

**Arizona Veterans' Services Advisory Commission**  
3839 N. 3<sup>rd</sup> Street, Phoenix, AZ 85012

**January 11, 2024**

**MINUTES**

<b><u>Advisory Commissioners Present</u></b>	<b><u>Arizona Department of Veterans' Services</u></b>
Philip Cushman, Chair (in person)	Dana C. Allmond, Cabinet Executive Officer (in person)
Gene Crego, Commissioner (virtual)	Julia Gusse, Legislative Liaison (in person)
Chris Gibbs, Commissioner (virtual)	Dylan Dalzotto, Public & Intergovernmental Affairs (in person)
Kathy Gallowitz, Commissioner (virtual)	Valen Harris, Administrative Assistant (virtual)
Charles Byers, Commissioner (in person)	Lupita Santellano, Executive Assistant (in person)
Andrew Meshel, Commissioner (virtual)	
<b><u>Absent</u></b>	<b><u>Guests</u></b>
Matthew Kenney, Vice Chair	Dr. David Swindell, Director- Center for Urban Innovation and Associate Professor -School of Public Affairs at ASU (in person)
Michael Nobel, Commissioner	Nick Kupper, American Ninja Warrior and Retired USAF Master Sergeant (in person)

**Call to Order** – The Arizona Veterans' Services Advisory Commission (AVSAC) meeting, via Google Meets: <https://meet.google.com/jgq-vm-sc-uux>; Dial-in: (US) +1 475-222-5532 PIN: 275 244 224#.

Chairman Cushman called the meeting to order at 10:00 a.m.

Chairman Cushman led the Commission in the pledge of allegiance.

### **Guest Introductions**

Chairman Cushman led guest introductions. Julia Gusse briefly introduced herself as the new Legislative Liaison for ADVS. Dylan Dalzotto, Assistant Deputy Director - Public and Intergovernmental Affairs introduced himself to the Commission, as well as guest speakers Dr. David Swindell and Nick Kupper.

### **Guest presentations**

#### **David Swindell Presentation**

Dr. David Swindell discussed the center of Urban Innovations research into the employment of veterans into local and municipal governments. His full presentation can be found [here](#). Dr. Swindell presented the Advisory Commission with various studies on U.S Local governments and the premiums on Veteran Status, and the Policies and organizations committed to hiring veterans. He also pointed out a survey that was conducted with HR Directors and discussed data gathered and findings. Dr. David Swindell also discussed the Legacy Corp which provides care and support to services for veterans.

#### **Mr. Nick Kupper Presentation**

Mr. Kupper discussed the DoD mandate related to the COVID19 vaccine, and the repercussions that it had on service members. Mr. Kupper led the discussion by pointing to the memorandum on August 24, 2021, in which Defense Secretary Lloyd Austin ordered all 2.1 million service members to take COVID19 vaccines but only versions that were fully FDA-approved. He stated the first COVID19 vaccine was approved on August 23, 2021, the day before Austin's order, the DoD did not have any on hand until 10 months later in June of 2022. By that date, the DoD had kicked out over 5,400 service members. Mr. Kupper discussed the damages of the DoD mandate, in that various service members were kicked out and that many thousands had lost pay and benefits when placed on no pay no point status. Mr. Kupper further elaborated more on the effect it has had on recruiting. Mr. Kupper's presentation can be found [here](#).

### **Approval of Meeting Minutes**

Chairman Cushman called for a motion to approve the AVSAC meeting minutes from November 9, 2023. Commissioner Byers motioned to accept the meeting minutes. Commissioner Gibbs second the motion. The commission moved to approve the minutes unanimously.

Chairman Cushman called for a motion to approve the AVSAC minutes from November 20, 2023. Commissioner Byers motioned to approve the meeting minutes. Commissioner Crego second the motion. The commission approved the minutes unanimously.

### **Agency Announcements and Updates**

**CEO Department Update -**

**Wreaths Across America Day**

- Held on 16 December 2023 at our cemeteries in Camp Navajo, Marana, and Sierra Vista.
- Estimated that nearly 1,000 people attended all three ceremonies.
- Every grave site had a wreath.
- With the help from each cemetery foundation, plus the exceptional ADVS media blitz of social media posts, marketing emails, and flyers provided to each cemetery location, we had record breaking sponsorship in 2023.
  - Camp Navajo exceeded their goal for the second year in a row with approximately 545 sponsors exceeding the goal by about 145.
  - Marana had a huge surge in the final hours and almost reached their goal with over 3,100 sponsors which was approximately 738 from the goal.
  - Sierra Vista not only beat their goal from 2022, they broke 1,000 sponsors.
- We are posed for all three cemeteries to reach their goals this year.
- Please get the word out to sponsor a wreath for this year now.

### **Burial Equity at Arizona Veterans' Memorial Cemeteries Takes Effect**

- Arizona National Guardsmen and U.S. military Reservists are now eligible for interment at our cemeteries.
  - The benefit only covers the actual gravesite and interment. It does not include a free burial flag or grave marker. The ADVS Veterans' Memorial Cemeteries will assess fees to cover the cost. Notably, the cost is below industry standards for burials in private cemeteries.
  - For families interested in interment at an Arizona Veterans' Memorial Cemetery, ADVS encourages submitting an application for predetermination for burial. Those applications for interment can be completed on our website.

### **2024 Maricopa County StandDown**

- Save the dates!
  - Thursday, 21 March 2024 – 6:30AM to 3PM
  - Friday, 22 March 2024 – 7AM to 2PM
  - Location: Arizona State Fairgrounds in downtown Phoenix

### **Large Veterans Donation Fund Grants**

- All grants are in and the review day is 18 January 2024.

- Notification deadline to all applicants is 20 February 2024.
- Total large grant applications submitted is 59.
  - Last year was a total of 42 reviewed.
- Grant awards range is \$5,000 - \$75,000 for a nonprofit; total budget is \$1M.
- In accordance with Arizona Statute, VDF funds are only for direct services to Veterans. These direct services must align with the ten social determinants of health (<http://connectveterans.org/areas/>) which include:
  - Basic needs,
  - Employment,
  - Family and support,
  - Finances and benefits,
  - Higher education,
  - Housing and homelessness,
  - Legal,
  - Mental health and substance abuse
  - Physical health, and
  - Spirituality

### **Military Family Relief Fund (MFRF)**

- In 2023:
  - More than \$800,000 was donated to the Military Family Relief Fund
  - \$1 million was awarded to Veterans, service members, and their families for unforeseen financial hardships
- So far in FY24, we have awarded more than \$533,000.

