

APPENDIX

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UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

NORMAN A. MALLORY

Plaintiff - Appellant

v.

ROCKY MOUNTAIN

HUMAN SERVICE

SSVFT,

Defendant - Appellee.

No. 22-1141

(D.C. No. 1:21-CV-00133-

RMR-SKC)

(D. Colo.)

ORDER AND JUDGMENT

Before BACHARACH, BALDOCK, and McHUGH, Circuit Judges.

Pro se plaintiff Norman A. Mallory filed suit against Defendant Rocky Mountain Services, a Colorado nonprofit organization, alleging that it had discriminated against him because of his race in violation of Title VII. Plaintiff, however, failed to plead an employer-employee relationship between him and Defendant in his complaint. He conceded that no such relationship existed when he amended his complaint pursuant to a magistrate judge's order. Plaintiff's amended _____

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G).* The case is therefore ordered submitted without oral argument. This order and judgement is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1. Plaintiff nevertheless reasserted his claim under Title VII and added a theory of liability based on 42 U.S.C. § 1983.

Defendant moved for judgement on the pleadings and for summary judgment. The magistrate judge assigned to the matter issued a report and recommendation that recommended Defendant's motion for judgement on the pleadings be granted. The magistrate judge reasoned that Plaintiff's admission that no employer-employee relationship existed

between him and Defendant precluded any relief under Title VII and that his § 1983 claim failed because Plaintiff had both failed to plead any facts showing Defendant acted under color of state law or support it in response to Defendant's motion. Plaintiff objected. The district court considered Plaintiff's objection, independently reviewed the magistrate judge's recommendation, and concluded "[f]or the reasons stated in the Recommendation, the Amended Complaint... should be dismissed because Plaintiff fails to state a Title VII claim and does not plausibly allege a Section 1983 claim." *Mallory v. Rocky Mountain Human Serv. SSVFT*, No. 1:21-CV-00133-RMR-SKC, 2022 WL 1295443, at *2 (D. Colo. Mar. 28, 2022) (citation omitted) .

But the district court did not stop there—it also considered Defendant's motion for summary judgement. It granted that motion "[f]or similar reasons that Magistrate Judge Crews recommended that the Court grant Defendant's Motion for Judgement on the Pleadings." *Id.* at *3. In doing so, the district court considered documents presented by Defendant showing that it is a nonprofit and not a governmental organization. *Id.* at *4. Thus, the district court concluded that Defendant had carried its burden to make a *prima facie* showing that there was no triable issue of fact. *Id.* In the view of the district court, Plaintiff failed to meaningfully respond to that showing and did not carry his burden to show a triable issue of fact. *Id.* Therefore, the district court adopted the magistrate judge's recommendation and granted both Defendant's motion for judgement on the pleadings and motion for summary judgement. *Id.* We have independently reviewed the magistrate judge's report and recommendation, the district court's order granting Defendant's motion for judgment on the pleadings and motion for summary judgement, and the record on appeal. We discern no error in the district court's disposition of this case and "see no useful purpose in writing at length." *Andrew v. Walz*, 834 F Appx. 472, 473 (10th Cir. 2021) (unpublished). Accordingly, we **AFFIRM** the decision below for the reasons stated in the district court's order.

Entered for the Court

Bobby R. Baldock
Circuit Judge

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse

1823 Stout Street

Denver, Colorado 80257

(303) 844-3157

Clerk@ca10.uscourts.gov

Christopher M. Wolpert

Clerk of Court

Jane K. Castro

Chief Deputy Clerk

October 11, 2022

Mr. Jeffrey P. Colwell

United States District Court for the District of Colorado

Office of the Clerk

Alfred. A Arraj U.S. Courthouse

901 19th Street

Denver, CO 80294-3589

RE: 22-11412, Mallory v. Rocky Mountain Human Service SSVFT

Dist/Ag docket: 1:21-CV-00133-RMR-SKC

Dear Clerk:

Pursuant to Federal Rule of Appellate Procedure 41, the Tenth Circuit's mandate in the above-referenced appeal issued today. The court's August 30, 2022 judgement takes effect this date. With the issuance of this letter, jurisdiction is transferred back to the lower court.

