

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

**RYAN KARNOSKY *et al.*,**

**Plaintiffs,**

**v.**

**DONALD J. TRUMP *et al.*,**

**Defendants.**

**Civil Action No. 2:17-cv-1297**

**DECLARATION OF SUSAN BREYERJOYNER**  
(Relating to Petty Officer Second Class Megan Winters)

I, CAPTAIN SUSAN BRYERJOYNER, UNITED STATES NAVY, do hereby state and declare as follows:

1. I am a Captain serving on active-duty in the United States Navy and currently assigned as the Commanding Officer at the Hopper Information Services Center (HISC), at the Office of Naval Intelligence (ONI) at Suitland, Maryland. I have served on active duty for 26 years, most recently at US Cyber Command from 2013-2015. I make this declaration based on my personal knowledge and on information provided to me in the course of my official duties. I submit this declaration in support of the defendants' motion to dismiss the above-captioned action and in opposition to the plaintiffs' motion for a preliminary injunction. In particular, I address below the current status of plaintiff Petty Officer Second Class (PO2) Megan Winters.
2. In my role as Commanding Officer, I am responsible for leading more than 800 military, government civilian, and contractor personnel at 34 sites around the globe in the successful delivery of timely and relevant tactical, operational and strategic level Sensitive Compartmented Information (SCI) information technology and telecommunications services

and solutions to ashore and afloat units supporting sustained global maritime and joint intelligence operations.

3. Based on my current position and past experience, I am familiar with the Department of the Navy's policies and regulations regarding accession and retention requirements, including those found in Department of Defense Instruction (DoDI) 6130.03, and the Chief of Naval Operations Instruction (OPNAVINST) 3110.1J; policies and regulations relating to administrative separations, including those found in DoDI 1332.14, Bureau of Naval Personnel Instruction (BUPERSINST) 1001.39F, and the Military Personnel Manual (MILPERSMAN) 1910 (series); as well as policies and regulations relating to service by transgender individuals, including DoDI 1300.28; ALNAV 053/16; and the Secretary of Defense's Interim Guidance issued on September 14, 2017.
4. PO2 Megan Winters is currently serving as my Local Area Network Work Center Supervisor. In this position, PO2 Winters manages four Sailors in the operations and maintenance of the National Maritime Intelligence Center's unclassified and classified network infrastructures. PO2 Winters' official files are kept by the United States Navy (USN) and in the Defense Enrollment Eligibility Reporting System (DEERS).
5. On October 14, 2016, PO2 Winters submitted her letter of intent to transition from male to female to the Commanding Officer of HISC. Her formal proposed treatment plan was dated December 2, 2016, and was endorsed by her primary medical provider on December 5, 2016. I approved her proposed plan on December 7, 2016. Her treatment plan included [REDACTED] Real-Life Experience (living socially as a woman while in an off-duty status), and hormonal therapy. The treatment plan projected that PO2 Winters was expected to be stable and completely transitioned in approximately one year. Following the submission of

all of her paperwork to the DEERS office her gender marker was changed in the Navy Standard Integrated Personnel System (NSIPS) and DEERS to reflect that she was a woman on June 12, 2017.

6. The Interim Guidance prohibits the involuntary separation or discharge of a sailor due to his or her transgender status or diagnosis of gender dysphoria. My unit is in compliance with this policy, and no sailor, to include PO2 Winters, is currently pending separation or discharge due to his or her transgender status or gender dysphoria diagnosis. Nor will any sailor in my unit face such a separation on that basis, absent a change in the existing policy. Further, no sailor in my unit whose term of service expires while the Interim Guidance is in effect will be denied re-enlistment due to his or her transgender status. Accordingly, PO2 Winters will not be discharged due to her transgender status while the Interim Guidance is in effect. Any prior notification of a pending separation or discharge PO2 Winters may have received was issued in error and in any event has been overcome by the issuance of the Interim Guidance by the Secretary of Defense.
7. In her declaration, PO2 Winters refers to a Defense Health Agency waiver that is being processed by TRICARE Portsmouth. The medical transition plan that PO2 Winters coordinated through and was signed by her HISC Chain of Command on December 7, 2016 does not indicate surgical treatments for her gender dysphoria. However, during a meeting with me earlier this year, she did mention she was considering surgery but specifically stated she did not require anything from the Command. Because her current medical transition plan does not indicate any surgery, the waiver may be for an elective procedure. If that is the case, PO2 Winters will be subject to the same approval process and wait times as any other sailor.

PO2 Winters has not sought any assistance from the command with respect to a Defense Health Agency waiver.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the forgoing is true and correct.

Executed this 16th day of October 2017, Suitland, Maryland.

A handwritten signature in black ink, appearing to read 'SB Joyner', with a horizontal line extending to the right from the end of the signature.

SUSAN BRYERJOYNER  
Captain, U.S. Navy

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2017, I electronically filed the foregoing declaration using the Court’s CM/ECF system, causing a notice of filing to be served upon all counsel of record.

Dated: October 16, 2017

*/s/ Ryan Parker*  
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Counsel for Defendants