taken under oath. It puts the witness on notice that the CDI is a serious matter and lets them know they could be criminally liable if they fail to tell the truth. Swearing or affirming (oath with phrase "so help you God" deleted) witnesses is simple. If a witness, previously sworn, must be re-interviewed, the IO does not need to re-administer the oath, but can simply remind the witness that they are still under oath and obtain the witness' acknowledgment that they understand.

6.2.1.4.3 **Summarized.** The IO may interview witnesses and prepare summaries of testimony. Interviews allow the IO to explore issues raised during the interview and evaluate witness credibility. It is best practice to summarize the testimony immediately following the interview and have the witness review and sign the summary that same day. The **witness and the IO should sign** the summarized statement, under oath, to certify its validity.

6.2.1.4.4 **Written Statements.** A witness' sworn statement should either be written legibly or typed. The best practice is to document written statements on a statement under oath. If a witness makes any pen-and-ink changes to their written statement, the IO should have the witness initial the change.

6.2.1.2.5 **Telephonic.** If the witnesses are unavailable for face- to face interviews but are critical to the CDI, the IO may want to arrange a telephonic interview through the witness' legal office. This allows a local JAG to administer the oath to and verify the identity of the witness. Any prepared statements, whether by the individual or the IO, can be faxed or e-mailed for signature.

6.2.1.5 **Rights Advisements.** Rights advisement for subjects, suspects or witnesses may become an issue. The IO should consult with the JAs **whenever there is a question** about whether an individual should be read their rights.

6.2.1.5.1 **Military.** The mere fact that someone is the subject of a CDI does not automatically trigger the need for a rights advisement. The test is whether the IO, at the time the active duty military subject is interviewed, either believes or reasonably should **believe the individual committed an offense** under the TCMJ, other regulation, or other criminal code. If so, then the subject or witness should be considered a suspect. The IO should advise suspects of their Section 432.052, Rights. It is important to determine the status of the service member at the time of the alleged conduct and the time of interview. Consult with the legal advisor in these cases.

6.2.1.6 **Third-Party Presence During Interviews.** An interview will **normally only involve the IO and the witness.** Sometimes a technical advisor or administrative assistant appointed to assist the IO will accompany the IO during interviews. For example, while interviewing witnesses of the opposite sex, the IO may want an assistant present to avoid any appearance of impropriety. Additionally, if the testimony of a particular witness is especially important to the investigation, the IO may want a third party present to take notes and act as a witness to what is said. Although the IO can have team members present during witness interviews, generally speaking witnesses cannot have third parties present. This section discusses how to proceed when a witness requests that a third party be present during their CDI interview.

6.2.1.6.1 **Attorneys.** **Only a suspect** has the right to have an attorney present during an interview. The attorney may not answer questions for the suspect. Witnesses and subjects may consult with their attorney, but are not permitted to have an attorney present during the interview.

6.2.1.6.2 **Other Personal Representatives.** As a general rule, third party representatives for witnesses and subjects are **not permitted** to be present during CDI interviews. The IO should consult with the legal advisor when special circumstances arise, such as a request for a crime victim to have a Victim Witness Assistance Program (VWAP) representative present or the witness is a minor.

6.2.1.7 **Confidentiality.** Communications made to the IO during a CDI are not privileged or confidential. However, the IO's disclosure of these communications (and the identity of the person who provided the information) will be limited to an **official need-to-know.** The CDI ROI will be marked "**For Official Use Only**" (FOUO) and will be released only in accordance with existing laws.

6.2.1.8 **Immunity.** General Court-Martial Convening Authorities (GCMCAs) have the authority to grant **military witnesses immunity** from prosecution in exchange for providing testimony; Subordinate commanders and IO's do not have this authority. The IO should never make promises to any witness that could be interpreted as de facto immunity. An implied immunity can cause significant problems for military prosecutors. If a military witness requests immunity or some other protection as a condition to providing a statement, the IO will consult with the commander and SJA before proceeding.

6.2.2 **Physical Evidence.** Physical evidence consists of documents, computer records, photographs, and objects (e.g., tools), to name a few. IO's must ensure evidence is **properly collected, handled and secured**. For more information, IO's should contact their legal advisor.

6.2.2.1 **Objects.** Occasionally, an IO will have to collect tangible items of evidence as part of a CDI. Consider an example of a tool accountability CDI. Assume several witnesses testified that they saw five torque-wrenches with government markings in Amn Simpson's car, and the IO ultimately locates the five wrenches. The IO should work in tandem with the legal advisor to determine **how to secure and store the evidence**. The IO should obtain photographs of the wrenches to include in the ROI.

6.2.2.2 **Documents.** Documentary evidence may be in the form of handwritten notes, correspondence, reports, newspapers, inventories and computer records such as e-mails. Written documentation, if authentic, gives the IO a snapshot in time. Anytime a witness discusses a particular document during testimony, the IO should ensure the **testimony identifies the document** (e.g., "my letter, dated X, subject line "quote"). If it would be helpful, the IO can create or have witnesses create demonstrative documents to illustrate points in the investigation – demonstrative evidence. For example, the IO can have the witness diagram a location where people were standing at a given time. Other examples of demonstrative evidence include: organizational wiring diagrams, chronologies and maps. Demonstrative evidence should be labeled thoroughly and accurately.

6.2.3 **Circumstantial Evidence.** At times, the IO will need to prove the intangible, such as motive, intent or knowledge. Because the IO cannot read minds, the chance of finding "direct" evidence of such things is remote. **Circumstantial evidence is evidence that tends to prove the existence of a fact.** For example, Able may have seen Ben shoot Cain. Able could provide direct evidence about what he saw. On the other hand, Able may have walked into a room seconds after hearing a gunshot, seen Ben standing over Cain with a smoking gun, and heard Ben yell, "Die, scum!" The circumstantial case against Ben would include the gun, Ben's yell and maybe even a large insurance policy that Ben just took out on Cain's life. Circumstantial evidence can be as compelling as direct evidence.

6.2.4 **Computer Evidence.** Occasionally, an IO may want to access a subject's or witness' email or computer files for evidence of wrongdoing. Generally, real-time monitoring, such as intercepting e-mails en route to their destination, is not within the scope of a CDI. For the most part, searching information on local hard drives is not an option for an IO in a CDI. Where IO's believe a search of computer files is necessary, IO's should consult their legal advisors.

6.3 Adding New Allegations. Sometimes a **CDI may raise additional allegations**. This typically occurs during the investigation when a witness' testimony reveals additional misconduct, or when a later reviewer raises issues that were not addressed in the investigation.

6.3.1 During the Investigation. If a witness' testimony, or other evidence, raises the possibility of additional misconduct of the subject or another person, the IO should coordinate with the commander to determine whether the **additional issues will be investigated separately or as part of the on-going investigation**. If after consultation with the legal advisor, the commander expands the scope of the CDI, the appointment letter should be amended. Subjects must be advised of their alleged wrongdoing when they are interviewed. If a subject has already been interviewed, but has not been given adequate opportunity to respond to the substance of all misconduct under investigation, the subject should be informed of the new allegations and re-interviewed.

6.3.2 Post-Investigation. The more challenging scenario occurs when a later reviewer, such as the JAG conducting the legal review, discovers possible **misconduct that was not addressed** in the ROI. When this occurs, the reviewer should discuss with the IO whether the alleged misconduct was investigated, but just not documented in the case file. If such is the case, the IO can include a brief memorandum for record in the case file. If the alleged misconduct was not considered, the IO should consult with the commander to determine a course of action. If additional investigation is warranted, the commander will decide whether to reopen the CDI or consider the issue in a separate CDI. The CDI case file should include documentation as to the final disposition of the issue, typically in the ROI "Background" section.

6.4 How Much Investigation is Enough? An investigation into whether someone was absent from work may not require as much evidence as an investigation into the improper use of government funds to purchase high definition televisions. However, an IO needs **enough evidence to feel confident of the conclusion**, by a preponderance of the evidence, regardless of the seriousness of the allegation. At a minimum, IO's should interview all witnesses named by a complainant or subject, or document. Consult with your legal advisor on whether you need to interview additional witnesses or gather additional documentary evidence to satisfy the burden of proof.

CHAPTER 7. CDI REPORTING WRITING

7.1 Suggested CDI Investigative File Format. The CDI ROI must be a **stand-alone document**. All essential facts, documents, portions of regulations, interviews, etc., must be included in the report so that a reviewer can arrive at a determination without reference to information outside the report. The IO should write as if the **reader had no prior knowledge of the case**. The following is the suggested format to ensure the CDI contains everything the commander will need to make an informed decision in the case.

7.1.1 Appointment and Tasking Letters. Under this, the IO includes the original letter of appointment with Appendixs, amendments, and any tasking letters received from higher authorities referring to the case.

7.1.2 **Authority and Scope.** The IO documents his or her **source of authority** to conduct the CDI and states the purpose of the CDI. In this section, the IO also lists the allegations investigated.

7.1.3 **Background and Allegations.** The IO provides the factual background leading up to the alleged events. The most difficult part of report writing is to sort through all the information gathered, **determine which facts are important and document them** in a logical manner. In so doing, the IO must be careful to present both sides of the case, not merely those facts that support his ultimate conclusion. The IO should tie every statement in this section to at least one piece of evidence in the file, referencing its location (e.g., "MSgt Hammersmith called Amn Simpson a 'pig' and a 'loser.'" The most helpful way to present facts is in chronological order. Those who read the CDI ROI will generally be limited to the facts within, so IO's must be thorough. The facts are the heart of any case. In this section, the IO also discusses any other issues that arose during the investigation (e.g., documenting why a requested witness was not interviewed).

7.1.4 **Findings, Analysis and Conclusion.** Tab D. IO's invest significant time and effort gathering facts. Much of this effort can go unnoticed if the facts are hidden somewhere in a poorly organized ROI. One helpful method for analyzing each allegation is to **use the IFRAC method.**

7.1.4.1 **"IFRAC" Method.** This method of analytical writing **simplifies the organization** of the Findings, Analysis and Conclusion section of the ROI. (See Appendix 14, Sample Findings, Analysis and Conclusion of ROI).

7.1.4.1.1 **Issue.** The allegations, as framed by the commander, and /or the JA are the issues that the IO must resolve. IO's must address each of the commander's concerns separately. The IO should start analysis of each allegation by first typing out, word for word, the original allegation. The wording of the allegation drives the analysis. Do not combine allegations in an attempt to simplify the process. For example, a CDI involving maltreatment would begin as follows:

7.1.4.1.2 **Allegation.** On or about XX Nov 20XX, Master Sergeant Jack Hammersmith, Superintendent, 1st Contracting Squadron, did maltreat Senior Airman Standup Guy, a person subject to his orders, by using profanity towards him and calling him derogatory names, in violation of sec 432.138 TCMJ.

7.1.4.1.3 **Facts.** After identifying the issue, the IO should **discuss the key facts**, *relevant to the particular allegation at hand*, from the more comprehensive Background section. In most cases, there will be evidence to support two entirely different conclusions — substantiated and not substantiated. The IO must take great pains to present the full story. As noted above, the IO should tie every statement of fact to at least one piece of evidence cited in the case file. (e.g., "MSgt Hammersmith called Amn Simpson a "pig" and a "loser." (Tabs F-1, p.3; F-5, p. 6; and G-6)

7.1.4.1.4 **Rules.** Once the issue and facts have been identified, the IO must next **focus on the applicable rules** or "law" for guidance in resolving the issue. These rules come from sources such as the TCMJ, 600-10 regulations, and policies (administrative decisions, local policy letters, etc). The IO should document the relevant portions of the rules.

NOTE: Generally, IO's will want to *quote* the applicable portions of the instruction, including any definitions, **verbatim from the source**. Summarizing rules can be dangerous, as many of them were carefully crafted so they would have the desired impact. In cases involving TCMJ offenses, the IO should document the elements of the offense, as found in the Manual for Courts-Martial (MCM). In our example involving MSgt Hammersmith, the report might look like this:

7.1.4.1.5 **Analysis.** In the analysis section, the IO **takes the rules of law and applies them to the facts** to resolve the issues. This requires analytical thinking. The IO considers the facts surrounding the issue, assesses preponderance of the evidence and explains *why* he sees it that way. The reader must be able to follow the IO's thought process. When finished reading the ROI, the commander should feel comfortable that it is complete and that the conclusion follows from the facts presented. To ensure the ROI is thorough, fair and balanced, the IO should keep in mind the "Three C's" of analytical thinking and writing: *credibility, corroboration, and clarity*. Analysis requires more than just listing the facts and leaping to a conclusion. It requires a window into the IO's mind. The reader needs to appreciate *why* the IO weighed some items of evidence more heavily than others.

7.1.4.1.6 **Credibility.** When there are opposing sides of a story, in assessing the preponderance of the evidence, the IO must **document a credibility determination**. This may require the IO to assess, and comment upon:

- * Witness demeanor (hostile, at ease?)
- * Nonverbals
- * Bias (best friends with the subject or mortal enemies?)
- * Motive to lie (personal interest in the matter or disinterested?)
- * Knowledge (personal knowledge or second hand?)
- * Perception (located next to the person or vision partially blocked?)
- * Veracity (character for truthfulness or a reputed liar?)
- * Any other information that may affect credibility (corroboration is discussed below.)

Documenting credibility determinations cannot be reemphasized without further explanation, the reader only has testimony and exhibits to review. Only the IO will have the opportunity to assess the witness' appearance and behavior during the investigation. Checklist for an example of an IO's credibility assessment).

7.1.4.1.7 **Corroboration.** When testimony is corroborated by other credible evidence or testimony, witness credibility is greatly enhanced. **The IO should always discuss evidence that supports, or does not support**, witness testimony. With substantial agreement of the evidence, the IO's conclusions have a sound basis.

7.1.4.1.8 **Clarity. Clarify contradictions** before finalizing the investigation. Whenever abbreviations or terms are used for the first time, spell them out or explain them. Avoid the use of slang, unfamiliar jargon, or obscene and profane language unless it is necessary.

7.1.4.1.9 **Conclusion. Each allegation should be answered in a separate finding** that states whether it was substantiated or not substantiated. If the evidence is in conflict and cannot be reconciled, that simply means that the facts did not satisfy the proof by a preponderance of the evidence standard and therefore, the allegations could not be substantiated. The IO should wrap up by *briefly* stating the reasons for the conclusion. For example, the conclusion can state, "The preponderance of credible evidence indicates that MSgt Hammersmith called Amn Simpson a "(bleep)ing pig" and a "dog" and hit him on the head five times during a staff meeting. I find Allegation 1 to be SUBSTANTIATED." The IO should also identify any mitigating or extenuating circumstances in this section of the report, especially if someone committed wrongdoing, but did so unintentionally. It would also be important to know if the individual already rectified the situation.

7.1.5 **Recommendations.** Tab E. If the commander desires recommendations for corrective action, the IO will be tasked in the appointment letter. Do not make recommendations unless specifically directed. If the IO was not tasked to provide recommendations, but feels it would be appropriate to do so, the IO should discuss the issue with the commander and request permission to include recommendations. Recommendations should be tied to the findings and stated as succinctly and objectively as possible. IO's should not recommend specific punishments or administrative actions. **Recommendations are not binding on the commander.**

7.1.6 **Testimony.** Tab F. The IO should first include an index of witnesses and tab each witness' sworn testimony in the order listed.

7.1.7 **Evidence.** Tab G. The IO should first include an index of evidence and tab each evidentiary item in the order listed.

7.1.8 **Technical Reviews.** Tab H. If no technical review was conducted, place a paper in this tab that says, "None." Otherwise, tab all technical reviews in the same order in which they are referenced in the CDI ROI.

7.1.9 **Legal Review.** Tab I. The IO should simultaneously send the draft ROI to their JA for a legal sufficiency review and to the CO for a preliminary review. The commander's servicing legal office will normally review the CDI. Reviews will be completed in accordance with JA policies and procedures. At a minimum, a legal review should include a discussion and assessment of whether:

- * Each **allegation has been addressed**
- * IO applied preponderance of the evidence standard **findings of fact are supported by the evidence** included in the report of investigation
- * **Conclusions** are consistent with the findings of fact and **supported by the preponderance of the evidence**

* **Errors or irregularities** (if any) render the investigation legally insufficient

JAGS should not deem a ROI “legally insufficient” merely because they personally disagree with the IO's findings and conclusions. The reviewing JAG can, if necessary, document their disagreement, while still deeming the ROI “legally sufficient.” **JAGs should use great caution not to substitute their judgment for that of the IO**, particularly in cases where the ROI contains thoroughly documented credibility determinations and the preponderance of the evidence could reasonably support the IO's findings. Where the reviewer concludes the preponderance of the evidence does not support the IO's findings, the reviewer should explain whether additional investigation could help the IO meet the burden of proof.

7.1.10 Commander (appointing authority) Approval and Actions. Tab J. Upon receipt and review of the entire CDI case file, including the legal review, the initiating commander **either "approves" or "disapproves" the CDI**, in writing. If the commander disagrees with one or more of the CDI's findings and conclusions, the commander will document the rationale for the disagreement and final determination on the matter (substantiated or not substantiated) in writing. An "addendum" to the ROI is the best method of documenting disagreement, rationale, and final determination for the case file.

7.1.11 Administrative Documents. Tab K. Include any documents that do not otherwise fall into one of the other tabs, such as witness invitation letters, delay requests and extensions, etc.

7.2 Report Markings. Mark **"For Official Use Only"** (FOUO) at the top and bottom of each page. Mark all documents provided by the complainant during the course of the investigation as **"COMPLAINANT PROVIDED"** in the lower right-hand corner of each page. Classify reports according to the policies and procedures contained in security regulations. Control the number and distribution of copies. ***IOs will not provide draft or final copies of the CD/ ROI, or disclose the IO's opinion, to complainants, subjects, suspects, or witnesses for any purpose.***

CHAPTER 8. POST-REPORT ACTIONS

8.1 Closure With Subjects, Suspects, and Complainants. The commander makes final notification of the CDI results to the, complainant (if any) and subject and subjects counsel if represented, either verbally or in writing. Remember – the Privacy Act applies.

8.2 Use of Results in Adverse Administrative Actions. The information obtained in a CDI, including an IO's findings and recommendations, may be used in any administrative action against an individual, whether or not that individual was designated as a subject or suspect. Commanders should consult their JAG prior to notifying any service member of contemplated adverse action.

8.3 TCMJ Record of Proceedings. Following an adverse administrative action, the commander should prepare an Updated Record of Proceedings Under Section 15 (TMD Form 10, FEB 2019). Reporting format must follow the Command Discipline Program Report, as required by the Command Discipline / Status of Forces Program. Brigade/Wing commanders should post the record of proceedings on the designated armory bulletin board.

8.4 Reporting Record of Proceedings. Brigade/Wing JAs are to collect record of adverse administrative actions via TMD Form 10 (FEB 2019) and submit them quarterly through their senior JA to the OGC at nq.tx.txarng.list.general-counsel-office1@mail.mil. Brigade/Wing JAs are responsible for tracking, collecting, and submitting all Actions and reportable information to the OGC.

CHAPTER 9 - POST CDI PROCESS

9.1 Approval/Disapproval of IO Findings. After the CDI has been concluded and the commander has reviewed the IO's entire investigative file, including the findings, conclusions and recommendations, it is then the commander's responsibility to approve the IO's findings and recommendations, request additional information to consider alternative action, conclude the CDI without further action, and forward the final conclusions to the subject and their counsel if represented.

9.2 Form 35. Should the commander determine the CDI's findings and conclusions warrant discharge or rank reduction action, the commander shall complete a Form 35 and indicate the action requested. The commander should also indicate the requested **re-entry code** on the Form 35 or in writing and the discharge characterization of service being recommended. The following are the current TXSG re entry codes:

Code	Definition
RE-1	Applies to: Person completing their term of service with an acceptable standard of conduct. Eligibility: Fully qualified to reenter the Texas State Guard
RE-2	Applies to Individuals separated for personal reasons. Eligibility: Ineligible to enlist unless waiver is granted.
RE-3	Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation due to medical reasons. Eligibility: Ineligible to enlist unless waiver is granted.
RE-4	Applies to: Person separated from last period of service due to serious misconduct. Eligibility: Ineligible unless a waiver is granted.

9.3 Forwarding File. The entire file, including the Form 35 should be forwarded to Headquarters for review and further action.

CHAPTER 10 – COMMANDER’S DISCHARGE AND RANK REDUCTION PROCEDURES

10.1 Commander’s Discharge Procedures

In the event a commander who is authorized to discharge a member determines to request a discharge of a member with any discharge characterization other than Honorable Discharge and RE-code of RE-1 **shall conform to the following procedures** prior to submitting such Discharge Request. The Form 35 request shall be reviewed and approved in the following order: The initiating authority (or successor), the Brigade commander, the TXSG Chief of Staff, and the T-1 personnel officer. Following final approval by the foregoing authorities, the T-1 personnel officer shall provide a completed and approved copy of the Form 35 personnel action request to the initiating authority (or successor).

The following procedures shall be followed prior to submitting such Discharge Request:

a. The commander will **give written notice (“Discharge Notice”)** in the form and substance as set forth herein to such member of the commander’s determination to request the discharge of the member. The Discharge Notice provides information to the member relating to the proposed discharge as well as the member’s rights related to the discharge such as the member’s right to appeal the proposed discharge (“Appeal”). To the extent that there is any written documentation supporting the commander’s decision to discharge the member such as a Report of Investigation resulting from a Commander’s Directed Investigation, counseling statements, witness statements, etc., copies of such documents (“Supporting Documentation”) shall also be provided to the member with the Discharge Notice. **The Appeal is limited to the characterization of the discharge if other than an Honorable Discharge and/or the discharge code if other than an RE-1, not to discharge itself.**

b. The Notice of Appeal to be filed by a member who determines to appeal the Discharge Request is set forth herein. Such Notice of Appeal is to be an Appendix to the Discharge Notice. If a Notice of Appeal **is not filed within five (5) calendar days** after the member’s receipt of the Discharge Notice, the member shall be **deemed to have waived his right to Appeal** and the commander may proceed with the Discharge Request.

c. If a Notice of Appeal is filed within five (5) calendar days of the member's receipt of the Discharge Notice, **the commander may not proceed with the Discharge Request until there is a final determination of the Appeal by the next superior commander named in the Discharge Notice ("Superior Commander")**. The commander must forward to the Superior Commander all documentation related to the discharge proceeding including the **Supporting Documentation within ten (10) calendar days of the commander's receipt of the Notice of Appeal**.

d. If a Notice of Appeal is timely filed and the member chooses to do so, the member has fourteen **(14) calendar days** following delivery of the Notice of Appeal to the Superior Commander to **file a written presentation** with any supporting documentation ("Written Presentation") with the Superior Commander. The member has no right to a personal presentation before the Superior Commander.

e. **If no Written Presentation is timely filed**, the Superior Commander will give a written notice of the Superior Commander's determination (Superior Commander's Determination") within thirty (30) calendar days after receipt of the Notice of Appeal by the Superior Commander.

f. **If a Written Presentation is timely filed**, the Superior Commander will give a written notice of the Superior Commander's Determination within **fifteen (15) calendar days after receipt of the Written Presentation** by the Superior Commander.

g. The commander will proceed in accordance with the Superior Commander's Determination.

10.2 Commander's Reduction Procedures

In the event a commander who is authorized to reduce a member in rank determines to request a reduction in rank of a member ("Rank Reduction Request"), the following procedures shall be followed prior to submitting such Rank Reduction Request:

a. The commander will **give written notice ("Rank Reduction Notice")** in the form and substance is set forth herein to such member of the commander's determination to reduce the member's rank. The Rank Reduction Notice provides information to the member relating to the proposed reduction as well as the member's rights related to the reduction such as the member's right to appeal the proposed reduction ("Appeal"). To the extent that there is any written documentation supporting the commander's decision to reduce the rank of the member such as a Report of Investigation resulting from a Commander's Directed Investigation, counseling statements, witness statements, etc., copies of such documents ("Supporting Documentation") shall also be provided to the member with the Rank Reduction Notice.

b. The Notice of Appeal to be filed by a member who determines to appeal the reduction is set forth herein. Such Notice of Appeal is to be an Appendix to the Rank Reduction Notice. If a Notice of Appeal **is not filed within five (5) calendar days** after the member's receipt of the Rank Reduction Notice, the member shall be **deemed to have waived his right to appeal** and the commander may proceed with the Rank Reduction Request.

c. If a Notice of Appeal is filed within five (5) calendar days of the member's receipt of the Rank Reduction Notice, **the commander may not proceed with the reduction until there is a final determination of the appeal by the next superior commander named in the Rank Reduction Notice ("Superior Commander")**. The commander must forward to the Superior Commander all documentation related to the reduction proceeding including the Supporting Documentation within **ten (10) calendar days of the commander's receipt of the Notice of Appeal**.

d. If a Notice of Appeal is timely filed and the member chooses to do so, the member has fourteen **(14) calendar days** following delivery of the Notice of Appeal to the Superior Commander to **file a written presentation** with any supporting documentation ("Written Presentation") with the Superior Commander. The member has no right to a personal presentation before the Superior Commander.

e. **If no Written Presentation is timely filed**, the Superior Commander will give a written notice of the Superior Commander's determination (Superior Commander's Determination") within **thirty (30) calendar days after receipt of the Notice of Appeal by the Superior Commander**.

f. **If a Written Presentation is timely filed**, the Superior Commander will give a written notice of the Superior Commander's Determination within **fifteen (15) calendar days after receipt of the Written Presentation** by the Superior Commander.

g. The commander will proceed in accordance with the Superior Commander's Determination.

