

This Notice is being provided in order to inform class members in the above-referenced action of their rights with respect to issuance of Form N-426 certifications of honorable service from the Department of Defense (“DOD”), including the United States Army. If you are a class member, as defined below, **PLEASE TAKE NOTICE AS FOLLOWS:**

### **I. CASE DESCRIPTION**

This lawsuit was filed on September 1, 2017, by U.S. Army soldiers in the Selected Reserve of the Ready Reserve (“the plaintiffs”) who were seeking to obtain Form N-426 certifications of honorable service from the U.S. Army in order to allow them to apply to the Department of Homeland Security (“DHS”) to become naturalized U.S. citizens.

On October 13, 2017, DOD (“the defendants”) issued a new N-426 policy. In response, plaintiffs argued that the N-426 policy is unlawful and asked the Court to issue a preliminary injunction so that plaintiffs could obtain their N-426s. Plaintiffs also asked the Court to certify the case as a class action.

On October 25, 2017, as amended on October 27, 2017, the Court issued a preliminary injunction. On December 1, 2017, the Court certified a class in this case as described below. The Court appointed the law firm of Fried Frank Harris Shriver & Jacobson LLP (“Fried Frank”) to serve as counsel to the class. **This notice supersedes all prior communications issued by plaintiffs’ counsel regarding rights of the class members under the Court’s preliminary injunction or by defendants regarding their procedures for issuing N-426s to class members.**

## II. CLASS MEMBERSHIP

You are a member of the class in this litigation if you meet the following criteria:

- You are an enlistee in the Military Accessions Vital to the National Interest (“MAVNI”) program;
- You enlisted prior to October 13, 2017;
- You have served in the Selected Reserve; *and*
- You have not received a completed and signed Form N-426 from DOD.

You have received this Notice because you may be a member of this class.

## III. THE COURT’S PRELIMINARY INJUNCTION

In its preliminary injunction, the Court issued the following orders:

- Defendants are preliminarily enjoined from refusing to sign and issue Form N-426s to members of the class pursuant to Section II of DOD’s October 13, 2017 Guidance;
- Defendants are preliminarily enjoined from refusing to certify MAVNI enlistees who have served for one day or more in the Selected Reserve as having honorable service, except as related to the conduct of an individual plaintiff or class member as reflected in the soldier’s service record and based on sufficient grounds generally applicable to all members of the military; and
- After members of the class submit or resubmit N-426s to their military officer ranked O6 or higher, defendants should use their best efforts to certify or deny Form N-426s within two business days of receipt of Form N-426.

#### **IV. YOUR RIGHTS PURSUANT TO THE PRELIMINARY INJUNCTION**

If you are a member of the class, as defined above, pursuant to the Court's preliminary injunction order you are currently eligible to obtain a completed and executed N-426 from DOD. If you have not previously done so, and if you are interested in applying for naturalization at this time, you should submit a Form N-426, as set forth in paragraphs 1–6 below, to your commander and request certification. **You need not reapply if you have previously received a completed and executed Form N-426 or if you have already submitted a Form N-426 after October 25, 2017, that complies with the following steps.**

To make that submission, please take the following steps:

1. Download the Form N-426 and the Form N-426 instructions from the U.S. Citizenship and Immigration Service (“USCIS”) website at <https://www.uscis.gov/n-426>.
2. Follow the instructions to complete Parts 1 through 4 of the Form N-426. Type or print in black ink and include a handwritten signature.
3. Obtain a DA Form 4187, Request for Personnel Action, from your unit S-1 or online at [http://www.usarec.army.mil/downloads/armypa/dd\\_4187.pdf](http://www.usarec.army.mil/downloads/armypa/dd_4187.pdf).
4. Complete Sections I-IV of the DA Form 4187, including the following information:
  - a. Provide Name, Rank, and Social Security Number (optional per form instructions);
  - b. In Block 8, request certification of the Form N-426 by checking the box that states “Other (Specify)” and specifying “N-426 certification”;