### **Veteran Toolkit**

- In FY23:
  - Toolkits administered - 523
  - Toolkit Funding Spent - \$161,625.78
- So far in FY24:
  - Toolkits Administered - 224
  - Toolkit Funding Spent - \$76,820.10
- We are proud of our efforts to help unemployed Veterans get the supplies they need to start working.

## **Arizona State Veteran Homes**

- The Tucson, Phoenix, and Yuma Homes are hiring RNs, CNAs, and LPNs.
  - Please spread the word
  - Open positions are posted at [azstatejobs.gov](https://azstatejobs.gov); select Department of Veterans Services.

## **Veteran Benefits Counselor Appointments**

- We are very excited that we just launched a new calendar appointment system.
  - For a virtual (Phone or Video) appointment use the following link.  
<https://calendly.com/d/4vv-4hn-z89>
  - For an in-person appointment use the following link.  
<https://calendly.com/d/4yh-xhr-zd4>
- If you have difficulty scheduling your own appointment, please use the Customer Comment Tracker link and/or call 602-535-1215; our staff will assist you.

## **New Business**

### **Talking Point for AVSAC Meeting with the Governor -**

The Chair of the Commission, Legislative Liaison, and CEO will meet with the Governor in the near future; there is no set date and time yet for this meeting. Chair Cushman suggested the meeting take place at the Arizona State Veteran Home- Phoenix (ASVH-P). Executive Assistant, Lupita Santellano will find out what the meeting options are and relay her findings to the Commission Chair and the CEO. Commissioner Gallowitz suggested the commission use the strategic objectives as a starting point for their talking points. Commissioner Cushman also suggested the Commission share the state-of-the-state talking points the CEO provided the Governor's office. Commissioner Gallowitz asked to see a copy of the state-of-the-state talking points. Commissioner Cushman suggested the commission also bring up the request to increase the salaries for nursing and staff; the commission agreed. Chair Cushman will write up quick talking points and provide copies to the commission to review, discuss, edit and vote on in a virtual meeting before March 2024.

### **March 2024 Meeting Status Update and Suggested Guest Speakers -**

Commissioner Gallowitz would like the Chief Social Worker at the VA Medical Center to provide the Commission with an overview of the status of health or concerns at the VA. Commissioner Gallowitz will provide the contact information to Administrative Support. Commission Meshel suggested a Southern Arizona Justice for Veterans Representative come and speak to the Commission regarding what the board does. Commissioner Meshel will provide Administrative Support contact information.

Commissioner Gallowitz would like to hear a presentation from the David Monthan Air Force Base regarding the Transition Assistance Program (TAP). Commissioner Gibbs suggested we also reach out to Fort Huachuca regarding their TAP program. Commissioner Gallowitz will speak with her contact to facilitate the request. The commission would like a tour of the Arizona State Veteran Home- Tucson, a tour of the Southern Arizona VA Medical Center, a tour of the Fisher House, a presentation regarding TAP. Chair Cushman would like to hold a Commander's call and invite the Veteran Benefits Counselors to the Commission meeting to provide a presentation.

### **Outreach Activities for Commission**

Commissioner Gallowitz provided her outreach activities:

- Veteran Medical Leadership Council Luncheon
- Trilogy Verde River Veterans Day Panel Moderator: "What does a Veteran Champion Look Like"
- Glendale Chamber Military Appreciation Event
- Glendale Chamber of Commerce Military and Veterans Affairs Committee and Chair, Veteran Hiring 101 Subcommittee
- Rancho Milagro Fundraiser
- Arizona Diversity Council Speech
- Women In Manufacturing Tours - Empire CAT & Boeing
- SCORE's, Arizona Manufacturing Summit
- Women's Leadership Conference - host Christine Gannon
- AZ National Guard Tactical Ties
- Live2Lead Conference - Discovery Community Church
- Women Who Lead Monthly Leadership Forum: Connecting Women with Women Veterans
- Facilitator of the Monthly Military Ministry, VetConnect: Fountain Hills
- SW Veterans Chamber of Commerce: Board, Meeting facilitator, Marketing committee chair

Chair Cushman provided an outreach report found [here](#).

Commissioner Byers provided an update on the Thomas Tanner Community Village, who will break ground the second week of February 2024. The Commission will be invited to the ground breaking event. There will be 35 fully furnished individual dwelling casitas built. Each casita is 600 square feet. A 2,400 square foot resource center will be built in the community as well. This is housing for veterans coming out of transitional/short term housing. HUD vouchers will be used; VA will pay 70%, the veteran pays 30%.

Commissioner Byers also participated in the Wreaths Across America wreath laying event at the Mountain View Cemetery in Mesa, Arizona, which has approximately 2,100 veterans interred. A wreath was placed at every marker. Commissioner Byers mentioned he heard that the Arizona National Veterans Memorial Cemetery in Cave

Creek, Arizona, did not have a great turn out. He would like to see more participation next year.

The rest of the commissioners present did not have any outreach activity to report.

### **For the Good of the Order**

**Action Item Recap** - Chairman Cushman will write talking points for the meeting with the Governor and provide them to the commission for review, discussion, edit and vote in a virtual meeting before March 2024.

Chairman Cushman asked Commissioner Byers and Commissioner Crego to join the Veteran Home Committee which will take a look at the state of the veteran homes to ensure their progress. The focus for the committee will be the Flagstaff and Mohave homes.


### **Open Floor for Comments**

None.

### **Adjournment**

Chairman Cushman called for a motion to adjourn the Arizona Veterans' Services Advisory Commission Meeting. Commissioner Byers motioned to adjourn the meeting. Commissioner Gibbs second the motion. The motion was carried unanimously. Meeting adjourned at 11:56 a.m.





# The State of U.S. Military Veteran Employment in Local Government

A Survey Project

DR. ULRICH JENSEN  
DR. JUSTIN STRITCH  
DR. DAVID SWINDELL

**ASU** School of  
Public Affairs  
Arizona State University



# Introduction of me and my team

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- ❑ International City/County Management Association
- ❑ Drs. Justin Stritch and Ulrich Jensen
- ❑ Several graduate students
- ❑ Me
  - ❑ The Center for Urban Innovation
  - ❑ The School of Public Affairs
  - ❑ The Watts College of Public Service and Community Solutions
  - ❑ Arizona State University

# ASU charter

ASU is a comprehensive **public research university**, measured not by whom it excludes, but rather by **whom it includes** and how they **succeed**; advancing **research and discovery** of public value; and assuming **fundamental responsibility** for the economic, social, cultural and overall health of the **communities** it serves.

A silhouette of a person standing with their arms raised in a 'V' shape, set against a warm, golden sunset background. The person's hair appears to be blowing in the wind. The overall mood is one of triumph or achievement.

Why it resonates with me...

How this work came about...