Discharge Notice for Commander's Discharge Procedures

DISCHARGE NOTICE

Name, Rank

Last 4 SSN

Unit

1. I am considering (i) recommending that you be discharged from the Texas State Guard, (ii) with a _____ Discharge, and (iii) a discharge code of RE-____ ("Discharge Request").

2. The reasons for this recommended action are:

3. Any written documentation that I have considered in making this recommendation is attached to this Discharge Notice and are as follows:

4. With regard to my contemplated recommendation, you are entitled to appeal my contemplated recommendation as to the [type of discharge] [and/or] [the discharge code] I have recommended ("Appeal") by delivering written notice of such appeal ("Notice of Appeal") in the form and substance of that attached hereto, to me and to your next superior commander, _____ ("Superior Commander") within five (5) calendar days following your receipt of this Discharge Notice. You have no right to appeal the determination to discharge you. Once the Notice of Appeal is received, I shall not proceed with seeking your discharge pending further review of the Commander's determination regarding the Appeal ("Commander's Determination") and will forward copies of all documentation related to the discharge proceeding to the Superior Commander within ten (10) calendar days of my receipt of the Notice of Appeal. You shall have the right to file a written response to the Discharge Notice with any supporting documentation with the Superior Commander ("Written Presentation") within fourteen (14) calendar days following delivery of the Notice of Appeal to both me and the Superior Commander. No personal presentation shall be provided.

5. The Superior Commander shall consider the Appeal as well as any other documentation that the Superior Commander deems necessary and appropriate relating to you and the proposed action and make a final determination regarding the Discharge Notice within fifteen (15) calendar days following the Superior Commander's receipt of such Written Presentation, or, if no Written Presentation is received, within thirty (30) calendar days after receipt of the Notice of Appeal by the Superior Commander, whichever day occurs first. The Superior Commander's Determination will be final. The Superior Commander will give written notice of the Superior Commander's Determination to both you and me. I may thereafter proceed in accordance with the Superior Commander's Determination.

6. You have the right to consult with and be represented by legal counsel having the qualifications prescribed under Section 432.046(b), TCMJ. The contact number for Texas State Guard Trial Defense Services is _____.

7. In the event you, after being given this Discharge Notice, fail to deliver a Notice of Appeal within the prescribed time, you shall be deemed to have waived any rights to appeal the Discharge Request. Unless and until there is waiver of the right to appeal or there is a final determination regarding any Appeal, I will not proceed with the Discharge Request. I may thereafter proceed in accordance with the Superior Commander's determination.

Date Commander's Name, Grade, Organization Signature

I acknowledge receipt of this Discharge Notice on the ____ day of _____, 20__.

Date Member's Name, Grade, Organization Signature

Rank Reduction Notice for Commander's Rank Reduction Procedures

RANK REDUCTION NOTICE

Name, Rank	Last 4 SSN	Unit
------------	------------	------

1. I am considering recommending that you be reduced in rank to the rank of _____ in the Texas State Guard ("Rank Reduction Request").

2. The reasons for this recommended action are:

3. Any written documentation that I have considered in making this recommendation is attached to this Rank Reduction Notice and are as follows:

4. With regard to my contemplated recommendation, you are entitled to appeal my contemplated recommendation as to the rank reduction that I have recommended ("Appeal") by delivering written notice of such appeal ("Notice of Appeal") in the form and substance of that attached hereto, to me and to your next superior commander, _____ ("Superior Commander") within five (5) calendar days following your receipt of this Rank Reduction Notice. You have no right to appeal the determination to reduce you in rank. Once the Notice of Appeal is received, I shall not proceed with seeking your reduction in rank pending further review of the Commander's determination regarding the Appeal ("Commander's Determination") and will forward copies of all documentation related to the reduction in rank proceeding to the Superior Commander within ten (10) calendar days of my receipt of the Notice of Appeal. You shall have the right to file a written response to the Rank Reduction Notice with any supporting documentation with the Superior Commander ("Written Presentation") within fourteen (14) calendar days following delivery of the Notice of Appeal to both me and the Superior Commander. No personal presentation shall be provided.

5. The Superior Commander shall consider the Appeal as well as any other documentation that the Superior Commander deems necessary and appropriate relating to you and the proposed action and make a final determination regarding the Rank Reduction Notice within fifteen (15) calendar days following the Superior Commander's receipt of such Written Presentation, or, if no Written Presentation is received, within thirty (30) calendar days after receipt of the Notice of Appeal by the Superior Commander, whichever day occurs first. The Superior Commander's Determination will be final. The Superior Commander will give written notice of the Superior Commander's Determination to both you and me. I may thereafter proceed in accordance with the Superior Commander's Determination.

6. You have the right to consult with and be represented by legal counsel having the qualifications prescribed under Section 432.046(b), TCMJ. The contact number for Texas State Guard Trial Defense Services is _____.

7. In the event you, after being given this Rank Reduction Notice, fail to deliver a Notice of Appeal within the prescribed time, you shall be deemed to have waived any rights to appeal the Rank Reduction Request. Unless and until there is waiver of the right to appeal or there is a final determination regarding any Appeal, I will not proceed with the Rank Reduction Request. I may thereafter proceed in accordance with the Superior Commander's determination.

Date Commander's Name, Grade, Organization Signature

I acknowledge receipt of this Rank Reduction Notice on the ____ day of _____, 20__.

Date Member's Name, Grade, Organization Signature

Notice Of Appeal of Discharge

NOTICE OF APPEAL

(Date)

TO: (Name of Superior Commander Named in Discharge Notice)

SUBJECT:

1. I acknowledge receipt of the Discharge Notice dated _____ (“Discharge Notice”) on _____.
2. I request to appeal my proposed discharge from the Texas State Guard regarding [the type of discharge] [and/or] [the discharge code] I am to be given.
3. I acknowledge that I have the right to provide you with a written response to the Discharge Notice with supporting documentation, if any, (“Written Presentation”) which must be provided to you within fourteen (14) calendar days following delivery of this Notice of Appeal to you.
4. I acknowledge that if I fail to provide the Written Presentation within the time period set forth above, I shall be deemed to have waived any rights to present such matters.
5. I acknowledge that your determination regarding my discharge is a final determination and I shall have no right to appeal your determination.
6. I acknowledge that I have the right to consult with and be represented by legal counsel as set forth in the Discharge Notice.

(signature of individual)

(printed name and grade of individual)

cc: (Name of Commander issuing the Discharge Notice)

Notice to be Attached to Discharge Notice

Notice Of Appeal of Rank Reduction

NOTICE OF APPEAL

(Date)

TO:(Name of Superior Commander Named in Rank Reduction Notice)

SUBJECT:

1. I acknowledge receipt of the Rank Reduction Notice dated _____ (“Rank Reduction Notice”) on _____.
2. I request to appeal my proposed rank reduction that I am to be given.
3. I acknowledge that I have the right to provide you with a written response to the Rank Reduction Notice with supporting documentation, if any, (“Written Presentation”) which must be provided to you within fourteen (14) calendar days following delivery of this Notice of Appeal to you.
4. I acknowledge that if I fail to provide the Written Presentation within the time period set forth above, I shall be deemed to have waived any rights to present such matters.
5. I acknowledge that your determination regarding my rank reduction is a final determination and I shall have no right to appeal your determination.
6. I acknowledge that I have the right to consult with and be represented by legal counsel as set forth in the Rank Reduction Notice.

(signature of individual)

(printed name and grade of individual)

cc: (Name of Commander issuing the Rank Reduction Notice)

Notice to be Attached to Rank Reduction Notice

IO APPOINTMENT LETTER

FOR OFFICIAL USE ONLY

On's Commander's Letterhead

Date

(simulated 4 lines between date and header)

MEMORANDUM FOR _____

FROM: ___/CC

SUBJECT: Commander Directed Investigation (CDI) (Do not include the Complainant or Subject's names)

1. You are appointed to conduct a CDI into all aspects of the facts and circumstances concerning the following allegation(s). This is your primary duty (no leave, temporary duty, or other duties) unless expressly discussed and permitted by me, until completion of this duty and submission of a legally sufficient report.

2. **First Allegation**. On or about 1 September 2019, SFC Snuffy Smith, the acting S1 for the 5th Brigade, 1st Battalion failed to obey a lawful order given to him by LTC Dudley Doowright, the HQ staff SI in violation of the TCMJ 432.137.

3. **Second Allegation**. On or about 1 September 2019, SFC Snuffy Smith, the acting S1 for the 5th Brigade, 1st Battalion behaved with disrespect towards LTC Dudley Doowright, the HQ staff S1, his superior officer, by comparing LTC Doowright's looks to that of a horned frog in violation of the TCMJ 432.134.

4. In conducting the CDI, follow the guidance in the *Commander Directed Investigation Guide*. Prepare and submit me a report of investigation in the format it describes. Submit the report to me by _____, unless I grant a written extension. (*Optional: Include recommendations you deem appropriate, in your request.*)

5. You will meet the _____ (*JAG name and contact information*), your designated legal adviser for purposes of this CDI, prior to beginning your investigation.

6. You may not release any information related to this investigation without my prior approval. This letter and the attached documents are marked FOR OFFICIAL USE ONLY and contain information that must be protected under the Privacy Act.

JOHN SMITH, Colonel, TXSG
Commander

cc:

(JAG name) _____ FW/JA

(Technical Advisor, if applicable)

(Assistant IO, if applicable)

(Administrative Assistant, if applicable)

FOR OFFICIAL USE ONLY

Dates and time frames of when I seeked help on my case

From: Jennie Medeles jennietrev@hotmail.com

To: Tara Enahoro Tara@tpcenahorolaw.com

Date: Sat, 4 May 2024, 16:49

Good afternoon Tara,

Hope all is well and that this email finds you in great spirits. Please find below dates and time frames of seeking alternative help on my case.

12-5-2022 @ 10:55am- called Office of State Administration at 512-782-1332- spoke to a SGT Pineda, I asked if the TAG (Texas Adjutant General), General Selzer, had an open door policy. SGT Pineda stated he did not but that COL Golby was appointed as the lead investigating officer. They gave me the phone number to the Office of General Counsel 512-782-5057.

12-5-2022 @12:59pm - called Office of General Counsel at 512-782-5057 got assigned CPT Moore as my investigating officer, explained to him what happened in my case, he stated he would open an investigation and call me back after the holidays. I never received a call back or response from him.

12-20-22 @08:41am-called Office of General Counsel at 512-782-5057 spoke to SGT Clay-stated CPT Moore wasn't available, got transferred to COL Bachlor who wasn't in the office, left a message.

12-20-22 @12:34pm called TAG office at 512-782-5006 spoke to SSG Olvera, SGT Pineda was no longer working in the office- explained to SSG Olvera my case, she stated she would talk to COL Golby to see what my next step needed to be

1-10-2023- emailed CPT Autry, Steven, my appointed representative for the TXSG stating I found an email that would help me clear my name. It was the only allegation that remained as not enough proof by the Chief of Staff COL Fitz-Gerald. CPT Autry, Steven stated I had already exhausted all remedies with the Texas Military Department but that I could seek help with a civilian attorney.

1-19-2023- had a meeting at 11am to speak to attorney at the O'connell West Law-provided all my discharge paperwork-attorney wanted 30k retainer fee that would schedule a meeting with Gen Woods explaining my case to see if he would allow me back into the TXSG (Texas State Guard). I did

not hire him

2-13-2023-filed small court claim against the TXSG- Case No. 21S2201492-court date was on May 5, 2023- was dismissed due to judge not being within jurisdiction. I asked if I still had the right to sue, Judge stated yes, he was only dismissing it because he wasn't within jurisdiction.

5-18-2023 @15:08 called the TAG's office at 512-782-5006- spoke to SSG Olvera, requested status of my case, she stated COL Gobly advised their JAG has been appointed my case and that someone from the JAG would be contacting me. no one ever called me back.

5-19-2023 @ 3:57pm- I emailed General Woods, Anthony (from TXSG), CSM Thompson, Harlen (from TXSG), SFC Olvera, Rosa (from TAG office), SGT Martinez (from TAG office), requesting a court martial per the TXSG policy. no response from anyone.

6-8-2023 @11:57am-received email from SFC Olvera, Rosa (rosa.olvera2.mil@army.mil), TAG assistant advising I reach out to General Council at 512-782-5057

6-8-2023 @ 11:59am called 512-782-5006 spoke to SGT Clay from the TAG stated they will speak to COL Golby about my case.

7-10-2023- opened investigation with EEOC online- got assigned representative right away because of status of limitations allowed you to file and get a response within 300 days

7-14-2023-EEOC Charge No. 451-2023-03405 San Juanita Medeles v. Texas State Guard- Equal Employment Opportunity Commission granted me the right to sue.

9-14-2023- opened Congressional Inquiry with 13 different Congress including the current ongoing inquiry I have still opened with Congressman Chip Roy-got assigned Jordan Cook as my presentative. Mr. Cook has not received a response from the Texas Military Department Liaison.

10-9-2023- filled lawsuit against SFC Jimmerson- was dismissed due to lack of jurisdiction from Judge. Gave me the right to sue in Supreme Court

12-8-20230- hired attorney Ms. Tara Enahoro.

This should be all the dates I have with supporting documentation if needed (also updated into my google portal).

Please feel free to reach out with any questions.

Thank you in advance.

FW: Congressional Inquiry - Improper Discharge from TXSG

From: Jennie Medeles jennietrev@hotmail.com

To: Tara Enahoro Tara@tpcenahorolaw.com

Date: Tue, 12 Dec 2023, 14:17

 **Dear Jordan Cook.pdf** 77 KB

Good afternoon Ms. Tara,

Please see below email sent to Jordan Cook requesting a Congressional Inquiry in which they are still reviewing my case.

Respectfully,

San Juanita "Jennie" Medeles

Sent from [Mail](#) for Windows

From: Ernie Casiano <casiano19@gmail.com>

Sent: Wednesday, September 27, 2023 10:24:52 PM

To: Jennie Trevino <jennietrev@hotmail.com>

Subject: Congressional Inquiry - Improper Discharge from TXSG

Dear Jordan Cook,

I trust this message finds you in good health. I write to express my gratitude for your responsiveness and dedication to addressing the concerns I've raised regarding my recent discharge from the Texas State Guard (TXSG).

I must, however, respectfully express my disagreement with the response provided by Mr. Perez, the Congressional Inquiries Analyst, in relation to the circumstances surrounding my discharge. To provide you with a more comprehensive understanding of my situation, I feel compelled to offer a detailed overview of the improper investigation and subsequent wrongful discharge from the TXSG.

My primary concern revolves around what appears to be a significant deviation from TXSG regulations, specifically as outlined in TXSG Regulation 600-10, Section C. This regulation clearly states that an other-than-honorable discharge can only be administered following a Service Member's conviction by a General Court Martial and with the concurrence of the Adjutant General of Texas. I am seeking clarification on the authority under which the TXSG executed a Dishonorable Discharge in my case, especially given that I was a state employee during the relevant period. It is crucial to ascertain the legal basis for their actions under these specific circumstances.

Furthermore, under Sec. 437. 212, j, claims of discrimination by service members on state active duty are to be processed in accordance with military regulations and procedures established for the Texas military forces. These claims are exempt from the jurisdiction of the Texas Workforce Civil Rights Division. The Commander Directed Investigation (CDI) against me appears to have originated from questionable grounds, as it was initiated based on an allegation made by CPL Hall, who claimed that he had falsified State Active-Duty Orders on my behalf. However, it is important to note that my discharge paperwork indicated that CPL Hall, Kelly accused me of asking him to falsify orders, and this accusation is not grounded in truth.

The subsequent investigation by LTC Dale raised numerous concerns. It utilized witness statements that seemed to establish a negative narrative about my character. Specifically, LTC Dale employed pre-written statements collected by SFC Jimmerson as evidence without appropriately preparing a questionnaire for witness questioning, which is not in line with AR 15-6. Furthermore, it is worth noting that all allegations against me stemmed from incidents in 2020 and 2021, which occurred over a year before the allegations were filed. It is also significant that only Caucasian soldiers were questioned among the listed witnesses, and a Chaplain listed as a witness was never interviewed about the allegations against me. This lack of diversity within the TXSG, coupled with potential discrimination against minorities raises additional concerns about the organization's practices and culture.

A troubling aspect of this investigation is the lack of transparency in its proceedings. The TXSG leadership failed to provide clear and transparent explanations for their actions, particularly in my discharge. The absence of due process, the refusal to grant access to the investigation findings, and the inconsistent allegations contribute to a growing suspicion of ulterior motives or financial misconduct within the organization.

A month following the investigation, I was informed by COL Fitz Gerald that I had been found guilty, and my state active-duty orders had been terminated. Despite being granted seven days to appeal, I was not provided access to the investigation findings, further exacerbating the lack of due process. It wasn't until CPT Autry contacted me on October 23, 2022, identifying himself as my TDS representative, that I was able to provide supporting documentation and a defense statement. Regrettably, my case was handled poorly, and I felt my attorney, CPT Autrey, was not accorded the respect and consideration necessary for a fair defense.

According to TXSG Regulation 600-10, Chapter 7, 7-1, the statutory authority for discharging a member from the state military forces is outlined in the Texas Government Code, Section 431.089. This statute permits

discharge according to regulations adopted by the Adjutant General of Texas. However, Section 7-2 specifies that personnel with the authority to request promotion also have the same authority to request discharge for members of the same grade. It is essential to note that my understanding is that COL Fitz Gerald was not my commander and could only request, not mandate, a discharge. Chapter 7-3 addresses the certificate and order of discharge, stating that upon termination of an

officer's appointment or the enlistment of an enlisted member in the state military forces, a certificate of discharge and orders stating the character of the member's service shall be provided. Regrettably, I was never contacted by the TXSG regarding my discharge following BG Cave's denial of my final reconsideration on December 22, 2022. As of the date of this communication, in accordance with Chapter 7-3, I have yet to be informed or received my discharge certificate. I was later informed that I was officially discharged on December 19, 2022, by my previous OIC. According to the Texas State Guard system, the discharge type was "other than honorable," and the reason cited was "Involuntary – DNR (do not reenlist) per Chief of Staff (COL Fitz Gerald)." Chapter 7-4, Classes of Discharge, categorically states that an other-than-honorable discharge may only be given upon conviction by a general court-martial and with the concurrence of the Adjutant General of Texas. These regulations and procedures appear not to have been followed in my case, adding to the growing list of concerns.

Additionally, Chapter 7-5, Reasons for Discharge, specifies that a member may be discharged for any reason indicated in the Military Laws of the State of Texas, or by the CG, TXSG, the Adjutant General, or the Governor of Texas. The type of discharge is to be determined by the CG, TXSG. In my case, it appears that COL Fitz Gerald, who is not the TXSG CG made the determination without informing MG Woods, Anthony, my attorney, or me of the opportunity to discuss my discharge. These discrepancies further underscore concerns regarding the TXSG's failure to adhere to its own regulations and procedures, thereby depriving me of a proper due-out process.

To bolster my case, I would like to draw your attention to AR 635-200, paragraph 3-7c(3a), which stipulates, "(3) An under other than honorable conditions discharge will be directed only by one of the following: (a) A commander exercising general court-martial authority." Additionally, paragraph 3-7c(4) mandates, "No Soldier will be discharged per this regulation under other than honorable conditions unless afforded the right to present his or her case before an administrative discharge board per paragraph 2-4." These Army regulations underscore the importance of due process and adherence to military law in cases involving discharges of an other-than-honorable nature.

In conclusion, the TXSG's Chief of Staff, COL Fitz Gerald, appears to have made decisions that exceed the scope of his authority, particularly regarding the type and nature of my discharge. This raises questions about who authorized these actions and whether they were in pursuit of personal gain. The TXSG has seemingly disregarded its own regulations and procedures, as well as those outlined in AR 635-200, in my case. This pattern of non-compliance may indicate a deeper systemic issue within the organization.

Given the gravity of these concerns and the apparent deviations from established procedures and regulations, I respectfully request your assistance in conducting a thorough investigation into these matters. I understand the challenges that lie ahead but am encouraged to hear of your team's commitment to seeking viable solutions. I wholeheartedly support your efforts to have me reinstated in the Texas State Guard and look forward to the progress we can achieve in this regard.

I deeply appreciate your continued dedication to ensuring your constituents are informed and engaged in the decision-making process. Your transparency and accessibility exemplify the qualities that are fundamental in a representative, and they further solidify my trust in your leadership.

Thank you once again for your attention to this matter and for your unwavering dedication to our district. I am confident that, with your leadership, we can work together to address and overcome the challenges we face.

Sincerely,

Fwd: Sanjuanita Medeles_3418_CPL

From: Jennie Medeles jennietrev@hotmail.com

To: Tara Enahoro Tara@tpcenahorolaw.com

Cc: My Hubby Ernie casiano19@gmail.com

Date: Fri, May 3, 2024, 15:42

CPL Medeles San Juanita paperwork for Discharge TXSG.pdf 9.3 MB

Tara,

Please see below email to the General of the TXSG and the administration from the Texas Adjunct General asking for a court martial (I never received a response from the TXSG).

Respectfully,

Jennie Medeles

210-718-9992

JennieTrev@hotmail.com

Sent from my iPhone

Begin forwarded message:

From: Jennie Medeles <jennietrev@hotmail.com>

Date: May 19, 2023 at 3:57:05 PM CDT

To: anthony.woods@txsg.state.tx.us, Harlan.thompson@txsg.state.tx.us,
rosa.olvera2.mil@army.mil, shivonne.a.martinez.mil@army.mil

Subject: Sanjuanita Medeles_3418_CPL

Good afternoon Ladies and Gentlemen,

Hope all is well and that you all are on a great and positive start towards the weekend. I am reaching out, due to not being offered a fair and due process during discharge. I have been dishonorable discharged from the Texas State Guard under dishonorable discharge and want to request a court martial as stated per the TXSG Regulation 600-10 Section C. (other than honorable discharge may be only given to a Service Member upon conviction by General Court Martial and with concurrence of the Adjutant General

of Texas. I have tried following all policies and procedures in getting my case assigned to the correct unit/department yet have gotten the run around. I understand COL Golby (building 8) has stated he would assign my case to the JAG from building 8, I am providing supporting documentation needed for review. I have also created a binder with more supporting factors and supporting documents, please advise if needed. I apologize for reaching out to our top leaders as I understand there is a chain of command to be followed, please note, I have exhausted all options and want to get this resolved prior into taking further action. I am available if any further clarification is needed or for any questioning.

Have a great weekend.

Respectfully,
San Juanita "Jennie" Medeles
210-718-992

Sent from [Mail](#) for Windows

Fwd: [EXTERNAL] Fwd: Here you go

From: Jennie jennietrev@hotmail.com

To: Tara Enahoro Tara@tpcenahorolaw.com

Cc: My Hubby Ernie casiano19@gmail.com

Date: Fri, May 3, 2024, 15:41

Tara,

On 1/10/2023 I reached out to the attorney who was appointed to help me through the TXSG letting him know I found a document that cleared me from the only allegations Col Fitz Gerald hadn't cleared I which he said I had exhausted all remedies (please see email below).

This should help as proof of me exhausting all options.

Respectfully,

Jennie Medeles

210-718-9992

JennieTrev@hotmail.com

Sent from my iPhone

Begin forwarded message:

From: Jennie Medeles <jennietrev@hotmail.com>

Date: January 10, 2023 at 9:01:18AM CST

To: "Autry, Steven D. CPT" <Steven.Autry@txsg.state.tx.us>

Subject: Re: [EXTERNAL] Fwd: Here you go

Thank you 🙏

Respectfully,

Jennie Medeles

210-718-9992

JennieTrev@hotmail.com

Sent from my iPhone

On Jan 10, 2023, at 8:23 AM, Autry, Steven D. CPT <Steven.Autry@txsg.state.tx.us> wrote:

CPL Medeles:

Thank you for the submission. Unfortunately, we have exhausted all of our remedies with the Texas Military Department. However, I would encourage you to keep these documents and forward them to any civilian attorney you might use to help you with this matter.

V/r,

Steven Autry
MAJ JA TMD
Trial Defense Service
Operation Lone Star
214.505.1313

From: Jennie Medeles <jennietrev@hotmail.com>
Sent: Tuesday, January 10, 2023 6:12 AM
To: Autry, Steven D. CPT <Steven.Autry@txsg.state.tx.us>
Subject: [EXTERNAL] Fwd: Here you go

Good morning CPT Autry,

Happy Tuesday! I know it might be late for this but just found it in my documents. The orders for 19APR21 were sent to me from CW3 White. From what I recall, we worked late on the 18APR21 therefore I didn't leave until the next morning to San Antonio from Austin, I reported to my civilian job but late. CW3 White provided this order just to allow me to get home safe (travel order) as he knew we all worked late the days before (he worked late with us). I have screenshots of when I asked for the travel order. The orders CW5 Perez

was talking about were the orders we had requested to travel to New Mexico for the bomb training, in which later those were denied by COL Finley. Then is when CPL Hall stated he knew someone from the TEOC that would be able to provide us with the non-paid orders for the bomb training. CPL Hall requested our orders so that TEOC can use them to request the non-paid bomb orders from TEOC. Now this all makes sense where the orders from the 19th came from.