- c. Sign and date the form in Blocks 9 and 10;
  - d. In Section IV, list the dates and type of service you have performed in the Selected Reserve (e.g., the number of training periods and/or days of active-duty service) for the entire period of service you have listed in Part 3 of your Form N-426;
5. Attach the Form N-426 (with Parts 1 through 4 completed) to your DA Form 4187 and submit these forms to your commander.
  - a. **Attachment A to this notice consists of a list of names and email addresses for the primary designees of all commands that currently have MAVNI soldiers. Please submit your Form N-426 and DA Form 4187 to the email address for your commander. If your commander is unavailable or unable to process your request, you may submit your forms to the alternative point of contact for your command, as identified in Attachment A.**
6. Pursuant to the Court's preliminary injunction order, DOD will use its best efforts to certify or deny Form N-426s within two business days of the receipt of Form N-426.
7. Within one business day of receipt, your commander, or his or her designee, must verify the information in Section IV and determine whether you have been flagged under Army Regulation 600-8-2, Suspension of Favorable Personnel Actions ("FLAG"). The official must complete the appropriate blocks in Section V of the DA Form 4187. Recommendations for disapproval must identify specific derogatory information. Your commander, or his or her designee, must

verify the information on the Form N-426 and DA Form 4187 and complete their portion of the DA Form 4187 within one business day of receipt.

- a. Your commander, or his or her designee, must then expeditiously forward a request for personnel action to the Office of Chief, Army Reserve (“OCAR”), sending the email on the same day the DA Form 4187 is signed by the commander or his/her designee. A digital copy of the DA Form 4187 and attachments (including the N-426 form) will be emailed to the following addresses: OCAR, G-1 Ops (usarmy.usarc.ocar.mbx.g1-ops-taskers@mail.mil) and USARC G-1 Ops (usarmy.usarc.ocar.mbx.g1-ops-taskers@mail.mil). The commander will copy appropriate members of the chain of command, but will not seek any further review prior to routing the request to OCAR.
- b. Upon receipt of the request for personnel action, OCAR will coordinate with the DCS, G-1 to determine whether HQDA possesses derogatory information bearing on honorable service. OCAR will designate an officer in the grade of O-6 or civilian equivalent to certify the N-426. OCAR will use its best efforts to process the requests, and return the completed/signed N-426 and a copy of the DA Form 4187 to you (via email to the email address you provide on the N-426 form in Part 4) and your commander within one business day of receipt of the request for personnel action. Copies of the relevant documents will also be uploaded into your Army Military Human Resource Record. You also will be notified once the completed/signed form has been uploaded to your Army Military Human

Resource Record (“AMHRR”). Please visit this website for instructions on how to access records in your AMHRR:

<https://www.hrc.army.mil/TAGD/Accessing%20or%20Requesting%20Your%20Official%20Military%20Personnel%20File%20Documents>.

- 8. If you have not received a copy of your completed/signed Form N-426 as provided in ¶ 7(b) within 7 business days of submission to your commander, or his or her designee, you should contact MAJ Dana M. Hollywood ([Dana.m.hollywood.mil@mail.mil](mailto:Dana.m.hollywood.mil@mail.mil)), or MSG Rosa V. Fale ([Rosa.v.fale.mil@mail.mil](mailto:Rosa.v.fale.mil@mail.mil)), both with the U.S. Army Reserve Command legal office, and copy your attorney, Fried Frank, on that communication by using this email address: [kirwaiclasscounsel@friedfrank.com](mailto:kirwaiclasscounsel@friedfrank.com).**

Pursuant to the Court’s preliminary injunction order, defendants are enjoined from refusing to certify MAVNI enlistees who have served for one day or more in the Selected Reserve as having honorable service, except as related to the conduct of an individual plaintiff or class member as reflected in the soldier’s service record and based on sufficient grounds generally applicable to all members of the military.

Once you have obtained a copy of your completed and signed N-426, you may submit it to USCIS with your application for naturalization (N-400). Please note that DOD has confirmed that USCIS will accept a photocopy of the signed N-426 (and does not require “wet” or original signatures). Moreover, USCIS does not require that the N-426 be submitted in a signed and/or sealed envelope.

## V. CERTIFICATION ASSISTANCE AND REPORTING ISSUES

If you have questions about these instructions or need assistance with the submission of your Form N-426, you may contact Fried Frank at [kirwaiclasscounsel@friedfrank.com](mailto:kirwaiclasscounsel@friedfrank.com). **Again, if you have not received a copy of your completed/signed Form N-426 within 7 business days of submission to your commander, or his or her designee, you should contact MAJ Dana M. Hollywood ([Dana.m.hollywood.mil@mail.mil](mailto:Dana.m.hollywood.mil@mail.mil)), or MSG Rosa V. Fale ([Rosa.v.fale.mil@mail.mil](mailto:Rosa.v.fale.mil@mail.mil)), both with the U.S. Army Reserve Command legal office, and copy your attorney, Fried Frank, on that communication by using this email address: [kirwaiclasscounsel@friedfrank.com](mailto:kirwaiclasscounsel@friedfrank.com).**

Please be advised that the law generally prohibits retaliation against soldiers for exercising their rights. DOD (including U.S. Army) personnel may not discharge you or retaliate against you in any manner because of your decision to exercise or enforce your rights in this litigation, including exercising your rights under the Court's preliminary injunction order.

