

AO 450 (Rev. 5/85) (Mod. 10/93) Judgment in a Civil Case ◦

United States District Court
WESTERN DISTRICT OF WASHINGTON

JUDGMENT IN A CIVIL CASE

MAJOR MARGARET WITT,

v.

CASE NUMBER CV06-5195 RBL

UNITED STATES DEPARTMENT OF THE
AIR FORCE; et al,

[] **Decision by Court.** This action came to trial before the Court. The issues have been presented and a decision has been rendered.

BASED ON ORAL AND WRITTEN MEMORANDUM OPINION AND FINDINGS OF FACT
AND CONCLUSIONS OF LAW THE COURT HAS ORDERED THAT

The application of “Don’t Ask Don’t Tell” to Major Margaret Witt does not significantly further the government’s interest in promoting military readiness, unit morale and cohesion. Her discharge from the Air Force Reserves violated her substantive due process rights under the Fifth Amendment to the United States Constitution. She should be restored to her position as a Flight Nurse with the 446th AES as soon as is practicable, subject to meeting applicable regulations touching upon qualifications necessary for continued service.

Dated: September 24, 2010

WILLIAM M. McCOOL
Clerk

s/Jean Boring
(By) Deputy Clerk