

The Honorable Marsha J. Pechman

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 2:17-cv-01297-MJP

**DECLARATION OF MEGAN
WINTERS IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
SUMMARY JUDGMENT**

I, Megan Winters, declare as follows:

- 1. My name is Megan Winters. I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.
- 2. I am a 29-year-old woman, and I live in Alexandria, Virginia.
- 3. I am a Petty Officer Second Class in the U.S. Navy and am currently stationed at Hopper Information Service Center, in the Office of Naval Intelligence, out of Washington, D.C.
- 4. I am a member of the American Military Partner Association (“AMPA”), the nation’s largest organization of lesbian, gay, bisexual, and transgender (“LGBT”) military families and their allies.
- 5. I have served in the U.S. Navy for approximately five and a half years.
- 6. I have always been dedicated to the mission of the United States Navy—to

1 maintain, train and equip combat-ready Naval forces capable of winning wars, deterring
2 aggression, and maintaining freedom of the seas. During my 5 and a half years of naval service, I
3 have delivered responsive, reliable, and adaptable intelligence mission systems, applications, and
4 services in support of sustained global maritime and joint intelligence operations.

5 7. I have served one main role within the Navy: Information Systems Technician. I
6 have spent the majority of my career receiving specialized training and provided mission-related
7 information technology and services to the Office of Naval Intelligence, its subordinate
8 commands, the Fleet, and Joint Forces commands. I have performed these duties with honor and
9 precision in support of the Global War on Terrorism.

10 8. I joined the Navy to serve my country and for the security and stability that a
11 military career provides.

12 9. I am transgender. I was assigned the sex of male at birth. However, I have known
13 for many years, since approximately 2001, that I am female.

14 10. After struggling for many years to receive family acceptance, I began to come to
15 terms with accepting and living openly in my gender identity, approximately two years ago. I
16 thereafter started to see a mental health professional who diagnosed me with gender dysphoria.

17 11. On June 30, 2016, I was working in a server room of a sensitive compartmented
18 information facility and had no access to news or media. I was therefore initially unaware that
19 the ban on open transgender military service had been lifted. Another service member notified
20 me of the change in policy. After leaving work, I verified the news through social media postings
21 and was absolutely ecstatic.

22 12. I had informed my family that I was transgender immediately prior to the
23 announcement that the transgender ban was lifted, while I was on leave. I realized then that I
24 needed to finally live my true, authentic life, and hoped to do so while continuing my service to
25 my country in the Navy. I began living openly as a woman in July 2016.

26 13. I began scheduling the necessary medical appointments and phone interviews to
27 acquire the required transition-related paperwork to submit to my Commanding Officer.

28 14. I am taking medical steps to bring my body into conformity with my female

1 gender identity. In consultation with my physician, I began hormone therapy in July 2016.

2 15. I have also taken legal steps to transition. I have legally changed my first and
3 middle names to Megan Dawn. I have also changed my name on my driver’s license and social
4 security card and records.

5 16. I have worked with my chain of command throughout my transition.

6 17. Since coming out, others have mostly addressed me by female pronouns, which
7 match my gender identity. In general, my peers know and treat me as the woman that I am,
8 though some officers have called me “sir,” despite the request to use female pronouns, and
9 despite the custom that “sir’ is not used with enlisted service members.

10 18. The fact that I am transgender has not prevented me from doing my job in the
11 military. I perform a valuable service for the Navy that strengthens military readiness—
12 providing information technology and services that, in turn, allows other service members to do
13 their jobs. Conversely, my exclusion from the military on the basis of my transgender status
14 would weaken military readiness.

15 19. On July 26, 2017, President Trump posted three tweets that said that transgender
16 people would not be able to serve in the military “in any capacity.”

17 20. When I first saw the President’s tweets, I was temporarily assigned to another
18 command with other service members from my office, for additional training in the information
19 systems technology field. I began receiving scores of messages on my phone from individuals
20 that were worried about my safety and the safety of other transgender service members.

21 Bewildered, I excused myself from the class to verify the distressing news.

22 21. I was overcome with anxiety and emotionally concerned about myself and my
23 fellow transgender members of the military. I felt helpless and hopeless. I began reaching out to
24 my medical providers, my chain of command, and other service members whom I know to be
25 transgender to give and receive words of encouragement. Grappling with fear, anger, and
26 insecurity, I realized the necessity of continuing to support my command’s mission. I returned to
27 work for the rest of the day.

28 22. I have been dismayed and enraged to watch people claiming to be experts

1 publicly question my capacity—and that of an entire group of people like me—to serve in the
2 military, all based on a characteristic that has no relation to ability. At the most basic level, I
3 have abided by every instruction placed in front of me and my work product, military demeanor,
4 and physical readiness have been of the utmost quality, regardless of my gender identity. Having
5 served in silence for so long, at a great personal cost, it adds insult to injury that my gender
6 identity prevents these uninformed persons from acknowledging that not only do I help
7 accomplish the military’s mission, but I do it well.

8 23. Unfortunately, within a month after the President’s tweets, I received a
9 notification from Naval headquarters at Millington that administrative separation proceedings
10 were being initiated against me, with a cited reason relating directly to the fact that I am
11 transgender.

