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AND THE INTERNET

October 13, 2021

Honorable Frank Kendall III  
Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

Lieutenant General Marshall B. Webb  
Air Education and Training Command (AETC)  
Joint Base San Antonio-Randolph  
San Antonio, Texas 78150

Re: Accepting Master Sergeant Jeremy Zier's timely submitted retirement packet.

It has been brought to my attention that Master Sergeant Jeremy Zier has submitted a retirement request 75 times to the appropriate office. It is my primary concern that the Air Force is attempting to circumvent due process by not accepting the outcome of Master Sergeant Zier's Special Court-Martial nor the decision of the Administrative Discharge Board and punish him by withholding his duly earned retirement.

On 10 August 2020, then Senior Master Sergeant (SMSgt) Jeremy Zier was the subject of a Special Court-Martial at Joint Base San Antonio – Randolph. The allegations against him were associated with an off-duty office trip to Pamukkale, Turkey back in April 2015. After a full five-day trial, the panel heard all the facts and circumstances of the case and found him guilty of abusive sexual contact [touching a leg] and dereliction of duty. The panel sentenced him to what amounts to an Article 15 punishment – a single rank reduction from E-8 to E-7 and did *not* adjudge a punitive discharge.

Immediately following the trial – now Master Sergeant (MSgt) Zier made his first attempt to retire from the Air Force. However, he received a message that he was ineligible to retire due to “administrative codes.” The code indicated he was being referred to an Administrative Separation Board. The aim of the board was to achieve the punitive separation the Court-Martial did not deem appropriate. The substance presented to the Administrative Separation Board was the exact materials covered by the previous Court-Martial.

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On September 28, 2020, upon notification of the command's decision to conduct the Administrative Discharge Board, MSgt. Zier submitted his second request for retire by submitting a request to Retirement in Lieu (RILO) of the pending Administrative Discharge Board. The RILO package was submitted to MSgt. Zier chain of command, but no action was taken as it was never routed up the chain of command until May 2021. This lack of action forced MSgt. Zier to defend himself at the Administrative Discharge Board without receiving the results of his RILO request. To our knowledge, this RILO request is still pending.

The Administrative Discharge Board was held on 10 December 2020, where a full panel heard all the facts and circumstances and found that MSgt. Zier fully met the retention criteria under AFI 36-3208, para. 5.55, and that it was in the best interests of the Air Force to retain MSgt. Zier.

At the conclusion of the Discharge Board and subsequent retention of MSgt. Zier, the Convening Authority took the unprecedented action of recommending that the Secretary of the Air Force overturn the decision of the Administrative Discharge Board to retain MSgt. Zier. The command is abusing AFI 36-3208, specifically 5.4.1.1 Limitations on Discharge Action: A member may not be discharged administratively based on conduct that has been the subject of judicial determination not going to the guilt or innocence of the respondent.

Since the conclusion of the Special Court-Martial in August 2020, MSgt. Zier's unit commander has made the decision to attempt to administratively separate him in clear violation of AFI 36-3208 5.4.1.1. The unit commander would rather keep him at home without any assigned duties rather than allow him the opportunity to move on with his life and retire with the benefits he's earned after 24 years of service. MSgt. Zier regrets attending the trip with his coworkers, and putting himself in a compromising position, but the jury panel and administrative discharge board both agreed that this one mistake should not cancel his entire career.

After a year sitting at his home and being cut off from his unit, the Air Force has now opted to employ a new strategy in contradiction to the ethos of integrity – to involuntarily roll back MSgt. Zier current service contract from 30 September 2022, to a new date of 30 November 2021. Because the Air Force refuses to accept MSgt. Zier many written requests to retire, this new action by the Air Force now forces MSgt. Zier to separate from the Air Force and involuntarily forfeit all retirement benefits. Please note this would be a significant abuse of his rights under federal statute 5 U.S. Code § 2302 and 10 U.S. Code § 932 - Art. 132, not to mention the abuse of his civil rights.

We request that you allow MSgt. Jeremy Zier to retire so that both the Air Force and MSgt. Zier may move on without need of further action by either. The Air Force has a responsibility to ensure due process for all Airmen and to abide by the decisions of the very system designed to

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provide justice. The current effort of not allowing MSgt. Zier to retire runs counter to our core values of fairness and due process. The proposed action is clearly designed to achieve a retaliatory result that the normal legal and administrative processes flatly rejected. This effort, if carried out, will leave the public and future Airmen questioning the commitment of the Air Force in upholding the very principles that our men and women are fighting to maintain. It will also become an exhibit in our review of reforms needed within the Uniform Code of Military Justice.

Thank you for your prompt and wise use of your discretion to bring this matter to a just conclusion.

Respectfully submitted,



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Rep. Louie Gohmert  
Member of Congress