*/s/ Ellen Segal Huvelle*  
ELLEN SEGAL HUVELLE  
United States District Judge

Date: December 14, 2017

**Attachment A:**  
**Command Contact Information for Primary Command Points of Contact for MAVNI Soldiers Seeking to Request Certification of N-426 Forms**

COMMAND	POC	POC Email	POC Phone
1 MSC	MAJ Maria Marrero	maria.n.marrero.mil@mail.mil	(787) 707-4163
3d MCDS	MAJ Cynthia Brasfield	cynthia.j.brasfield.civ@mail.mil	(404) 469-7121
4th ESC	SFC Kiyhana T. Bristow	kiyhana.t.bristow.mil@mail.mil	(210) 466-2630
7th MSC	MAJ William Brown	william.b.brown.civ@mail.mil	DSN: (314) 528-0118; Comm: 0611-143-582-00118
9th MSC	Ms. Carol Momohara	carol.s.momohara.civ@mail.mil	(808) 438-1600 ext 3394
63d RSC	Ms. Darlene Santos	darlene.i.santos.civ@mail.mil	(650) 526-9823
76th ORC	CPT Brian Bell	brian.l.bell.mil@mail.mil	(801) 656-3440
79th TSC	Ms. Nicole Prather	nicole.j.prather.civ@mail.mil	(562) 936-7671
80th TRNG CMD	Mr. Ray Garnett	ray.s.garnett.civ@mail.mil	(804) 279-7179
81st RSC	Mr. Harris Vernon	vernon.l.harris8.civ@mail.mil	(803) 751-9952
84th TNG CMD (LR)	Mr. Jose Cruz	jose.n.cruz.civ@mail.mil	(502) 624-7372
85th DIV RSG WEST	Ms. Roxanna Zadlo	roxanna.i.zadlo.civ@mail.mil	(847) 506-2144
87th DIV/RSG EAST	CPT Nicholas Pritchett	nicholas.a.pritchett4.mil@mail.mil	(601) 554-3695
88th RSC	Ms. Ellen Coddington	ellen.i.coddington.civ@mail.mil	(608) 388-0325
99th RRC	CW3 Antonio Alcover	antonio.alcover.mil@mail.mil	(609) 562-7428
103d ESC	CPT Earle Noel	earle.r.noel.mil@mail.mil	(515) 362-3701
108th TRNG CMD	Mr. Stacie George	stacie.l.george.civ@mail.mil	(704) 342-5115
143d ESC	Edith Greene	edith.m.greene.civ@mail.mil	(910) 771-0375
200th MP	MAJ Trentonia Scott	trentonia.m.scott.mil@mail.mil	(301) 677-1468
310th ESC	Ms. Terrie Render	terrie.v.render.civ@mail.mil	(317) 377-2117
316th ESC	SFC Johnica Taylor	johnica.l.taylor.mil@mail.mil	(412) 604-8215
335th TSC	Mr. Fred Holmes	frederick.j.holmes2.civ@mail.mil	(678) 420-1610 x 2131
377th TSC	MAJ Bronwyn Odhner	bronwyn.b.odhner.mil@mail.mil	(504) 552-5849
412th ENCOM	Jessica Harvey	jessica.harvey3.civ@mail.mil	(601) 629-3411
416th ENCOM	LTC Vermele Martinez	vermele.s.martinez.mil@mail.mil	(630) 427-9705
451st ESC	SGM Rebecca Medicus	rebecca.j.medicus.mil@mail.mil	(316) 681-1759 x 1353
807TH MED	CW3 Lynnlea Lee	lynnlea.d.lee.mil@mail.mil	(801) 656-4003
AR-MEDCOM	Ms. Lorene Dykes	lorene.k.dykes.civ@mail.mil	(727) 563-3628
MIRC	MAJ Jessica Dixon	jessica.r.dixon5.mil@mail.mil	(703) 806-6424
USACAPOC	LTC Darrick Wesson	darrick.l.wesson.mil@mail.mil	(910) 432-7739
USAR LEGAL CMD	MSG Paola Castro	paola.m.castro.mil@mail.mil	(301) 944-3650 /3688
ARAC	Mr. Mike Alexsonshk	michael.p.alexsonshk.civ@mail.mil	(502) 626-5791