Please feel free to reach out with any questions. I know it might be too late for all this and more than likely I'll have to get a civilian attorney to fight this but figured I would share. Thank you for all you help

Respectfully,
San Juanita Medeles
210-718-9992
JennieTrev@hotmail.com
Sent from my iPhone

Begin forwarded message:

From: Michael White <michael.white35@gmail.com>
Date: April 22, 2021 at 4:18:55 PM CDT
Subject: Here you go

--

Very respectfully

CW2 Michael White
CTCD CTCM
T4 Procurement
TEOC Assistant Battle CPT

512-782-3262 D -T4

737-230-6174 C

t4logistics@txsg.state.tx.us

ONE MISSION. ONE TEAM. ONE TEXAS STATE GUARD.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Steven D. CPT Autry

12/20/22

To: San, Jennie >



Discharge Appeal

CPL Medeles:

Please see the attached document from BG Cave. Unfortunately, he upheld the appeal and ruled against you. You will be discharged from the TXSG with a RE-4 Discharge Code: "Involuntary Discharge-Other".

This will exhaust our appeals, and there is no other direct assistance I can give you as a JAG with Trial Defense Service. I will cooperate with you and anyone else with whom you choose to discuss this matter: e.g. Staff Judge Advocate, Building 8.

Be advised that I am having a dental procedure this morning and will not be able to communicate verbally much in the next couple of days. I am available by written communication to assist you as I am able.

It was an honor and pleasure to work with you. I know you are destined for great things!

V/r,

Steven Autry
MAJ JA TMD
Trial Defense Service
Operation Lone Star
[214.505.1313](tel:214.505.1313)

December 30, 2025



JUDGMENT

The Fifteenth Court of Appeals

NO. 15-25-00119-CV

JEANETTE JIMMERSON OF THE TEXAS MILITARY DEPARTMENT – TEXAS STATE GUARD; DARREN FITZGERALD OF THE TEXAS STATE MILITARY – TEXAS STATE GUARD; JOE CAVE OF THE TEXAS MILITARY DEPARTMENT – TEXAS STATE GUARD; AND TEXAS MILITARY DEPARTMENT – TEXAS STATE GUARD, Appellants

V.

SAN JUANITA MEDELES, Appellee

This cause, an appeal from the judgment in favor of appellee, San Juanita Medeles, signed May 12, 2025, was heard on the appellate record. We have inspected the record and find no error in the judgment. We therefore order the judgment of the court below **AFFIRMED**.

We further order appellants, Jeanette Jimmerson of the Texas Military Department – Texas State Guard; Darren Fitz Gerald of the Texas State Military – Texas State Guard; Joe Cave of the Texas Military Department – Texas State Guard; and Texas Military Department – Texas State Guard, jointly and severally, to pay all costs incurred in this appeal.

We further order this decision certified below for observance.

Judgment Rendered December 30, 2025.

Panel consists of Chief Justice Brister and Justices Field and Farris.

Opinion delivered by Justice Farris.

Chief Justice
SCOTT BRISTER

Justices
SCOTT FIELD
APRIL FARRIS



Clerk
CHRISTOPHER A. PRINE

Fifteenth Court of Appeals

P.O. Box 12852, AUSTIN, TEXAS 78711
www.txcourts.gov/15thcoa/
512-463-1610

Tuesday, December 30, 2025

NOTICE OF OPINION DISTRIBUTION

Denver Burriss
Office of the Attorney General of Texas
P. O. Box 12548
Austin, TX 78711
* DELIVERED VIA E-MAIL *

Tara Enahoro
TPC ENAHORO LAW GROUP PLLC
Cottage at 2 Old Road East
Elmsford, NY 10523
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 15-25-00119-CV
Trial Court Case Number: D-1-GN-24-000896

Style: Jeanette Jimmerson of The Texas Military Department – Texas State Guard; Darren Fitzgerald of The Texas State Military – Texas State Guard; Joe Cave of The Texas Military Department – Texas State Guard; and Texas Military Department – Texas State Guard
v. San Juanita Medeles

Please be advised that the Court today issued an opinion which AFFIRMED the above cause.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christopher A. Prine".

Christopher A. Prine, Clerk

cc: Velva L. Price (DELIVERED VIA E-MAIL)
Olivia Mata (DELIVERED VIA E-MAIL)
The Honorable F. Scott McCown (DELIVERED VIA E-MAIL)
The Honorable Dib Waldrip (DELIVERED VIA E-MAIL)
Alicia DuBois (DELIVERED VIA E-MAIL)

Affirmed and Memorandum Opinion filed December 30, 2025.



In The

Fifteenth Court of Appeals

NO. 15-25-00119-CV

JEANETTE JIMMERSON OF THE TEXAS MILITARY DEPARTMENT – TEXAS STATE GUARD; DARREN FITZ GERALD OF THE TEXAS STATE MILITARY – TEXAS STATE GUARD; JOE CAVE OF THE TEXAS MILITARY DEPARTMENT – TEXAS STATE GUARD; AND TEXAS MILITARY DEPARTMENT – TEXAS STATE GUARD, Appellants

V.

SAN JUANITA MEDELES, Appellee

**On Appeal from the 459th District Court
Travis County, Texas
Trial Court Cause No. D-1-GN-24-000896**

MEMORANDUM OPINION

Appellants Jeannette Jimmerson, Darren Fitz Gerald, and Joe Cave of the Texas Military Department – Texas State Guard appeal from the Travis County district court’s order overruling Appellants’ second plea to the jurisdiction, in which Appellants argued that Appellee San Juanita Medeles’s *ultra vires* claims were moot

following a change of her discharge status to one not requiring a court martial conviction. Because this change to Medeles’s discharge status does not resolve her specific requests for declaratory and injunctive relief, we conclude that Medeles’s claims are not moot and affirm the trial court’s order.

BACKGROUND

San Juanita Medeles was discharged from the Texas State Guard (“TXSG”) in December 2022 with an “Other than Honorable” status. Under TXSG Regulation 600-10, an “Other than Honorable” discharge “may only be given to a member [of the Texas State Guard] upon conviction by a general court-martial”. The other two discharge classes under TXSG regulations—“Honorable” and “Administrative”¹—do not mention a requirement for a general court-martial conviction. Though Medeles received an other-than-honorable discharge, she was not convicted by a general court-martial. In addition, Medeles received a re-enlistment code of “RE-4” under TXSG regulations, meaning that she would be ineligible for re-entry to TXSG without a waiver.

In February 2024, Medeles filed suit against the Texas Military Department (“TMD”) and three personnel—Jimmerson, Fitz Gerald, and Cave (collectively, “Appellants”)—in Travis County district court, alleging that Appellants acted *ultra vires* by improperly investigating and discharging her in violation of TXSG regulations. Medeles also claimed retaliation, libel, and tortious interference of her employment contract. Appellants filed a plea to the jurisdiction, which the trial court granted in part and denied in part. Specifically, the trial court dismissed Medeles’s retaliation, libel, and tortious interference claims, leaving only her *ultra vires* claims.

¹ The “Administrative” discharge status may be “given under honorable or dishonorable conditions depending on the circumstances.”

In April 2025, Fitz Gerald approved an official change to Medeles’s discharge status to “Administrative Under Dishonorable Conditions,” a status that does not require a court-martial conviction. However, TXSG’s Readiness Management Software (“RMS”) does not have an option to choose “Administrative.” Instead, Medeles’s discharge status in RMS was changed to “General,” which Fitz Gerald referred to as the “closest approximation.” Medeles remained ineligible for re-entry to TXSG without a waiver.

After the change to her discharge status, Medeles filed her Fourth Amended Petition, the live petition in this case, which includes only the *ultra vires* claims. Medeles alleges that each of the Appellants committed separate *ultra vires* acts: (1) Jimmerson “overstepped her authority in questioning [Medeles’s] actions in a hostile manner, despite lacking any supervisory or command authority over” Medeles, (2) Fitz Gerald initiated the investigation without the requisite authority and improperly discharged Medeles without a court-martial conviction, and (3) Cave improperly upheld the discharge decision. Medeles’s requests for declaratory and injunctive relief include a declaration that Appellants acted outside the scope of their authority, Medeles’s reinstatement to TXSG, and the dismissal of her “General” discharge status, requesting specifically:

(i) A DECLARATION that Defendants [Jimmerson], Fitzgerald [sic], and [Cave] acted outside the scope of their lawful authority in initiating and effectuating Plaintiff’s discharge in violation of TXSG Regulation 600-10, para. 7-4.C., which requires a general-court martial for an ‘Other Than Honorable’ discharge;

...

(iii) A DECLARATORY JUDGMENT AND EQUITABLE ORDER directing that Plaintiff be reinstated to her prior role or an equivalent position within the Texas Military Department, with full restoration of her employment status, seniority, and service record, as if the unlawful discharge had not occurred;

...

(vi) AN ORDER directing the immediate dismissal and nullification of Plaintiff's current discharge classification, including any 'General' or 'Involuntary – CDI' designations, as unauthorized and in violation of TXSG regulations;

(vii) A DECLARATORY JUDGEMENT AND EQUITABLE ORDER restoring Plaintiff to active duty status within the Texas State Guard, without prejudice, and with recognition of continuous service and benefits, as if no unlawful discharge had occurred;

....

Medeles maintains that “[i]njunctive relief reversing the wrongful other-than-honorable discharge, potentially resulting in Plaintiff’s reinstatement at the TMD, would adequately redress the injury.” She also asserts the change to her discharge status violates TXSG regulations, which further “support[s] her ultra vires claim and demonstrate[s] a continuing failure by TXSG personnel to comply with established regulations.”

In response, Appellants filed their second plea to the jurisdiction, arguing that the remaining *ultra vires* claim became moot after the change to her discharge status. The district court overruled the plea, stating:

After considering the pleadings and arguments of counsel, the Court FINDS that Plaintiff was given a type of discharge that under the [TXSG] Regulations requires a court-martial. Instead, Defendants now attempt to moot this case by purporting to change the type of discharge to one that does not require a court-martial. That change, however, is of a type that is not recognized by the Regulations, and it leaves Plaintiff with a discharge that even Defendants’ own electronic records system does not recognize.

Appellants appealed to the Third Court of Appeals, which transferred the case to this Court. *Jimmerson v. Medeles*, No. 03-25-00360-CV, 2025 WL 1839912, at *1 (Tex. App.—Austin July 3, 2025, no pet.) (per curiam) (mem. op.).

ANALYSIS

Appellants argue that Medeles’s remaining *ultra vires* claims are moot due to the change in her discharge status from “Other than Honorable” to “Administrative Under Dishonorable Conditions.” Medeles responds that (1) Appellants’ appeal is jurisdictionally defective under Section 51.014(c) of the Texas Civil Practice and Remedies Code, (2) her *ultra vires* claims are not moot, and (3) Appellants’ appeal is frivolous and warrants sanctions. We disagree with Medeles’s argument that the appeal is jurisdictionally defective. We also hold that Medeles’s *ultra vires* claims are not moot. Finally, we deny Medeles’s request for sanctions.

I. This Appeal is Not Jurisdictionally Defective under Section 51.014(c) of the Texas Remedies Code.

As a threshold matter, Medeles asserts that this appeal is jurisdictionally defective because it was not filed within the 180-day deadline after Appellants’ answer to the petition pursuant to Section 51.014(c) of the Texas Civil Practices and Remedies Code. This assertion is incorrect. The 180-day deadline refers to whether an appeal for the denial of a plea to the jurisdiction automatically stays the trial court proceedings. Tex. Civ. Prac. & Rem. Code § 51.014(c)(2). It is not a deadline for filing the appeal. Because Section 51.014(a)(8) of the Code grants Appellants a statutory right to appeal a denial of their second plea to the jurisdiction, the matter is properly appealed to this Court. *See id.* § 51.014(a)(8).

II. Mootness

A. Standard of Review

“A case becomes moot if, since the time of filing, there has ceased to exist a justiciable controversy between the parties—that is, if the issues presented are no longer ‘live,’ or if the parties lack a legally cognizable interest in the outcome.” *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 162 (Tex. 2012). “Put simply, a case

is moot when the court's action on the merits cannot affect the parties' rights or interests." *Id.*

A case can be moot upon its filing or at any time during the pendency of the litigation, including on appeal. *State ex rel. Best v. Harper*, 562 S.W.3d 1, 6 (Tex. 2018). When a case becomes moot, the court loses jurisdiction to decide the case because any decision would constitute an impermissible advisory opinion. *Id.*; *Heckman*, 369 S.W.3d at 162. Once a case becomes moot, the court must vacate any order or judgment previously issued and dismiss the case for want of jurisdiction. *Heckman*, 369 S.W.3d at 162. Mootness is a question of law that we review *de novo*. *Id.* at 150.

B. Medeles's *Ultra Vires* Claims are Not Moot.

Appellants argue that Medeles's *ultra vires* claims are moot because there is no longer a justiciable controversy. Appellants assert that the basis for Medeles's injury is the lack of a court-martial conviction when her initial discharge status was other-than-honorable. Appellants contend that changing Medeles's discharge status to "Administrative," a status that does not require a court-martial conviction, moots any live claim on which she may receive injunctive or declaratory relief. Medeles responds that she is still entitled to prospective relief to remedy Appellants' *ultra vires* acts against her. Medeles asserts that her *ultra vires* claims remain justiciable because her re-enlistment code of "RE-4" bars her from re-entry into TXSG, which continues to "damage her reputation, employment prospects, and military eligibility."

Medeles's *ultra vires* claims are not moot. Medeles seeks not only a declaration that her other-than-honorable discharge was improper, but also injunctive relief in the form of her reinstatement to TXSG and the dismissal of her "General" discharge status in RMS. *See Meeker v. Tarrant Cnty. Coll. Dist.*, 317

S.W.3d 754, 759–763 (Tex. App.—Fort Worth 2010, pet. denied) (reviewing each request for relief to determine if an appeal was rendered moot). Had Medeles’s sole request for relief been the removal of Medeles’s other-than-honorable discharge, we might have concluded that a decision from this Court would not affect Medeles’s rights or interests. *See Tex. Parks and Wildlife Dep’t v. RW Trophy Ranch, Ltd.*, 712 S.W.3d 943, 953 (Tex. App.—15th Dist. 2025, [mand. denied]) (explaining that a claim was moot because “the majority” of the relief sought aimed at “saving [appellee’s] herd of captive bred deer from senseless slaughter,” and that the court’s decision could no longer save the herd from depopulation); *see also City of Kyle v. State*, No. 15-24-00011-CV, 2025 WL 3029094 at *1–2 (Tex. App.—15th Dist. October 30, 2025, no pet. h.) (mem. op.) (explaining that a claim was moot because the relief sought was aimed at invalidating an ordinance that had been revoked during litigation). However, the change in status alone does not resolve the requests for reinstatement and the dismissal of the “General” discharge status, and the trial court’s decision on the merits could still affect Medeles’s rights and interests.

In addition, Appellants do not address the *ultra vires* claims for the alleged conduct apart from the discharge itself. Medeles claims that Jimmerson acted *ultra vires* by questioning Medeles without the proper authority. Medeles also claims that Fitz Gerald acted *ultra vires* by initiating the investigation without authority.

Our conclusion is reinforced by the uncertainty of Medeles’s current discharge status. The other-than-honorable status was replaced in RMS with a “General” status, which does not appear to be an official discharge status under TXSG regulations. Though Fitz Gerald referred to this status as RMS’s “closest approximation” to “Administrative,” we agree with the trial court that it is still unclear what the current official status of Medeles’s discharge is. For these reasons,

we conclude that Medeles's *ultra vires* claims are not moot.

C. Appellants Have Not Demonstrated that All Requested Relief Falls Outside the UDJA.

In their reply brief, Appellants argue that all of the declaratory relief sought by Medeles falls outside the scope of the UDJA and such relief would not resolve any existing controversy. Appellants note that Medeles seeks “a declaration that [Appellants] acted outside of the scope of their authority in discharging [Medeles], that ‘the entire process’ of [Medeles’s] discharge from TMD was retaliatory, and a declaration that [Medeles] be reinstated to TMD with full restoration of [Medeles’s] rank and service record,” and that Medeles seeks this relief as a cure to the alleged improper discharge. Appellants contend that Medeles does not cite anything in the record that suggests “she was under contract with TMD at the time of her discharge,” and that “any declaratory judgment she seeks is not proper under the UDJA because she has not asked the Court to clarify her rights with regards [sic] to any contractual relationship with TMD identified in the record.” Medeles responds that the lack of “contractual nexus” does not place her requested relief outside the scope of the UDJA.

The purpose of the UDJA is “to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations; and it is to be liberally construed and administered.” Tex. Civ. P. & Rem. § 37.002(b). The UDJA provides:

A person interested under a deed, will, written contract, or other writings constituting a contract *or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise* may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status, or other legal relations

thereunder.

Id. § 37.004(a) (emphasis added).

UDJA relief is not limited to contractual disputes; relief may also involve a person's "rights, status or other legal relations" that are "affected by a statute." Tex. Civ. P. & Rem. Code § 37.004(a). Medeles's requested relief includes her reinstatement with TMD and restoration to active duty status in TXSG. While not contractual matters, these requests involve the effect of relevant laws and TXSG regulations on Medeles's rights, status, and legal relations with TMD. Medeles may seek a declaration of those rights, status and legal relations pursuant to a proper construction of the TXSG regulations. Thus, the lack of a "contractual nexus" does not make recovery under the UDJA improper. Requests for prospective declaratory and injunctive relief with respect to *ultra vires* claims can be appropriate under the UDJA. *See City of El Paso v. Heinrich*, 284 S.W.3d 366, 370, 380 (Tex. 2009). Accordingly, we hold that Medeles's requested relief does not fall outside the UDJA.

III. Sanctions are Not Warranted.

Medeles also requests this Court to assess sanctions against Appellants for their appeal. Medeles asserts that that the appeal is frivolous and was filed "after dispositive motions were pending and trial was imminent, with no legal basis for delay." Rule 45 of the Texas Rules of Appellate Procedure allows an appellate court, upon its determination that an appeal is frivolous, to award "just damages" to the prevailing party. Although imposing sanctions is within an appellate court's discretion, it should only be done in "truly egregious circumstances." *Sintim v. Larson*, 489 S.W.3d 551, 559 (Tex. App.—Houston [14 Dist.] 2016, no pet.). Though Appellants do not succeed on their mootness issue, this appeal is not "egregious." Further, we are not persuaded that Appellants' appeal was only a tactic to delay trial when the record does not indicate that a trial date has been set. Thus,

we deny Medeles's request for sanctions.

CONCLUSION

We affirm the district court's overruling of Appellants' second plea to the jurisdiction. We deny Medeles's request for sanctions.

/s/ April Farris
April Farris
Justice

Before Chief Justice Brister and Justices Field and Farris.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tara Enahoro on behalf of TARA ENAHORO

Bar No. 24136188

tara@tpcenahorolaw.com

Envelope ID: 109626601

Filing Code Description: Motion (No Fee)

Filing Description: PLAINTIFF'S SECOND MOTION FOR FINAL SUMMARY JUDGMENT (AMENDED)

Status as of 1/4/2026 12:09 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michelle Norred		michelle.norred@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
Denver Burris		Denver.Burris@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
DARREN FITZGERALD		darren.fitzgerald@txsg.state.tx.us	1/4/2026 2:34:11 AM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
quennette rose		quennette.rose@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
JEANETTE JIMMERSON		jjmo229@aol.com	1/4/2026 2:34:11 AM	SENT
SAN JUANITA MEDELES		jennietrev@hotmail.com	1/4/2026 2:34:11 AM	SENT
DARREN FITZGERALD		darren.p.fitzgerald.nfg@army.mil	1/4/2026 2:34:11 AM	SENT
Tara Enahoro		tara@tpcenahorolaw.com	1/4/2026 2:34:11 AM	SENT
Joe Cave		joe.cave@txsg.state.tx.us	1/4/2026 2:34:11 AM	SENT
denver burris		denver.burris@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	1/4/2026 2:34:11 AM	SENT

NO.
D-1-GN-24-000896

SAN JUANITA MEDELES)

Plaintiff

V.)

JEANETTE JIMMERSON OF)
THE TEXAS MILITARY -TEXAS
STATE GUARD, DARREN
FITZGERALD OF THE TEXAS
MILITARY -TEXAS STATE
GUARD, JOE CAVE OF THE
TEXAS MILITARY DEPARTMENT
-TEXAS STATE GUARD and
TEXAS MILITARY DEPARTMENT
-TEXAS STATE GUARD

Defendants

IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

459th JUDICIAL DISTRICT

**PLAINTIFF'S REQUEST FOR SUBMISSION PF PLAINTIFF'S SECOND MOTION
FOR FINAL SUMMARY JUDGMENT (AMENDED)**

TO THE HONORABLE JUDGE OF THE COURT:

Plaintiff respectfully requests that her **Third Amended Motion for Final Summary Judgment** be **submitted for decision on the papers** pursuant to Rule 166a of the Texas Rules of Civil Procedure. The issues presented are **legal in nature**, the **material facts are undisputed**, and jurisdiction has already been conclusively resolved, including by the **Fifteenth Court of Appeals' December 30, 2025 memorandum opinion affirming this Court's denial of Defendants' Second Plea to the Jurisdiction**. The record is fully developed, and oral argument is unnecessary to aid the Court's determination. Plaintiff therefore requests that the Court consider and rule on the Motion **upon submission** in this interest of judicial economy, on or after the applicable response deadline, or at such time as the Court deems appropriate.

Respectfully submitted,



TARA P. ENAHORO, ESQ.

TPC Enahoro Law Group, PLLC

1642 Crescent Drive, Tarrytown, NY 10591

(212) 470-4080 | tara@tpcenahorolaw.com

State Bar No. 24136188

Attorney for Plaintiff

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tara Enahoro on behalf of TARA ENAHORO

Bar No. 24136188

tara@tpcenahorolaw.com

Envelope ID: 109626601

Filing Code Description: Motion (No Fee)

Filing Description: PLAINTIFF'S SECOND MOTION FOR FINAL SUMMARY JUDGMENT (AMENDED)

Status as of 1/4/2026 12:09 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michelle Norred		michelle.norred@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
Denver Burris		Denver.Burris@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
DARREN FITZGERALD		darren.fitzgerald@txsg.state.tx.us	1/4/2026 2:34:11 AM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
quennette rose		quennette.rose@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
JEANETTE JIMMERSON		jjmo229@aol.com	1/4/2026 2:34:11 AM	SENT
SAN JUANITA MEDELES		jennietrev@hotmail.com	1/4/2026 2:34:11 AM	SENT
DARREN FITZGERALD		darren.p.fitzgerald.nfg@army.mil	1/4/2026 2:34:11 AM	SENT
Tara Enahoro		tara@tpcenahorolaw.com	1/4/2026 2:34:11 AM	SENT
Joe Cave		joe.cave@txsg.state.tx.us	1/4/2026 2:34:11 AM	SENT
denver burris		denver.burris@oag.texas.gov	1/4/2026 2:34:11 AM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	1/4/2026 2:34:11 AM	SENT

On September 8, 2022, COL Fitz Gerald appointed LTC Tony Dale to investigate the matter. (Exhibit B, p. 8-9). LTC Dale conducted the investigation throughout the month of September 2022. (Exhibit B, pp. 8-9). LTC Dale submitted the Report of Investigation (“ROI”) to COL Fitz Gerald on October 2, 2022. (Exhibit B, p. 1). The ROI documented the investigation and substantiated the claims against Plaintiff. (Exhibit B, pp. 3-5).

On October 2, 2022, Cpt. Bill Harris, JA, conducted a legal review of Lt. Col. Dale’s ROI and found it to be legally sufficient. (Exhibit B, pp. 15-26).

On October 12, 2022, COL Fitzgerald concurred with the findings of the investigation and legal review. (Exhibit B, p. 27).

On October 20, 2022, COL Fitz Gerald informed Plaintiff that he was considering her discharge from the Texas State Guard and offered her an opportunity to respond to the allegations against her. (Exhibit C, pp. 1-2).

On November 23, 2022, COL Fitz Gerald informed Plaintiff that the documentation she provided in her defense did not contradict the allegations against her, and that he intended to discharge her from the Texas State Guard. (Exhibit D).

On December 19, 2022, BG Joe Cave upheld the recommendation to discharge Plaintiff from the Texas State Guard. (Exhibit E).

On June 10, 2023, Plaintiff filed a discrimination charge with the Equal Employment Opportunity Commission. (Exhibit F).

II. PROCEDURAL HISTORY

Plaintiff filed this lawsuit on May 15, 2024. (Pl.’s Orig. Pet.). Plaintiff initially brought a retaliation claim under § 21.055 of the Texas Labor Code, a defamation claim, tortious interference with a contract claim, and an *ultra vires* claim. (Pl.’s Orig. Pet.). Plaintiff then filed two amended

petitions and moved for summary judgment on the claims in her Third Amended Original Petition. The TMD Defendants filed their first Plea to the Jurisdiction on July 16, 2024, alleging that Plaintiff's claims were barred by sovereign immunity, and that her *ultra vires* claim was unviable. (Def.'s First PTJ).

The Court heard both motions, and denied Plaintiff's Motion for Summary Judgment in full, while granting the TMD Defendants' Plea to the Jurisdiction in part, retaining only Plaintiff's *ultra vires* claim.

Following an abandoned appeal, Plaintiff filed her Fourth Amended Petition on April 23, 2025, seeking relief only for her undismissed *ultra vires* claim. (Pl.'s Fourth Amd. Pet.). The TMD Defendants filed their Second Plea to the Jurisdiction on April 24, 2025, arguing that Plaintiff's sole claim was moot following a change to her dismissal status to one that does not require a court martial. Plaintiff filed her Second Motion for Summary Judgment on May 6, 2025. (Pl.'s Second MSJ).

