

OFFICER SEPARATION ACTIONS

(For officers and/or MPFs, follow instructions on reverse/and use continuation block #22 for additional information)

Privacy Act Statement

AUTHORITY: 10 U.S.C. 3013, Secretary of the Air Force; E.O. 9397.

PRINCIPAL PURPOSES: To provide processing activities and approval authority information to determine if applicant meets all requirements.

ROUTINE USES: None.

DISCLOSURE IS VOLUNTARY: If information is not provided, no further action can be taken and all further processing of this application is terminated.

TO (Unit Commander or Comparable Level Commander) Lt Col	THRU (Separation Section)
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I. COMPLETED BY THE OFFICER APPLYING FOR SEPARATION AND/OR MPF

1. NAME (Last, First, Middle Initial) Ryncarson, Richard, L	2. GRADE O-4	3. SSN
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4. ACTION REQUESTED: (See reverse for filing instructions)

a. I request a separation under AFI 36-3207, paragraph: 2.4.17	to be effective on: 20120501
<input checked="" type="checkbox"/> (1) I hereby tender my resignation	<input type="checkbox"/> (3) I request that I be given a USAF Reserve Commission
<input type="checkbox"/> (2) I agree to accept a USAF Reserve Commission	<input checked="" type="checkbox"/> (4) I request release from active duty
b. I request an earlier DOS to be effective on:	instead of previously requested/approved DOS:
c. I request a later DOS to be effective on:	instead of previously requested DOS (not final):
d. I request a later DOS to be effective on:	instead of previously approved: DOS, based on:
<input type="checkbox"/> Pregnancy/dependent medical care (documentation attached).	
<input type="checkbox"/> Hardship (documentation attached). Extension will not exceed 90 days.	
<input type="checkbox"/> Mission-essential reasons or unique/extenuating circumstances (documentation attached). Extension will not exceed 90 days.	
e. I request withdrawal or my requested/approved DOS (documentation attached).	

5. REASON FOR ACTION REQUESTED: See attached documentation	SUPPORTING DOCUMENTATION
	<input checked="" type="checkbox"/> is attached.
	<input type="checkbox"/> is not attached.

6. I PLAN TO TAKE TERMINAL LEAVE YES <input type="checkbox"/> Starting on/about:	NO <input checked="" type="checkbox"/>
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7. I AM ACCOUNTABLE/RESPONSIBLE FOR PUBLIC PROPERTY/FUNDS. YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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8. DATE 20111031	9. SIGNATURE (When signed, officer must turn in this application to MPF within 10 calendar days) <i>Richard J. Ryncarson III</i>
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II. MPF COORDINATION

10. THE FOLLOWING INFORMATION HAS BEEN VERIFIED

ADSCDs ARE/SHOULD BE (verified with UPRG Source)

OFFICER HAS BEEN NOMINATED/SELECTED FOR PCS/TRNG/EDUC COURSE.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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OFFICE SYMBOL	NAME, GRADE, POSITION TITLE, PHONE (DSN)	MPF COORDINATOR'S SIGNATURE
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III. COUNSELING BY IMMEDIATE SUPERVISOR/COMMANDER--Required for all separations

I have counseled the officer regarding the timing of his or her separation, the reasons for separation, the benefits of an Air Force career, and the opportunities to participate with the Air National Guard or Air Force Reserve

11. DATE	12. IMMEDIATE SUPERVISOR/COMMANDER'S NAME, GRADE, UNIT, PHONE (DSN)	13. SUPERVISOR/COMMANDER'S SIGNATURE
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14. OFFICER	is <input type="checkbox"/> is not <input type="checkbox"/> excess to local base requirements.
	is <input type="checkbox"/> is not <input type="checkbox"/> under investigation or charges.
	is <input type="checkbox"/> is not <input type="checkbox"/> undergoing involuntary discharge action or punitive action under the Manual for Courts-Martial or medical disability
There has	There has not <input type="checkbox"/> been a report of recent misconduct on this officer.