Please contact this office if you have questions.

Sincerely,

Christopher M. Wolpert

Clerk of Court

cc: Norman A. Mallory

John Roger Mann

Ann Purvis

Anna Rewinert

CMW/sds

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLORADO
Judge Regina M. Rodriguez

Civil Action No. 1:21-cv-00133-RMR-SKC

NORMAN A. MALLORY,

Plaintiff,

v.

ROCKY MOUNTAIN HUMAN SERVICE SSVFT,

Defendant.

ORDER

This matter is before the court on Magistrate Judge S. Kato Crews' Recommendation Re: Motion for Judgement on the Pleadings, ECF No. 68. Also pending before the Court are Defendant's Motion to Strike Plaintiff's Surreply to Defendant's Motion for Judgement on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), ECF No. 46; Defendant's Partially Unopposed Motion to Modify Scheduling Order, ECF No. 58; Defendant's second Partially Unopposed Motion to Modify Scheduling Order, ECF No. 60; and Defendant's Motion for Summary Judgement, ECF No. 61.

On February 25, 2022, Magistrate Judge Crews filed the Recommendation, in which he recommended that the Defendant's Motion for Judgement on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), ECF No. 36, be granted. See ECF No. 68 at 10. On March 4, 2022, Plaintiff, proceeding pro se, filed a document with the title "Plaintiff is providing argument supporting section 1983 claim in response to the motion." ECF No. 69. The Court construes this document as Plaintiff's timely filed Objection to Magistrate Judge Crews' Recommendation, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2). On March 18, 2022, Defendant filed this Response to Plaintiff's Objection to Recommendation Re: Motion for Judgements on the Pleadings. ECF No. 70.

Having received and considered de novo the Recommendation, along with Plaintiff's Objection and the entire record, the Court OVERRULES Plaintiff's Objection, ECF No. 69, and ACCEPTS AND ADOPTS the Recommendation, ECF No. 68. Accordingly, Defendant's Motion for Judgement on the Pleading's Pursuant to Fed. R. Civ. P. 12(c), ECF No. 36, is GRANTED. In addition, for the reasons stated below, the Court also GRANTS Defendant's Motion for Summary Judgement, ECF No. 61. As such, the Court FINDS AS MOOT Defendant's Partially Unopposed Motions to Modify Scheduling Order, ECF Nos. 58, 60, and Defendant's Motion to Strike Plaintiff's Surreply to Defendant's Motion for Judgement on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), ECF No. 46.

I. THE RECOMMENDATION

The Court is required to make a de novo determination of those portions of a magistrate judge's recommendation to which a specific, timely objection has been made, and it may accept, reject, or modify any or all of the magistrate judge's findings or recommendations. 28 U.S.C. § 626(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to.")

"[A] party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review." *United States V. One Parcel of Real Property*, 73 F. 3d 1057, 1060 (10th Cir. 1996). In the absence of a proper objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. See *Summers V. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas V. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.") When no proper objections are filed, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."¹ Fed. R. Civ. P. 72 (b) advisory committee's note to 1993 amendment.

In his Objection, Plaintiff argues that he "disagrees with the court's recommends [sic] granting the motion, for these reasons." ECF No. 69 at 1.

- "Reason number one: Plaintiff did not abandon his section 1983 claim." Id.
- "Reason number two: Plaintiff is still claiming that RMHS is still in violation of the Plaintiff's constitutional rights to equal protection under 42 U.S.C [sic] (1983)." Id.
- "Reason number three: the Plaintiff filed his race discrimination lawsuit under the Public Accommodations Law which hold the same consequences as the employment law does." Id.
- "The bottom line is that the RMHS deliberately and intentionally discriminated against an elderly black veteran , who was deprived of the necessities of life including leaving the Plaintiff outside in the cold winter months which is both dangerous and in harms way, which breaks the Civil Rights Act of 1964 Law ("Title VII"). Id.