The TMD Defendants' Second Plea to the Jurisdiction was denied on May 12, 2025. (Order Denying D's Second PTJ). The TMD Defendants appealed the denial, and the Fifteenth Court of Appeals affirmed the trial court's decision on December 30, 2025. Plaintiff subsequently filed her Third Motion for Summary Judgment on January 5, 2026. (Pl.'s Third MSJ).

The TMD Defendants now file this Response in Opposition, arguing that at a minimum, a genuine dispute of fact exists as to the legality of the TMD Defendants' actions in investigating and discharging Plaintiff that prevents Plaintiff from receiving summary judgment.

III. STANDARD OF REVIEW

In reviewing a traditional summary judgment, the court reviews the evidence in the light most favorable to the nonmovant. *Smith v. O'Donnell*, 288 S.W.3d 417, 424 (Tex.2009). With

respect to a traditional motion for summary judgment, the movant has the burden to demonstrate that no genuine issue of material fact exists and it is entitled to judgment as a matter of law. TEX. R. CIV. P. 166a(c); *Nixon v. Mr. Prop. Mgmt. Co.*, 690 S.W.2d 546, 548-49 (Tex.1985.)

IV. ARGUMENTS AND AUTHORITIES

Plaintiff cannot meet her burden to show her entitlement to summary judgment on her *ultra vires* claim. Accordingly, her motion should be denied.

Ultra vires claims depend on the scope of a state official's authority. *Hall v. McRaven*, 508 S.W.3d 232, 234 (Tex. 2017). An *ultra vires* claim based on actions taken "without legal authority" has two fundamental components: (1) authority giving the official some (but not absolute) discretion to act; and (2) conduct outside of that authority. *Hous. Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154, 158 (Tex. 2016). "Merely asserting legal conclusions or labeling a defendant's actions as 'ultra vires', 'illegal', or 'unconstitutional' does not suffice to plead an *ultra vires* claim – what matters is whether the facts alleged constitute actions beyond the governmental actor's statutory authority, properly construed." *Texas Dep't. of Transp. v. Sunset Transp., Inc.*, 357 S.W.3d 691, 702 (Tex. App.—Austin 2011, no pet.). Even grants of limited discretion "will [often] be broad enough to bar most, if not all, allegedly *ultra vires* claims." *Schoreder v. Escalera Ranch Owners' Ass'n.*, 646 S.W.3d 329, 333 (Tex. 2022).

Plaintiff alleges SFC Jimmerson, COL Fitz Gerald, and BG Cave acted *ultra vires* in discharging her. Plaintiff cannot meet her summary judgment burden on this claim with respect to any of these Defendants.

1. SFC Jimmerson

There is no evidence that SFC Jimmerson discharged Plaintiff.

2. COL Fitz Gerald

Evidence provided by Plaintiff in her First Motion for Summary Judgment from 2024 shows that “Commanders have the inherent authority to conduct a Commander Directed Investigation to matters under their command unless preempted by higher authority.” (Exhibit A at p. 1). “Pursuant to this authority, COL Darren Fitz Gerald, appointed LTC Anthony W. Dale on 8 SEP 22 as the Investigating Officer (10).” (*Id.*).

Plaintiff has presented no evidence to suggest that COL Fitz Gerald lacked authority to appoint an investigator with respect to the allegations against Plaintiff or to discharge Plaintiff’s employment after the allegations against her were substantiated. (Exhibit D).

3. BG Cave

BG Cave reviewed Plaintiff’s documents and the decision to discharge Plaintiff and agreed with that decision. (Exhibit C). BG Cave denied Plaintiff’s Second Reconsideration because he “conclude[d] and support[ed] the allegation that [Plaintiff] did ask, then CPL Kelly Hall, to alter or create fraudulent OLS-BS orders.” (Exhibit C).

Plaintiff presents no evidence that any of these specific actions did not fall within the discretion of BG Cave and thus is insufficient to support an *ultra vires* claim against him. Accordingly, there is at the very minimum a genuine dispute of material fact that prevents Plaintiff from receiving summary judgment on her *ultra vires* claim.

V. CONCLUSION

For the foregoing reasons, Plaintiff’s Third Motion for Summary Judgment should be denied. Plaintiff has not shown that she is entitled to summary judgment on her *ultra vires* claim because a genuine dispute of material fact exists as to the legality of Plaintiff’s discharge from TMD. Accordingly, her motion should be denied.

DATE: January 26, 2026

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Civil Litigation

KIMBERLY GDULA
Chief for General Litigation Division

/s/ Denver Burris
DENVER BURRIS
Assistant Attorney General
Texas Bar No. 24138940
Office of the Attorney General
General Litigation Division
P.O. Box 12548, Capitol Station

ATTORNEYS FOR THE TMD DEFENDANTS

CERTIFICATE OF SERVICE

I certify that that on January 26, 2026, this document was filed electronically via the Court's CM/ECF system, causing electronic service upon all counsel of record.

Tara P. Enohoro
TPC ENAHORO LAW GROUP, PLLC
Cottage at 2 Old Road East
Elmsford, NY 10523
(212) 470-4080
State Bar No. 24136188
tara@tpcenahorolaw.com
ATTORNEY FOR PLAINTIFF

Exhibit # 11
EXHIBIT
#24

AFFIDAVIT

I am SFC Jeannette M. Jimmerson, Deputy T8, HHC, HQ, TXSG. On 28 AUG 22 I sent an email to COL Darren Fitz Gerald detailing a phone conversation I had with CPL Kelly Hall. In part I stated the following:

On Sunday, 28 AUG 22, at approximately 1600, CPL Kelly Hall called me. Hall said on Saturday, 27 AUG 22, CPL San Juanita Medeles became angry with him accusing him of sharing pictures of a recent trip she and MSG Casiano took to Disney World. Hall said Medeles had blocked him from all her social media accounts.

CPL Hall stated he was going to call his supervisor, CW5 Arslia Perez and resign from his position as a state employee working for the TXSG. Hall said he falsified orders on behalf of CPL Medeles so she could provide the orders to her civilian employer. He also stated Medeles gave him gift cards after he provided the new orders.

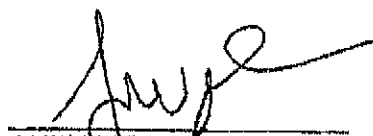
Hall told me he knew it was wrong to falsify orders, but he felt pressured by both CPL Medeles and MSG Ernie Casiano.

Hall said MSG Casiano had said to him words to the effect, "I am higher rank than you. You're not going to do this, so your friend doesn't lose her job?"

I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement and it is true and correct to the best of my knowledge.


JEANNETTE M. JIMMERSON
SFC, TXSG

Subscribed and sworn to before me, a person authorized to administer oaths, this 20th day of September, 2022.


ANTHONY W. DALE
LTC, TXSG
Investigating Officer

FOR OFFICIAL USE ONLY

EXHIBIT
A

FORM 1-1: DISCHARGE NOTICE

To:

Name and Rank: CPL San Juanita Medeles	Organization/Unit: HHC T4, HQ TXSG
--	--

1. I am considering your discharge from the Texas State Guard, with a discharge code of RE-4 ("Involuntary Discharge - Other").

2. The reasons for this recommended action are:

The results of the Command Directed Investigation which returned a substantiated allegation that you requested CPL Kelly Hall to alter or create fraudulent OLS-BS orders for you.
--

3. Any written documentation that I have considered in making this recommendation is attached to this Discharge Notice and are as follows:

The relevant portion of the report of investigation from the CDI mentioned above is attached, with information pertaining to other persons redacted.
--

4. With regard to my contemplated recommendation, you are entitled to request reconsideration of my contemplated recommendation by filing with me a written request for reconsideration ("Reconsideration Request") within seven (7) calendar days following your receipt of this Discharge Notice. If you determine to request reconsideration, you may either provide a written response to the Discharge Notice with supporting documentation, if any, ("Written Presentation") or present such response in person together with any documentation or other evidence supporting your position ("Personal Presentation"). The Reconsideration Request must contain notice as to whether you will make a Written Presentation or a Personal Presentation. You have the right to consult with and be represented by legal counsel having the qualifications prescribed under Section 432.046(b), TCMJ. The contact number for Texas State Guard Trial Defense Services is 512.619.8639.

5. If you choose to make a Written Presentation, such Written Presentation must be received by me within thirty (30) calendar days following your receipt of this Discharge Notice. In the event you chose to make a Personal Presentation, I will schedule such presentation within thirty (30) calendar days following receipt of this Discharge Notice. I will give you at least five (5) calendar days prior notice of the time, date and location of the presentation.

6. If, after being given this Discharge Notice, you fail to deliver a Reconsideration Request within the prescribed time or, if after delivering such Reconsideration Request, you fail to deliver the Written Presentation within the prescribed time or appear at the scheduled Personal Presentation, as applicable, you shall be deemed to have waived any rights to seek reconsideration of my determination regarding your discharge and the Reconsideration Request shall be deemed finally denied with no further right to seek reconsideration. Unless and until there is waiver of the right to reconsideration or there is a final determination regarding a Reconsideration Request, I will not proceed with the Discharge Request.

7. In considering the Written Presentation or the matters presented at the Personal Presentation, I may use my discretion as to what matters are allowed to be presented by you



and what I will consider. Additionally, I shall determine the procedural manner in which the Personal Presentation is made. Within five (5) calendar days following the delivery of the Written Presentation to me or the close of the Personal Presentation, as applicable, I will give you written notice of my determination ("Commander's Determination") as to how I intend to proceed with regard to my recommendation for discharge.

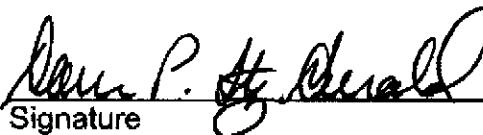
8. If, after receiving my Commander's Determination, you are not satisfied with the result, you may seek further reconsideration of my decision by delivering written notice of such determination ("Second Reconsideration Request") to me and to the next superior commander, BG Joe Cave ("Superior Commander") within five (5) calendar days following your receipt of my Commander's Determination. Once the Second Reconsideration Request is received, I shall not proceed with seeking the discharge pending further review of the Commander's Determination and will forward copies of all documentation related to the discharge proceeding to the Superior Commander. You shall then have seven (7) calendar days following delivery of the Second Reconsideration Request to both me and Superior Commander to file a written response to the Commander's Determination with any supporting documentation with the Superior Commander ("Second Written Presentation"). No personal presentation shall be provided. The Superior Commander shall consider the Second Written Presentation as well as any other documentation that the Superior Commander deems necessary and appropriate relating to you and the proposed action and make a final determination on the Commander's Determination within fifteen (15) calendar days following the Superior Commander's receipt of such written response, which determination will be final. The Superior Commander will give written notice of his/her determination to both you and me. I may thereafter proceed in accordance with the Superior Commander's determination.

9. Upon receipt of this discharge notice, the following conditions apply until this discharge action is concluded:

- a. Your current State Active Duty orders are terminated and you are ineligible to serve on State Active Duty.
- b. Any elevated access to State Guard information systems will be immediately terminated and reverted to standard user access.
- c. You will immediately turn in any keys or key cards to Building 32 to your T4 supervisor, CW5 Perez and your SAD supervisor, LTC Sledge.
- d. You will immediately turn in any State Guard property in your possession to your T4 supervisor, CW5 Perez and your SAD supervisor, LTC Sledge.
- e. You are not eligible to represent the State Guard at public events.
- f. You will not attend drill or other State Guard required events.

Date:	Name and Rank	Organization/Unit
18 OCT 22	COL Darren Fitz Gerald	HQ TXSG

20 OCT 22 


Signature



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TZ

02 October 2022

MEMORANDUM FOR: Colonel Darren Fitz Gerald

SUBJECT: Report of Investigation (ROI)

APPOINTMENT LETTER: See TAB A

AUTHORITY AND SCOPE:

Commanders have the inherent authority to conduct a Commander Directed Investigation to matters under their command unless preempted by higher authority. Pursuant to this authority, COL Darren Fitz Gerald, appointed LTC Anthony W. Dale on 8 SEP 22 as the Investigating Officer (IO) (see Exhibit 1) to establish the facts surrounding allegations of misconduct by members of the Texas State Guard. Specifically, the allegations of wrongdoing were submitted by SFC Jeannette Jimmerson against CPL Kelly Hall, CPL San Juanita Medeles and MSG Ernie Casiano. The CDI was conducted over the course of the last two weeks of September 2022 at locations including Building 32 at Camp Mabry in Austin, Texas and city hall in Cedar Park, Texas. All interviews of subjects were sworn testimony. All witnesses were advised they were required to provide truthful testimony. All written statements were provided under oath.

The IO investigated the following allegations:

1. Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
2. Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
3. Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
4. Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
5. Has CPL Hall altered or created other fraudulent documents?

As related to the allegations above, and specific to the Texas Code of Military Justice, Chapter 432.053 the IO was instructed to investigate, if any member of the TXSG Recruiting Section or Logistics Section or any member of the TXSG is believed to have violated:

- a. Sec. 432.165. FRAUDS AGAINST THE GOVERNMENT
- b. Sec. 432.151. FALSE OFFICIAL STATEMENTS
- c. Sec. 432.166. CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN
- d. Sec. 432.137. FAILURE TO OBEY ORDER OR REGULATION, including but not limited to dereliction of duty
- e. Sec. 432.1225. PENAL CODE OFFENSES such as Fraud, Tampering with Government Records, or other criminal statutes
- f. Sec 432.123. ACCESSORY AFTER THE FACT and/or Sec. 432.126. CONSPIRACY
- g. Sec. 432.167. GENERAL ARTICLE. Whether or not specifically mentioned by this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit on the state military forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of the court.

INTRODUCTION:

Background and Allegations

This investigation was conducted in response to a complaint filed by SFC Jimmerson following a telephone conversation that she conducted with CPL Kelly Hall. SFC Jimmerson documented the telephone call and submitted an email to COL Fitz Gerald on 28 AUG 22 (see Exhibit 2). CPL Hall initiated the call with SFC Jimmerson as CPL Hall mistakenly thought SFC Jimmerson was responsible for issuing orders. Following receipt of the email COL Fitz Gerald appointed LTC Anthony Dale as the investigating officer (see Exhibit 1).

On Sunday, 28 AUG 22, at approximately 1600 hours, CPL Kelly Hall called SFC Jimmerson. CPL Hall said that on Saturday, 27 AUG 22, CPL San Juanita Medeles became angry with him accusing him of sharing pictures of a recent trip CPL Medeles and MSG Casiano took to a theme park. CPL Hall says that CPL Medeles has since blocked CPL Hall from her social media accounts.

CPL Hall told SFC Jimmerson that he was going to call his supervisor, CW5 Arsilia Perez and resign from his position as a state employee working for the TXSG. CPL Hall told SFC Jimmerson that he falsified orders on behalf of CPL Medeles so CPL Medeles could provide the orders to her civilian employer.

Hall told SFC Jimmerson he knew it was wrong to falsify orders, but he felt pressured by both CPL Medeles and MSG Ernie Casiano to do so.

The case principally involves five parties, the complainant, SFC Jeannette Jimmerson, a witness, CW5 Arsilvia Perez and the subjects, CPL Kelly Hall, CPL San Juanita Medeles and MSG Ernie Casiano. At the time of the initial complaint, SFC Jimmerson, CW5 Perez and CPL Hall were state employees for TXSG in addition to serving as members of TXSG. CPL Medeles and MSG Casiano were on state active duty orders and assigned to Recruiting and Retention staff section at Building 32, HHC, HQ, TXSG. On 30 AUG 22, CPL Hall resigned from his state position (see Exhibit 21), but remained a member of the TXSG in a M-Day drill status.

LTC Dale interviewed the one (1) complainant, four (4) witnesses, two (2) subject matter experts and three (3) subjects/suspects.

Findings, Analysis and Conclusions

Allegation 1: Substantiated

- a. ALLEGATION: Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
- b. FINDINGS: The preponderance of the credible evidence supports that CPL Kelly Hall intentionally modified orders for CPL Medeles at the request of CPL Medeles. CPL Hall provided a sworn affidavit (see Exhibit 19) in which he implicated himself in changing the issue date and reporting dates on three sets of orders at the request of CPL Medeles.

ANALYSIS

A preponderance of the credible evidence supports that altered orders in the name of CPL Medeles were created by CPL Hall and CPL Medeles sent legitimate orders to CPL Hall for him to alter. CW2 Paul Schroeder is a subject matter expert on the order creation process. Mr. Schroeder examined numerous sets of orders and determined that at least one set of orders he examined were altered (see Exhibit 8). In Mr. Schroeder's sworn statement (see Exhibit 10), Mr. Schroeder says in part, "The order number on the non-legitimate orders is not in the directory of official TXSG orders." The order in question (see Exhibit 8) is the same set of altered orders included in a private email exchange between CPL Medeles and CPL Hall on 22 APR 21 (see Exhibit 14).

CPL Hall stated in his sworn statement that on one occasion CPL Medeles gave him a \$15.00 Chick-fil-A gift card in return for changing orders. CPL Hall provided screen shots of a text exchange between CPL Hall and CPL Medeles from 5 NOV 21 in which the gift card and fixing order dates is discussed (see Exhibit 6). CPL Hall also provided an email thread and a copy of a Chick-fil-A gift card sent by CPL Medeles to CPL Hall (see Exhibit 18). The email thread in Exhibit 8 includes the name Jennie Trevino. This is CPL Medeles' maiden name. CPL Medeles' current name is San Juanita Medeles, but she is commonly known as Jenn or Jenny Medeles.

CPL Hall admitted to SFC Jimmerson, CW5 Perez and LTC Dale that he altered orders at the request of CPL Medeles. SFC Jimmerson provided a sworn statement documenting this (see Exhibit 24). CW5 Perez provided a sworn statement documenting this (see Exhibit 3). CPL Hall admitted to this on 19 SEP 22 in his testimony to LTC Dale and in his sworn statement of 20 SEP 22 (see Exhibit 19). **I conclude that this allegation is SUBSTANTIATED.**

Allegation 2: Not Substantiated

- a. ALLEGATION: Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders.
- b. FINDINGS: CPL Hall submitted a sworn statement stating that, "I only modified orders for CPL Medeles. Only Casiano and Medeles asked me to change orders. I was not asked by any other person to change orders. Casiano and Medeles explained to me that they wanted Medeles' orders modified so that Medeles could present the orders to her civilian employer, Wells Fargo. Medeles said that she was being compensated by Wells Fargo while on state active duty and had to "reset" with her employer to maintain that pay status. Medeles and Casiano both asked me to modify orders for Medeles. Casiano attempted to persuade me to change the orders by telling me that if I did not change the orders Medeles would lose her civilian job."

ANALYSIS

No corroborating evidence was presented or uncovered that MCG Ernie Casiano asked CPL Kelly Hall to alter or create fraudulent OLS-BS orders. LTC Dale attempted to interview MSG Casiano on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. MSG Casiano did not waive his rights, refused to be interviewed and stated he would seek civilian legal counsel (see Exhibit 23).

LTC Dale attempted to interview CPL San Juanita Medeles on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. CPL Medeles did not waive her rights, refused to be interviewed and stated she would seek military provided legal counsel (see Exhibit 22). **I conclude that this allegation is NOT SUBSTANTIATED.**

Allegation 3: Substantiated

- a. ALLEGATION: Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
- b. FINDINGS: The preponderance of the credible evidence supports that CPL Hall did, at the request of CPL Medeles, intentionally alter orders issued in the name of CPL Medeles. There is no evidence that CPL Hall altered orders issued in the name of MSG Casiano, but CPL Hall did admit in a sworn statement that he altered the orders for Medeles at the request of both Medeles and Casiano. CPL

Hall stated that, "Casiano and Medeles explained to me that they wanted Medeles' orders modified so that Medeles could present the orders to her civilian employer." Hall stated that, "Medeles and Casiano both asked me to modify orders for Medeles."

ANALYSIS

In CPL Hall's sworn statement of 20 SEP 22, CPL Hall stated in part, "On three occasions I altered existing orders on behalf of CPL San Juanita Medeles. I only changed the issue date and reporting date fields. I used my Mac computer to make these alterations." In CPL Hall's sworn statement CPL Hall stated, "Medeles and Casiano both asked me [Hall] to modify orders for Medeles." CPL Hall's admission is a statement against his own interest and the IO determined his statement was credible.

As to the question did CPL Hall altered orders for MSG Casiano the IO found no evidence that orders in the name of MSG Casiano were altered by CPL Hall. I **conclude that this allegation is NOT SUBSTANTIATED.**

As to the question did CPL Hall altered orders for CPL Medeles, the evidence supports that CPL Hall did alter or forge orders for CPL Medeles. I **conclude that this allegation is SUBSTANTIATED.**

Allegation 4: Not Substantiated

- a. ALLEGATION: Did MSG Casiano threaten or coerce CPL Hall into forging or altering OLS-BS orders?
- b. FINDINGS: On 19 SEP 22, CPL Hall told LTC Dale words to the effect, "Casiano attempted to persuade me to change the orders by telling me that if I did not change the orders, Medeles would lose her civilian job. Casiano also said words to the effect that, 'I outrank you so you have to listen to me.' Medeles was present when Casiano made the comment about Casiano outranking me. On one occasion Casiano told me he could put me on orders and send me to the border if I did not change Medeles' orders. I did not take this as a threat because I did not believe that Casiano had the authority or ability to follow through with that statement."

ANALYSIS

CPL Hall provided a sworn statement and told SFP Jimmerson and CW5 Perez that MSG Casiano coerced him and made a statement that could be interpreted as a threat. CPL Hall stated that CPL Medeles was present when MSG Casiano said words to the effect, "I outrank you so you have to listen to me."

In CPL Hall's sworn statement of 20 SEP 22, he states, "Casiano also said words to the effect that, 'I outrank you so you have to listen to me.'" He also stated that, "Medeles

was present when Casiano made the comment about Casiano outranking me. On one occasion Casiano told me he could put me on orders and send me to the border if I did not change Medeles' orders. I did not take this as a threat because I did not believe that Casiano had the authority or ability to follow through with that statement."

LTC Dale attempted to interview MSG Casiano on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. MSG Casiano did not waive his rights, refused to be interviewed and stated he would seek civilian legal counsel (see Exhibit 23).

LTC Dale attempted to interview CPL San Juanita Medeles on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. CPL Medeles did not waive her rights, refused to be interviewed and stated she would seek military provided legal counsel (see Exhibit 22). **I conclude that this allegation is NOT SUBSTANTIATED.**

Allegation 5: Not Substantiated

- a. ALLEGATION: Has CPL Hall altered or created other fraudulent documents?
- b. FINDINGS: No evidence was obtained that CPL Hall altered any documents other than orders for CPL Medeles.

ANALYSIS

No corroborating evidence was presented or uncovered that CPL Hall altered or created fraudulent orders for anyone other than CPL San Juanita Medeles. **I conclude that this allegation is NOT SUBSTANTIATED.**

FACTS

The facts of this investigation show that CPL Kelley Hall and CPL San Juanita Medeles conspired to intentionally, and without authorization, alter orders for CPL Medeles.

SUMMARY

The sworn testimony in exhibits 9, 10, 19 and 24, gathered during the conduct of this inquiry supports the findings.

CONCLUSIONS

The investigation determined the preponderance of the credible evidence does substantiate allegations that:

CPL San Juanita Medeles did ask CPL Kelly Hall to alter or create fraudulent orders.

CPL Kelly Hall intentionally and knowingly forged or altered orders for CPL Medeles.

The investigation determined the remaining allegations cannot be substantiated. The unsubstantiated allegation include:

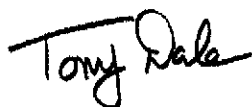
Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?

Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders MSG Casiano?

Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?

RECOMMENDATIONS

1. I recommend that appropriate non-judicial or judicial disciplinary action be taken against CPL Hall. It should be noted that CPL Hall voluntarily confessed to his involvement in the matter and cooperated with the IO.
2. I recommend that appropriate non-judicial or judicial disciplinary action be taken against CPL Medeles, to include immediate relief from state active duty orders
3. During any pre-trial or administrative period, I recommend that:
 - a. All RMS and computer system access currently provisioned to Hall and Medeles be revoked.
 - b. If Medeles is relieved from state active duty orders, any hotel rooms paid for by TXSG to house Medeles should be immediately cancelled.
 - c. All TXSG property, including keys and access badges, in the possession of Hall and Medeles should be immediately returned to their TXSG supervisor.
4. MSG Casiano and CPL Medeles are reportedly involved in a romantic relationship. If disciplinary action is taken against CPL Medeles, MSG Casiano's interactions with TXSG members and TXSG full-time staff should be closely monitored for any unfavorable actions generated against the complainant or witnesses.