An American flag is positioned in the center of the slide, set against a background of a field of tall grasses under a sunset sky with scattered clouds. The sun is low on the horizon, creating a warm, golden glow.

# Veteran Hiring Preferences:

Insights from Local Government HR  
Directors

DR. ULRICH JENSEN  
DR. JUSTIN STRITCH  
DR. DAVID SWINDELL

# Motivation

Our study focuses on veteran hiring in U.S. local governments

- Veteran hiring is an area of considerable research at federal level
- Organizations claim that they want to hire veterans and assign a premium to veterans when hiring.

## Research Question

Do human resource managers assign a premium to veterans in assessment of candidates for local government positions? How might the effect of veteran status differ for men and women?

# Why a premium on veteran status?

- Increasing evidence in human resource literature that prior military experience and training are often associated with leadership skills
- Policies and organizational normative commitments to hiring veterans
  - Governments have undertaken significant initiatives to recruit veterans

*Hypothesis 1: Candidates with military experience are assessed more favorably compared to candidates with (a) private sector experience and (b) public sector experience*



## **If there is a premium, does it change based on gender?**

- Broader literature suggests biases against women in management/leadership
  - Successful leadership characterized by competitiveness, aggressiveness and assertiveness whereas women often attributed as being communal

*Hypothesis 2: Male candidates are assessed more favorably compared to female candidates*

- Women candidates may face a double penalty from the stereotypical gender traits and serving in the military (a perceived masculine organization).

*Hypothesis 3: Female candidates with military experience are assessed less favorably compared to female candidates with (a) private sector experience and (b) civilian public sector experience*



# Surveying HR Directors

- Collected contact information for all HR directors in U.S. cities and towns with between 25,000 and 250,000 residents and in the 1,000 largest U.S. counties by number of residents.
- Complete and correct contact information was obtained for 575 county and 911 city or town HR directors (1486 total).
- Main survey collection February-June 2020
- We received complete or partial responses from 538 respondents, yielding an overall response rate of approximately **36 percent** (34 percent for county HR directors and 38 percent for city/town HR directors).
- Overview report available online.

**ASU** School of  
Public Affairs  
Arizona State University

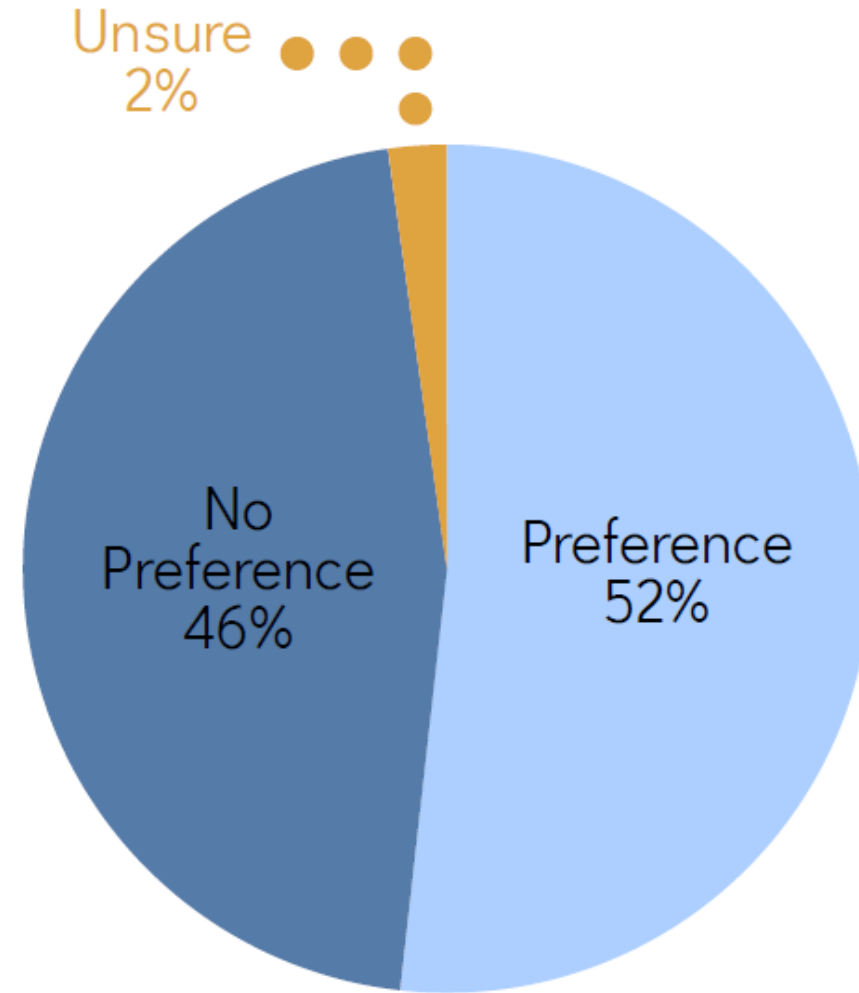
CENTER FOR STATE &  
LOCAL GOVERNMENT  
EXCELLENCE