15. DATE	16. IMMEDIATE COMMANDER'S NAME, GRADE, UNIT, PHONE (DSN)	17. IMMEDIATE COMMANDER'S SIGNATURE
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IV. WING OR EQUIVALENT COMMANDER'S RECOMMENDATION/ENDORSEMENT

APPROVE (Attach optional comments) DISAPPROVE (Attach reasons for recommendation)

18. DATE	19. COMMANDER'S NAME, GRADE, UNIT, PHONE (DSN)	20. COMMANDER'S SIGNATURE
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V. MPF SYSTEM UPDATE

21. CLEARED FOR INPUT TO PDS: YES <input type="checkbox"/>	NO <input type="checkbox"/>	DATE UPDATED:
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31 October 2011

MEMORANDUM FOR LT COL

FROM: Major Richard L. Rynearson

SUBJECT: Response to Letter of Reprimand (LOR)

1. I offer the following statement in response to the reprimand you gave me five days ago. I ask that you consider this response before making final determination on the disposition of this document and that it be filed with the original LOR and all copies made IAW Air Force Instructions.
2. I whole-heartedly agree with your assertion that I have no authority to decide unilaterally whether or not to obey a lawful order. I further agree with you that that as a field grade officer, I have the duty, both legal and moral, to execute the lawful orders given to me by superior officers.
3. I disagree, however, with your assertion that I refused to obey a lawful order. As I have indicated in previous discussions, I maintain that the specific portion of the order is not lawful. As such, I cannot obey it as I have a duty to not obey any order which is unlawful. I understand that I make this decision at my own peril if the order is determined by a competent authority to be lawful; however, I maintain my innocence in this matter. Additionally, I have not been provided any documentation or evidence by any individual to dispute my position on this matter.
4. Previously, I was allowed to fly the majority of lawful missions, which do not engage in what I deem illegal activity. Unfortunately, you have removed this arrangement. As a result, I am now placed in a position to be regularly tasked with unlawful conduct, despite making it clear that I hold those actions to be unlawful and that I cannot comply.
5. Because of the position I have been placed in, I am forced to tender my resignation. I will be providing you with an AF Form 780 in an attempt to address this matter. After eighteen years as an Air Force dependent and more than fifteen years as an Air Force officer, it saddens me greatly that there is no resolution to this situation short of my resignation. I have determined, however, that it is the only solution that I can offer you to satisfy both of our concerns.

Sincerely


RICHARD L. RYNEARSON, Maj, USAF

31 October 2011

MEMORANDUM FOR RECORD

FROM: Major Richard L. Rynearson

SUBJECT: Supporting Documentation for AF 780

1. I have been ordered to use lethal force against certain persons, in certain circumstances, in clear violation of the Fifth Amendment to the U.S. Constitution. I cannot with good conscience perform the actions that are ordered of me. I have no choice but to tender my resignation.
2. I am not a conscientious objector. I have vigorously terminated many of our enemies. I have been shot at and I have saved American lives. I have done things in combat I personally considered to be immoral, but I did them without hesitation, as I understood them to be legal. War is not pretty, but what I am being ordered to do now, in a classified setting, is so clearly illegal, that I believe the words of Judge Quinn are appropriate: "Whether Lieutenant Calley was the most ignorant person in the United States Army in Vietnam, or the most intelligent, he must be presumed to know that he could not kill the people involved here." In my view, the illegality of the acts I am ordered to do, eclipses even those of Lt Calley. While I may be the only person to resign over these actions, there are numerous others who also consider them to be unlawful.
3. This is essentially a legal question, and it has not been argued on its merits in court. No proper authority has ruled on the legality of the order. I am no lawyer. Nonetheless, I am bound to the Constitution and not to any of the multitude of differing non-judicial lawyerly opinions on what it says or means. As former Chief Justice Joseph Story states in his *Commentaries on the Constitution*, "The officers of each of these departments are equally bound by their oaths of office to support the constitution of the United States, and are therefore conscientiously bound to abstain from all acts, which are inconsistent with it. Whenever, therefore, they are required to act in a case, not hitherto settled by any proper authority, these functionaries must, in the first instance, decide, each for himself, whether, consistently with the constitution, the act can be done." I am equally bound by my oath and I have determined that these acts cannot be done.
4. I volunteered for my current assignment. Even today it remains my first choice. I have attempted to make arrangements to allow me to continue to provide vitally needed airpower without conducting unlawful operations. Arrangements were made and worked well for several months, but were later undone, leaving me with a legal and moral dilemma that continues to torment my conscience. I therefore have no option but to resign and request separation as soon as possible.
5. My release is in the financial interest of the Air Force. The service has significant manning concerns and is separating a great many officers who wish to stay and serve. The loss of my potential retirement benefits, after more than fifteen years of service, is the service's financial gain. It is with tremendous and sincere sadness that I ask the Air Force to please accept my resignation.

Sincerely


RICHARD L. RYNEARSON, Major, USAF