

MEMORANDUM

5000-2 (CO)

22 Apr 87

REDRESS OF GRIEVANCE

- Refs:
- A. Your Memo [redacted] dated 9 Apr 87
  - B. Interview of [redacted] at his request by Maj A.B. Baker, 3 Apr 87, with Capt M.A. Lantz in attendance
  - C. CFAO 19-32
  - D. CFAO 49-4
  - E. A-P9-212-L05/PJ-000
  - F. A-SJ-100-00/AS-000

1. In reply to your grievance put forth in Ref A, it is my duty to advise you that you cannot use your SIN as a file number since a copy of your complaint could be placed on your pers file. This would violate the direction of para 4 in Ref C.

2. From you Memo (Ref A), it is not clear to me what your specific grievance(s) is (are). When I interviewed you on 3 Apr 87, I asked that you be specific as to your grievance. At that time you asked for an officer to assist you and he was made available to you. Also, I understand that you spoke to the assisting officer once and then prepared Ref A on your own and went on leave without further consultation with him.

3. I will reply to your memo based upon my interpretaion of its contents. It appears to me that you are grieving the following:

- a. job restriction (para 1 of Ref A);
- b. lack of promotion (para 1 of Ref A); and
- c. security clearance restriction (para 4 of Ref A).

4. In May 86, it was established that you were a homosexual. IAW Ref E, a Change of Circumstance report was put in on you and you were restricted to handling material/access to areas that has a classificaion of RESTRICTED or lower. In addition, a recommendation was forwarded to higher HQ to release you from the CF IAW CFAO 19-20.

5. Clearly, the fact that you are a confirmed homosexual resulted in your restriction of employment and your access to classified material. This is a requirement of the direction given in Ref F.

6. Your promotion to Cpl was not actioned because you were not and still are not suitable for promotion because:

- a. I have recommended you for release. Consequently, a recommendation for promotion would be a direct contradiction. In addition, para 18 of Ref D states, "a recommendation by a CO for promotion of a member, or for qualificaion leading to promotion, shall be construed to mean that the CO considers the member has, in all respects, demonstrated the necessary

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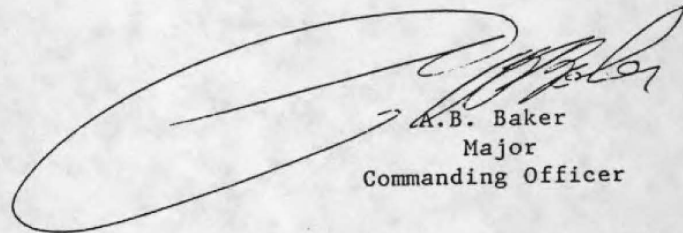
potential and that the CO is prepared to retain and develop the member in the higher rank."; and

- b. you are not trade qualified for promotion as required by Ref E. The Preface of Ref E states in part "the performance objectives which the trainee must achieve to become qualified TEL OP 212, level 5 are stated in Chap 4 of this publication".

7. I must also address your statement that your PER was outstanding. In fact you had a good PER, not an outstanding one, and I did not recommend you for promotion on your PER.

8. When I interviewed you (Ref B) I explained my actions and you said you understood, but your memo indicates you did not understand me and my rationale for actions that I took with respect to your promotion, security clearance and job restriction. I trust now with the reasons down on paper, that you will comprehend the situation.

9. I fully agree with you that the matter has taken a long time, however, I do not have any control over the delay since higher HQ is actioning. I have sent two hasteners to higher HQ (Jan 87 and Apr 87) and I have received notification (16 Apr 87) that your case is under active consideration at NDHQ.



A.B. Baker  
Major  
Commanding Officer

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