**NLC** NATIONAL  
LEAGUE  
OF CITIES

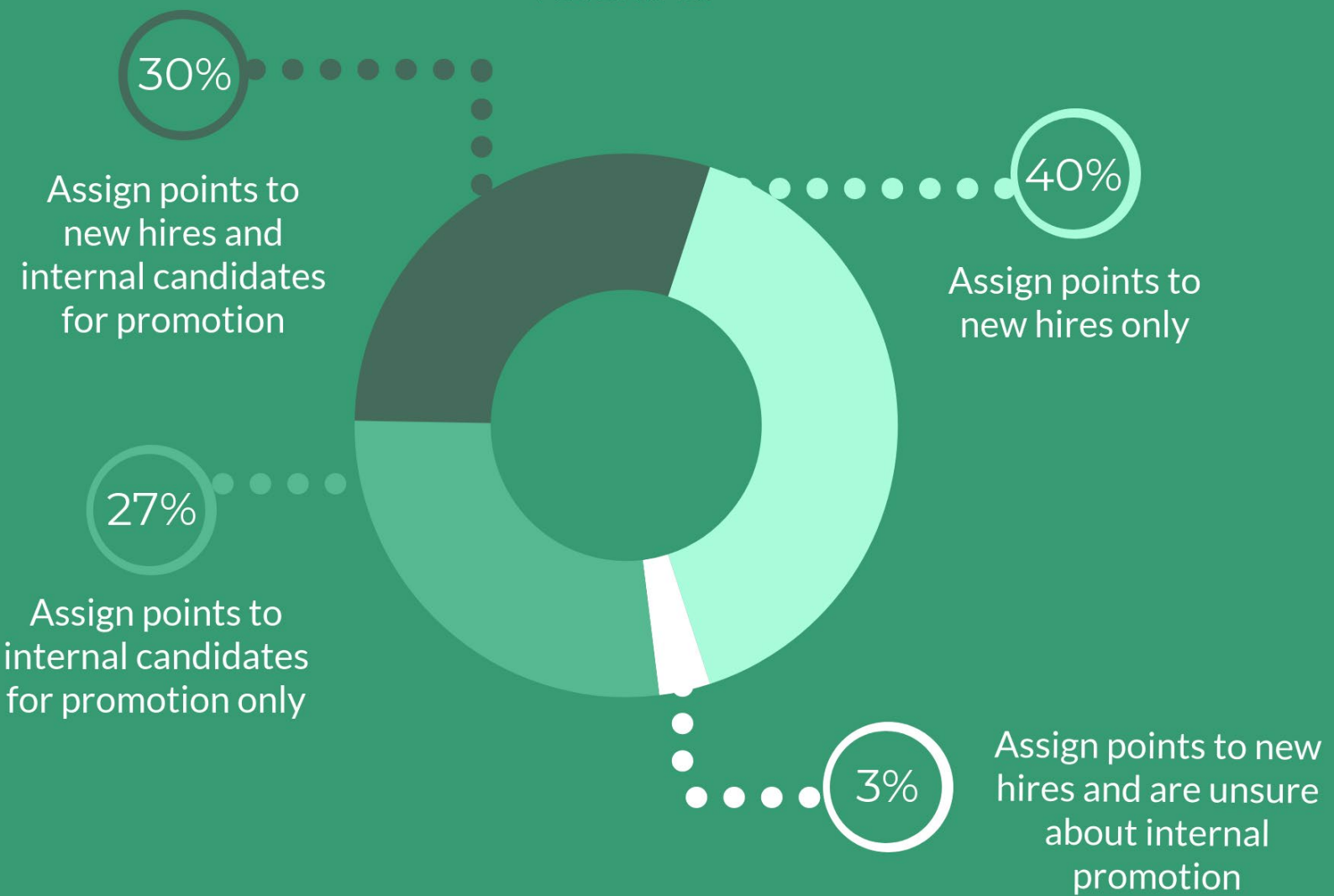
CITIES STRONG TOGETHER

**afi** Alliance  
for Innovation

# Local governments that give preference to U.S. military veteran applicants in hiring



Among local governments that assign points to U.S. military veterans:



From 2019 pre-study of 90 local government affiliated with the Alliance for Innovation.

# Top 3 Skills

HR directors report that in their experience with veterans, military experience enhances these top three skills the most:



