

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BROCK STONE, et al.,)	
)	
Plaintiffs,)	
v.)	Civil Action No. 1:17-CV-02549
)	
DONALD TRUMP, et al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF MAJOR KATHLEEN P. SILENO
(Pertaining to Plaintiff Tommie Parker)

I, Kathleen P. Sileno, hereby declare as follows:

1. I am a Major in the U.S. Air Force currently assigned as the Force Support Squadron Commander and Director of Personnel 105th Airlift Wing, New York Air National Guard (NYANG) stationed at Stewart Air National Guard Base, Newburgh, New York. I have served in the U.S. Air Force for 22 years, and I have been assigned in this position for 2 years and 3 months. I am responsible to the 105th Airlift Wing Commander and The Adjutant General (TAG), NYANG, for all personnel-related activities within the 105th Airlift Wing, to include Human Resources, Training, Personnel, Strength Management, Assignments, Awards, Evaluations, Retirements and a list of other personnel policies. Due to my official duties, I have authorized access to Airmen’s official personnel records that are stored within official Air Force databases. As an officer in my unit, I am also aware of my command’s compliance with policies prescribed in the Secretary of Defense’s Interim Guidance issued on September 14, 2017.

2. 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 Technical Sergeant

(TSgt) [REDACTED] who is currently serving in the 105th Airlift Wing, New York Air National Guard. TSgt Parker currently works as an Active-Guard-Reserve (AGR) Fuels Craftsman. Based upon TSgt Parker's official personnel records as of 30 September 2017, TSgt Parker is 54 years of age, an E-6 with 16 years, 11 months, and 16 days of Total Active Federal Military Service, and has 29 satisfactory uniformed service years, with a current term of enlistment set to expire on 29 January 2018. A re-enlistment package for TSgt Parker has not yet been submitted.

3. The Secretary's Interim Guidance prohibits the involuntary separation or discharge of an airman due to his or her transgender status or diagnosis of gender dysphoria. My unit is in compliance with this policy, and no airman, to include TSgt Parker, is currently pending separation or discharge due to his or her transgender status or gender dysphoria diagnosis. Nor will any airman in my unit face such a separation, absent a change in the existing policy. Further, no airman 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, although TSgt Parker has not yet submitted a re-enlistment package, because TSgt Parker's term of enlistment expires while the Interim Guidance is in effect TSgt Parker's re-enlistment will not be denied due to TSgt Parker's transgender status.

4. Further, because TSgt Parker has already completed 29 qualifying uniformed service years TSgt Parker is currently eligible for a Reserve Military retirement. TSgt Parker would not be eligible for an Active Federal Military retirement until TSgt Parker completes approximately 3 years and 14 days of continue active duty service.

5. TSgt Parker disclosed an intention to transition to a female to a supervisor, Senior Master

Sergeant (SMSgt) Paul Olson, during the week of 20 February 2017. TSgt Parker's Commander, Major Nicolas Caputo, was formally notified on 28 February 2017. According to TSgt Parker's Medical Treatment Plan, TSgt Parker began hormone treatment in December 2016 at a non-Department of Defense facility prior to seeking a military medical diagnosis. To the best of my knowledge, a gender transition plan for TSgt Parker has not yet been approved by a Medical Multidisciplinary Team (MMDT) or TSgt Parker's commander. As a result, TSgt Parker's hormone therapy to date has been an out of pocket expense.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of October 2017.

X 
KATHLEEN P. SILENO, MAJOR, NYANG
FSS COMMANDER