

Exhibit 4



DEPARTMENT OF THE AIR FORCE
37TH AIRLIFT SQUADRON

MEMORANDUM FOR STAFF SERGEANT ANTHONY J. LOVERDE, REDACTED 1618, 37 AS

FROM: 37 AS/CC

SUBJECT: Notification Memorandum – Board Hearing

1. I am recommending your discharge from the United States Air Force for homosexual conduct. The authority for this action is AFPD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.36.2. Copies of the documents to be forwarded to the separation authority to support this recommendation are attached.
2. My reason for this action is that, on 22 April 2008, you wrote MSgt Jon Welch, 37 AS/CCF an e-mail stating that you are a homosexual and have grown weary of hiding this from your peers. I have determined that your statement is credible and was not made for the purpose of avoiding service.
3. I am recommending that you receive an Honorable discharge characterization. The commander exercising Special Courts-Martial Convening Authority jurisdiction, or a higher authority, will decide whether you will be discharged or retained in the United States Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment. The separation authority will make the findings and recommendations required under 10 U.S.C. Section 2005(g).
4. You have the right to:
 - a. Consult legal counsel.
 - b. Present your case to an administrative discharge board. You are entitled to present evidence to rebut the presumption that you engage in, attempted to engage in, have the propensity to engage in, or intend to engage in homosexual acts.
 - c. Be represented by legal counsel at a board hearing.
 - d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
 - e. Waive the above rights. You must consult legal counsel before making a decision to waive any of your rights.
5. You have been scheduled for a medical examination. You must report to your Primary Care Manager on 11 June 2008, at 0845 hours for the examination. Prior to your appointment, please go to Force Health Management so that they can pull your records. If you wear glasses or contacts, you must bring them to your appointment.

6. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, Bldg 539, on 10 June 2008, at 0900 hours. Instead of the appointed counsel, you may choose another if the lawyer you request is in the active military service and is reasonably available, as determined according to AFI 51-201, *Administration of Military Justice*. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

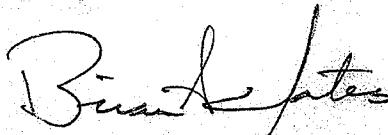
7. Confer with your counsel and reply, in writing, within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements on your own behalf. I will send any statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to an administrative discharge board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available can be found on the Air Force E-publishing website, <http://www.e-publishing.af.mil>.

9. If you request an administrative discharge board hearing, and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. If you received advanced educational assistance, special pay, or bonuses, and have not completed the period of active duty you agreed to serve, you may be subject to recoupment. Where recoupment is dependent on a finding that the separation is voluntary or because of misconduct, the discharge board (or the separation authority if the board is waived) will make a specific written finding whether the homosexual conduct constitutes a basis for recoupment. A separation for homosexual conduct is voluntary if the member made the homosexual statement; committed, attempted, or solicited the homosexual act; or entered or attempted to enter the homosexual marriage for the purpose of seeking separation. Circumstantial evidence may be considered in determining the member's intent.

11. Execute the attached acknowledgment and return it to me immediately.



BRIAN A. YATES, Lt Col, USAF
Commander

Attachments:

1. Memorandum from Lt Col Yates
2. E-mail from SSgt Loverde to MSgt Jon Welch (2 pgs)
3. Memorandum Statement from SSgt Loverde
4. Receipt of Notification Statement
5. Recoupment Statement