#1

Teamwork



#2

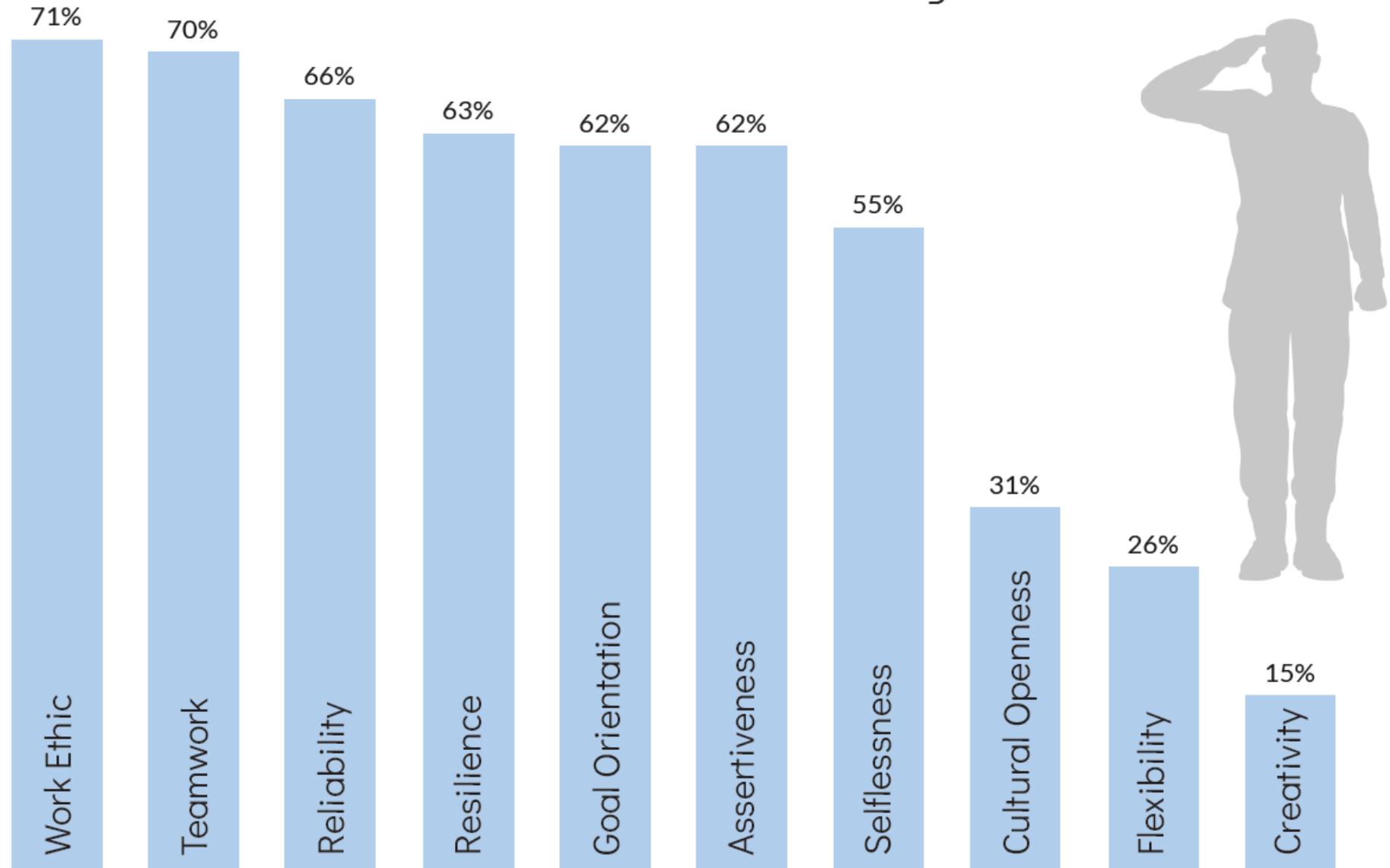
Problem Solving



#3

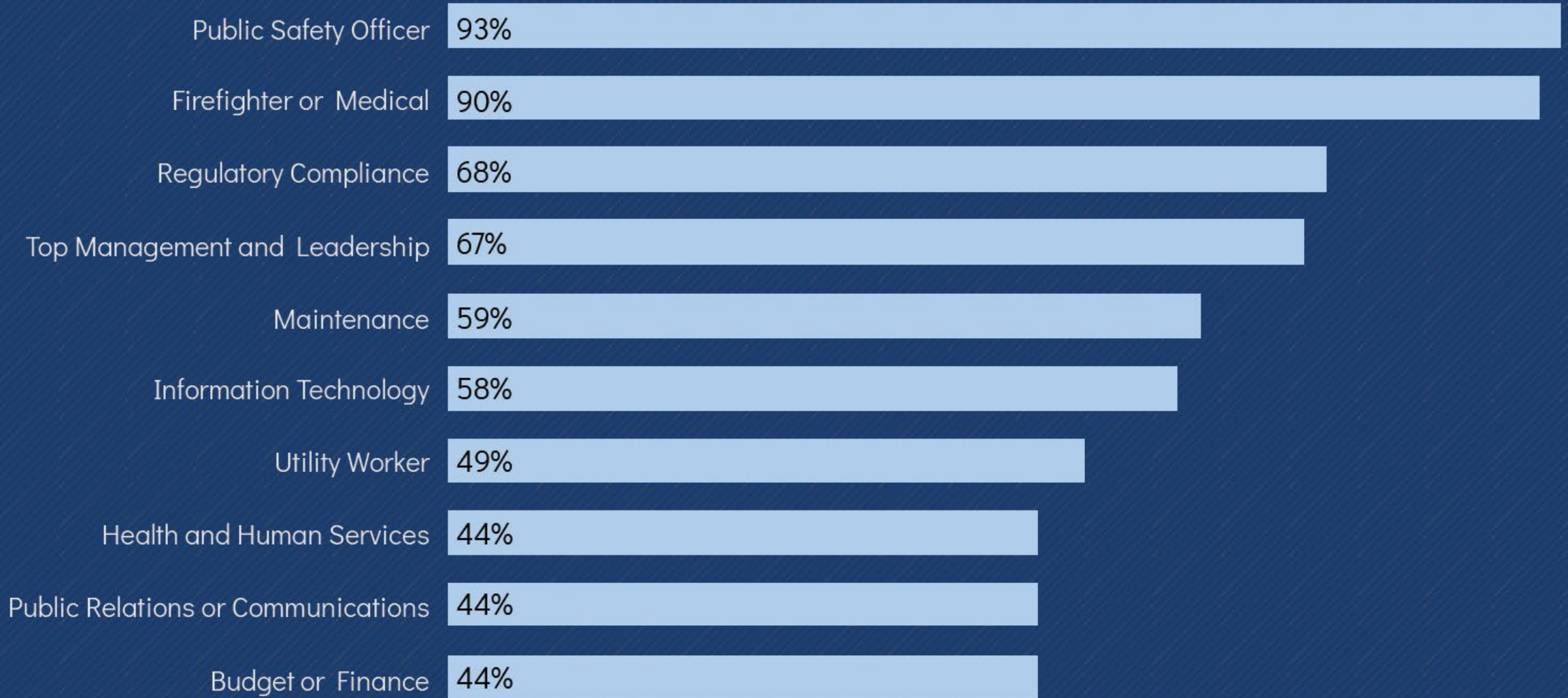
Planning/Organizing

The percentage of HR Directors reporting that U.S. military veterans perform better than civilians for each of the following:

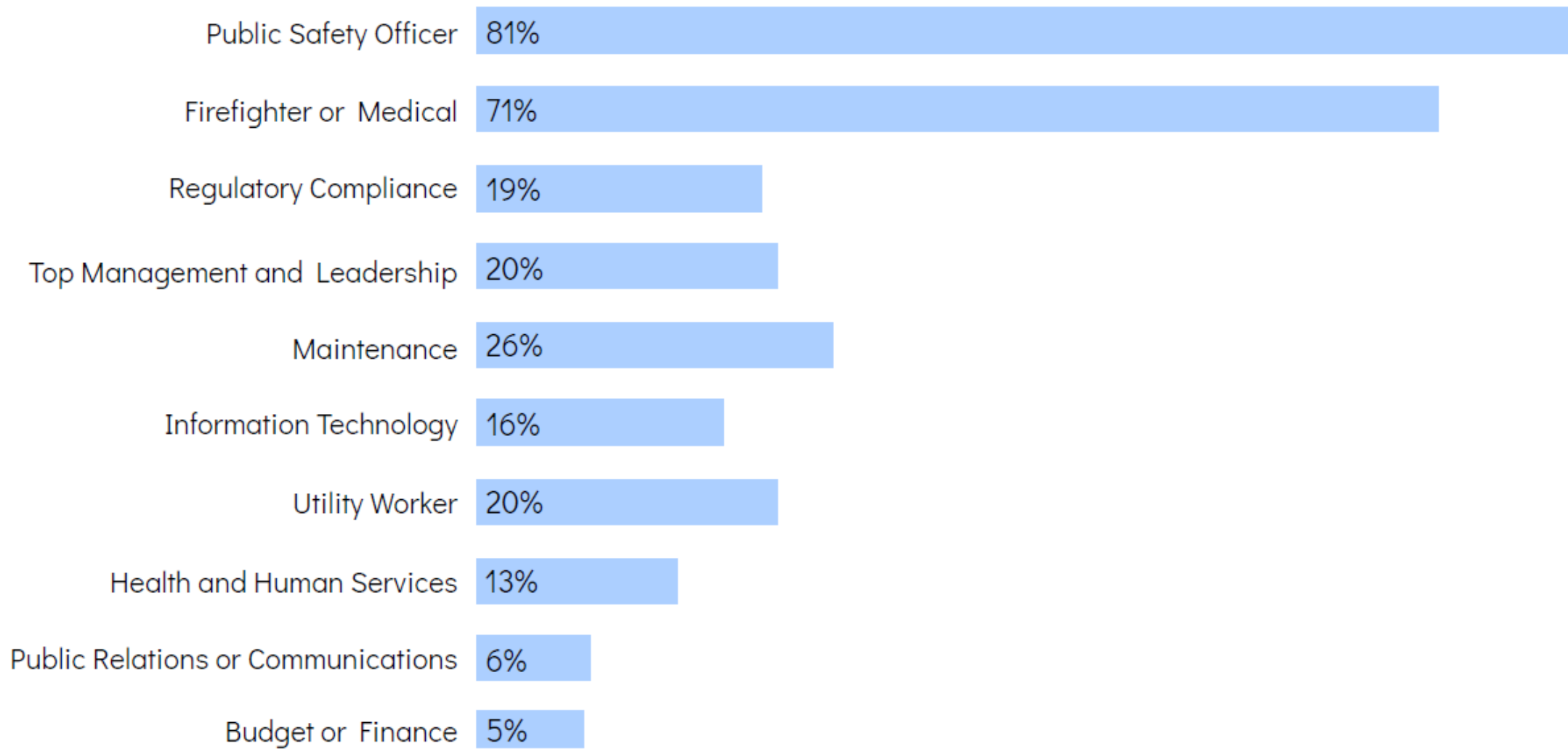




# The percentage of HR directors who think U.S. military service is relevant for preparing someone to be successful in each of the following positions:



