

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

RYAN KARNOSKI, et al.,)	
)	
Plaintiffs,)	
v.)	Civil Action No. 2:17-cv-01297 (MJP)
)	
DONALD TRUMP, et al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF CW4 MARIA MARTINEZ
(Pertaining to Plaintiff Cathrine Schmid)

I, Maria D. Martinez, hereby declare as follows:

1. I am a Chief Warrant Officer Four (CW4) in the U.S. Army currently serving as the Officer-in-Charge (OIC) for Special Programs and Boards, U.S. Army Recruiting Command (USAREC), at Fort Knox, Kentucky. I have been in the Army for over 22 years, and I have been in this position since January 2016. As the OIC of the Special Programs and Boards section, I am responsible for overseeing the application and selection board process for warrant officer selections for 41 out of 44 Military Occupation Specialties (MOSs).

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 defendants' motion for partial summary judgment and opposition to plaintiffs' motion for summary judgment. I am aware of allegations made by Staff Sergeant (SSG) Cathrine Schmid, a plaintiff in the present litigation, in her declaration in support of plaintiffs' motion for summary judgment, and I address her current status below.

3. In June 2017, SSG Schmid, a Soldier in one of the 41 MOSs that I oversee, applied to become a warrant officer through USAREC's in-service Warrant Officer Accession Selection Board. Along with her application, she submitted a request for an Active Federal Service (AFS)

waiver because she exceeded the maximum years of service allowed by Army regulation to become a warrant officer. In accordance with the Secretary of Defense's memo issued on June 30, 2017 deferring the start of accessions for six months, her application and request for an AFS waiver were placed on hold due to her medical disqualification for accession until further guidance was issued. SSG Schmid was advised of the opportunity and procedures necessary to submit a medical waiver in accordance with DODI 6130.03, but never elected to do so.

4. On December 8, 2017, the Deputy Secretary of Defense issued new accessions guidance indicating that SSG Schmid was no longer medically disqualified for accession as of January 1, 2018. In response, my office resumed processing SSG Schmid's packet on January 2, 2018. Her AFS waiver was approved by Headquarters, Department of the Army (HQDA), and her packet was submitted to the next available warrant officer selection board that met from February 5th–8th. The selection board did not select SSG Schmid for warrant officer candidate school (WOCS). Unless SSG Schmid removes her packet from consideration, her packet will be automatically reconsidered by the next selection board composed of new voting members, which is currently scheduled for March 2018.

5. Warrant officer selection boards are highly competitive, and their procedures are prescribed by Department of the Army Pamphlet 601-6, Warrant Officer Procurement Program. The board reviews many aspects of a Soldier's personnel record, to include performance evaluations, letters of recommendation, any applicable college or professional certificates, and the Soldier's service history. The board members then vote files based on a "whole person" concept that includes criteria such as integrity and character, dedication, intelligence and creativity, education, and physical conditioning and weight control. A Soldier's transgender

status is not considered in the selection process. Further, the board members are reminded of the Army's equal opportunity and anti-discrimination policies prior to voting.

6. Similarly, a Soldier's AFS waiver status is not considered in the selection process. An applicant's waiver status is not noted in his or her packet, and the board members are specifically instructed that all of the applicants' eligibility requirements have been screened and that any applicable waivers are approved by HQDA prior to the selection board.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 26 day of February 2018.



Maria D. Martinez
Chief Warrant Officer Four, U.S. Army
Fort Knox, Kentucky