Plaintiff does not further elaborate on these arguments in any way. These objections constitute conclusory arguments that are arguably not specific enough to warrant de novo review of the Recommendation. See *id.*; *Summers*, 927 F.2d at 1167; see also *Thomas*, 474 U.S. at 150. Nevertheless, the Court has reviewed the Recommendation, ECF No. 68; the Objection, ECF No. 69; and the entire record de novo and concludes that, under either a de novo or a clear error

¹ This standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a de novo review, Fed. R. Civ. 72(b). See, e.g., *National Jewish Health V. WebMD Health Servs. Grp., Inc.*, 305 F.R.D. 247, 249 n.1 (D. Colo. 2014)(Daniel, J.).

standard of review, the Recommendation accurately sets forth and applies the appropriate legal standards. For the reasons stated in the Recommendation, the Amended Complaint, ECF No. 6, should be dismissed because Plaintiff fails to state a Title VII claim and does not plausibly allege a Section 1983 claim. See ECF No. 68 at 6-10. Therefore, the Court OVERRULES Plaintiff's Objection, ECF No. 69, and ACCEPTS AND ADOPTS the Recommendation, ECF No. 68. Accordingly, Defendant's Motion for Judgment on the Pleadings, ECF No. 36, is GRANTED.

II. THE MOTION FOR SUMMARY JUDGEMENT

On January 21, 2022, Defendant also filed a Motion for Summary Judgment. ECF No. 61. Plaintiff responded on February 9, 2022, ECF No. 66, and Defendant filed a Reply on February 24, 2022, ECF No. 67. Defendant's Motion for Summary Judgment is ripe for review. The Court's adoption of the Recommendation to grant Defendant's Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), ECF No. 36, arguably moots Defendant's pending Motion for Summary Judgment, ECF No. 61. However, even if granting Defendant's Motion for Judgment on the Pleadings did not moot Defendant's Motion for Summary Judgment, upon review the Motion for Summary Judgment and the full record, for the reasons stated below, the Court would grant Defendant's Motion for Summary Judgment.

The Court "shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a); see also *Anderson V. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). "A fact is 'material if under the substantive law it is essential to the proper disposition of the claim.'" *Wright ex rel. Tr. Co. of Kan. V. Abbot Lab'ys, Inc.*, 259 F.3d 1226, 1231-32 (10th Cir. 2001) (quoting *Adler V. Wal-Mart Stores, Inc.*, 144 F.3d 664, 670 (10th Cir. 1998)); see also *Anderson*, 477 U.S. at 248 ("As to materiality, the substantive law will identify which facts are material."). "Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment." *Anderson*, 477 U.S. at 248; see also *Stone V. Autoliv ASP, Inc.*, 210 F.3d 1132, 1136 (10th Cir. 2000). "[T]he dispute is 'genuine' if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Allen V. Muskogee, Okla.*, 119 F.3d 837, 839 (10th Cir. 1997); see also *Anderson*, 477 U.S. at 248. "To defeat a motion for summary judgment, evidence, including testimony, must be based on more than mere speculation, conjecture, or surmise." *Bones V. Honeywell, Intl, Inc.*, 366 F.3d 869, 876 (10th Cir. 2004).

"[O]n summary judgment the inferences to be drawn from the underlying facts... must be viewed in the light most favorable to the party opposing the motion." *Matsushita Elec. Indus. Co., Ltd. V. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (quoting *United States V. Diebold, Inc.*, 369 U.S. 654, 655 (1962)). However, "the nonmovant that would bear the burden of persuasion at trial may not simply rest upon its pleadings" at this stage. *Adler*, 144 F.3d at 671. If the movant carries "the initial burden of making a prima facie of a genuine issue of material fact

and entitlement to judgment as a matter of law," then "the burden shifts to the nonmovant to go beyond the pleadings and 'set forth specific facts' that would be admissible in evidence in the event of trial from which a rational trier of fact could find for the nonmovant." *Id.* at 670-71.

Ultimately, the Court's inquiry is "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law." *Anderson*, 477 U.S. at 251-52. "[T]here is no issue for trial unless there is sufficient evidence favoring the nonmoving party for a jury to return a verdict for that party. If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted." *Id.* at 249-50 (citations omitted).