ANTHONY W. DALE
Lieutenant Colonel, TXSG
Investigating Officer

Tab A: APPOINTMENT



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TZ

08 September 2022

MEMORANDUM FOR: Lieutenant Colonel Tony Dale

SUBJECT: Appointment as Investigating Officer

1. You are appointed to conduct a Commander Directed Investigation (CDI) into all of the facts and circumstances concerning allegations of either modifying or forging State Active Duty Orders to Texas State Guard Service Members. (See attached documents) This is your primary duty until completion of this tasking and submission of a final report.
2. Specific you must provide a response to the following allegations:
 - a. Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
 - b. Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
 - c. Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
 - d. Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
 - e. Has CPL Hall altered or created other fraudulent documents?
3. As related to the allegations in paragraph 2. above and specific to the Texas Code of Military Justice, Chapter 432.053 please investigate, if any member of the TXSG Recruiting Section or Logistics Section or any member of the TXSG is believed to have violated:
 - h. Sec. 432.165. FRAUDS AGAINST THE GOVERNMENT
 - i. Sec. 432.151. FALSE OFFICIAL STATEMENTS.
 - j. Sec. 432.166. CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN.
 - k. Sec. 432.137. FAILURE TO OBEY ORDER OR REGULATION, including but not limited to dereliction of duty
 - l. Sec. 432.1225. PENAL CODE OFFENSES such as Fraud, Tampering with Government Records, or other criminal statutes.
 - m. Sec 432.123. ACCESORY AFTER THE FACT and/or Sec. 432.126. CONSPIRACY

FOR OFFICIAL USE ONLY

8

n. Sec. 432.167. GENERAL ARTICLE. Whether or not specifically mentioned by this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit on the state military forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of the court.

3. You are authorized to interview personnel; take sworn statements or testimony; and examine and/or copy any relevant TXSG records, files, and correspondence germane to this investigation.

4. In conducting your investigation, refer to the TXSG Commander-Directed Investigation Guide you are encouraged to refer to the guidance in the USAF Commander-Directed Investigation (CDI) Guide. Prepare and submit to me a report of investigation (ROI) in the format described in the CDI Guide. Submit the report to me by 01 OCT 2022, unless I grant a written extension. You should include specific findings of fact as to each individual allegation and any other fact findings as to matters you deem relevant. In addition, you should also include specific recommendations as to proposed corrective measures, additional training and policy changes.

5. CPT William Harris (903-249-8283) is your designated legal advisor for this CDI. Coordinate directly with CPT Harris for any legal advice and assistance. You may consult with COL John Muirhead, TXSG Inspector General for technical advice and subject matter expertise on the specifics of this case and investigative techniques.

6. You may not release any information related to this investigation without my prior approval. This letter and the attached documents are considered FOR OFFICIAL USE ONLY and contain information that must be protected under laws of the State of Texas.

////---original signed---\\\\\\
DARREN FITZ GERALD
Colonel, TXSG
Chief of Staff

Tab B: TESTIMONY

Index of Witnesses

Complainant:	Jimmerson, Jeannette SFC
Subject Matter Expert:	Schroeder, Paul CW2
Subject Matter Expert:	Steward, Gerald MSG
Regular Witness:	Payton, Sean CPT
Regular Witness:	Perez, Arsilia CW5
Regular Witness:	Saxon, John SFC
Regular Witness:	Sledge, Mikel LTC
Subject/Suspect:	Casiano, Ernie MSG
Subject/Suspect:	Hall, Kelly CPL
Subject/Suspect:	Medeles, San Juanita CPL

Complainant's Testimony

Complainant	Jimmerson, Jeannette - See Exhibit 2, 24
-------------	--

Subject's Testimony

Subject/Suspect:	Casiano, Ernie MSG – See Exhibit 22 Subject did not waive rights. No interview.
------------------	--

Subject/Suspect: Hall, Kelly CPL – See Exhibit 19

Subject/Suspect: Medeles , San Juanita CPL – See Exhibit 22
Subject did not waive rights. No interview.

Witness Testimony

Regular Witness: Perez, Arsilia CW5 – See Exhibit 3, 9

Regular Witness: Saxon, John SFC – N/A Verbal.
Witness had no knowledge relevant to
Investigation.

Regular Witness: Sledge, Mikel LTC

Subject Matter Expert Testimony

Subject Mater Expert Schroeder, Paul CW2 – Exhibit 10

Subject Matter Expert Steward, Gerald MSG
MSG Steward was interviewed to determine if
any altered orders were submitted for pay
purposed by TXSG or TMD. The IO concluded
no altered orders related to this investigation
were used to obtain pay from TXSG or TMD.

Tab C: EVIDENCE

Index of Exhibits

- Exhibit 1 Appointment of Investigating Officer – Memo - 8 SEP 22
- Exhibit 2 Email from SFC Jimmerson to COL Fitz Gerald – SUBJECT: FYSA
28 AUG 22 - COMPLAINANT PROVIDED
- Exhibit 3 Memorandum For Record by CW5 Arsilia Perez – 30 AUG 22
- Exhibit 4 Email chain between CW2 Schroeder and SFC Jimmerson - 29 AUG 22
COMPLAINANT PROVIDED
- Exhibit 5 Email chain between CW2 Schroeder and SFC Jimmerson - 29 AUG 22
COMPLAINANT PROVIDED
- Exhibit 6 Text exchange between CPL Hall and CPL Medeles – 15 AUG 22
COMPLAINANT PROVIDED
- Exhibit 7 Email exchange between CPL Hall and CPL Medeles –
22 APR 21 to 21 OCT 21
- Exhibit 8 Orders allegedly altered by CPL Hall for CPL Medeles – 22 APR 2021
- Exhibit 9 Sworn Affidavit by CW5 Arsilia Perez – 19 SEP 22
- Exhibit 10 Sworn Affidavit by CW2 Paul Schroeder – 19 SEP 22
- Exhibit 11 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita
Medeles) to CPL Hall – 20 APR 21 4:10:20 PM CDT – provided by CPL
Hall - Includes orders for CPL Medeles dated April 08, 2021
- Exhibit 12 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita
Medeles) to Hall – 20 APR 21 4:18:04 PM CDT – provided by CPL Hall
Includes orders for CPL Medeles dated December 20, 2020
- Exhibit 13 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita
Medeles) to CPL Hall – 22 APR 21 6:25:13 PM CDT – provided by CPL
Hall - Includes orders for CPL Medeles dated April 08, 2021
- Exhibit 14 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita
Medeles) to CPL Hall – 22 APR 21 6:25:51 PM CDT – provided by CPL
Hall - Includes orders for CPL Medeles dated April 22, 2021 – Text from

CPL Medeles, "Can you use this one?" Unauthorized modified orders attached.

- Exhibit 15 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita Medeles) to CPL Hall – 31 AUG 21 6:32:11 PM CDT – provided by CPL Hall - Includes orders for CPL Medeles dated August 23, 2021
- Exhibit 16 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita Medeles) to CPL Hall – 19 SEP 21 10:33:49 AM CDT – provided by CPL Hall - Includes orders for CPL Medeles dated August 30, 2021
- Exhibit 17 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita CPL Medeles) to CPL Hall – Oct 21, 2021 3:41:24 PM CDT – provided by CPL Hall - Includes order for CPL Medeles dated October 7, 2021
- Exhibit 18 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita Medeles) to CPL Hall – 5 NOV 21 1:42:31 PM CDT – provided by CPL Hall - Includes Chick-fil-A gift certificate from CPL Medeles to CPL Hall
- Exhibit 19 Sworn Affidavit by CPL Kelly Hall – 20 SEP 22
- Exhibit 20 Advisement of Rights Form – Executed by CPL Kelly Hall, Witnessed by LTC Dale – 20 SEP 22
- Exhibit 21 CPL Kelly Hall State Employee Separation Report – 30 AUG 22
- Exhibit 22 Advisement of Rights Form and MFR from Dale on request for TDS for CPL San Juanita Medeles – 22 SEP 22
- Exhibit 23 Advisement of Rights Form and MFR from Dale on MSG Ernie Casiano to retain private counsel – 22 SEP 22
- Exhibit 24 Sworn Affidavit by SFC Jeannette Jimmerson - 20 SEP 22
COMPLAINANT PROVIDED
- Exhibit 25 Email chain between LTC Sledge to LTC Dale 21 SEP 22 – Includes passes for Casiano and Medeles for 18 JUN – 22 JUN 22, 28 Jul – 31 JUL 22, 18 AUG – 21 AUG 22 and a COVID SPOT Report for Casiano dated 26 AUG 22
- Exhibit 26 Email chain between LTC Sledge and LTC Dale – 22 SEP 22 – includes Details on whereabouts of Casiano and Medeles on various days

Tab D: TECHNICAL REVIEW

INTENTIONALLY LEFT BLANK



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TZ

02 October 2022

MEMORANDUM FOR APPOINTING AUTHORITY

FROM: CPT Bill Harris, JA

SUBJECT: Legal Review of CDI Concerning Allegations of:

1. Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
2. Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
3. Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
4. Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
5. Has CPL Hall altered or created other fraudulent documents?

1. GENERAL STATEMENT OF LEGAL SUFFICIENCY

I have reviewed the above referenced commander-directed investigation (CDI) report of investigation (ROI) and case file and find it to be legally sufficient. The matter may be forwarded to the appointing authority for final action.

2. BACKGROUND:

2a. Parties

- Complainant: SFC Jeannette Jimmerson, was a Deputy T8 assigned to HHC, HQ, TXSG at Camp Mabry.
- Subjects:
 1. CPL Kelley Hall, T4, HHC, HQ, TXSG, Camp Mabry;
 2. CPL San Juanita Medeles, Recruiting and Retention Section, HHC, HQ, TXSG, Camp Mabry; and,
 3. MSG Ernie Casiano, Recruiting and Retention Section, HHC, HQ, TXSG, Camp Mabry.

2b. Summary of Allegations

In sum, SFC Jimmerson alleged that CPL Hall falsified or altered official orders for CPL Medeles at the request of CPL Medeles and MSG Casiano. More specifically,

- Did CPL Medeles ask CPL Hall to alter or create fraudulent OLS-BS orders?
- Did MSG Casiano ask CPL Hall to alter or create fraudulent OLS-BS orders?
- Did CPL Hall intentionally and knowingly forge or alter OLS-BS orders for either Medeles or Casiano?
- Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
- Has CPL Hall altered or created other fraudulent documents?

3. ALLEGATIONS AND ANALYSIS

3a. Allegation 1: Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?

IO Finding: SUBSTANTIATED

Analysis: A preponderance of the credible evidence supports the conclusion that altered orders in the name of CPL Medeles were created by

CPL Hall and that CPL Medeles provided legitimate orders to CPL Hall for him to alter. CW2 Paul Schroeder, a subject matter expert on the order creation process, examined several sets of orders pertaining to CPL Medeles and concluded that at least one set was altered. (Exhibit 8). In his sworn statement (Exhibit 10), Schroeder stated in part, "The order number on the non-legitimate orders is not in the directory of official TXSG orders." The order in question (Exhibit 8) is the same set of altered orders included in a private email exchange between CPL Medeles and CPL Hall on 22 APR 21 (Exhibit 14).

CPL Hall stated in his sworn statement that on one occasion CPL Medeles gave him a \$15.00 Chick-fil-A gift card in return for changing orders. (Exhibit 19). CPL Hall provided screen shots of a text exchange between CPL Hall and CPL Medeles from 5 NOV 21 in which the gift card and fixing order dates is discussed (Exhibit 6). CPL Hall also provided an email thread and a copy of a Chick-fil-A gift card sent by CPL Medeles to CPL Hall (Exhibit 18).

CPL Hall admitted to SFC Jimmerson, CW5 Perez and LTC Dale that he altered orders at the request of CPL Medeles. SFC Jimmerson provided a sworn statement documenting this (Exhibit 24). CW5 Perez provided a sworn statement documenting this as well. (Exhibit 3). CPL Hall admitted to this on 19 SEP 22 in his testimony to LTC Dale and in his sworn statement of 20 SEP 22 (Exhibit 19).

For these reasons, I concur with the IO's assessment that Allegation 1 should be SUBSTANTIATED.

Texas Penal Code and Texas Code of Military Justice Violations

As related to Allegation 1, and specific to the Texas Code of Military Justice ("TCMJ")¹, there is credible evidence to believe CPL Medeles committed the Texas Penal Code ("Penal Code") offenses of Forgery and Tampering With a Government Record and violated the TCMJ General Article.

¹ The Texas Code of Military Justice is located within Chapter 432 of the Texas Government Code. All references herein to "\$432.xxx", "the Texas Code of Military Justice" or "TCMJ" are references to that Chapter. For ease of reference, sections within Chapter 432 of the Texas Government Code will be identified as "TCMJ" followed by the appropriate section number, e.g. "TCMJ \$432.1225".

Pursuant to TCMJ §432.1225 a person who commits an offense under the Penal Code is considered to have violated the TCMJ and is subject to punishment accordingly.

Forgery: In relevant part, Penal Code §32.21(a) provides:

“Forge” means to “...alter, make, complete or execute any writing so that it purports:

- To be the act of another who did not authorize that act; or
- To have been executed at a time or place or in a numbered sequence other than was in fact the case.”

“Writing” includes any printing or other method of recording information.

A person commits an offense if he forges a writing with intent to defraud or harm another.

An offense under this section is a 3rd degree felony if the writing is or purports to be a government record. Penal Code §37.01(2)(C) defines a governmental record as anything belonging to, received by or kept by government for information, including a court record.

Tampering With a Government Record: in relevant part, Penal Code §37.10 provides:

A person commits an offense if he knowingly makes a false entry in, or false alteration of, a governmental record.

An offense under this section is a state jail felony if the actor’s intent is to defraud or harm another.

It should be noted that while CPL Medeles did not personally alter the order she is nevertheless criminally responsible for CPL Hall's conduct as a party. Texas law abandoned the legal concept of accessories and principals nearly 50 years ago. Those concepts were replaced with the *Law of Parties*. Penal Code §7.02(a)(2) provides that a person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids or attempts to aid the other person to commit the offense.

Conspired with CPL Hall to commit the offenses of Forgery and Tampering With a Government Record: TCMJ §432.126 defines conspiracy as follows:

“A person subject to this chapter (the TCMJ) who conspires with another person to commit an offense under [the TCMJ] if one or more of the conspirators does an affect to effect the object of the conspiracy”.

TCMJ §432.126 is substantially similar to Penal Code §15.02 which provides that a person commits criminal conspiracy if, with intent that a felony be committed, he:

- Agrees with one or more person that they or one or more of them engage in conduct that would constitute the offense; and,
- He or one or more of them performs an overt act in pursuance of the agreement.

General Article: TCMJ §432.167 provides as follows:

“Whether or not specifically mentioned by this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit on the state military forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of the court.”

3b. Allegation 2: Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?

IO Finding: NOT SUBSTANTIATED

Analysis: In his sworn statement, CPL Kelly stated "I only modified orders for CPL Medeles. Only Casiano and Medeles asked me to change orders. I was not asked by any other person to change orders. Casiano and Medeles explained to me that they wanted Medeles' orders modified so that Medeles could present the orders to her civilian employer, Wells Fargo. Medeles said that she was being compensated by Wells Fargo while on state active duty and had to "reset" with her employer to maintain that pay status. Casiano attempted to persuade me to change the orders by telling me that if I did not change the orders Medeles would lose her civilian job." (Exhibit 19).

Despite a diligent investigation by LTC Dale, there is no evidence to corroborate CPL Hall's allegations that MSG Ernie Casiano asked CPL Hall to alter or create fraudulent OLS-BS orders for CPL Medeles.

LTC Dale attempted to interview MSG Casiano on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. MSG Casiano did not waive his rights, refused to be interviewed and stated he would seek civilian legal counsel (Exhibit 23).

LTC Dale attempted to interview CPL San Juanita Medeles on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. CPL Medeles did not waive her rights, refused to be interviewed and stated she would seek military provided legal counsel (Exhibit 22).

For these reasons, I concur with the IO's assessment that Allegation 2 should be NOT SUBSTANTIATED.

3c. Allegation 3: Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?

IO Findings: SUBSTANTIATED for Medeles; NOT SUBSTANTIATED for Casiano.

Analysis: The preponderance of the credible evidence supports that CPL Hall did, at the request of CPL Medeles, intentionally and knowingly alter orders issued in the name of CPL Medeles at the request of both CPL Medeles and MSG Casiano for the purpose of CPL Medeles continuing to receive compensation from her employer while she was on state active duty. There is no evidence CPL Hall altered orders issued in the name of MSG Casiano. However, CPL Hall did admit in his sworn statement he altered the orders for Medeles at the request of both Medeles and Casiano. (Exhibit 19). CPL Hall stated that, "Casiano and Medeles explained to me that they wanted Medeles' orders modified so that Medeles could present the orders to her civilian employer." (Exhibit 19).

In CPL Hall's sworn statement of 20 SEP 22, CPL Hall stated in part, "On three occasions I altered existing orders on behalf of CPL San Juanita Medeles. I only changed the issue date and reporting date fields. I used my Mac computer to make these alterations." (Exhibit 19). CPL Hall's admission is a statement against his own interest and the IO determined his statement was credible.

LTC Dale found no evidence that orders in the name of MSG Casiano were altered by CPL Hall.

For these reasons, I concur with the IO's assessment that Allegation 3 should be SUBSTANTIATED for CPL Medeles and NOT SUBSTANTIATED for MSG Casiano.

Pursuant to TCMJ §432.1225 a person who commits an offense under the Penal Code is considered to violate the TCMJ and is subject to punishment accordingly.

Forgery: In relevant part, Penal Code §32.21(a) provides:

"Forge" means to "...alter, make, complete or execute any writing so that it purports:

- To be the act of another who did not authorize that act; or
- To have been executed at a time or place or in a numbered sequence other than was in fact the case.

“Writing” includes any printing or other method of recording information.

A person commits an offense if he forges a writing with intent to defraud or harm another.

An offense under this § is a 3rd degree felony if the writing is or purports to be a government record. Penal Code §37.01(2)(C) defines a governmental record as anything belonging to, received by or kept by government for information, including a court record.

Tampering With a Government Record: in relevant part, Penal Code §37.10 provides:

A person commits an offense if he knowingly makes a false entry in, or false alteration of, a governmental record.

An offense under this § is a state jail felony if the actor’s intent is to defraud or harm another.

Conspired with CPL Hall to commit the offenses of Forgery and Tampering With a Government Record: TCMJ §432.126 defines conspiracy as follows:

“A person subject to this chapter (the TCMJ) who conspires with another person to commit an offense under [the TCMJ] if one or more of the conspirators does an affect to effect the object of the conspiracy”.

TCMJ §432.126 is substantially the same as Penal Code 15.02. Criminal Conspiracy which provides that a person commits criminal conspiracy if, with intent that a felony be committed, he:

- agrees with one or more person that they or one or more of them engage in conduct that would constitute the offense; and,

- he or one or more of them performs an overt act in pursuance of the agreement.

General Article: TCMJ §432.167 provides as follows:

“Whether or not specifically mentioned by this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit on the state military forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of the court.”

3d. Allegation 4: Did MSG Casiano threaten or coerce CPL Hall into forging or altering OLS-BS orders?

IO Finding: NOT SUBSTANTIATED

Analysis: During an unrecorded oral interview on 19 SEP 22, CPL Hall told LTC Dale that “Casiano attempted to persuade me to change the orders by telling me that if I did not change the orders, Medeles would lose her civilian job. Casiano also said words to the effect that, ‘I outrank you so you have to listen to me.’ Medeles was present when Casiano made the comment about Casiano outranking me. On one occasion Casiano told me he could put me on orders and send me to the border if I did not change Medeles’ orders. I did not take this as a threat because I did not believe that Casiano had the authority or ability to follow through with that statement.”

In CPL Hall’s sworn statement of 20 SEP 22, he states, “Casiano also said words to the effect that, ‘I outrank you so you have to listen to me.’” He also stated that, “Medeles was present when Casiano made the comment about Casiano outranking me. On one occasion Casiano told me he could put me on orders and send me to the border if I did not change Medeles’ orders. I did not take this as a threat because I did not believe that Casiano had the authority or ability to follow through with that statement.”

LTC Dale attempted to interview MSG Casiano on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. MSG Casiano did not waive his rights, refused to be interviewed and stated he would seek civilian legal counsel (see Exhibit 23).

LTC Dale attempted to interview CPL San Juanita Medeles on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. CPL Medeles did not waive her rights, refused to be interviewed and stated she would seek military provided legal counsel (see Exhibit 22).

For these reasons, I concur with the IO's assessment that Allegation 4 should be NOT SUBSTANTIATED.

3e. Allegation 5: Has CPL Hall altered or created other fraudulent documents?

IO Finding: NOT SUBSTANTIATED

Analysis: No evidence was obtained that CPL Hall altered any documents other than orders for CPL Medeles.

No corroborating evidence was presented or uncovered that CPL Hall altered or created fraudulent orders for anyone other than CPL Medeles.

For these reasons, I concur with the IO's assessment that Allegation 5 should be NOT SUBSTANTIATED.

3f. Remaining Allegations of Violations of the Texas Code of Military Justice. In addition to an examination of the foregoing Allegations, the IO was also directed to determine if any member of the TXSG Recruiting §or Logistics §or any member of the TXSG violated the following provisions of the TCMJ, to-wit:

§432.165. FRAUDS AGAINST THE GOVERNMENT

Analysis: The gravamen of Sec 432.165 is that a person subject to the TCMJ commits an offense if he knowingly makes a false or fraudulent claim against the government. There is no evidence that CPL Hall, CPL

Medeles or MSG Casiano knowingly made any kind of false claim against any government entity.

§432.151. FALSE OFFICIAL STATEMENTS

Analysis: §432.151 provides that a person subject to the TCMJ commits an offense if, with the intent to deceive, he signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false. There is no evidence that CPL, Hall, CPL Medeles or MSG Casiano signed any false record, return, regulation, order or other official document.

§432.166. CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN

Analysis: §432.166 provides that a commissioned officer or officer candidate who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial directs. Neither CPL Hall, CPL Medeles nor MSG Casiano are a commissioned officer or an officer candidate.

§432.137. FAILURE TO OBEY ORDER OR REGULATION

Analysis: §432.137 provides that a person subject to the TCMJ commits an offense if the person violates or fails to obey a lawful general order or regulation or is derelict in the performance of the person's duties. While their conduct is certainly reprehensible, there is no evidence that CPL Hall, CPL Medels or MSG Casiano failed to obey a lawful order or regulation or were derelict in the performance of their duties.

Sec 432.123. ACCESSORY AFTER THE FACT

Analysis: §432.123 provides that a person subject to the TCMJ commits an offense if the person knows that an offense punishable under the TCMJ has been committed and receives, comforts, or assists the offender in order to hinder or prevent the offender's apprehension, trial, or punishment. There is no evidence that CPL Hall, CPL Medeles or MSG Casiano, knowing that an offense punishable under the TCMJ had been committed, received, comforted or assisted any offender in order to hinder or prevent any offender's apprehension, trial or punishment.

4. CONCLUSION

The ROI is legally sufficient. The IO has complied with all applicable legal and administrative requirements in conducting this investigation. The report addresses all of the matters under investigation, and the findings are supported by a preponderance of the credible evidence. The conclusions reached by the IO are consistent with those findings.

5. RECOMMENDATION

I respectfully recommend you approve the CDI findings and conclusions as written.



BILL HARRIS
Captain, JA

Tab F: APPOINTING AUTHORITY APPROVAL AND ACTIONS



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TCS

12 OCTOBER 2022

MEMORANDUM FOR RECORD

SUBJECT: Appointing Authority Approval

1. I have reviewed the commander-directed investigation completed by investigating officer LTC Anthony Dale and the subsequent legal review regarding allegations including:

- a. Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
- b. Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
- c. Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
- d. Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
- e. Has CPL Hall altered or created other fraudulent documents?

2. I concur with the findings and conclusions of the investigating officer.

A handwritten signature in black ink, appearing to read "Darren P. Fitz Gerald".
DARREN FITZ GERALD
COL, TXSG
Chief of Staff

Tab G: ADMINISTRATIVE DOCUMENTS

INTENTIONALLY LEFT BLANK



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TZ

02 October 2022

MEMORANDUM FOR: Colonel Darren Fitz Gerald

SUBJECT: Report of Investigation (ROI)

APPOINTMENT LETTER: See TAB A

AUTHORITY AND SCOPE:

Commanders have the inherent authority to conduct a Commander Directed Investigation to matters under their command unless preempted by higher authority. Pursuant to this authority, COL Darren Fitz Gerald, appointed LTC Anthony W. Dale on 8 SEP 22 as the Investigating Officer (IO) (see Exhibit 1) to establish the facts surrounding allegations of misconduct by members of the Texas State Guard. Specifically, the allegations of wrongdoing were submitted by SFC Jeannette Jimmerson against CPL Kelly Hall, CPL San Juanita Medeles and MSG Ernie Casiano. The CDI was conducted over the course of the last two weeks of September 2022 at locations including Building 32 at Camp Mabry in Austin, Texas and city hall in Cedar Park, Texas. All interviews of subjects were sworn testimony. All witnesses were advised they were required to provide truthful testimony. All written statements were provided under oath.

The IO investigated the following allegations:

1. Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
2. Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
3. Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
4. Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
5. Has CPL Hall altered or created other fraudulent documents?

As related to the allegations above, and specific to the Texas Code of Military Justice, Chapter 432.053 the IO was instructed to investigate, if any member of the TXSG Recruiting Section or Logistics Section or any member of the TXSG is believed to have violated:

- a. Sec. 432.165. FRAUDS AGAINST THE GOVERNMENT
- b. Sec. 432.151. FALSE OFFICIAL STATEMENTS
- c. Sec. 432.166. CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN
- d. Sec. 432.137. FAILURE TO OBEY ORDER OR REGULATION, including but not limited to dereliction of duty
- e. Sec. 432.1225. PENAL CODE OFFENSES such as Fraud, Tampering with Government Records, or other criminal statutes
- f. Sec 432.123. ACCESSORY AFTER THE FACT and/or Sec. 432.126. CONSPIRACY
- g. Sec. 432.167. GENERAL ARTICLE. Whether or not specifically mentioned by this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit on the state military forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of the court.

