No. _____

IN THE

Supreme Court of the United States

JONATHAN E. DOWLING, *Petitioner*

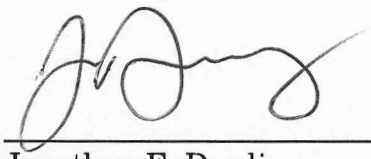
v.

DEPARTMENT OF THE AIR FORCE, *Respondent*

MOTION FOR LEAVE TO PROCEED AS A VETERAN UNDER RULE 40.1

Petitioner Jonathan E. Dowling, an honorably retired veteran of the U.S. Navy, Decl. ¶ 1, respectfully moves under Rule 40.1 for leave to proceed as a veteran without prepayment of fees or costs and to file his petition and accompanying papers in Rule 33.2 format. He claims a right to judicial review under 38 U.S.C. § 4324(d)(1), a provision of chapter 43 of title 38. Section 4323(h)(1) provides that "[n]o fees or court costs may be charged or taxed against any person claiming rights under this chapter."

Respectfully submitted,



Jonathan E. Dowling
CDR, JAGC, USN (Ret.)
Member of the Bar of this Court
4503 S. 163rd Street
Omaha, Nebraska 68135
(443) 610-3795
jonathan.e.dowling@gmail.com
Petitioner, Pro Se
November 16, 2026

IN THE

Supreme Court of the United States

JONATHAN E. DOWLING, *Petitioner*

v.

DEPARTMENT OF THE AIR FORCE, *Respondent*

DECLARATION OF VETERAN STATUS

I, Jonathan E. Dowling, declare:

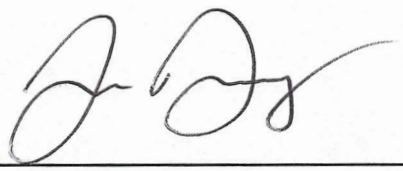
1. I served on active duty in the U.S. Navy for more than twenty years and retired as a Commander (O-5), Judge Advocate General's Corps. My DD Form 214 reflects my honorable service and my separation from active duty on October 31, 2024. Ex. A. I am now on the Permanent Disability Retired List.

2. I claim a right to judicial review under 38 U.S.C. § 4324(d)(1) of the Merit Systems Protection Board's denial of my request to intervene in a proceeding under the Uniformed Services Employment and Reemployment Rights Act.

3. I seek to proceed as a veteran under Supreme Court Rule 40.1, free of fees and court costs under 38 U.S.C. § 4323(h)(1).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 16, 2026, at Omaha, Nebraska.



Jonathan E. Dowling
CDR, JAGC, USN (Ret.)

Ex. A

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES | THIS IS AN IMPORTANT RECORD. SAFEGUARD IT. | ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle)	2. DEPARTMENT, COMPONENT AND BRANCH	3. SOC
DOWLING, JONATHAN EDWARD	NAVY-USN	[redacted]

4a. GRADE, RATE OR RANK	b. PAY GRADE	5. DATE OF BIRTH (YYYYMMDD)	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD)
CDR	O5	[redacted]	NA

7a. PLACE OF ENTRY INTO ACTIVE DUTY	b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)
HYATTSVILLE MD	[redacted]

8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND	b. STATION WHERE SEPARATED
NAVRESCEN OMAHA NE	TSC NORFOLK VA

9. COMMAND TO WHICH TRANSFERRED	10. SGLI COVERAGE
COMMANDER, NAVY PERSONNEL COMMAND (PERS-912), MILLINGTON TN 38055	☐ NONE AMOUNT: $[redacted]

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)	12. RECORD OF SERVICE	YEAR(S)	MONTH(S)	DAY(S)
2505 GENERAL ATTORNEY 18YRS 5MOS X X	a. DATE ENTERED AD THIS PERIOD	2004	09	05
2500 A JUDGE ADVOCATE GENERAL CORPS OFFICER.	b. SEPARATION DATE THIS PERIOD	2024	10	31
18YRS 3MOS X X X X	c. NET ACTIVE SERVICES THIS PERIOD	20	01	26
2510 ADMINISTRATIVE LAW ATTORNEY 1YR 1MO X	d. TOTAL PRIOR ACTIVE SERVICE	00	00	00
1955 JAG CORPS OFF NAVRES 1YR 3MOS X X	e. TOTAL PRIOR INACTIVE SERVICE	00	00	00
2529 INTERNATIONAL LAW X "SEE REMARKS"	f. FOREIGN SERVICE	02	10	07
	g. SEA SERVICE	00	04	20
	h. INITIAL ENTRY TRAINING	00	00	00
	i. EFFECTIVE DATE OF PAY GRADE	2017	09	01