## Attachment A:

## Command Contact Information for Alternate Command Points of Contact for MAVNI Soldiers Seeking to Request Certification of N-426 Forms

COMMAND	Alternate POC	Alternate POC email	Alternate POC Phone
1 MSC	MSG Ivelisse Rivera Moya	ivelisse.riveramoya.mil@mail.mil	(787) 707-4162
3d MCDS	CPT Ryan McLellan	ryan.p.mclellan.mil@mail.mil	(404) 469-4084
4th ESC	SFC Neyda Pena	neyda.m.pena.mil@mail.mil	(210) 466-2627
7th MSC	CW5 Martha Ervin	martha.ervin.mil@mail.mil	DSN: (314) 528-0004; Comm: 0611-143-582-0004
9th MSC	MAJ Jocelyn Simmons	jocelyn.q.simmons.mil@mail.mil	(808) 438-1600 ext: 3183
63d RSC	SGM Wayne Penn	wayne.a.penn.mil@mail.mil	(650) 526-9816
76th ORC	CW3 Pamela McFarlane	pamela.a.mcfarlane.mil@mail.mil	(801) 656-3400
79th TSC	Mr. Vernon Lawton	vernon.k.lawton.civ@mail.mil	(562) 936-7674
80th TRNG CMD	LTC Mark Stephens	mark.l.stephens.mil@mail.mil	(804) 279-7111
81st RSC	CPT Tony Ibrahim	tony.s.ibrahim.mil@mail.mil	(803) 751-5068
84th TNG CMD (LR)	MAJ Tawanda Murphy	tawanda.n.murphy.mil@mail.mil	(502) 624-8372
85th DIV RSG WEST	MSG Laroy Warren	laroy.g.warren.mil@mail.mil	(609) 562-4884
87th DIV/RSG EAST	MAJ Dana Hollywood	dana.m.hollywood.mil@mail.mil	(910) 570-8129
88th RSC	CW3 David Rose	david.e.rose.mil@mail.mil	(608) 388-0456
99th RRC	Mrs. Delini Sharon Sooklall-Makarowski	delini.s.sooklallmakarowski2.civ@mail.mil	(609) 792-4151
103d ESC	Ms. Laurel Williamson	laurel.s.williamson.civ@mail.mil	(515) 285.4692 x3077
108th TRNG CMD	LTC Ricky Wiggins	ricky.wiggins.mil@mail.mil	(704) 342-5114
143d ESC	MAJ Truman Tinsley	truman.l.tinsley.mil@mail.mil	(910) 771-0344
200th MP	Ms. Roweena Arasah	roweena.a.arasah.civ@mail.mil	(301) 677-1030
310th ESC	MAJ Dana Hollywood	dana.m.hollywood.mil@mail.mil	(910) 570-8129
316th ESC	CPT Anthony Padilla	anthony.padilla.mil@mail.mil	(412) 604-8208
335th TSC	LTC Tina Miller	tina.h.miller.mil@mail.mil	(678) 420-1610 x 2101
377th TSC	Ms. Alynda Mallard	alynda.m.mallard.civ@mail.mil	(504) 552-5814
412th ENCOM	MSG Sonia Lee	sonia.a.lee.mil@mail.mil	(601) 631-6196
416th ENCOM	SFC Jennifer Lemuse	jennifer.m.lemuse.mil@mail.mil	(630) 739-7798
451st ESC	SGT Laparis McGowan	laparis.mcgowan.mil@mail.mil	(361) 681-1759 x1359
807TH MED	MAJ Steven Westover	steven.m.westover.mil@mail.mil	(801) 656-4071
AR-MEDCOM	LTC Theresa Brown	theresa.a.brown34.mil@mail.mil	(727) 563-3751
MIRC	MSG Mike Amilale	mike.amilale.mil@mail.mil	(703) 806-6308
USACAPOC	SSG(P) Ashley Hawkins	ashley.n.hawkins.mil@mail.mil	(910) 908-4538
USAR LEGAL CMD	Ms. Nadine Finnegan	nadine.a.shawfinnegan.civ@mail.mil	(301) 944-3688
ARAC	LTC Michael Stewart	michael.v.stewart.mil@mail.mil	(502) 626-5978