

The following is a sample cover letter for the GI's paperwork requesting a discharge:

Re: Hardship/Dependency Request of [Rank] [NAME], SSN [#]

Please deliver the following page(s) to: Lt. Col. [NAME]

Fax Number:

Telephone Number:

Total number of pages, including this one: 4

To: Lt. Col. [NAME]

From: Civilian Counsel for Amn [NAME]

Re: Response to Lt. Col. [NAME]'s recommendation of denial of request for discharge submitted by Amn [NAME].

1. I have just received a copy of AF Form 31, submitted by Lt. Col. [NAME], recommending that the separation authority deny the request for discharge submitted by my client, Amn [NAME]. I would like to respond to his reasons for recommending denial of the discharge.

2. It is evident from Lt. Col. [NAME]'s recommendation that he is not familiar with either the letter or the spirit of AFI 36-3208. His initial comment is that Amn [NAME] has "not proven financial hardship which is the major tenet of her early separation request." This is a misstatement of the Instruction, and a misreading of her application. The request indicates that the psychological and emotional dependency of her family are the primary bases for the separation request, and the financial hardship is merely one factor which impacts upon the problems asserted.

3. In my letter to the Command of [DATE], at pages 3-4, I discussed each of the prerequisites for separation set forth in AFI 36-3208. Financial hardship, while one factor, is a less important consideration given the facts of Amn [NAME]'s situation than the other ones set forth in the AFI and in the documentation submitted for consideration.

4. Furthermore, the reasons set forth by Lt. Col. [NAME] on the addendum page submitted with the Form 31 are so patently unworkable as to give rise to a suspicion of ulterior motive or bias on the commander's part:

a. While Amn [NAME]'s uncle was indeed responsible for the initial immigration of [NAME] and her family, he already complied with his obligations under the law to insure their support for a period of 3 years from the date of their arrival in this country (from 1990 and 1993), and he has continued to assist when and how he can. He has no legal obligation whatsoever to the family, and is not in a position to assist them at this point. Lt. Col. [NAME]'s suggestion that the uncle is "available to help the family" is totally unfounded and speculative. Were he available to provide the guidance and support of her brother or mother, he would be doing so. You will note from the letter of the Rabbi and others, that no such support is forthcoming.

b. The suggestion that her mother and brother could leave their home and religious community in New York to move in with Amn [NAME], "possibly" as military dependents in base housing is ludicrous. Is Lt.

Col. [NAME] about to finance such a move? Is he to ensure that Amn [NAME] remain where she is stationed so that the rest of the family need not relocate every time she is transferred? Is he to provide the kind of religious and community support that this Russian Jewish immigrant family needs? And finally, is he to find suitable employment for the mother and schooling for the brother, adequate to meet the family's needs? This is an appallingly insensitive and crude suggestion for a family struggling to survive in a new country and environment.

c. While it is true that Amn [NAME]'s brother will soon "reach the age of majority," the fact remains that he is having great difficulty completing his high school requirements. He is perilously close to having problems that will preclude his graduation and any successful future, if he is not provided the sort of direction and moral support that only his sister can provide. Does Lt. Col. [NAME] really believe that he is in a better position to evaluate that concern than the brother's Rabbi, his mother, and the members of his academic community that are concerned about his behavior and future?

d. Moving to a "base closer to her family" is no adequate substitute for living with the family and providing the sort of moral and financial assistance that sharing a life together can provide. Without money for an automobile (perhaps Lt. Col. [NAME] intends to provide transportation costs for Amn [NAME] so that she can visit the family regularly at a "closer base") or daily contact with her mother and brother, Amn [NAME] cannot possibly provide the sort of support envisioned by the Instruction.

e. The job offer that Amn [NAME] has will provide her with \$5000 more than she is making currently. Were she residing at home with her mother and brother, that money could not only supplement their financial needs, but lessen the burden they currently have of supporting themselves alone. Having the mother go on welfare, and the brother caught up in a cycle of failure and rejection, is not in the interests of the Air Force or the public. Lt. Col. [NAME]'s comments that because they are not her legal dependents, and therefore, their support is not "in itself... a financial hardship on her" totally misreads the entire thrust of the hardship/dependency regulation. The hardship and dependency factors set forth in the instructions are always those of the family members, not those of the service member. It is obvious that in every case the service member has adequate funds to survive. If his suggestion is that she suffers no hardship because she is not legally obligated to support her family members, once again, that is shockingly insensitive and not required by the Instruction.

Amn [NAME] has been under extreme stress as a result of the problems her family has been having since her departure. The fact that she is not legally obligated to help the only immediate family she has in this country has little or nothing to do with the propriety of granting this request.

f. Finally, I would urge you to consider the fact that when Lt. Col. [NAME] was going over the request with Amn [NAME], he felt constrained to comment on the fact that the person offering her civilian employment was "also Jewish." Given the preposterous suggestion that at this point it would be of help to her family to uproot themselves from the community they are in and move to Vandenberg Air Force Base to become

dependents of their daughter and sister, I can only assume that [NAME] is oblivious to the needs of a family with their background and problems. Amn [NAME] had no way of foreseeing the impact that her departure would have on her family. When that impact became apparent, she took immediate steps to rectify the situation. These efforts have been met with an obstinate lack of consideration for the needs of the family and our society. At the same time that [NAME] is detailing Am [NAME] to wash windows and engage in other activities "necessary" to his command, he is refusing to allow her to return to her family under circumstances that could affect their whole future. This is surely not what AFI 36-3208 envisions.

I would ask you to objectively evaluate the documents submitted in support of Amn [NAME]'s request, and apply to it the spirit and letter of the Instruction. Such an analysis can only result in the immediate separation of this Airman from the service. If you desire further documentation of any of the matters set forth in the documentation or this letter, please do not hesitate to contact me, either through your SJA or directly.

Thank you for your courtesy in considering this information.

cc: Senator [\$\$\$\$\$]