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)	14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)
GLOBAL WAR ON TERRORISM SERVICE MEDAL (1);JOINT MERITORIOUS UNIT AWARD (2);JOINT SERVICE COMMENDATION MEDAL (1);MERITORIOUS SERVICE MEDAL (3);NAVY AND MARINE CORPS ACHIEVEMENT MEDAL (1);NAVY AND "SEE REMARKS"	DIVISION OFFICER CAPSTONE, 1 WKS, SEP04; OFFICER INDOCTRINATION BASIC, 4 WKS, SEP04; USN IND AUG WARRIOR SKILLS TRN, 3 WKS, JUL06; STAFF JUDGE ADVOCATE, 2 WKS, JUL14; SENIOR LEADER COURSE, 1 WKS, JUL23; ACCESSION JUDGE "SEE REMARKS"

		YES		NO
15a. COMMISSIONED THROUGH SERVICE ACADEMY		YES	X	NO
b. COMMISSIONED THROUGH ROTC SCHOLARSHIP (10 USC Sec. 2107b)		YES	X	NO
c. ENLISTED UNDER LOAN REPAYMENT PROGRAM (10 USC Chap. 109) (If Yes, year of commitment: _____)		YES	X	NO

16. DAYS ACCRUED LEAVE PAID	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION	YES	NO
26.0			X

18. REMARKS

SERIAL NUMBER: [redacted] TRANSACTION CODE: A;SUBJECT TO ACTIVE DUTY RECALL BY SECRETARY OF THE NAVY. EFFECTIVE DATE OF TEMPORARY DISABILITY RETIREMENT: 01 NOV 2024 X X DISABILITY DUE TO ARMED CONFLICT X X X X X X X DISABILITY INCURRED IN A COMBAT ZONE;SERVICE MEMBER POST SEPARATION PHONE NUMBER: X "CONTINUED ON DD-214C" X X X X X X X X X

The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.

19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code)	b. NEAREST RELATIVE (Name and address - include ZIP Code)
[redacted]	[redacted]

20. MEMBER REQUESTS COPY 6 BE SENT TO (Specify state/locality) _____	X			
a. MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC)	X	YES		NO

21a. MEMBER SIGNATURE	b. DATE (YYYYMMDD)	22a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature)	b. DATE
[redacted]	20241105	[redacted]	

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION	24. CHARACTER OF SERVICE (Include upgrades)	
Temporary Disability Retired List	HONORABLE	
25. SEPARATION AUTHORITY	26. SEPARATION CODE	27. REENTRY CODE
MILPERSMAN 1850-020 / BUPERS ORDER 2824 (1)	SFK	NA
28. NARRATIVE REASON FOR SEPARATION		
DISABILITY, TEMPORARY		
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD)	30. MEMBER REQUESTS COPY 4 (Initials)	
TL - NONE	[redacted]	

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CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY *(Continuation Sheet)*

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1. NAME *(Last, First, Middle)*	2. DEPARTMENT, COMPONENT AND BRANCH	3. SO
DOWLING, JONATHAN EDWARD	NAVY-USN	[redacted]

(Specify the item number of the block continued for each entry.)

BLK 11 CONT: ATTORNEY 1YR 3MOS X X X X X X X X
4FL FL BAR 20YRS 0MOS X X X X X X X X X
GA9 INDIVIDUAL AUGMENTEE 14YRS 4MOS X X X X X X X
JS7 JOINT PROFESSIONAL MILITARY EDUCATION PHASE 1 8YRS 4MOS X X X X
JS8 JOINT PROFESSIONAL MILITARY EDUCATION PHASE 2 3YRS 5MOS X X X X
BLK 13 CONT: MARINE CORPS OVERSEAS SERVICE RIBBON (2);NAVY AND MARINE CORPS COMMENDATION MEDAL (4);NATIONAL DEFENSE SERVICE MEDAL (1);IRAQ CAMPAIGN MEDAL (01AUG06 TO 31JAN07);MARKSMAN M14 RIFLE (1);SHARPSHOOTER .45 CALPISTOL (1);SEA SERVICE DEPLOYMENT RIBBON (1);
BLK 14 CONT: ADVOCATE, 9 WKS, DEC04; NON RESIDENT COURSE JPME P1, 48 WKS, JUN16; NAVAL WARFARE JPME PHASE 2, 42 WKS, JUN21 X X X X X X X X
BLK 18 CONT: [redacted] SERVICE MEMBER POST SEPARATION EMAIL ADDRESS:
[redacted] X X X X X X X

21a. MEMBER SIGNATURE	b. DATE *(YYYYMMDD)*	22a. OFFICIAL AUTHORIZED TO SIGN *(Typed name, grade, title, signature)*	b. DATE
[redacted]	20241105	[redacted]	[redacted]