For similar reasons that Magistrate Judge Crews recommended that the Court grant Defendant's Motion for Judgment on the Pleadings, the Court also grants Defendant's Motion for Summary Judgment, ECF No. 61. Plaintiff's operative Amended Complaint alleges that Defendant denied Plaintiff access to its Support Services for Veteran Families ("SSVF") Program (which "offers a range of supportive services to eligible veteran families that are designed to promote housing stability," ECF No. 14 ¶ 2) "[a]ll because [Plaintiff] was Black." ECF No. 6 at 4 ("[T]hey have no Black veterans in the Northern Rocky Mountain Human Services SSVFT [²] COVID-19 relief program, and the SSVFT people plan to keep it that way."). Plaintiff alleges that "[b]ased on my race and the color of my skin I was treated different and unjust in comparison to other white veterans that applied for some COVID-19 relief during the pandemic." *Id.*

Plaintiff's Amended Complaint expressly identifies Title VII of the Civil Rights Act of 1964 as the basis for his claims. *Id.* However, as Magistrate Judge Gallagher did in ordering Plaintiff to file his Amended Complaint, Magistrate Judge Crews also liberally construed Plaintiff's Amended Complaint as "attempting to assert an equal protection claim" under 42 U.S.C. § 1983. See ECF No. 5 at 3; ECF No. 68 at 7-10. Here, the Court also liberally construes Plaintiff's Amended Complaint as attempting to assert both a Title VII claim and an equal protection claim under Section 1983. See *Hall V. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing *Haines V. Kerner*, 404 U.S. 519, 520-21 (1972)) ("A pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers."). In doing so, the Court has not "assume[d] the role of advocate for the pro se litigant." See *id.*

In its Motion for Summary Judgment, Defendant argues that Plaintiff's Title VII claim fails because "Plaintiff did not allege that he had any employment relationship with [Defendant]." ECF No. 61 at 4. In fact, Defendant notes that Plaintiff "expressly admitted in his Amended Complaint that he did **not** have an employment relationship with [Defendant]." *Id.* at 5 (emphasis in original); see also ECF No. 6 at 4 ("My complaint is not an Employer and

² As noted in the Recommendation, ECF No. 68 at 2 n.2, Plaintiff refers to "SSVFT," ECF No. 6 at 4-6, but Defendant has clarified that the program is the Support Services for Veteran Families (SSVF) Program, see ECF No. 14 ¶ 1; ECF No. 61 ¶ 7.

Employee relation. Between me and [Defendant] but it is a public accommodation between me and[Defendant's] SSVFT veteran COVID-19 relief program."). Defendant points out that it is necessary for a plaintiff to allege an employment relationship with the defendant in order to establish a *prima facie* case under Title VII. See ECF No. 61 at 5 (citing *Lockard V. Pizza Hut, Inc.*, 162 F.3d 1062, 1069 (10th Cir. 1998)).

As for Plaintiff's Section 1983 equal protection claim, Defendant argues that even if the Court liberally construes the Amended Complaint as bringing such a claim, the Court should grant summary judgment in Defendant's favor on that claim because Plaintiff has not, and cannot, allege any facts showing that Defendant is a state actor or acted under color of state law, as is required to establish a Section 1983 claim. *Id.* at 6-7 (citing 42 U.S.C. § 1983; *Sandy V. Baca Grande Prop. Owners Ass'n*, No. 1:18-cv-02572-RM-KMT, 2020 WL 563294, at *5 (D. Colo. Feb. 5, 2020) (Moore, J.)). Defendant attaches to its Motion for Summary Judgment a Declaration by its Chief Executive Officer, ECF No. 61-2; its Corporate Disclosure Statement (ECF No. 15), ECF No. 61-3; and what appears to be the search results from the Colorado Secretary of State's business database regarding Defendant's corporate information, CF No. 61-4. These documents state that Defendant is a "Colorado nonprofit corporation," ECF Nos. 15, 61-3; that it is "not a government organization," ECF No. 61-2 ¶ 5; and that it "does not represent the State of Colorado or act on behalf of the State of Colorado" in implementing its SSVF Program, *id.* ¶ 6. See also ECF No. 61-4 at 1 ("Form | Nonprofit Corporation"). The Court finds that Defendant has carried its "initial burden of making a *prima facie* demonstration of the absence of a genuine issue of material fact and entitlement to judgment as a matter of law" as to both Plaintiff's Title VII claim and the Section 1983 claim that the Court liberally construes the Amended Complaint as bringing. See *Adler*, 144 F.3d at 670-71.