INTRODUCTION:

Background and Allegations

This investigation was conducted in response to a complaint filed by SFC Jimmerson following a telephone conversation that she conducted with CPL Kelly Hall. SFC Jimmerson documented the telephone call and submitted an email to COL Fitz Gerald on 28 AUG 22 (see Exhibit 2). CPL Hall initiated the call with SFC Jimmerson as CPL Hall mistakenly thought SFC Jimmerson was responsible for issuing orders. Following receipt of the email COL Fitz Gerald appointed LTC Anthony Dale as the investigating officer (see Exhibit 1).

On Sunday, 28 AUG 22, at approximately 1600 hours, CPL Kelly Hall called SFC Jimmerson. CPL Hall said that on Saturday, 27 AUG 22, CPL San Juanita Medeles became angry with him accusing him of sharing pictures of a recent trip CPL Medeles and MSG Casiano took to a theme park. CPL Hall says that CPL Medeles has since blocked CPL Hall from her social media accounts.

CPL Hall told SFC Jimmerson that he was going to call his supervisor, CW5 Arsilia Perez and resign from his position as a state employee working for the TXSG. CPL Hall told SFC Jimmerson that he falsified orders on behalf of CPL Medeles so CPL Medeles could provide the orders to her civilian employer.

Hall told SFC Jimmerson he knew it was wrong to falsify orders, but he felt pressured by both CPL Medeles and MSG Ernie Casiano to do so.

The case principally involves five parties, the complainant, SFC Jeannette Jimmerson, a witness, CW5 Arsilia Perez and the subjects, CPL Kelly Hall, CPL San Juanita Medeles and MSG Ernie Casiano. At the time of the initial complaint, SFC Jimmerson, CW5 Perez and CPL Hall were state employees for TXSG in addition to serving as members of TXSG. CPL Medeles and MSG Casiano were on state active duty orders and assigned to Recruiting and Retention staff section at Building 32, HHC, HQ, TXSG. On 30 AUG 22, CPL Hall resigned from his state position (see Exhibit 21), but remained a member of the TXSG in a M-Day drill status.

LTC Dale interviewed the one (1) complainant, four (4) witnesses, two (2) subject matter experts and three (3) subjects/suspects.

Findings, Analysis and Conclusions

Allegation 1: Substantiated

- a. **ALLEGATION:** Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
- b. **FINDINGS:** The preponderance of the credible evidence supports that CPL Kelly Hall intentionally modified orders for CPL Medeles at the request of CPL Medeles. CPL Hall provided a sworn affidavit (see Exhibit 19) in which he implicated himself in changing the issue date and reporting dates on three sets of orders at the request of CPL Medeles.

ANALYSIS

A preponderance of the credible evidence supports that altered orders in the name of CPL Medeles were created by CPL Hall and CPL Medeles sent legitimate orders to CPL Hall for him to alter. CW2 Paul Schroeder is a subject matter expert on the order creation process. Mr. Schroeder examined numerous sets of orders and determined that at least one set of orders he examined were altered (see Exhibit 8). In Mr. Schroeder's sworn statement (see Exhibit 10), Mr. Schroeder says in part, "The order number on the non-legitimate orders is not in the directory of official TXSG orders." The order in question (see Exhibit 8) is the same set of altered orders included in a private email exchange between CPL Medeles and CPL Hall on 22 APR 21 (see Exhibit 14).

CPL Hall stated in his sworn statement that on one occasion CPL Medeles gave him a \$15.00 Chick-fil-A gift card in return for changing orders. CPL Hall provided screen shots of a text exchange between CPL Hall and CPL Medeles from 5 NOV 21 in which the gift card and fixing order dates is discussed (see Exhibit 6). CPL Hall also provided an email thread and a copy of a Chick-fil-A gift card sent by CPL Medeles to CPL Hall (see Exhibit 18). The email thread in Exhibit 8 includes the name Jennie Trevino. This is CPL Medeles' maiden name. CPL Medeles' current name is San Juanita Medeles, but she is commonly known as Jenn or Jenny Medeles.

CPL Hall admitted to SFC Jimmerson, CW5 Perez and LTC Dale that he altered orders at the request of CPL Medeles. SFC Jimmerson provided a sworn statement documenting this (see Exhibit 24). CW5 Perez provided a sworn statement documenting this (see Exhibit 3). CPL Hall admitted to this on 19 SEP 22 in his testimony to LTC Dale and in his sworn statement of 20 SEP 22 (see Exhibit 19). **I conclude that this allegation is SUBSTANTIATED.**

Allegation 2: Not Substantiated

- a. ALLEGATION: Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders.
- b. FINDINGS: CPL Hall submitted a sworn statement stating that, "I only modified orders for CPL Medeles. Only Casiano and Medeles asked me to change orders. I was not asked by any other person to change orders. Casiano and Medeles explained to me that they wanted Medeles' orders modified so that Medeles could present the orders to her civilian employer, Wells Fargo. Medeles said that she was being compensated by Wells Fargo while on state active duty and had to "reset" with her employer to maintain that pay status. Medeles and Casiano both asked me to modify orders for Medeles. Casiano attempted to persuade me to change the orders by telling me that if I did not change the orders Medeles would lose her civilian job."

ANALYSIS

No corroborating evidence was presented or uncovered that MCG Ernie Casiano asked CPL Kelly Hall to alter or create fraudulent OLS-BS orders. LTC Dale attempted to interview MSG Casiano on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. MSG Casiano did not waive his rights, refused to be interviewed and stated he would seek civilian legal counsel (see Exhibit 23).

LTC Dale attempted to interview CPL San Juanita Medeles on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. CPL Medeles did not waive her rights, refused to be interviewed and stated she would seek military provided legal counsel (see Exhibit 22). **I conclude that this allegation is NOT SUBSTANTIATED.**

Allegation 3: Substantiated

- a. ALLEGATION: Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
- b. FINDINGS: The preponderance of the credible evidence supports that CPL Hall did, at the request of CPL Medeles, intentionally alter orders issued in the name of CPL Medeles. There is no evidence that CPL Hall altered orders issued in the name of MSG Casiano, but CPL Hall did admit in a sworn statement that he altered the orders for Medeles at the request of both Medeles and Casiano. CPL

Hall stated that, "Casiano and Medeles explained to me that they wanted Medeles' orders modified so that Medeles could present the orders to her civilian employer." Hall stated that, "Medeles and Casiano both asked me to modify orders for Medeles."

ANALYSIS

In CPL Hall's sworn statement of 20 SEP 22, CPL Hall stated in part, "On three occasions I altered existing orders on behalf of CPL San Juanita Medeles. I only changed the issue date and reporting date fields. I used my Mac computer to make these alterations." In CPL Hall's sworn statement CPL Hall stated, "Medeles and Casiano both asked me [Hall] to modify orders for Medeles." CPL Hall's admission is a statement against his own interest and the IO determined his statement was credible.

As to the question did CPL Hall altered orders for MSG Casiano the IO found no evidence that orders in the name of MSG Casiano were altered by CPL Hall. **I conclude that this allegation is NOT SUBSTANTIATED.**

As to the question did CPL Hall altered orders for CPL Medeles, the evidence supports that CPL Hall did alter or forge orders for CPL Medeles. **I conclude that this allegation is SUBSTANTIATED.**

Allegation 4: Not Substantiated

- a. ALLEGATION: Did MSG Casiano threaten or coerce CPL Hall into forging or altering OLS-BS orders?
- b. FINDINGS: On 19 SEP 22, CPL Hall told LTC Dale words to the effect, "Casiano attempted to persuade me to change the orders by telling me that if I did not change the orders, Medeles would lose her civilian job. Casiano also said words to the effect that, 'I outrank you so you have to listen to me.' Medeles was present when Casiano made the comment about Casiano outranking me. On one occasion Casiano told me he could put me on orders and send me to the border if I did not change Medeles' orders. I did not take this as a threat because I did not believe that Casiano had the authority or ability to follow through with that statement."

ANALYSIS

CPL Hall provided a sworn statement and told SFP Jimmerson and CW5 Perez that MSG Casiano coerced him and made a statement that could be interpreted as a threat. CPL Hall stated that CPL Medeles was present when MSG Casiano said words to the effect, "I outrank you so you have to listen to me."

In CPL Hall's sworn statement of 20 SEP 22, he states, "Casiano also said words to the effect that, 'I outrank you so you have to listen to me.'" He also stated that, "Medeles

was present when Casiano made the comment about Casiano outranking me. On one occasion Casiano told me he could put me on orders and send me to the border if I did not change Medeles' orders. I did not take this as a threat because I did not believe that Casiano had the authority or ability to follow through with that statement."

LTC Dale attempted to interview MSG Casiano on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. MSG Casiano did not waive his rights, refused to be interviewed and stated he would seek civilian legal counsel (see Exhibit 23).

LTC Dale attempted to interview CPL San Juanita Medeles on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. CPL Medeles did not waive her rights, refused to be interviewed and stated she would seek military provided legal counsel (see Exhibit 22). **I conclude that this allegation is NOT SUBSTANTIATED.**

Allegation 5: Not Substantiated

- a. ALLEGATION: Has CPL Hall altered or created other fraudulent documents?
- b. FINDINGS: No evidence was obtained that CPL Hall altered any documents other than orders for CPL Medeles.

ANALYSIS

No corroborating evidence was presented or uncovered that CPL Hall altered or created fraudulent orders for anyone other than CPL San Juanita Medeles. **I conclude that this allegation is NOT SUBSTANTIATED.**

FACTS

The facts of this investigation show that CPL Kelley Hall and CPL San Juanita Medeles conspired to intentionally, and without authorization, alter orders for CPL Medeles.

SUMMARY

The sworn testimony in exhibits 9, 10, 19 and 24, gathered during the conduct of this inquiry supports the findings.

CONCLUSIONS

The investigation determined the preponderance of the credible evidence does substantiate allegations that:

CPL San Juanita Medeles did ask CPL Kelly Hall to alter or create fraudulent orders.

CPL Kelly Hall intentionally and knowingly forged or altered orders for CPL Medeles.

The investigation determined the remaining allegations cannot be substantiated. The unsubstantiated allegation include:

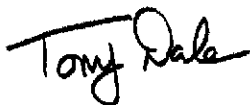
Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?

Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders MSG Casiano?

Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?

RECOMMENDATIONS

1. I recommend that appropriate non-judicial or judicial disciplinary action be taken against CPL Hall. It should be noted that CPL Hall voluntarily confessed to his involvement in the matter and cooperated with the IO.
2. I recommend that appropriate non-judicial or judicial disciplinary action be taken against CPL Medeles, to include immediate relief from state active duty orders
3. During any pre-trial or administrative period, I recommend that:
 - a. All RMS and computer system access currently provisioned to Hall and Medeles be revoked.
 - b. If Medeles is relieved from state active duty orders, any hotel rooms paid for by TXSG to house Medeles should be immediately cancelled.
 - c. All TXSG property, including keys and access badges, in the possession of Hall and Medeles should be immediately returned to their TXSG supervisor.
4. MSG Casiano and CPL Medeles are reportedly involved in a romantic relationship. If disciplinary action is taken against CPL Medeles, MSG Casiano's interactions with TXSG members and TXSG full-time staff should be closely monitored for any unfavorable actions generated against the complainant or witnesses.



ANTHONY W. DALE
Lieutenant Colonel, TXSG
Investigating Officer

Tab A: APPOINTMENT



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TZ

08 September 2022

MEMORANDUM FOR: Lieutenant Colonel Tony Dale

SUBJECT: Appointment as Investigating Officer

1. You are appointed to conduct a Commander Directed Investigation (CDI) into all of the facts and circumstances concerning allegations of either modifying or forging State Active Duty Orders to Texas State Guard Service Members. (See attached documents) This is your primary duty until completion of this tasking and submission of a final report.

2. Specific you must provide a response to the following allegations:

- a. Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
- b. Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
- c. Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
- d. Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
- e. Has CPL Hall altered or created other fraudulent documents?

3. As related to the allegations in paragraph 2. above and specific to the Texas Code of Military Justice, Chapter 432.053 please investigate, if any member of the TXSG Recruiting Section or Logistics Section or any member of the TXSG is believed to have violated:

- h. Sec. 432.165. FRAUDS AGAINST THE GOVERNMENT
- i. Sec. 432.151. FALSE OFFICIAL STATEMENTS.
- j. Sec. 432.166. CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN.
- k. Sec. 432.137. FAILURE TO OBEY ORDER OR REGULATION, including but not limited to dereliction of duty
- l. Sec. 432.1225. PENAL CODE OFFENSES such as Fraud, Tampering with Government Records, or other criminal statutes.
- m. Sec 432.123. ACCESSORY AFTER THE FACT and/or Sec. 432.126. CONSPIRACY

n. Sec. 432.167. GENERAL ARTICLE. Whether or not specifically mentioned by this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit on the state military forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of the court.

3. You are authorized to interview personnel; take sworn statements or testimony; and examine and/or copy any relevant TXSG records, files, and correspondence germane to this investigation.

4. In conducting your investigation, refer to the TXSG Commander-Directed Investigation Guide you are encouraged to refer to the guidance in the USAF Commander-Directed Investigation (CDI) Guide. Prepare and submit to me a report of investigation (ROI) in the format described in the CDI Guide. Submit the report to me by 01 OCT 2022, unless I grant a written extension. You should include specific findings of fact as to each individual allegation and any other fact findings as to matters you deem relevant. In addition, you should also include specific recommendations as to proposed corrective measures, additional training and policy changes.

5. CPT William Harris (903-249-8283) is your designated legal advisor for this CDI. Coordinate directly with CPT Harris for any legal advice and assistance. You may consult with COL John Muirhead, TXSG Inspector General for technical advice and subject matter expertise on the specifics of this case and investigative techniques.

6. You may not release any information related to this investigation without my prior approval. This letter and the attached documents are considered FOR OFFICIAL USE ONLY and contain information that must be protected under laws of the State of Texas.

////---original signed---\\\\\\
DARREN FITZ GERALD
Colonel, TXSG
Chief of Staff

Tab B: TESTIMONY

Index of Witnesses

Complainant:	Jimmerson, Jeannette SFC
Subject Matter Expert:	Schroeder, Paul CW2
Subject Matter Expert:	Steward, Gerald MSG
Regular Witness:	Payton, Sean CPT
Regular Witness:	Perez, Arsilia CW5
Regular Witness:	Saxon, John SFC
Regular Witness:	Sledge, Mikel LTC
Subject/Suspect:	Casiano, Ernie MSG
Subject/Suspect:	Hall, Kelly CPL
Subject/Suspect:	Medeles, San Juanita CPL

Complainant's Testimony

Complainant	Jimmerson, Jeannette - See Exhibit 2, 24
-------------	--

Subject's Testimony

Subject/Suspect:	Casiano, Ernie MSG – See Exhibit 22 Subject did not waive rights. No interview.
------------------	--

Subject/Suspect: Hall, Kelly CPL – See Exhibit 19

Subject/Suspect: Medeles , San Juanita CPL – See Exhibit 22
Subject did not waive rights. No interview.

Witness Testimony

Regular Witness: Perez, Arsilia CW5 – See Exhibit 3, 9

Regular Witness: Saxon, John SFC – N/A Verbal.
Witness had no knowledge relevant to
Investigation.

Regular Witness: Sledge, Mikel LTC

Subject Matter Expert Testimony

Subject Mater Expert Schroeder, Paul CW2 – Exhibit 10

Subject Matter Expert Steward, Gerald MSG
MSG Steward was interviewed to determine if
any altered orders were submitted for pay
purposed by TXSG or TMD. The IO concluded
no altered orders related to this investigation
were used to obtain pay from TXSG or TMD.

Tab C: EVIDENCE

Index of Exhibits

- Exhibit 1 Appointment of Investigating Officer – Memo - 8 SEP 22
- Exhibit 2 Email from SFC Jimmerson to COL Fitz Gerald – SUBJECT: FYSA
28 AUG 22 - COMPLAINANT PROVIDED
- Exhibit 3 Memorandum For Record by CW5 Arsilia Perez – 30 AUG 22
- Exhibit 4 Email chain between CW2 Schroeder and SFC Jimmerson - 29 AUG 22
COMPLAINANT PROVIDED
- Exhibit 5 Email chain between CW2 Schroeder and SFC Jimmerson - 29 AUG 22
COMPLAINANT PROVIDED
- Exhibit 6 Text exchange between CPL Hall and CPL Medeles – 15 AUG 22
COMPLAINANT PROVIDED
- Exhibit 7 Email exchange between CPL Hall and CPL Medeles –
22 APR 21 to 21 OCT 21
- Exhibit 8 Orders allegedly altered by CPL Hall for CPL Medeles – 22 APR 2021
- Exhibit 9 Sworn Affidavit by CW5 Arsilia Perez – 19 SEP 22
- Exhibit 10 Sworn Affidavit by CW2 Paul Schroeder – 19 SEP 22
- Exhibit 11 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita
Medeles) to CPL Hall – 20 APR 21 4:10:20 PM CDT – provided by CPL
Hall - Includes orders for CPL Medeles dated April 08, 2021
- Exhibit 12 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita
Medeles) to Hall – 20 APR 21 4:18:04 PM CDT – provided by CPL Hall
Includes orders for CPL Medeles dated December 20, 2020
- Exhibit 13 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita
Medeles) to CPL Hall – 22 APR 21 6:25:13 PM CDT – provided by CPL
Hall - Includes orders for CPL Medeles dated April 08, 2021
- Exhibit 14 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita
Medeles) to CPL Hall – 22 APR 21 6:25:51 PM CDT – provided by CPL
Hall - Includes orders for CPL Medeles dated April 22, 2021 – Text from

CPL Medeles, "Can you use this one?" Unauthorized modified orders attached.

- Exhibit 15 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita Medeles) to CPL Hall – 31 AUG 21 6:32:11 PM CDT – provided by CPL Hall - Includes orders for CPL Medeles dated August 23, 2021
- Exhibit 16 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita Medeles) to CPL Hall – 19 SEP 21 10:33:49 AM CDT – provided by CPL Hall - Includes orders for CPL Medeles dated August 30, 2021
- Exhibit 17 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita CPL Medeles) to CPL Hall – Oct 21, 2021 3:41:24 PM CDT – provided by CPL Hall - Includes order for CPL Medeles dated October 7, 2021
- Exhibit 18 Email from Jennie Trevino (AKA: CPL Jennie Medeles/San Juanita Medeles) to CPL Hall – 5 NOV 21 1:42:31 PM CDT – provided by CPL Hall - Includes Chick-fil-A gift certificate from CPL Medeles to CPL Hall
- Exhibit 19 Sworn Affidavit by CPL Kelly Hall – 20 SEP 22
- Exhibit 20 Advisement of Rights Form – Executed by CPL Kelly Hall, Witnessed by LTC Dale – 20 SEP 22
- Exhibit 21 CPL Kelly Hall State Employee Separation Report – 30 AUG 22
- Exhibit 22 Advisement of Rights Form and MFR from Dale on request for TDS for CPL San Juanita Medeles – 22 SEP 22
- Exhibit 23 Advisement of Rights Form and MFR from Dale on MSG Ernie Casiano to retain private legal counsel – 22 SEP 22
- Exhibit 24 Sworn Affidavit by SFC Jeannette Jimmerson - 20 SEP 22
COMPLAINANT PROVIDED
- Exhibit 25 Email chain between LTC Sledge to LTC Dale 21 SEP 22 – includes passes for Casiano and Medeles for 18 JUN – 22 JUN 22, 28 Jul – 31 JUL 22, 18 AUG – 21 AUG 22 and a COVID SPOT Report for Casiano dated 26 AUG 22
- Exhibit 26 Email chain between LTC Sledge and LTC Dale – 22 SEP 22 – includes Details on whereabouts of Casiano and Medeles on various days

Tab D: TECHNICAL REVIEW

INTENTIONALLY LEFT BLANK



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TZ

02 October 2022

MEMORANDUM FOR APPOINTING AUTHORITY

FROM: CPT Bill Harris, JA

SUBJECT: Legal Review of CDI Concerning Allegations of:

1. Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
2. Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
3. Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
4. Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
5. Has CPL Hall altered or created other fraudulent documents?

1. GENERAL STATEMENT OF LEGAL SUFFICIENCY

I have reviewed the above referenced commander-directed investigation (CDI) report of investigation (ROI) and case file and find it to be legally sufficient. The matter may be forwarded to the appointing authority for final action.

2. BACKGROUND:

2a. Parties

- Complainant: SFC Jeannette Jimmerson, was a Deputy T8 assigned to HHC, HQ, TXSG at Camp Mabry.
- Subjects:
 1. CPL Kelley Hall, T4, HHC, HQ, TXSG, Camp Mabry;
 2. CPL San Juanita Medeles, Recruiting and Retention Section, HHC, HQ, TXSG, Camp Mabry; and,
 3. MSG Ernie Casiano, Recruiting and Retention Section, HHC, HQ, TXSG, Camp Mabry.

2b. Summary of Allegations

In sum, SFC Jimmerson alleged that CPL Hall falsified or altered official orders for CPL Medeles at the request of CPL Medeles and MSG Casiano. More specifically,

- Did CPL Medeles ask CPL Hall to alter or create fraudulent OLS-BS orders?
- Did MSG Casiano ask CPL Hall to alter or create fraudulent OLS-BS orders?
- Did CPL Hall intentionally and knowingly forge or alter OLS-BS orders for either Medeles or Casiano?
- Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
- Has CPL Hall altered or created other fraudulent documents?

3. ALLEGATIONS AND ANALYSIS

3a. Allegation 1: Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?

IO Finding: SUBSTANTIATED

Analysis: A preponderance of the credible evidence supports the conclusion that altered orders in the name of CPL Medeles were created by

CPL Hall and that CPL Medeles provided legitimate orders to CPL Hall for him to alter. CW2 Paul Schroeder, a subject matter expert on the order creation process, examined several sets of orders pertaining to CPL Medeles and concluded that at least one set was altered. (Exhibit 8). In his sworn statement (Exhibit 10), Schroeder stated in part, "The order number on the non-legitimate orders is not in the directory of official TXSG orders." The order in question (Exhibit 8) is the same set of altered orders included in a private email exchange between CPL Medeles and CPL Hall on 22 APR 21 (Exhibit 14).

CPL Hall stated in his sworn statement that on one occasion CPL Medeles gave him a \$15.00 Chick-fil-A gift card in return for changing orders. (Exhibit 19). CPL Hall provided screen shots of a text exchange between CPL Hall and CPL Medeles from 5 NOV 21 in which the gift card and fixing order dates is discussed (Exhibit 6). CPL Hall also provided an email thread and a copy of a Chick-fil-A gift card sent by CPL Medeles to CPL Hall (Exhibit 18).

CPL Hall admitted to SFC Jimmerson, CW5 Perez and LTC Dale that he altered orders at the request of CPL Medeles. SFC Jimmerson provided a sworn statement documenting this (Exhibit 24). CW5 Perez provided a sworn statement documenting this as well. (Exhibit 3). CPL Hall admitted to this on 19 SEP 22 in his testimony to LTC Dale and in his sworn statement of 20 SEP 22 (Exhibit 19).

For these reasons, I concur with the IO's assessment that Allegation 1 should be SUBSTANTIATED.

Texas Penal Code and Texas Code of Military Justice Violations

As related to Allegation 1, and specific to the Texas Code of Military Justice ("TCMJ")¹, there is credible evidence to believe CPL Medeles committed the Texas Penal Code ("Penal Code") offenses of Forgery and Tampering With a Government Record and violated the TCMJ General Article.

¹ The Texas Code of Military Justice is located within Chapter 432 of the Texas Government Code. All references herein to "\$432.xxx", "the Texas Code of Military Justice" or "TCMJ" are references to that Chapter. For ease of reference, sections within Chapter 432 of the Texas Government Code will be identified as "TCMJ" followed by the appropriate section number, e.g. "TCMJ \$432.1225".

Pursuant to TCMJ §432.1225 a person who commits an offense under the Penal Code is considered to have violated the TCMJ and is subject to punishment accordingly.

Forgery: In relevant part, Penal Code §32.21(a) provides:

“Forge” means to “...alter, make, complete or execute any writing so that it purports:

- To be the act of another who did not authorize that act; or
- To have been executed at a time or place or in a numbered sequence other than was in fact the case.”

“Writing” includes any printing or other method of recording information.

A person commits an offense if he forges a writing with intent to defraud or harm another.

An offense under this section is a 3rd degree felony if the writing is or purports to be a government record. Penal Code §37.01(2)(C) defines a governmental record as anything belonging to, received by or kept by government for information, including a court record.

Tampering With a Government Record: in relevant part, Penal Code §37.10 provides:

A person commits an offense if he knowingly makes a false entry in, or false alteration of, a governmental record.

An offense under this section is a state jail felony if the actor’s intent is to defraud or harm another.

It should be noted that while CPL Medeles did not personally alter the order she is nevertheless criminally responsible for CPL Hall's conduct as a party. Texas law abandoned the legal concept of accessories and principals nearly 50 years ago. Those concepts were replaced with the *Law of Parties*. Penal Code §7.02(a)(2) provides that a person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids or attempts to aid the other person to commit the offense.

