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OPINION COMMITTEE

RQ-0197-JC  
FILE # ML 41303 - 00  
I.D. # 41303

February 27, 2000

The Honorable John Cornyn  
Office of the Attorney General  
209 W. 14th St.  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear General Cornyn:

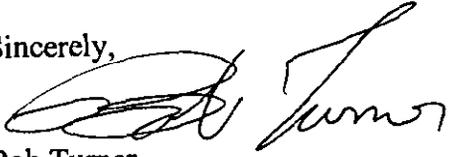
This letter is to request an Attorney General Opinion concerning the involuntary discharge of Major Robert H. Starks, 467-64-6682. Major Starks was involuntarily discharged from the Texas Air National Guard in 1990.

After hours of in depth research, I have found that Major Starks' discharge was apparently based upon provisions of the TANG Regulation 36-05. This regulation refers to "officers lacking in professional qualifications." However, the interpretation does not clearly define what deficiency in professional qualifications constitutes grounds for discharge. Apparently these standards are established in TANG policy letters, not in the regulation itself. It appears that this individual was discharged based on a unit established continuing education standard. It was not based upon state law, as set forth in paragraph 13a (1) ANG 36-05.

Enclosed, please find applicable material which will provide background information for your review. This decision on the part of TANG and the subsequent discharge of Major Starks has created unnecessary frustrations. In view of this, it appears that in a worst case scenario, Major Starks should have been transferred from Texas Air National Guard. However, due to the unique dual commissioning status that guardsman enjoy, he should have remained as a commissioned reserve officer in the United States Air Force Reserve.

I am requesting a review and issuance of an Attorney General Opinion on this matter. I would appreciate this matter being expedited if possible. If I can be of further assistance in this matter, please do not hesitate to call on me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Turner". The signature is fluid and cursive, with the first name "Bob" written in a larger, more prominent script than the last name "Turner".

Bob Turner

cc: State Representative Jesse Jones  
Robert H. Starks  
enclosures