In his Response, Plaintiff argues that:

(1) RMHS broke the civil rights act of 1964 Law (Title VII) they discriminated against a qualifying Elderly Black Veteran the Covid-19 relief program they offer to qualifying veterans.

(2) RMHS, is in violation of the Plaintiff's civil rights.

ECF No. 66 at 1. Plaintiff does not elaborate further.³ See *id.* These arguments do not carry Plaintiff's burden "to go beyond the pleadings and 'set forth specific facts' that would be admissible in evidence in the event of trial from which a rational trier of fact could find for the nonmovant." *Adler*, 144 F.3d at 671. Even viewing the facts, and the inferences to be drawn therefrom, "in the light most favorable to" Plaintiff, the Court finds that there remains no genuine

³Furthermore, Plaintiff has already been advised of the deficiencies related to these issues in his Complaint and given the chance to amend. See ECF Nos. 5-6. Nonetheless, for the reasons stated here and in Magistrate Judge Crews' Recommendation, CF No. 68, Plaintiff has failed to cure these deficiencies, and he has not moved for leave to amend the Complaint a second time.

issue of material fact, and summary judgment in favor of Defendant is warranted. See Matsushita Elec. Indus. Co., 475 U.S. at 587. Therefore, the Court GRANTS Defendant's Motion for Summary Judgment.

III. CONCLUSION

For the reasons stated above, it is

ORDERED that Plaintiff's Objection, ECF No. 69, is OVERRULED; it is

FURTHER ORDERED that Magistrate Judge Crews' Recommendation Re: Motion for Judgment on the Pleadings [Dkt. 36] is ACCEPTED AND ADOPTED; accordingly, it is

FURTHER ORDERED that Defendant's Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), ECF No. 36, is GRANTED; it is

FURTHER ORDERED that Defendant's Motion to Strike Plaintiff's Reply to Defendant's Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), ECF No. 46, is FOUND AS MOOT; it is

FURTHER ORDERED that Defendant's Motion for Summary Judgment, ECF No. 61, is GRANTED; it is

FURTHER ORDERED that Plaintiff's claims and this case are DISMISSED WITH PREJUDICE; it is

FURTHER ORDERED that Defendant's Partially Unopposed Motions to Modify Scheduling Order, ECF Nos. 58, 60, are FOUND AS MOOT; and it is

FURTHER ORDERED that a copy of this Order shall be sent to the following:

Norman A. Mallory

P.O. Box 683

Fort Collins, CO 80522

DATED: March 28, 2022

BY THE COURT:

REGINA M. RODRIGUEZ

United States District Judge

WEST DIRECT OIL

Norman Mallory
PO Box 683
Fort Collins, CO 80522
United States

Date: April 10, 2020

Dear Norman Mallory:

I regret to inform you that you are being laid off from your position as a Parts Runner effective April 10, 2020. This layoff should be considered permanent.

As a laid off employee, there are several issues you will need to be aware of. You will receive information in the mail in the next few weeks on continuation under COBRA of any health care benefits in which you are enrolled. If you have any questions regarding your health benefits and transition to COBRA you can contact me.

Attached to this letter you will also find a 401k termination form. You will be able to rollover or withdraw your funds minus any applicable fees and taxes. Once you decide you should submit your 401k application to me to get processed.

Please also noticed enclosed is the unemployment information for the State of Colorado.

The following company property must be returned by April 10, 2020:

- Passwords

Pay

In accordance with company policy and relevant state laws, your final pack check is included with this letter. You are being paid all hours owed up to Date. Benefits are scheduled to end Date.

To ensure you documents and notices from the company, please contact us if your address changes. If you have any questions, please call me at.