Conspired with CPL Hall to commit the offenses of Forgery and Tampering With a Government Record: TCMJ §432.126 defines conspiracy as follows:

"A person subject to this chapter (the TCMJ) who conspires with another person to commit an offense under [the TCMJ] if one or more of the conspirators does an affect to effect the object of the conspiracy".

TCMJ §432.126 is substantially similar to Penal Code §15.02 which provides that a person commits criminal conspiracy if, with intent that a felony be committed, he:

- Agrees with one or more person that they or one or more of them engage in conduct that would constitute the offense; and,
- He or one or more of them performs an overt act in pursuance of the agreement.

General Article: TCMJ §432.167 provides as follows:

"Whether or not specifically mentioned by this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit on the state military forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of the court."

3b. Allegation 2: Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?

IO Finding: NOT SUBSTANTIATED

Analysis: In his sworn statement, CPL Kelly stated "I only modified orders for CPL Medeles. Only Casiano and Medeles asked me to change orders. I was not asked by any other person to change orders. Casiano and Medeles explained to me that they wanted Medeles' orders modified so that Medeles could present the orders to her civilian employer, Wells Fargo. Medeles said that she was being compensated by Wells Fargo while on state active duty and had to "reset" with her employer to maintain that pay status. Casiano attempted to persuade me to change the orders by telling me that if I did not change the orders Medeles would lose her civilian job." (Exhibit 19).

Despite a diligent investigation by LTC Dale, there is no evidence to corroborate CPL Hall's allegations that MSG Ernie Casiano asked CPL Hall to alter or create fraudulent OLS-BS orders for CPL Medeles.

LTC Dale attempted to interview MSG Casiano on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. MSG Casiano did not waive his rights, refused to be interviewed and stated he would seek civilian legal counsel (Exhibit 23).

LTC Dale attempted to interview CPL San Juanita Medeles on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. CPL Medeles did not waive her rights, refused to be interviewed and stated she would seek military provided legal counsel (Exhibit 22).

For these reasons, I concur with the IO's assessment that Allegation 2 should be NOT SUBSTANTIATED.

3c. Allegation 3: Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?

IO Findings: SUBSTANTIATED for Medeles; NOT SUBSTANTIATED for Casiano.

Analysis: The preponderance of the credible evidence supports that CPL Hall did, at the request of CPL Medeles, intentionally and knowingly alter orders issued in the name of CPL Medeles at the request of both CPL Medeles and MSG Casiano for the purpose of CPL Medeles continuing to receive compensation from her employer while she was on state active duty. There is no evidence CPL Hall altered orders issued in the name of MSG Casiano. However, CPL Hall did admit in his sworn statement he altered the orders for Medeles at the request of both Medeles and Casiano. (Exhibit 19). CPL Hall stated that, "Casiano and Medeles explained to me that they wanted Medeles' orders modified so that Medeles could present the orders to her civilian employer." (Exhibit 19).

In CPL Hall's sworn statement of 20 SEP 22, CPL Hall stated in part, "On three occasions I altered existing orders on behalf of CPL San Juanita Medeles. I only changed the issue date and reporting date fields. I used my Mac computer to make these alterations." (Exhibit 19). CPL Hall's admission is a statement against his own interest and the IO determined his statement was credible.

LTC Dale found no evidence that orders in the name of MSG Casiano were altered by CPL Hall.

For these reasons, I concur with the IO's assessment that Allegation 3 should be SUBSTANTIATED for CPL Medeles and NOT SUBSTANTIATED for MSG Casiano.

Pursuant to TCMJ §432.1225 a person who commits an offense under the Penal Code is considered to violate the TCMJ and is subject to punishment accordingly.

Forgery: In relevant part, Penal Code §32.21(a) provides:

"Forge" means to "...alter, make, complete or execute any writing so that it purports:

- To be the act of another who did not authorize that act; or
- To have been executed at a time or place or in a numbered sequence other than was in fact the case.

“Writing” includes any printing or other method of recording information.

A person commits an offense if he forges a writing with intent to defraud or harm another.

An offense under this § is a 3rd degree felony if the writing is or purports to be a government record. Penal Code §37.01(2)(C) defines a governmental record as anything belonging to, received by or kept by government for information, including a court record.

Tampering With a Government Record: in relevant part, Penal Code §37.10 provides:

A person commits an offense if he knowingly makes a false entry in, or false alteration of, a governmental record.

An offense under this § is a state jail felony if the actor’s intent is to defraud or harm another.

Conspired with CPL Hall to commit the offenses of Forgery and Tampering With a Government Record: TCMJ §432.126 defines conspiracy as follows:

“A person subject to this chapter (the TCMJ) who conspires with another person to commit an offense under [the TCMJ] if one or more of the conspirators does an affect to effect the object of the conspiracy”.

TCMJ §432.126 is substantially the same as Penal Code 15.02. Criminal Conspiracy which provides that a person commits criminal conspiracy if, with intent that a felony be committed, he:

- agrees with one or more person that they or one or more of them engage in conduct that would constitute the offense; and,

- he or one or more of them performs an overt act in pursuance of the agreement.

General Article: TCMJ §432.167 provides as follows:

“Whether or not specifically mentioned by this chapter, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit on the state military forces, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of the court.”

3d. Allegation 4: Did MSG Casiano threaten or coerce CPL Hall into forging or altering OLS-BS orders?

IO Finding: NOT SUBSTANTIATED

Analysis: During an unrecorded oral interview on 19 SEP 22, CPL Hall told LTC Dale that “Casiano attempted to persuade me to change the orders by telling me that if I did not change the orders, Medeles would lose her civilian job. Casiano also said words to the effect that, ‘I outrank you so you have to listen to me.’ Medeles was present when Casiano made the comment about Casiano outranking me. On one occasion Casiano told me he could put me on orders and send me to the border if I did not change Medeles’ orders. I did not take this as a threat because I did not believe that Casiano had the authority or ability to follow through with that statement.”

In CPL Hall’s sworn statement of 20 SEP 22, he states, “Casiano also said words to the effect that, ‘I outrank you so you have to listen to me.’” He also stated that, “Medeles was present when Casiano made the comment about Casiano outranking me. On one occasion Casiano told me he could put me on orders and send me to the border if I did not change Medeles’ orders. I did not take this as a threat because I did not believe that Casiano had the authority or ability to follow through with that statement.”

LTC Dale attempted to interview MSG Casiano on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. MSG Casiano did not waive his rights, refused to be interviewed and stated he would seek civilian legal counsel (see Exhibit 23).

LTC Dale attempted to interview CPL San Juanita Medeles on 22 SEP 22 at Building 32, Command Conference Room, Camp Mabry. CPL Medeles did not waive her rights, refused to be interviewed and stated she would seek military provided legal counsel (see Exhibit 22).

For these reasons, I concur with the IO's assessment that Allegation 4 should be NOT SUBSTANTIATED.

3e. Allegation 5: Has CPL Hall altered or created other fraudulent documents?

IO Finding: NOT SUBSTANTIATED

Analysis: No evidence was obtained that CPL Hall altered any documents other than orders for CPL Medeles.

No corroborating evidence was presented or uncovered that CPL Hall altered or created fraudulent orders for anyone other than CPL Medeles.

For these reasons, I concur with the IO's assessment that Allegation 5 should be NOT SUBSTANTIATED.

3f. Remaining Allegations of Violations of the Texas Code of Military Justice. In addition to an examination of the foregoing Allegations, the IO was also directed to determine if any member of the TXSG Recruiting §or Logistics §or any member of the TXSG violated the following provisions of the TCMJ, to-wit:

§432.165. FRAUDS AGAINST THE GOVERNMENT

Analysis: The gravamen of Sec 432.165 is that a person subject to the TCMJ commits an offense if he knowingly makes a false or fraudulent claim against the government. There is no evidence that CPL Hall, CPL

Medeles or MSG Casiano knowingly made any kind of false claim against any government entity.

§432.151. FALSE OFFICIAL STATEMENTS

Analysis: §432.151 provides that a person subject to the TCMJ commits an offense if, with the intent to deceive, he signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false. There is no evidence that CPL, Hall, CPL Medeles or MSG Casiano signed any false record, return, regulation, order or other official document.

§432.166. CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN

Analysis: §432.166 provides that a commissioned officer or officer candidate who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial directs. Neither CPL Hall, CPL Medeles nor MSG Casiano are a commissioned officer or an officer candidate.

§432.137. FAILURE TO OBEY ORDER OR REGULATION

Analysis: §432.137 provides that a person subject to the TCMJ commits an offense if the person violates or fails to obey a lawful general order or regulation or is derelict in the performance of the person's duties. While their conduct is certainly reprehensible, there is no evidence that CPL Hall, CPL Medels or MSG Casiano failed to obey a lawful order or regulation or were derelict in the performance of their duties.

Sec 432.123. ACCESSORY AFTER THE FACT

Analysis: §432.123 provides that a person subject to the TCMJ commits an offense if the person knows that an offense punishable under the TCMJ has been committed and receives, comforts, or assists the offender in order to hinder or prevent the offender's apprehension, trial, or punishment. There is no evidence that CPL Hall, CPL Medeles or MSG Casiano, knowing that an offense punishable under the TCMJ had been committed, received, comforted or assisted any offender in order to hinder or prevent any offender's apprehension, trial or punishment.

4. CONCLUSION

The ROI is legally sufficient. The IO has complied with all applicable legal and administrative requirements in conducting this investigation. The report addresses all of the matters under investigation, and the findings are supported by a preponderance of the credible evidence. The conclusions reached by the IO are consistent with those findings.

5. RECOMMENDATION

I respectfully recommend you approve the CDI findings and conclusions as written.



BILL HARRIS
Captain, JA

Tab F: APPOINTING AUTHORITY APPROVAL AND ACTIONS



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TCS

12 OCTOBER 2022


MEMORANDUM FOR RECORD

SUBJECT: Appointing Authority Approval

1. I have reviewed the commander-directed investigation completed by investigating officer LTC Anthony Dale and the subsequent legal review regarding allegations including:

- a. Did CPL San Juanita Medeles ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
- b. Did MSG Ernie Casiano ask CPL Kelly Hall to alter or create fraudulent OLS-BS orders?
- c. Did CPL Kelly Hall intentionally and knowingly forge or alter OLS-BS orders for either CPL Medeles or MSG Casiano?
- d. Did MSG Casiano threaten or coerced CPL Hall into forging or altering OLS-BS orders?
- e. Has CPL Hall altered or created other fraudulent documents?

2. I concur with the findings and conclusions of the investigating officer.


DARREN FITZGERALD
COL, TXSG
Chief of Staff

Tab G: ADMINISTRATIVE DOCUMENTS

INTENTIONALLY LEFT BLANK



TEXAS MILITARY DEPARTMENT
TEXAS STATE GUARD
POST OFFICE BOX 5218
AUSTIN, TX 78763-5218
(512) 782-5001

NGTX-TCS

23 November 2022

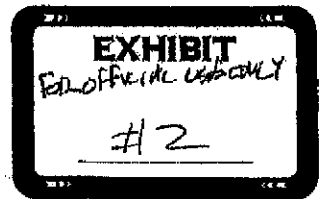
MEMORANDUM FOR CPL San Juanita Medeles

SUBJECT: Commander's Determination, RE: Written Reconsideration Request

1. I have thoroughly reviewed the request for reconsideration you submitted.
2. I am disappointed you provided me 10MB of disorganized and redundant documentation. I consider your list of questions and list of demands inappropriate and unprofessional.
3. Your request for reconsideration is denied. I intend to continue with my original decision to discharge you from the Texas State Guard.
4. My primary reason in making this determination is you provided no evidence contrary to the substantiated allegation against you in the investigation.
 - a. The altered orders were ORDER 2021-242-290, ORDER 2021-235-330, and ORDER 2021-112-116. They were produced in APR, SEP, and AUG of 2021. You did not address these orders.
 - b. The personal email communication between you and CPL Hall is very suspicious and supports CPL Hall's version of events. You state this was to assist in supervising him on T4 missions. You provided no proof of that requirement from CW5 Perez. You did not explain why this necessitated sending him copies of your orders. You offered no explanation why you used personal email to conduct official TXSG business.
5. POC is the undersigned at 512-782-5720.

FITZGERALD.DA Digitally signed by
RREN.PHILLIPS.1 FITZGERALD.DARREN.PHILLI
010512383 PS.1010512383
DARREN P. FITZ GERALD Date: 2022.11.23 12:03:53
COL, TXSG -06'00'
Chief of Staff





From: Jimmerson, Jeannette M. SFC <Jeannette.Jimmerson@txsg.state.tx.us>
Sent: Sunday, August 28, 2022 19:06
To: Fitz Gerald, Darren COL <darren.fitzgerald@txsg.state.tx.us>
Subject: FYSA

Sir,

FYSA. I am not sure who is coming to work tomorrow. CPL Hall does not work for me, I did encourage him to call Chief Perez as we hung up. As I printed the documents to put them in date order, I realized how long this has gone on, it is pretty sad. He said more than I documented, I told him he would have to put a statement in writing and follow whatever directions Chief Perez gives him. I have told no one he called me - SFC Saxon popped by my office just as the conversation began, he may have heard CPL Hall was going to resign, but not the gravity of the situation.

On Sunday, 28AUG22, approximately 4pm, CPL Kelly Hall called me. He said Saturday, CPL Medeles became angry with him accusing him of sharing pictures of a recent trip she and MSG Casiano took to Disney World. She has since blocked him from her social media accounts. I have attached two of the pictures that are circulating, along with a few other documents. I believe he is not the only person who has the pictures. I also received the pictures a week ago. I gave them to LTC Sledge and suggested he ask for a copy of their plane tickets before this blows up, since I heard a lot of SMCs have the pictures and they were not on Pass. LTC Sledge walked by my office later in the day and gave me the "Thumbs Up" as if everything was OK. Sir, after speaking to CPL Hall, it would not appear as everything is "OK."

CPL Hall stated he was going to call his supervisor Chief Perez and resign from his FTE position. What he has done is wrong, so he wanted to confess everything. He said Chief Perez would most likely want him to meet with COL Finley also.

He thought I published orders for Training events and that is why he called me - he told me he always saw my name on the emails. I informed him I do not publish orders. I let him keep talking. He said since he was already going to lose his job he might as well tell everything. He further stated he knew it was wrong, but also felt pressured by both CPL Medeles and MSG Casiano, but since she was using the documents for her civilian job, in the beginning it didn't matter. But he sees it was wrong. He further stated she was so angry over the Disney pictures, he wonders what are they hiding. He also stated, MSG Casiano had said to him "I am higher rank than you, you're not going to do this, so your friend doesn't lose her job."

CPL Hall has received gifts from CPL Medeles for his services.

He began to send pictures and screen shots of the documents he has altered for CPL Medeles.

I have attached the documents and listed a few notes of comments he stated as he sent the documents...

Both service members went on a 4-day Pass beginning 18 AUG 22

1.) Picture with characters is dated 15 AUG 22



2.)Picture at Dinner Is dated 17 AUG 22

3.)Text message Picture – Beginning with "You're Welcome"

Although CPL Medeles began OLS Mission 11OCT21 – she needed orders for her civilian employment 8NOV-4DEC21, per the Text Message

CPL Hall said he would have to look deeper to find the orders he altered

The bottom statement shows CPL Hall was rewarded for his services

4.)List of Many Messages

CPL Hall was looking for R&R Support Orders he altered

The four (4) documented items above have all happened while on the OLS Mission

CPL Hall also sent the following documents showing where he altered previous published orders for CPL Medeles...

1.)R-Weekend 30 AUG 2021 Document

CPL Medeles' original orders were for 16-19SEP 2021, she was paid for 16-17 SEP 21

The orders attached have been altered to 16-21 SEP2021

2.)FY21 Leadership Conference

The event was held 26-29 AUG 21

The altered Orders for 31AUG-1SEP21 are Fake. CPL Hall stated the large arrow is because she wanted a different "date" and returned the document to him.

3.) Can you use this one?

CPL Medeles supported 1BDE AT at Camp Bowie. She was provided Orders 15-18APR21, she was paid for 2 days.

The altered Orders for 19 APR 21 are Fake. CPL Medeles was not on Orders for the TXSG, Monday, 19 APR 21

Exhibit #24

<p>CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p style="text-align: center;">EEOC 451-2023-03405</p> <p style="text-align: center;">FEPA</p>
<p>Texas Workforce Commission Civil Rights Division and EEOC</p> <p style="text-align: center;"><i>State or local Agency, if any</i></p>	

I Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.)	Home Phone	Year of Birth
Mrs. San Juanita Medeles	210-718-9992	

Street Address

██████████

██████████

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name	No. Employees, Members	Phone No.
TEXAS STATE GUARD	501+ Employees	

Street Address

2200 W 35TH ST BLDG 32

AUSTIN, TX 78703

Name	No. Employees, Members	Phone No.

Street Address City, State and ZIP Code

DISCRIMINATION BASED ON	DATE(S) DISCRIMINATION TOOK PLACE				
National Origin	<table style="width:100%;"> <tr> <td style="width:50%;">Earliest</td> <td style="width:50%;">Latest</td> </tr> <tr> <td style="text-align: center;">09/19/2022</td> <td style="text-align: center;">10/20/2022</td> </tr> </table>	Earliest	Latest	09/19/2022	10/20/2022
	Earliest	Latest			
09/19/2022	10/20/2022				

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On or around October 20, 2022, I was dishonorably discharged from the Texas State Guard. This was due to an investigation filed against me and after continued harassment by Sergeant First Class Jeannette Jimmerson. Jimmerson had harassed me for about six months prior to the investigation with three prior investigations prompted by her that were later dismissed. Such harassment included, but not limited to her questioning my whereabouts during an authorized four-day weekend pass, unauthorized absence from assigned duty locations, and other issues that are not related within her job purviews. I believe Jimmerson took me as a threat due to my supervisor informing her that I may be taking her job if she ever left.

I believe I have been discriminated against, harassed and discharged based on my national origin (Hispanic) and in violation of Title VII of the Civil Rights Act of 1964, as amended.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY - When necessary for State and Local Agency Requirements</p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Mrs. San Juanita Medeles</p> <p>07/10/2023</p> <p style="text-align: center;"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p style="text-align: center;"><i>(month, day, year)</i></p>



PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Michelle Elliott on behalf of Denver Burriss

Bar No. 24138940

michelle.elliott@oag.texas.gov

Envelope ID: 110465042

Filing Code Description: RESPONSE

Filing Description: DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Status as of 1/27/2026 9:47 AM CST

Associated Case Party: TEXAS AIR NATIONAL GUARD

Name	BarNumber	Email	TimestampSubmitted	Status
Michelle Norred		michelle.norred@oag.texas.gov	1/26/2026 1:11:13 PM	SENT
Denver Burriss		Denver.Burriss@oag.texas.gov	1/26/2026 1:11:13 PM	SENT
Ariana Ines		ariana.ines@oag.texas.gov	1/26/2026 1:11:13 PM	SENT

Associated Case Party: DARREN FITZGERALD

Name	BarNumber	Email	TimestampSubmitted	Status
DARREN FITZGERALD		darren.fitzgerald@txsg.state.tx.us	1/26/2026 1:11:13 PM	SENT
DARREN FITZGERALD		darren.p.fitzgerald.nfg@army.mil	1/26/2026 1:11:13 PM	SENT

Associated Case Party: TEXAS MILITARY DEPARTMENT

Name	BarNumber	Email	TimestampSubmitted	Status
Phillip Smith		phillip.smith@oag.texas.gov	1/26/2026 1:11:13 PM	SENT

Associated Case Party: JEANETTE JIMMERSON

Name	BarNumber	Email	TimestampSubmitted	Status
quennette rose		quennette.rose@oag.texas.gov	1/26/2026 1:11:13 PM	SENT
JEANETTE JIMMERSON		jjmo229@aol.com	1/26/2026 1:11:13 PM	SENT
denver burris		denver.burriss@oag.texas.gov	1/26/2026 1:11:13 PM	SENT

Associated Case Party: SAN JUANITA MEDELES

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Michelle Elliott on behalf of Denver Burriss

Bar No. 24138940

michelle.elliott@oag.texas.gov

Envelope ID: 110465042

Filing Code Description: RESPONSE

Filing Description: DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Status as of 1/27/2026 9:47 AM CST

Associated Case Party: SAN JUANITA MEDELES

Name	BarNumber	Email	TimestampSubmitted	Status
SAN JUANITA MEDELES		jennietrev@hotmail.com	1/26/2026 1:11:13 PM	SENT
Tara Enahoro		tara@tpcenahorolaw.com	1/26/2026 1:11:13 PM	SENT

Associated Case Party: JOE CAVE

Name	BarNumber	Email	TimestampSubmitted	Status
Joe Cave		joe.cave@txsg.state.tx.us	1/26/2026 1:11:13 PM	SENT

Associated Case Party: TEXAS MILITARY DEPARTMENT - TEXAS STATE GUARD

Name	BarNumber	Email	TimestampSubmitted	Status
Phillip Smith		phillip.smith@oag.texas.gov	1/26/2026 1:11:13 PM	SENT

NO.
D-1-GN-24-000896

SAN JUANITA MEDELES) **IN THE DISTRICT COURT**
Plaintiff

V.)

JEANETTE JIMMERSON OF) **OF TRAVIS COUNTY, TEXAS**
THE TEXAS MILITARY -TEXAS
STATE GUARD, DARREN
FITZGERALD OF THE TEXAS **459th JUDICIAL DISTRICT**
MILITARY -TEXAS STATE
GUARD, JOE CAVE OF THE
TEXAS MILITARY DEPARTMENT
-TEXAS STATE GUARD and
TEXAS MILITARY DEPARTMENT
-TEXAS STATE GUARD

Defendants

**PLAINTIFF’S REPLY IN SUPPORT OF SECOND AMENDED MOTION FOR
FINAL SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff files this Reply in Support of her Second Amended Motion for Final Summary Judgment and respectfully shows:

I. DEFENDANTS DO NOT DISPUTE THE DISPOSITIVE LEGAL PREREQUISITE

TXSG Regulation 600-10 establishes a condition precedent: an “Other Than Honorable” (“OTH”) discharge may issue only upon conviction by a general court-martial. Defendants do not dispute this requirement. They likewise do not dispute that Plaintiff was never convicted by a general court-martial. Defendants’ own April 10, 2025 memorandum acknowledges that OTH requires court-martial conviction and that Plaintiff was not convicted, yet Defendants relied on an RMS “closest approximation” administrative workaround.

When a regulation imposes a condition precedent, officials have no discretion to substitute another pathway. An act taken without satisfying that condition is void. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

II. DEFENDANTS' EVIDENCE CONFIRMS RATHER THAN DEFEATS THE AUTHORITY DEFECT

Defendants rely heavily on their investigation file, ROI, witness statements, and command review. That evidence establishes only that:

- a Commander Directed Investigation (CDI) occurred
- internal legal review occurred
- an administrative discharge pathway was used
- no court-martial proceeding occurred

Even if accepting Defendants' evidence as true, it proves only that an administrative mechanism was used. Plaintiff neither concedes Defendant's evidence to be true nor seeks to relitigate the investigation. It does not supply the judicial predicate required by regulation. Further, Plaintiff's OTH discharge was formally verified in a Texas State Guard discharge letter dated February 12, 2024, demonstrating continued institutional maintenance of the classification through administrative means long after separation. This confirms the ultra vires action is ongoing, not historical.

III. SECOND, INDEPENDENT ULTRA VIRES DEFECT: THE INVESTIGATION MECHANISM

Defendants' own documents show that the CDI findings were treated as the operative basis for discharge action. The Commander's Determination memo ties CDI conclusions directly to the personnel action taken. The allegations involved alteration of official orders and fraudulent documentation conduct governed by military justice. Yet Defendants used a CDI, an administrative fact-gathering tool, instead of the judicial military process assigned to such offenses.

Ultra vires action occurs when officials substitute an unauthorized procedure for the one the law assigns. Here, the CDI was not a preliminary review; it functioned as the adjudicative mechanism for conduct that produced a discharge classification restricted by regulation to court-martial adjudication.

Thus, two independent authority failures exist:

1. OTH discharge imposed without required court-martial
2. Administrative CDI used in place of judicial military process

Either defect independently warrants summary judgment.

IV. DEFENDANTS' RECORD CONCERNING CPT HALL REINFORCES THAT THE CDI FUNCTIONED AS ADJUDICATION

Defendants' own investigative record reflects that CPT Hall admitted altering the orders at issue. Yet CDI conclusions were nevertheless treated as dispositive for personnel action against Plaintiff. This underscores that the CDI was not merely preliminary fact-gathering but operated as the functional adjudication forum. The point is not who altered the orders. The point is that the CDI was used to resolve fault and impose consequences, despite lacking the judicial structure required by regulation for an OTH-level discharge.

Even where responsibility was contested within Defendants' own investigation, officials relied on CDI conclusions as the basis for punitive personnel action. That procedural substitution not the underlying conduct is the ultra vires defect.

V. RMS RECORDS SHOW ADMINISTRATIVE APPROXIMATION, NOT EXECUTION OF AUTHORITY

RMS screenshots show discharge status manipulation from OTH to "General," with "Administrative" unavailable and RE-4 unchanged. Defendants' own memorandum confirms this was an administrative workaround due to system limitations. Authority cannot be created through software limitations. These records demonstrate administrative approximation, not lawful classification authority.

