

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

**BROCK STONE *et al.*,**

**Plaintiffs,**

**v.**

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

**Defendants.**

**Civil Action No. 1:17-cv-02459**

**DECLARATION OF CAPTAIN JOEY J. JOHNSON**  
(Relating to Petty Officer First Class Brock Stone)

I, JOEY J. JOHNSON, 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 Commander, Cryptologic Warfare Group SIX at Fort Meade, Maryland. I have served on active duty for 25 years and 4 months, most recently Deputy Chief, Office of East Asia and Pacific at the National Security Agency in Fort Meade, Maryland. 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 Brock Stone.
2. 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 14 September 2017.

3. Brock Stone is currently serving as a Cryptologic Technician (Interpretive) First Class Petty Officer. PO1 Stone's official Navy personnel files and the Defense Enrollment Eligibility Reporting System (DEERS) currently identify PO1 Stone as a female named [REDACTED]
4. In my role as Commander, I am responsible for enforcing all Department of Defense and Department of the Navy policies with regard to transgender status and transition. The Secretary's 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 PO1 Stone, 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, absent a change in the existing policy.
5. PO1 Stone's declaration states that PO1 Stone disclosed self-declared transgender status to military personnel in connection with, and in reliance upon, DoD's June 2016 Open Service Directive. In June 2016, PO1 Stone was attached to another command. PO1 Stone transferred to my command on July 11, 2017.
6. On about August 23, 2017, PO1 Stone informally notified me via my Judge Advocate of self-identified status as a transgender individual. Since transferring to my command, PO1 Stone has not submitted a transition plan pursuant to DoDI 1300.28. Consequently, I am unaware of any medical diagnosis of, or ongoing medical treatment for, gender dysphoria. If

PO1 Stone were to submit a transition plan for approval, I would apply the policy set forth in DoI 1300.28 in evaluating PO1 Stone's request.

7. In PO1 Stone's declaration, PO1 Stone expresses fear of an inability to promote to the next higher rank due to PO1 Stone's status as a self-identified transgender individual. Selection to the rank of Chief Petty Officer is highly competitive. A Chief Petty Officer selection board will review many aspects of a Sailors' record, to include length of service, evaluations, physical fitness, and awards. Per paragraphs 1204-1206 of the Bureau of Naval Personnel Instruction (BUPERSINST) 1430.16F, selection boards limit their review to information contained in a candidate's Official Military Personnel File, portions of official Performance Summary Records, and items submitted by each candidate. A Sailor's transgender status is not considered in the promotion process. The selection rate for Chief Petty Officer in PO1 Stone's rating category is currently less than 10 percent (11 out of 116 were selected in the last competitive cycle). PO1 Stone is currently board eligible to compete for promotion to Chief Petty Officer, but has not been selected for advancement.

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

Executed this 12th day of October 2017, Fort Meade, Maryland.



JOEY J. JOHNSON  
Captain, U.S. Navy