Sincerely yours,

~Tabitha
Tabitha Hernandez
Human Resource
Tabitha.hernandez@westdirectoil.com
Cell (720) 483-6499

Copy: Personnel File

MALLORY, Norman A.				22105 NO 148	NA	9116
4. DEPARTMENT, COMPETENT AND BEARING OF GRADE USMC		5. GRADE, RATE OR RANK PPC	6. DAY GRADE E-2	7. DAY OF BIRTH 19	8. DAY MONTH YEAR ADT 73	
9. U. S. CITIZEN <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		10. PLACE OF BIRTH (City and State or Country) Topeka, Kansas		11. DAY OF BIRTH 27	12. DAY MONTH YEAR May 52	
13. SELECTIVE SERVICE NUMBER 13 057 52 0150		14. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY, STATE AND ZIP CODE LB #13-57 Cedar Rapids, Iowa		15. DATE INDUCTED N/A		
16. TYPE OF TRANSFER OR DISCHARGE Discharge		17. STATION OR INSTALLATION AT WHICH EFFECTED MARBS, NWPNSTA, Concord, California 94520		18. EFFECTIVE DATE 03 May 73		
19. REASON AND AUTHORITY 316-Convenience of the Government, per 6012.1f MARCORSEPMAN and CMC msg 262131Z APR73		20. CHARACTER OF SERVICE HONORABLE		21. TYPE OF CERTIFICATE ISSUED DD 256 MC		
22. LAST DUTY ASSIGNMENT AND MAJOR COMMAND MARBS, NWPNSTA, Concord, CA 94520		23. DISTRICT, AREA COMMAND OR CORPS TO WHICH RESERVIST TRANSFERRED N/A		24. RECALLMENT CODE RE-SC		
25. TERMINAL DATE OF RESERVE N/A		26. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION a. SOURCE OF ENTRY <input checked="" type="checkbox"/> RECRUITED (First Enrollment) <input type="checkbox"/> ENLISTED (Pilot Service) <input type="checkbox"/> RECRUITED <input type="checkbox"/> OTHER		27. TERM OF SERVICE 02	28. DATE OF ENTRY 30 Jun 71	
29. PRIOR REGULAR ENLISTMENTS None		30. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SERVICE Pvt		31. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State) Des Moines, Iowa		
32. HOME OR RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE 1018 9th St NW, Cedar Rapids, Iowa 52405		33. STATEMENT OF SERVICE a. CREDITABLE FOR BASIC PAY PURPOSES b. TOTAL ACTIVE SERVICE c. FOREIGN AND/OR SEA SERVICE		34. YEARS 01 10 03 00 03 03 02 01 06	35. MONTHS 00 00 00	
36. SPECIALTY NUMBER & TITLE 0311 RifleMan		37. RELATED CIVILIAN OCCUPATION AND C.O.T. NUMBER Proof Dir, Small Arms		38. DECORATIONS, MEDALS, BADGES, DISTINCTIONS, CITATIONS AND CAMPAIGNS AWARDED OR AUTHORIZED Rifle Sharpshooter Badge Pistol Sharpshooter Badge National Defense Service Medal		
39. EDUCATION AND TRAINING COMPLETED High School-4 years MCI, WASH DC Tactics of Marine Rifle Squad MCI, WASH DC 106 MM Recoilless Rifle				40. INN COUNTY, IOWA DEC 6 PM 12 20	41. FILED E. KANE RECORDED	
42. DED-PAY PERIOD/TIME LOST (Proceeding Two Years) N/A		43. DATE RECEIVED LEAVE PAID -55-	44. INSURANCE IN FORCE (NSLI or USGLI) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 8 N/A	45. AMOUNT OF ALLOWMENT N/A	46. MONTH ALLOWED DISCONTINUED	
47. VA CLAIM NUMBER C N/A		48. SERVICEMAN'S GROUP LIFE INSURANCE COVERAGE <input type="checkbox"/> \$10,000 <input type="checkbox"/> \$20,000 <input type="checkbox"/> NONE \$15,000.00				
49. REMARKS Good Conduct Medal Commences: 19 April 1973						
50. PERSONAL ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Street, AFD, City, County, State and ZIP Code) See item #21			51. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED Norman A. Mallory			
52. FEE PAY NAME, GRADE AND TITLE OF AUTHORIZING OFFICER J. H. Woods, CAPT, ADJ			53. SIGNATURE OF OFFICER AUTHORIZED TO SIGN J. M. Woods			