VI. THE APPELLATE COURT HAS ALREADY FRAMED THIS AS AN ULTRA VIRES AUTHORITY CASE

The Fifteenth Court of Appeals affirmed denial of Defendants' plea to the jurisdiction and held that Plaintiff's ultra vires claims remain live. The court rejected arguments that post-litigation discharge reclassification rendered the case moot and confirmed that Plaintiff's requested declaratory and injunctive relief remains justiciable. Under the law-of-the-case doctrine, these legal determinations govern further proceedings. The appellate court has already recognized that this case concerns officials allegedly acting outside their lawful authority in the discharge process. Defendants cannot repackage those authority issues as factual disputes at the summary judgment stage.

VII. LAW-OF-THE-CASE CONFIRMS THIS IS AN AUTHORITY QUESTION

This Court has already found that Plaintiff received a discharge type requiring court-martial and that Defendants attempted to substitute an unrecognized classification. The case concerns legal authority, not credibility.

VIII. UDJA RELIEF REMAINS PROPER

The February 2024 discharge letter and RMS records confirm the unlawful classification continues to define Plaintiff's official status. Declaratory and injunctive relief remain necessary. Ultra vires doctrine removes immunity; the UDJA provides the mechanism for declaring the discharge void and ordering correction.

IX. THIS CASE PRESENTS A PURE LEGAL AUTHORITY QUESTION

Defendants attempt to create factual disputes about alleged misconduct. But evidence concerning underlying conduct cannot create legal authority where the governing regulation withholds it. Disputes over who did what are immaterial to the dispositive issue. Jurisdiction has been affirmed. Mootness has been rejected.

The appellate court has already confirmed that Plaintiff's ultra vires claims remain viable. What remains is a single legal question: Did Defendants possess authority to impose an "Other Than Honorable" discharge and RE-4 status without a general court-martial conviction? They identify no statute or regulation granting that power. Where authority is absent, motive, belief, and evidentiary weight are immaterial. An act taken without legal authority is void as a matter of law. *Heinrich, 284 S.W.3d at 372.*

X. CONCLUSION

No genuine issue of material fact exists. The defect is legal authority. Plaintiff respectfully requests that the Court GRANT Plaintiff's Second Amended Motion for Final Summary Judgment in its entirety and award all requested relief, including declaratory relief, injunctive relief, record correction, and attorney's fees under the UDJA.

A handwritten signature in black ink, appearing to read 'Tara P. Enahoro', with a large, stylized initial 'T' and 'E'.

TARA P. ENAHORO, ESQ.

TPC Enahoro Law Group, PLLC

1642 Crescent Drive, Tarrytown, NY 10591

(212) 470-4080 | tara@tpcenahorolaw.com

State Bar No. 24136188

Attorney for Plaintiff

Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 110580588

Filing Code Description: RESPONSE

Filing Description: PLAINTIFF'S REPLY IN SUPPORT OF SECOND AMENDED MOTION FOR FINAL SUMMARY JUDGMENT

Status as of 1/29/2026 9:36 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michelle Norred		michelle.norred@oag.texas.gov	1/28/2026 10:30:14 PM	SENT
Denver Burris		Denver.Burris@oag.texas.gov	1/28/2026 10:30:14 PM	SENT
DARREN FITZGERALD		darren.fitzgerald@txsg.state.tx.us	1/28/2026 10:30:14 PM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	1/28/2026 10:30:14 PM	SENT
quennette rose		quennette.rose@oag.texas.gov	1/28/2026 10:30:14 PM	SENT
JEANETTE JIMMERSON		jjmo229@aol.com	1/28/2026 10:30:14 PM	SENT
SAN JUANITA MEDELES		jennietrev@hotmail.com	1/28/2026 10:30:14 PM	SENT
DARREN FITZGERALD		darren.p.fitzgerald.nfg@army.mil	1/28/2026 10:30:14 PM	SENT
Tara Enahoro		tara@tpcenahorolaw.com	1/28/2026 10:30:14 PM	SENT
Ariana Ines		ariana.ines@oag.texas.gov	1/28/2026 10:30:14 PM	SENT
Joe Cave		joe.cave@txsg.state.tx.us	1/28/2026 10:30:14 PM	SENT
denver burris		denver.burris@oag.texas.gov	1/28/2026 10:30:14 PM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	1/28/2026 10:30:14 PM	SENT

NO.
D-1-GN-24-000896

SAN JUANITA MEDELES

)

IN THE DISTRICT COURT

Plaintiff

V.

)

**JEANETTE JIMMERSON OF
THE TEXAS MILITARY -TEXAS
STATE GUARD, DARREN
FITZGERALD OF THE TEXAS
MILITARY -TEXAS STATE
GUARD, JOE CAVE OF THE
TEXAS MILITARY DEPARTMENT
-TEXAS STATE GUARD and
TEXAS MILITARY DEPARTMENT
-TEXAS STATE GUARD**

)

OF TRAVIS COUNTY, TEXAS

459th JUDICIAL DISTRICT

Defendants

**PLAINTIFF'S SUPPLEMENTAL BRIEF IN SUPPORT OF PLAINTIFF'S SECOND
AMENDED MOTION FOR FINAL SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff files this Supplemental Brief in support of Plaintiff's Second Amended Motion for Final Summary Judgment and Plaintiff's Reply in Support, and respectfully shows:

I. PURPOSE OF THIS SUPPLEMENT

This filing supplements, not replaces, Plaintiff's existing MSJ and Reply. Those filings establish the core dispositive defect: TXSG Regulation 600-10 requires a general court-martial conviction as a condition precedent to an Other Than Honorable (OTH) discharge, and no court-martial occurred. This Supplement adds independent authority failures revealed directly in Defendants' own CDI and evidence. These grounds were not fully developed earlier because they arise from the CDI's internal structure, statutory framing, and admissions within Defendants' record. They do not raise new claims. They strengthen the existing ultra vires claim by showing the disciplinary pathway itself was unlawful from inception, before even reaching the discharge classification.

II. THIS CASE TURNS ON AUTHORITY, NOT ALLEGATIONS

Defendants attempt to shift the Court's focus to factual disputes about alleged misconduct. That is immaterial. Even if every allegation were assumed true, Defendants still lacked authority to:

- Initiate the CDI as they did
- Use the CDI as a criminal adjudication substitute
- Apply punitive military justice statutes administratively
- Impose or maintain an OTH discharge without court-martial

Authority cannot be created by investigative findings or credibility determinations.

III. INDEPENDENT DEFECT NO. 3 : THE CDI WAS INITIATED WITHOUT LAWFUL COMMAND AUTHORITY

The governing CDI authority clause provides: "TXSG commanders have the inherent authority to conduct a Commander Directed Investigation." Authority is therefore vested in commanders. It is not a general administrative power and is not extended to staff personnel by default. Defendants have pointed to language in the investigation materials referencing a "commander or higher authority." Plaintiff previously referenced that phrasing because it appears in Defendants' investigative paperwork.

However, that phrase does not appear in the CDI authority clause itself. The CDI standard vests authority in TXSG commanders and does not expand initiation authority to generalized "higher authority," staff officials, or administrative personnel. The broader wording originates from Defendants' internal documentation, not from the governing CDI rule. Defendants' own record shows the investigation originated from SFC Jeannette Jimmerson, identified as Deputy T-8. An SFC is an enlisted noncommissioned officer rank, not a command billet. Deputy T-8 is a staff function, not a line command role.

Nothing in Defendants' evidence identifies Jimmerson as Plaintiff's commander. The investigation includes statements from Jimmerson and CPL Hall confirming that Hall was not under Jimmerson's command. Plaintiff was assigned to Recruitment and Retention, a separate functional command structure. The matter was routed through COL Fitzgerald, Chief of Staff, an administrative staff role, not a commander. It was elevated to BG Joe Cave, associated with the 6th Brigade. However, brigade affiliation does not automatically create command jurisdiction over personnel outside that brigade's chain.

The CDI materials do not place Plaintiff within the 6th Brigade chain of command. Accordingly, even if command authority existed within the 6th Brigade, it would not

extend to Plaintiff's Recruitment and Retention assignment absent documented reassignment or delegation and Defendants have produced no such evidence. The only possible lawful basis for initiation outside Plaintiff's commander would be express delegated authority. No delegation document appears in the investigation record or in Defendants' litigation submissions.

The absence of delegation confirms that no lawful initiation authority existed. Because the CDI authority clause is command-based, because the phrase "higher authority" appears only in Defendants' investigative paperwork and not in the governing CDI rule, and because the individuals involved were staff personnel outside Plaintiff's command chain with no delegation shown, the CDI initiation was unsupported by lawful authority and therefore ultra vires.

IV. INDEPENDENT DEFECT NO. 2 — DEFENDANTS USED AN ADMINISTRATIVE FACT-FINDING TOOL AS A SUBSTITUTE FOR COURT-MARTIAL ADJUDICATION

This defect is separate from the command-authority defect. Even if authority to initiate a CDI had existed (it did not), the type of process used still could not lawfully produce the outcome Defendants imposed. The CDI Guide defines exactly what a CDI is and what it is not. The CDI Guide states: "The CDI is a tool to gather, analyze and record relevant information about matters of primary interest to those in command... CDIs are administrative investigations." The Guide further provides: "Commanders have an inherent authority to conduct a CDI to investigate matters under their command."

These two provisions define the legal nature of the process used here. A CDI is:

- A tool
- Used to gather information
- For command awareness
- And is explicitly labeled an administrative investigation

It is not described as a judicial proceeding, criminal forum, or adjudicative tribunal. Nothing in the CDI Guide authorizes a CDI to determine criminal guilt, impose punitive military-justice consequences, or serve as a substitute for court-martial proceedings. The Guide's definition is reinforced by the standard of proof: "The standard of proof for a CDI is a preponderance of the evidence."

That is the hallmark of administrative review — not military criminal adjudication. Court-martial proceedings involve formal charges, rights advisement, counsel, evidentiary rules, and judicial oversight. A CDI does none of these things because it is not designed to. The Guide also describes the CDI report as a document: "The CDI ROI

must be a stand-alone document...” A report is the product of fact-gathering. It is not a conviction, judgment, or sentence.

A. What Defendants Actually Did

Defendants did not use the CDI as an information tool. They used it as the operative adjudicative mechanism. The ROI:

- Framed allegations as violations of the Texas Code of Military Justice (TCMJ) and Texas Penal Code
- Made findings of substantiated misconduct
- Served as the foundation for Plaintiff’s separation classification
- Resulted in an Other Than Honorable discharge

That is not administrative information gathering. That is punitive outcome generation. The CDI Guide does not authorize that.

B. CDI Does Not Replace Military Judicial Process

The ROI itself acknowledges that the alleged offenses are punishable under the TCMJ. The Guide recognizes that such matters implicate military justice. Yet Defendants used the CDI as the final process, not a precursor to court-martial. This is the exact procedural substitution that renders the action ultra vires: Administrative investigation → used in place of → judicial military process. The law separates those functions for a reason. Administrative processes lack:

- Judicial authority
- Trial procedure
- Military judge
- Defense counsel rights
- Formal evidentiary standards
- Conviction requirements

Yet Defendants used the CDI as if it were a court.

C. Legal Consequence

Because the governing CDI Guide defines the CDI as an administrative investigative tool, Defendants had no legal authority to use that process to impose a punitive discharge classification tied to alleged TCMJ offenses. Even if every fact in the investigation were true, the forum used to act on those facts was legally incapable of producing the punishment imposed. This is an independent ultra vires defect: Defendants exercised adjudicative power the CDI framework does not grant. An

administrative fact-finding mechanism cannot be transformed into a court-martial substitute by internal decision. Authority must come from the regulation. It does not.

D. Why This Supports Summary Judgment

This issue does not depend on factual disputes. It depends only on:

1. The CDI Guide's definition of a CDI
2. The undisputed fact that no general court-martial occurred
3. The undisputed fact that a punitive discharge classification was imposed

Because the governing framework does not authorize a CDI to replace judicial military process, Defendants' action was ultra vires as a matter of law. No trial is needed to resolve this. The legal defect appears on the face of the governing rules.

V. INDEPENDENT DEFECT NO. 3: THE CHARGING SECTIONS THEMSELVES COULD NOT LEGALLY APPLY TO PLAINTIFF, AND THE ONLY REMAINING THEORY (PENAL CODE INCORPORATION) REQUIRED COURT-MARTIAL

This defect goes to the very legal basis for initiating the investigation at all. The ROI states that the investigation was conducted to determine whether members violated the following provisions of the Texas Code of Military Justice (TCMJ):

- §432.165 — Frauds Against the Government
- §432.151 — False Official Statements
- §432.166 — Conduct Unbecoming an Officer
- §432.137 — Failure to Obey Order or Regulation
- §432.125 — Penal Code Offenses Incorporated into TCMJ
- §432.126 — Conspiracy
- §432.167 — General Article

Each of these is a punitive military-justice offense, not an administrative standard. Each is written in terms of personal commission of an act.

A. The Definitions Themselves Show These Could Only Apply to the Person Who Performed the Act (CPL Hall)

The ROI repeatedly identifies the operative conduct as:

- Altering orders
- Forging or modifying documents
- Creating fraudulent records

The investigation states in its own findings that CPL Hall admitted altering orders. The physical act of document alteration is attributed to Hall. The TCMJ sections invoked require that the person charged be the one who committed the prohibited act:

§432.165 — Frauds Against the Government

Requires knowingly making a false or fraudulent claim against the government. The act of submitting or creating the false claim must be performed by the accused. The ROI attributes the document alteration and processing to Hall.

§432.151 — False Official Statements

Applies where a person knowingly signs or makes a false official statement. Again, the making/signing of the false document must be done by the accused. The ROI attributes document creation to Hall.

§432.166 — Conduct Unbecoming an Officer

Applies only to commissioned officers or officer candidates. The ROI itself states that the involved personnel were not commissioned officers.

§432.137 — Failure to Obey Order or Regulation

Applies to a person who violates a lawful general order or regulation. The ROI contains no finding that Plaintiff violated an order. The focus remains on document alteration.

Key Legal Point

The definitions of these sections do not allow derivative administrative liability for another person's act. They are personal culpability offenses. Thus, by the very language of the statutes Defendants chose to invoke, the only person who could directly commit the document-alteration act was the person who altered the documents; Hall. This means: The charging framework selected by Defendants did not legally fit Plaintiff from the outset. Initiating a military-justice investigation under sections whose elements cannot be met by the person investigated is an exercise of authority beyond what the statutes permit. That is ultra vires at the initiation stage.

B. When Those Sections Failed, Defendants Shifted to Penal Code Incorporation (§432.125)

After the other sections were not substantiated, the ROI pivots to Texas Penal Code offenses such as:

- Forgery
- Tampering with a Government Record

These are referenced under TCMJ §432.125, which provides that a person subject to the TCMJ who commits an offense under the Penal Code is considered to have violated the TCMJ. This is where Defendants attempted a “catch-all.” But this move creates a larger legal problem for them.

C. Penal Code Incorporation Is Expressly Criminal and Tied to Court-Martial Jurisdiction

The ROI itself acknowledges that these incorporated offenses are offenses punishable under the TCMJ. The General Article language cited in the ROI states that offenses: “shall be taken cognizance of by a general, special, or summary court-martial...” This language appears directly in the TCMJ framework referenced in the investigation. That is judicial forum language. Not administrative.

By invoking Penal Code offenses through §432.125, Defendants were no longer in an administrative misconduct framework, they were in criminal military-justice territory. The only lawful forum to adjudicate such offenses is a court-martial.

D. What Defendants Did Instead

Defendants:

- Did not convene a general court-martial
- Did not initiate judicial charges
- Did not provide trial rights
- Did not use a military judge

Instead, they used the CDI, which the CDI Guide defines as an administrative investigative tool and used its findings as the basis for a punitive discharge. This is procedural substitution at the highest level: Criminal military offenses → handled in an administrative report → used to impose a career-ending discharge. That authority does not exist in the CDI framework, the TCMJ, or TXSG regulations.

E. Why This Eliminates Any Fact Issue

This section does not require fact weighing.

The Court need only read:

1. The elements of the TCMJ sections cited in the ROI
2. The ROI's own attribution of document alteration to Hall

3. The Penal Code incorporation provision
4. The court-martial cognizance language

From those texts alone, it is clear:

- The initial charging theory did not legally match Plaintiff
- The fallback Penal Code theory required court-martial
- No court-martial occurred

Thus, the investigation's legal foundation and the discharge built on it exceed the authority granted by the governing statutes. That is ultra vires as a matter of law.

VI. THIS CASE PRESENTS A PURE QUESTION OF LEGAL AUTHORITY MAKING SUMMARY JUDGMENT MANDATORY

Defendants attempt to recast this case as a factual dispute about what occurred during the investigation. That framing is incorrect and legally immaterial. Plaintiff does not seek to relitigate witness credibility, factual narratives, or investigative conclusions. Plaintiff accepts the contents of the ROI and Defendants' own evidence as written. The legal question before this Court is not what happened, but whether Defendants had lawful authority to do what they did with those findings. Texas law is clear: when a government official acts without legal authority, the act is ultra vires and void regardless of the underlying facts.

A. Every Material Fact Is Taken from Defendants' Own Record

The following facts are undisputed because they come directly from Defendants' investigation and evidence:

- The CDI was used as the investigative and adjudicative mechanism
- No general court-martial was convened
- No judicial military trial occurred
- Plaintiff received an Other Than Honorable classification
- The ROI framed the conduct as TCMJ and Penal Code offenses
- The TCMJ provisions cited include court-martial cognizance language

None of these are contested. They appear in the ROI and Defendants' filings.

B. Authority Cannot Be Created by Fact Dispute

Even if Defendants argue:

- They believed the investigation was sufficient
- They believed Plaintiff was responsible
- They believed administrative discharge was appropriate

Those beliefs cannot create authority the law does not grant. The controlling question is statutory and regulatory: Did Defendants possess authority to impose a punitive discharge for offenses framed as criminal military-justice violations without a court-martial? The answer is determined by the text of:

- The CDI framework
- The TCMJ provisions cited in the ROI
- The Penal Code incorporation section

No factual dispute can change those legal texts.

C. This Is Exactly the Type of Case Summary Judgment Is Designed to Resolve

Rule 166a exists to resolve cases where:

- The operative facts are undisputed
- The issue is application of law to those facts

Here, the undisputed record shows:

1. An administrative investigative tool was used
2. Criminal military-justice provisions were invoked
3. Court-martial procedure was bypassed
4. A career-ending classification was imposed

Whether that sequence is lawful is a legal authority question, not a fact question.

D. Trial Would Serve No Judicial Purpose

A trial would involve:

- Re-examining investigation details
- Replaying testimony
- Re-arguing credibility

None of that changes the legal defect: The governing framework assigns criminal military offenses to court-martial adjudication, not CDI-based administrative punishment. Where authority is lacking, further factual development is irrelevant. Texas courts routinely grant summary judgment in ultra vires cases where the question is whether an

official had legal power to act because that determination is made from statutes, regulations, and undisputed records, not fact disputes.

E. Conclusion of This Section

There is no genuine issue of material fact. Because:

- The legal framework is fixed
- The record is undisputed
- The authority question is purely legal

The only remaining determination is whether Defendants acted outside the authority granted to them by the governing military-justice framework. As shown, they did. Summary judgment is not merely appropriate, it is required.

VII. BY BYPASSING COURT-MARTIAL, DEFENDANTS STRIPPED PLAINTIFF OF THE MILITARY STATUS AND PROCEDURAL PROTECTIONS SHE WAS ENTITLED TO DURING LAWFUL JUDICIAL PROCESS

Defendants did not simply choose an incorrect administrative pathway. They eliminated the entire military judicial framework that governs a service member's status and rights when allegations of criminal military offenses arise. The ROI recommended removing Plaintiff from orders and revoking RMS access. Those recommendations reflect the core defect: Defendants treated Plaintiff as if she had already been adjudicated guilty, rather than as a service member pending judicial determination. Under the military justice structure reflected in the TCMJ provisions cited throughout the investigation, punitive discharge is a sentence imposed through court-martial adjudication.

The statutory language repeatedly provides that such offenses are punishable "as a court-martial may direct." That structure presumes a sequence: charge → trial → conviction → sentence → discharge. Court-martial jurisdiction depends on the accused remaining in military status while charges are resolved. A service member may be reassigned, relieved of specific duties, or have responsibilities restricted, but is not summarily separated from military status before judicial process concludes. If a member were discharged before trial, the military would lose jurisdiction to try the offenses. Thus, when Defendants framed the conduct as violations of the TCMJ and incorporated Penal Code offenses into the military justice framework, the governing system required court-martial process not administrative separation.

Instead, Defendants:

1. Treated the CDI as the final adjudicative mechanism
2. Removed Plaintiff from orders

3. Revoked access
4. Imposed an Other Than Honorable classification

All before any court-martial was initiated. This reversed the required legal order. Punishment preceded adjudication, and discharge replaced judicial process. Because the court-martial structure preserves a service member's military status pending adjudication, Defendants' administrative removal of Plaintiff from orders and imposition of discharge classification deprived Plaintiff of the very status and procedural protections the governing framework guarantees before punishment may be imposed. This is not a factual dispute.

It flows from the statutory structure of military justice itself. By substituting administrative action for judicial adjudication, Defendants acted outside the authority granted by the governing framework. This case does not involve a service member seeking to overturn a court-martial conviction in civilian court. There was no court-martial. The judicial military process that the governing framework requires was never initiated.

That distinction is critical. If Plaintiff had been charged, tried, and convicted by a general court-martial, and were now challenging the result, the posture would be entirely different. Military judicial findings would exist. The discharge would be the product of a judicial sentence. That did not happen.

Instead, Defendants replaced the judicial process with an administrative investigation and imposed a discharge classification carrying severe legal and reputational consequences. Because the alleged misconduct was framed as violations of the TCMJ and incorporated Penal Code offenses, the governing system required court-martial adjudication before punitive discharge could be imposed. The protections associated with that process status preservation, trial rights, judicial findings were never provided. The consequences, however, were imposed as if conviction had already occurred.

An Other Than Honorable discharge is not a neutral administrative label. It carries substantial stigma and real-world consequences. Plaintiff lost her civilian employment as a result of that classification. Those consequences flowed from an administrative process that lacked authority to impose them. The issue before this Court is therefore not whether Plaintiff committed the alleged acts.

The issue is that the governing military framework assigns adjudication of such allegations to judicial process, and Defendants bypassed that process entirely. This case is about the absence of the required forum, not disagreement with the outcome of one.

VIII. CONCLUSION

The governing framework separates administrative investigations from military judicial processes. Defendants collapsed that distinction. Their own record shows that:

- the CDI was initiated outside lawful command authority,
- the CDI — defined by regulation as an administrative fact-finding tool — was used as a substitute for criminal adjudication,
- punitive TCMJ and Penal Code offenses requiring court-martial were processed administratively,
- no general court-martial was convened, and
- an Other Than Honorable discharge and RE-4 status were imposed as if judicial conviction had occurred.

These are structural authority failures established from Defendants' own evidence and the governing regulations. They do not depend on resolving factual disputes. Authority either existed or it did not. The controlling statutes, the CDI Guide, and the undisputed record show it did not. Because Defendants exercised power the governing framework does not grant, their actions were ultra vires and void as a matter of law. Plaintiff therefore respectfully requests that the Court grant Plaintiff's Second Amended Motion for Final Summary Judgment, as supplemented herein, and award the same declaratory, injunctive, corrective, and attorney's fee relief previously requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tara P. Enahoro', with a large, stylized initial 'T' and 'E'.

TARA P. ENAHORO, ESQ.

TPC Enahoro Law Group, PLLC

1642 Crescent Drive, Tarrytown, NY 10591

(212) 470-4080 | tara@tpcenahorolaw.com

State Bar No. 24136188

Attorney for Plaintiff

Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Tara Enahoro on behalf of TARA ENAHORO

Bar No. 24136188

tara@tpcenahorolaw.com

Envelope ID: 111110183

Filing Code Description: No Fee Documents

Filing Description: PLAINTIFF'S SUPPLEMENTAL BRIEF IN SUPPORT OF PLAINTIFF'S SECOND AMENDED MOTION FOR FINAL SUMMARY JUDGMENT

Status as of 2/17/2026 2:37 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michelle Norred		michelle.norred@oag.texas.gov	2/11/2026 8:39:03 AM	SENT
Denver Burris		Denver.Burris@oag.texas.gov	2/11/2026 8:39:03 AM	SENT
DARREN FITZGERALD		darren.fitzgerald@txsg.state.tx.us	2/11/2026 8:39:03 AM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	2/11/2026 8:39:03 AM	SENT
quennette rose		quennette.rose@oag.texas.gov	2/11/2026 8:39:03 AM	SENT
JEANETTE JIMMERSON		jjmo229@aol.com	2/11/2026 8:39:03 AM	SENT
SAN JUANITA MEDELES		jennietrev@hotmail.com	2/11/2026 8:39:03 AM	SENT
DARREN FITZGERALD		darren.p.fitzgerald.nfg@army.mil	2/11/2026 8:39:03 AM	SENT
Tara Enahoro		tara@tpcenahorolaw.com	2/11/2026 8:39:03 AM	SENT
Ariana Ines		ariana.ines@oag.texas.gov	2/11/2026 8:39:03 AM	SENT
Joe Cave		joe.cave@txsg.state.tx.us	2/11/2026 8:39:03 AM	SENT
denver burris		denver.burris@oag.texas.gov	2/11/2026 8:39:03 AM	SENT
Phillip Smith		phillip.smith@oag.texas.gov	2/11/2026 8:39:03 AM	SENT