The percentage of HR directors indicating that their local governments "often" or "very frequently" hire a U.S. military veteran for each of the following positions:





# Hiring Experiment

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- Experiment: Evaluate 1 of 6 randomly assigned MPA student resumés; identical except:  
  
(1) Female – Private Sector | (2) Female – Public Sector | (3) Female - Veteran  
  
(4) Male – Private Sector | (5) Male – Public Sector | (6) Male - Veteran
- 75-88 respondents per group
- Competitiveness? Leadership potential? Value of experiences?

# Resume Evaluation Experiment

Amy Schmidt

29826 N 41<sup>st</sup> Place Cave Creek, AZ 85331 602-320-0325

## Experience

JUNE 2019 – PRESENT

### **Management Intern / Town of Tempe, AZ**

- Collaborate with staff to complete tasks associated with the Town's asset management policies, the monthly executive report, and the Strategic Plan.

AUGUST 2018-JUNE 2019

### **Marvin Andrews Fellow / Alliance for Innovation**

- Facilitated data entry and creation of the annual Valley Benchmark Cities Trend Report.
- Completed research requests for municipalities on topics ranging from performance management to service delivery and standards.

MAY 2010 – MAY 2015

### **Masonry & Carpentry Specialist/ U.S. Army (Active Duty)**

- Assisted with engineering projects
- Performed basic carpentry and masonry work, including framing, sheathing fabrication, constructing foundations, and building roofing structures.



# Findings

- Gender Bias: **No difference in assessment**
  - H2: Male candidates are assessed more favorably compared to female candidates
  - H3: Female candidates with military experience are assessed less favorably compared to female candidates with (a) private sector experience and (b) civilian public sector experience
- Veteran Premium: **Partial Evidence. Premium exists for veterans when compared to private sector.**
  - H1: Candidates with military experience are assessed more favorably compared to candidates with (a) private sector experience and (b) public sector experience

# The Overall Picture (1 of 2)

- ❑ Veterans possess skills valued by public managers.
- ❑ Veterans out-perform non-veteran employees on most targeted employee values.
- ❑ HR Directors feel that veterans have training that supports success in a wide range of local government career areas.
- ❑ Yet veterans continue to be channeled towards jobs in law enforcement or public safety.
- ❑ Other research has highlighted frustration among veterans with this predisposition among HR professionals.

# The Overall Picture (2 of 2)

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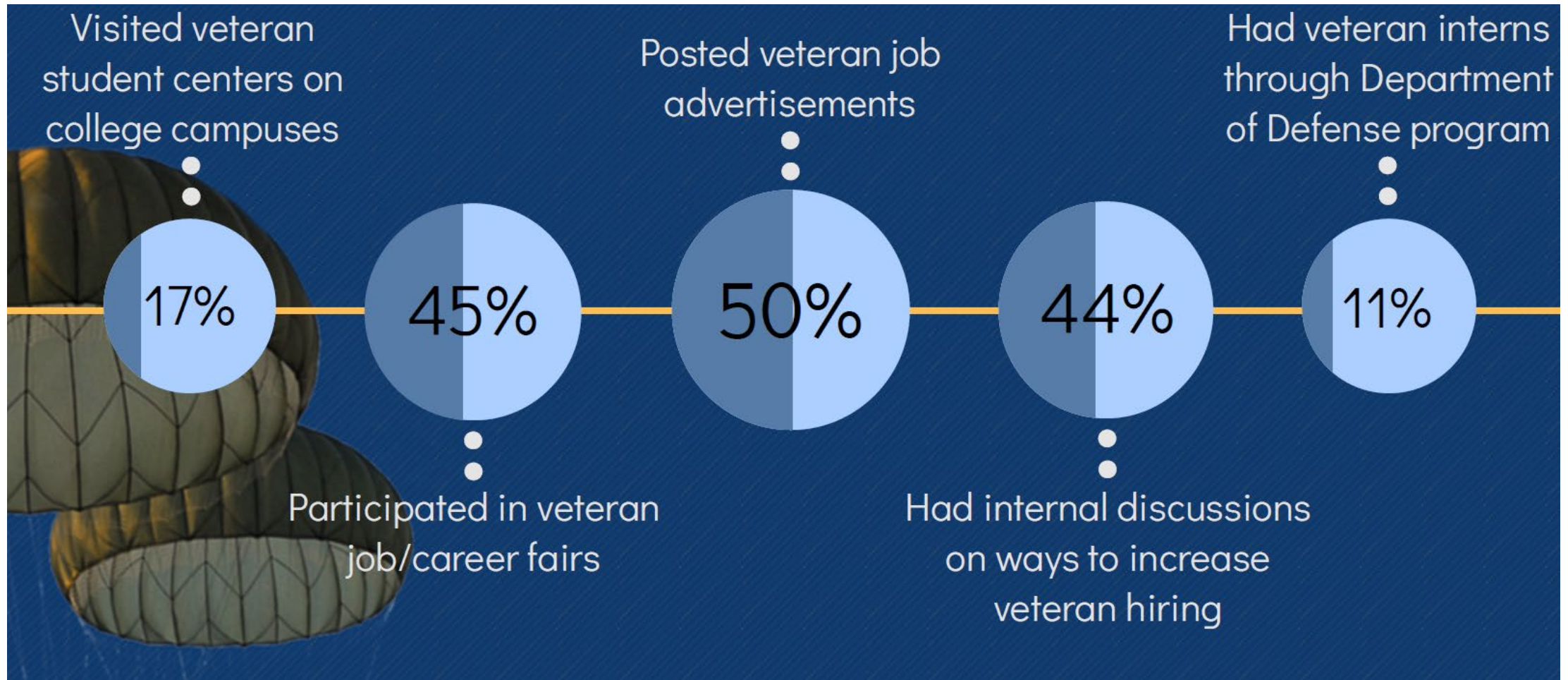
- ❑ While other research also suggests a negative bias about hiring veterans, the survey here suggests a premium on veteran experience.
- **The Bottom Line:** Local government HR directors recognize the value of veteran experience, but default assumptions about public safety positions may be leading many organizations to miss out on bringing more of this trained, talented, and public service-oriented labor pool into managerial and leadership opportunities.

