

26-5169

VERSION 3

IN THE

Supreme Court of the United States

FILED

OCT 21 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Vincent D. Gaylord

Petitioner

V.

United States/Army

Defendant-Appellee

On Petition for a writ of Certiorari to

The United States Court of Appeals

For the Federal Circuit 20025-1555 10/15/2025

PETITION FOR A WRIT OF CERTIORARI

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Self-Represented

07/14/2026

QUESTION PRESENTED

Department of the army fails to provide the mandatory "full and fair hearing. Required by 10 U.S.C 1214, based upon an official government record whether the government violates the due process clause and 10 U.S.C 1214 when it shows that the army is required to pay all retired pay. 10 U.S.C 1214 requires a full and fair hearing. The Government's own record admits that there should be retired pay, and retired pay due, and retroactive pay due.

The Secretary of the US Army may retire a service member with retired pay, when an injury or disease incurred during active military. The disease that occurred was discrimination, so this was not the result of my willful misconduct. Punitive discharge is thereafter unlawfully executed.

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PARTIES TO THE PROCEEDING

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RELATED PROCEEDINGS

Other than the direct appeal that forms the basis for this petition, there are no related proceedings for purpose of Rule 14.1(b) Petitioner is currently seeking relief of retired pay and retroactive pay.

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PETITION APPENDIX

Court of Appeal for the Federal Circuit

October 15, 2025 2025-1555

TABLE OF ATHORITIES

CASES

Clinton v. Goldsmith, 526 U.S 529

(1999)

Hendrix v. Warden

Holly v. us

Statutes

10 U.S.C 871 (2012)

10 U.S.C 857 (2012)

10 U.S.C 876 (2018)

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INTRODUCTION

This case is about the US Army issuing an unlawful discharge order. My counsel that worked with the Army Board of Corrections gives information about my army discharge with zero percent instead of my 60 percent retirement, which was not disability, it was service connected. Holly v. US explains this in detail, because I was never given due process. I never received a proper retirement, and I was never given the proper retired papers. In the constitution this should not stand because the constitution was in place for all to be treated fairly.

This violates my constitutional rights. An unlawful discharge in the US Army occurs when a separation violates statutory requirements, service regulations (like AR 635-200). Or denies the service member constitutional due process.

DECISION BELOW

The United States Court of Appeals for the Federal Circuit was aware that the United States Court of Federal Claims had jurisdiction under 28 U.S.C 1259.

JURISDICTION

The United States court of Appeals for the Federal Circuit Affirmed with the United States Court of Federal Claims. The court has Jurisdiction.

The court should have granted my claim for unlawful discharge in the army because they have jurisdiction, 28 U.S.C 1259.

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**CONSTITUTIONAL AND STATUTORY
PROVISION INVOLVED**

1201 provides that the Secretary of the Army Ordered retire pay.

10 U.S.C 1214 require a full and fair hearing. (Statutory Provision).

STATEMENT OF CASE

In the 1997 case Holly v. United States Court of Federal claims ruled that John D. Holly, Jr was illegally discharged from the military. The court ordered back pay, reinstatement, and benefits. The court's decision was based on the statutory right to pay that continues if the discharge is wrongful.

This right serves as the basis for Tucker Act jurisdiction. The Tucker Act claims asserting wrongful military discharge have arisen in a variety of factual and legal situations, so legally I am entitled to retired pay and reinstatement pay.

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REASON FOR GRANTING THE PETITION

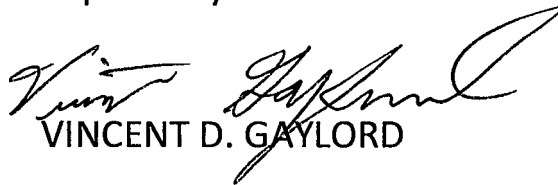
The court of Appeals for the Federal Circuit. In *Shedden v. Principi* 381 F 3d 1163 (Fed cir, 2004) held that 105 (a) creates a presumption of service connected when an injury or disease (was) incurred during active military, naval, or air service. The injury or disease was not the result of my own willful misconduct, or abuse of alcohol or drugs. This should be the same with army regulations.

The reason for granting this petition is because 1201 provides that the Secretary of the Army may retire a service member with pay, when an injury or disease incurred. The Secretary of the Army has ordered retired pay on the regulation of 10 U.S.C 1216. There have not been any retired pay. The Secretary of the Army has the power to determine retired pay and other related factions.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Vincent D. Gaylord", is written over the printed name.

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