

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Brock Stone, et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Case No. 1:17-cv-02459 (MJG)

DECLARATION OF BROCK STONE
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, BROCK STONE, hereby declare:

1. The facts set forth in this declaration are based on my personal knowledge.

Personal Background Information

2. I am a 34-year-old Petty Officer First Class (E-6) in the U.S. Navy. I have served in the U.S. military for over 11 years, all of it in the Navy. This includes a nine-month active deployment in Afghanistan. I am currently stationed at Fort Meade, Maryland, where I work as a computer analyst. I have received extensive specialized military training and education. My service record includes numerous awards, including the Joint Commendation Medal, the Navy Commendation Medal, and the Afghan Campaign Medal.

3. I am a man. I disclosed my transgender status to military personnel in connection with, and in reliance upon, the Department of Defense's (DoD) June 2016 Open Service Directive.

4. Pursuant to an evaluation and recommendation by DoD medical personnel, I am currently undergoing hormone therapy as a medically-necessary part of my gender transition.

5. I look forward to continuing to serve my country honorably in the U.S. Armed Forces. It has long been my goal to serve in the military for at least 20 years. My current contract runs until 2023, which would leave me approximately three years short of that goal. My plan is to re-enlist to remain with the military until at least reaching that 20 years.

Effect of Transgender Service Member Ban

6. On July 26, 2017, the President tweeted that transgender service members would no longer be allowed to serve in the military “in any capacity.”

7. I was shocked. Fellow service members and I had not received *any* indication that the military planned to change its Open Service Directive. I had disclosed my transgender status to military personnel in connection with and in reliance on the directive. When I read the President’s tweets, I felt that I had been misled and betrayed.

8. On August 25, 2017, I then learned that President Trump sent a memorandum to the Secretary of Defense that ordered him to reverse the policy allowing transgender people to serve openly in the military (“Transgender Service Member Ban”).

9. The Transgender Service Member Ban threatens my career. I am at risk of losing the ongoing, medically-necessary treatment I am currently receiving through the military, including hormone therapy, mental health counseling, and medically-necessary surgeries that have been recommended as part of my treatment plan. The ban also jeopardizes my financial future because I have budgeted my finances around my plan of remaining with the military through retirement and the future retirement benefits to which I would be entitled.

10. The Transgender Service Member Ban has created great uncertainty and delay surrounding whether I will be able to receive adequate medical care. I transferred to Fort Meade in July 2017, and prior to that transfer I was in the process of seeking approval for a medical transition plan with my prior command in Fort Gordon, Georgia. However, I was informed that my plan could not be approved so close to a transfer, and so my plan was delayed until I arrived in Fort Meade. I have now had to restart the process of seeking approval for a continued treatment plan with the new medical staff in the Fort Meade area. Consistent with my prior proposed plan, I have requested that my plan include approval of medically-indicated surgical treatment, including chest reconstruction surgery and a hysterectomy. My proposed plan is still being processed, but since the Transgender Service Member Ban issued I am now deeply concerned that my access to this healthcare may be further delayed, or denied entirely. The loss or delay of this treatment would negatively affect my physical and mental health.

11. I planned to serve in the Navy through retirement. Now, I fear being discharged, or being barred from re-enlisting. If I were forced to leave the military now, I would need to drastically alter my financial plans. This would be extremely stressful and cost me significant amounts of money. My future would be threatened even if I were allowed to serve out my current contract but not allowed to re-enlist. In that scenario, I would still be years short of the 20-year retirement benefits I have planned my life and career around. Early discharge in connection with the Transgender Service Member Ban would deprive me of retirement benefits which are forfeited by service members who serve less than 20 years on active duty.

12. There are many specific financial consequences that would result if the Transgender Service Member Ban made it impossible for me to complete my service and retire as planned, including the following. My wife is currently in the early stages of getting a small

business off the ground and without my military income would be forced to abandon her plans and get a different job. We have taken in several rescue animals that we consider family and we would not be able to care for them without my military income. I am also working on completing my bachelor's degree in legal studies, and I hope to pursue a juris doctor degree to become a lawyer. Losing my military education benefits would severely threaten these plans, and potentially deny me the opportunity to continue to pursue my chosen profession. I considered not applying for tuition assistance because I am worried I might no longer qualify; I ultimately decided to apply, but the Transgender Service Member Ban has me deeply worried about the security of future education benefits. I have also been depositing money into the Navy's Thrift Savings Plan based on my planned 20-year service, and I could face significant financial penalties if I were required to withdraw that money prematurely in connection with the Transgender Service Member Ban. The loss of all of these benefits and my military income would result in significant financial hardship for me and my family.

13. I am also at a stage in my military career where I am eligible for promotion to Chief Petty Officer (E-7), which would result in a significant pay increase and an additional housing allowance. Becoming a Chief would also afford me significant added networking opportunities for my future career. I consider attaining this pay grade to be a personal career goal. Becoming a "Chief" is a particularly significant promotion that is afforded a high level of respect within the Navy. The selection process requires a review of your entire military record and selection for promotion by a panel of Master Chief Petty Officers. Although the promotion process is highly selective, I believe that based on my record I would have a strong case for promotion in the next few years. The Transgender Service Member Ban threatens my ability to be promoted, a goal I have worked toward for my entire career. This

would deny me significant financial benefits, as well as all the other benefits of reaching the esteemed rank of Chief Petty Officer.

14. Since the Transgender Service Member Ban, I have experienced intense uncertainty, stress, and psychological harm. I served in the military during the age of “Don’t Ask, Don’t Tell.” I remember the incredible stress and anxiety I felt during that period. Hearing of the President’s tweets and the resulting Transgender Service Member Ban brought up those same emotions again. Losing the home I have found for myself in the Navy now would be devastating, particularly given my fear that I will be removed or denied the opportunity to re-enlist so close to retirement. Although my command and co-workers continue to be extremely supportive of me, I am worried that people may begin treating me differently and that I will face more serious discrimination or that those who are supportive will have no choice but to force me out of the service that I have dedicated my life to.

15. I have overheard a few off-hand comments and some insensitive statements regarding transgender service since the Transgender Service Member Ban issued. For example, I overheard some sailors openly wondering why they needed to take a training course that included discussion of policies on transgender service members if they were being “kicked out” anyway. These comments were fortunately not directed to me and did not rise to the level of significant hostility. But they are the kind of ignorant, offhand comments that I worry may become more commonplace and more hostile over time if the Transgender Service Member Ban is fully implemented. This makes me extremely worried about my long-term future in the Navy, and causes me to question whether I am truly still welcome in the military I have called home for 11 years.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 13th day of September, 2017 in Odenton, Maryland.


BROCK STONE