# Nice research....so what now?

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# Veteran Recruitment



# Future Efforts at ASU and Other Schools as well as Professional Organizations

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But expanding career options for veterans in local government management is not all we do with veterans...

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# Legacy Corps for Veterans and Military Families



Watts College of Public Service &  
Community Solutions

Center for Urban Innovation

# What Is AmeriCorps?

AmeriCorps is the federal agency for national service and volunteerism. AmeriCorps provides opportunities for Americans of all backgrounds to serve their country, address the nation's most pressing challenges, and improve lives and communities.







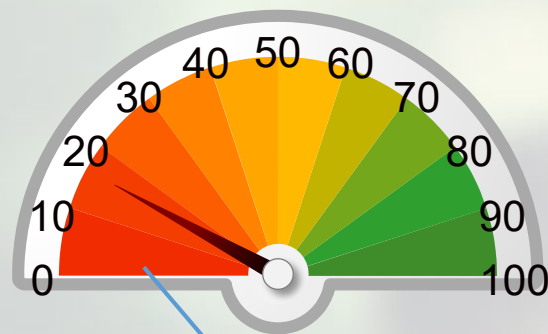
YEARS of  
**AmeriCorps**



# Why Veteran & Military Family Caregivers?



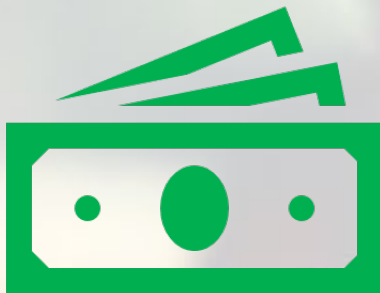
65 million caregivers



**30%**

17% are veteran caregivers

10+ years of caring, 2x more than average



\$450 billion per year value





**Caregiver support  
services for veteran and  
military family  
caregivers**

**Services provided by  
500+ AmeriCorps  
members**

**15 nonprofit partners  
across 8 states**

# Six Service Components



In-home respite



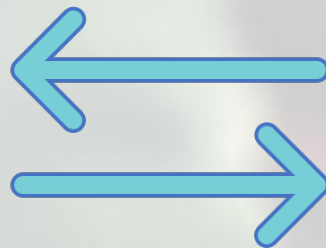
Info on Medical  
Conditions



Child care



Peer-to-peer  
Networks



Caregiver  
Transitional Services



Transportation



# Benefits for the Agencies



High-Quality Volunteers



450 hours of service



Federal Financial Support



# Benefits for AmeriCorps Members



Explore pathways from service to employment



On-the-job paid training experiences



Modest monthly living allowances



Annual education award

# Comparing Costs





# Future Goals




Build educational pathways for ASU students to engage in Legacy Corps and transition to public service careers



Helping our partner agencies recover from COVID



Expanding our partnerships into new communities



# The State of U.S. Military Veteran Employment in Local Government

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# DoD COVID-19 Mandate

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A BRIEF HISTORY

AND

THE NEGATIVE EFFECTS STILL PLAGUING SERVICE MEMBERS

# Introduction

Before the mandate I had many accolades:

- Awarded 1 of Ten Outstanding Young Americans
- Air Force Times Airman of the Year runner up
- 3x nominated to be Superintendent to the SECAF

After the mandate I became public enemy no. 1:

- Reprimanded for not taking vaccine that wasn't available
- Issued separation package at 19 years of service
- Reprimanded for speaking to Tucker Carlson

## Master sergeant dedicates thousands of hours to mentoring youth, caring for orphans

By Kent Miller

Jul 3, 2017



Tucker Carlson Tonight July 06, 2022 - 08:02 (LIVE)

**Air Force master sergeant expelled after refusing COVID vaccine: 'A problem for right now'**

Air Force Master Sgt. Nick Kupper shares his views on the military's vaccine mandate and on being removed after 19 years of service on 'Tucker Carlson Tonight'.

# The Order

On August 24, 2021, Defense Secretary Lloyd Austin ordered all 2.1 million service members to take COVID-19 vaccines, but only versions that were fully FDA-approved.

“Mandatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the Food and Drug Administration (FDA), in accordance with FDA-approved labeling and guidance.”



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

AUG 24 2021

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP  
COMMANDERS OF THE COMBATANT COMMANDS  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense  
Service Members

To defend this Nation, we need a healthy and ready force. After careful consultation with medical experts and military leadership, and with the support of the President, I have determined that mandatory vaccination against coronavirus disease 2019 (COVID-19) is necessary to protect the Force and defend the American people.

Mandatory vaccinations are familiar to all of our Service members, and mission-critical inoculation is almost as old as the U.S. military itself. Our administration of safe, effective COVID-19 vaccines has produced admirable results to date, and I know the Department of Defense will come together to finish the job, with urgency, professionalism, and compassion.

I therefore direct the Secretaries of the Military Departments to immediately begin full vaccination of all members of the Armed Forces under DoD authority on active duty or in the Ready Reserve, including the National Guard, who are not fully vaccinated against COVID-19.

Service members are considered fully vaccinated two weeks after completing the second dose of a two-dose COVID-19 vaccine or two weeks after receiving a single dose of a one-dose vaccine. Those with previous COVID-19 infection are not considered fully vaccinated.

Mandatory vaccination against COVID-19 will only use COVID-19 vaccines that receive full licensure from the Food and Drug Administration (FDA), in accordance with FDA-approved labeling and guidance. Service members voluntarily immunized with a COVID-19 vaccine under FDA Emergency Use Authorization or World Health Organization Emergency Use Listing in accordance with applicable dose requirements prior to, or after, the establishment of this policy are considered fully vaccinated. Service members who are actively participating in COVID-19 clinical trials are exempted from mandatory vaccination against COVID-19 until the trial is complete in order to avoid invalidating such clinical trial results.

Mandatory vaccination requirements will be implemented consistent with DoD Instruction 6205.02, “DoD Immunization Program,” July 23, 2019. The Military Departments should use existing policies and procedures to manage mandatory vaccination of Service members to the extent practicable. Mandatory vaccination of Service members will be subject to any identified contraindications and any administrative or other exemptions established in Military Department policy. The Military Departments may promulgate appropriate guidance to carry out the requirements set out above. The Under Secretary of Defense for Personnel and



OSD007764-21/CMD010116-21

# The Illegal Implementation

Although the first COVID-19 vaccine was approved on August 23, 2021, the day before Austin's order, the DoD did not have any on hand until 10 months later in June of 2022.

By that date, the DoD had already kicked out over 5,400 service members for not taking an approved vaccine, even though none were available.

“Defendants have confirmed that they did not have Comirnaty-labelled vaccine available until recently.”