12 24. Specifically, Naval command notified me that a basis for the separation
13 proceedings was Military Personnel Manual (MILPERSMAN) 1910-120 “Separation By Reason
14 of Convenience of the Government – Physical or Mental Conditions.” Of the list of conditions in
15 that policy, the only one that applies to me is “(13) Sexual gender and identity disorders
16 paraphilias.” This is a reference to my gender dysphoria diagnosis.

17 25. I understand that the military now contends the notification of a pending
18 separation or discharge was issued in “error,” but it was terrifying to be put in that position.

19 26. Beginning in July 2016, I followed every order regarding my treatment plan as
20 indicated by Navy medical officers. This treatment plan did not impact my duty status or my
21 operational readiness.

22 27. I continually provided my chain of command with military medical paperwork
23 which affirmed that my fitness for duty was not affected. To the contrary, my command
24 validated my status as “fit for full duty” and worldwide deployable in May 2017 and again on
25 September 6, 2017.

26 28. Following the lifting of the ban on open service by transgender military personnel
27 in June of 2016, Navy medical officers created an individualized treatment plan for my gender
28 transition, which I have followed with their continued supervision and guidance.

1 29. My Medical Treatment Plan for Gender Transition was signed and approved on
2 December 7, 2016, by my then Commanding Officer, Captain Susan Bryerjoyner.

3 30. The transition plan states that “P02 Winters has received the diagnosis of Gender
4 Dysphoria from a military Behavioral Health provider and a determination that gender transition
5 is medically necessary on 10 June 2016.” It also states that “[t]his medical treatment plan is
6 unlikely to impact the readiness and deployability of the Service member.”

7 31. The first step of my treatment plan included the initiation of hormone replacement
8 therapy, pursuing a legal name change, and updating my gender marker in the Defense
9 Enrollment Eligibility Reporting System (“DEERS”).

10 32. As I discussed with Captain Bryerjoyner in 2017, the second step of my treatment
11 includes medically necessary surgical treatment. I do not anticipate that this treatment will take
12 place by March 23, 2018. Because TRICARE does not outright cover these procedures, I am
13 required to submit and have granted a Defense Health Agency (“DHA”) waiver in order for
14 TRICARE to consider payment.

15 33. I submitted a DHA waiver to the TRICARE office at Portsmouth for transition-
16 related surgical care as part of my Navy medical approved treatment plan on August 24, 2017.

17 34. On the following day, August 25, 2017, the White House released its memo
18 directing the Department of Defense to halt all planned surgical treatment for transgender service
19 members. Since August 25, 2017, I have been attempting to make contact with TRICARE
20 personnel at Portsmouth to determine if my paperwork is still in process or has been rejected. As
21 of this date, the decision to grant or deny my medical waiver is still pending.

22 35. Serving in the United States Navy truly means everything to me. Growing up as
23 the child of a veteran, the military’s core values and creeds have been ingrained into every aspect
24 of my life from a young age. Nothing makes me prouder than being able to hold my head high as
25 I wear the cloth of this country.

26 36. I live and breathe military service, and have never seen a future for myself
27 without a long and decorated military career. For me, news of the ban felt like the ripping apart
28 of a core aspect of my identity, something as important and sacred as my gender identity. The

1 deep shame that comes from rejection has caused me immeasurable emotional pain, the scars of
2 which I will carry with me forever.

3 37. Despite the preliminary injunction, I am living in fear and anxiety that my career
4 may still be in jeopardy because the injunction is not permanent. I understand that it remains
5 possible that the military could, in the future, implement a ban on open transgender service,
6 depending on how the litigation is ultimately resolved.

7 38. If the ban on open service for transgender military personnel were implemented, it
8 would deprive me of highly specialized educational opportunities that I cannot attain elsewhere. I
9 am honored to serve in the Navy intelligence community, and have received an incredible and
10 costly education in order to do so, but my education must continue in order for me to remain
11 competitive in my field. The Navy provides specialized opportunities that I cannot attain
12 elsewhere.

13 39. The implementation of the ban on open service for transgender military personnel
14 would rob me of the hard-earned respect I have cultivated with my fellow service members and
15 chain of command. The loss of such respect would not only impact my self-confidence but also
16 my future employability in the private sector, should I in fact be discharged from the military.

17 40. I have demonstrated professionalism and commitment to serving appropriately in
18 the military by following orders regarding open transgender service. I waited to come out and to
19 pursue the medical treatment I needed until the military deemed it appropriate. I have followed
20 guidance and orders to the letter and am proud to be a disciplined service member in every
21 aspect of my life. I believe these qualities make me a strong asset to the military each day of my
22 service.

23 41. I disclosed my transgender status and expressed my gender identity openly in
24 reliance upon the open service ban being lifted in the summer of June 2016 and now, despite the
25 preliminary injunction, I cannot shake the feelings of fear, anxiety and betrayal that follow me
26 from day to day.

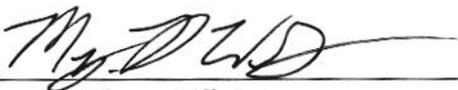
27 42. I want to continue to live authentically as a transgender military professional but I
28 remain afraid to speak openly because I may be punished for doing so if the ban is not

1 permanently enjoined.

2 43. All that I want is to live openly as the woman I am and to serve my country with
3 respect and dignity.

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5 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
6 United States of America that the foregoing is true and correct.

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8 DATED: January 25, 2018


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Megan Winters

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on January 25, 2018.



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