*v. New York*, 139 S. Ct. 2551, 2573-74 (2019)). Idle speculation such communications might exist and might be part of the record does not meet this exacting standard. It is not unreasonable for DoD rely in part on FDA's public findings and decisions about these vaccines, and Plaintiffs' arguments to the contrary go to the merits of their arguments, not the propriety of discovery.<sup>2</sup>

**RFP9.** RFP 9 seeks DoD communications with Pfizer regarding alleged attempts to order Comirnaty and why it was unavailable. Pls.' Ex. 1. These communications are irrelevant. These communications logically would not be part of an AR for the policies challenged here, and Plaintiffs have admitted these claims should be resolved on the basis of an AR.<sup>3</sup> It bears noting that the full explanation for why

<sup>2</sup> Plaintiffs incorrectly suggest that if responsive communications existed, they would be necessarily part of the AR. The request is not limited to the time period leading up to the implementation of the vaccine mandate and is not limited to information that was considered by the decisionmaker. Moreover, the hypothetical communications could have been purely deliberative; information protected by the deliberative process privilege is not ordinarily considered part of the AR, and thus would not ordinarily be included. *Oceana, Inc. v. Ross*, 920 F.3d 855, 865 (D.C. Cir. 2019) (“[A]bsent a showing of bad faith or improper behavior, “[a]gency deliberations not part of the record are deemed immaterial.”) (citation omitted). That is no less true for “interagency” communications that fall within the privilege. See, e.g., *FBME Bank Ltd. v. Lew*, 209 F. Supp. 3d 299, 323 (D.D.C. 2016) (holding that the substance of interagency consultations would be privileged and outside the scope of the record).

<sup>3</sup> Plaintiffs insinuate some bad faith by citing statements about whether “Comirnaty” was available. But neither the facts nor DoD's policy has ever been in dispute. Defendants have confirmed that they did not have Comirnaty-labelled vaccine until recently. Supp. Rans Decl. ¶ 11 & 17, but defendants have had BLA-compliant vaccine, and other EUA-labelled Pfizer doses. And Defendants have consistently confirmed DoD's position, based on FDA guidance, that EUA-labelled Pfizer vaccine may be used interchangeably for the purposes of the mandate as if it were the licensed Pfizer vaccine. See ECF No. 65-1, at 28; Supp. Rans Decl. ¶¶ 4-5, 10. Plaintiffs also cite a website that published a redacted, purportedly leaked email suggesting that providers can order Comirnaty-labeled Comirnaty sufficient to comply with legal obligations. It is hard to see how that amounts to even an insinuation of bad faith, given that there are multiple lawsuits pending around the country raising claims similar to this one.

# The Damage

- Over 8,400 service members kicked out
- Tens of thousands separated in lieu of being kicked out
- Tens of thousands of National Guard members lost pay and benefits when they were placed on “no pay, no points” status for up to a year
- Thousands of discharged members required to pay back bonuses up to \$30,000 and sent to collections when they couldn't
- No program in place to provide back pay to service members who had their pay illegally excised by the DoD
- Recruiting and retention is the worst it has been in 80 years

Pentagon & Congress

## Amid recruiting woes, active duty end strength to drop again in 2024

By [Leo Shane III](#)

Dec 14, 2023



Marines and sailors aboard the USS Makin Island stand in formation. (Lance Cpl. Laura Y. Raga/Marine Corps)

**The smallest U.S. military force in more than 80 years is about to get even smaller.**

Under end strength levels outlined in the [annual defense authorization bill](#) passed by the Senate Wednesday evening and expected to be passed by the House on Thursday, the total number of active-duty troops in the armed forces will drop to 1,284,500 in fiscal 2024. That's down nearly 64,000 personnel in the last three years and the smallest total for America's military since 1940, before [the United States' entry into World War II](#).





Questions?



11 January 2024

To: Arizona Department of Veterans' Services Commission

From: Commissioner Cushman

Subject: Outreach to Veterans 09 November 2023 to 11 January 2024

The following is a summary of outreach to Veterans performed between Commission meetings. I chair several committees at my local VFW and American Legion Post to include Bylaws Committee, Naming Committee, Executive Committee, and the Quartzsite Masters Charity Desert Golf Tournament.

- Attended AZDVS Commission Meeting, Phoenix, Arizona (09 November 2023)
- Substitute Teaching, Le Pera Elementary School, Poston, Arizona (11 November 2023). Inspired the next generation to consider careers in the U.S. Military.
- Attended VFW Post 769, Quartzsite, Arizona monthly membership meeting (11 November 2023). Provided update on Commission activities.
- Participated in Veterans Day Activities in Quartzsite, Arizona (11 November 2023)
- Substitute Teaching, Ehrenberg Elementary School, Ehrenberg, Arizona (15 November 2023). Inspired the next generation to consider careers in the U.S. Military.
- Participated on the Service Academy Nomination Board for Congressman Paul Gosar (17 November 2023)
- Substitute Teaching, Le Pera Elementary School, Poston, Arizona (20 November 2023). Inspired the next generation to consider careers in the U.S. Military.
- Attended virtual Commission Meeting to approve annual report to Governor Hobbs (20 November 2023)
- Provided free honeybee removal services to VFW Post 9401 in Lake Havasu City (21 November 2023)
- Substitute Teaching, Ehrenberg Elementary School, Ehrenberg, Arizona (07 December 2023). Inspired the next generation to consider careers in the U.S. Military and the impact of the Imperial Japanese attack on Pearl Harbor in 1941.
- Attended VFW Post 769, Quartzsite, Arizona monthly membership meeting (09 December 2023). Provided update on Commission activities.
- Attended Brotherhood of the Rouge MC, Executive Board meeting to address a sensitive membership matter (09 December 2023).
- Officiated at the Memorial Service for Dr. Paul Range, U.S. Army (Retired). Dr. Paul was the President and CEO for One Seedling, a Veteran Service Organization that assisted homeless combat Veterans in Arizona. (16 December 2023)
- Advised the Cabinet Executive Officer, Dana Allmond, on Veteran relevant remarks for Governor Hobbs' State-of-the-State speech. (24 December 2023)
- Participated in the Stonebridge Veterans Organization monthly meeting with Cabinet Executive Officer, Dana Allmond. Provided an update on Commission activities and priorities. Lake Havasu City, Arizona (3 January 2024)

- Toured Veterans Administration Center with Cabinet Executive Officer, Dana Allmond. Provided an update on Commission activities and priorities. Lake Havasu City, Arizona (3 January 2024)
- Toured Lake Havasu City Veterans Court with Cabinet Executive Officer, Dana Allmond. Provided an update on Commission activities and priorities. Lake Havasu City, Arizona (3 January 2024)

Respectfully Submitted,

Philip D. Cushman  
Commissioner