



0000150331

1 J. Stephen Gehring  
2 Richard M. Burt  
3 8157 W. Deadeye Rd.  
4 Payson, Arizona 85541  
5 (928) 474-9859  
6 In Propria Persona

RECEIVED

2014 FEB 14 A 9:20

ORIGINAL

AZ CORP COMMISSION  
DOCKET CONTROL

**BEFORE THE ARIZONA CORPORATION COMMISSION**

9  
10 IN THE MATTER OF THE APPLICATION  
11 OF PAYSON WATER COMPANY INC. AN  
12 ARIZONA COPORATION, FOR A DETERMINATION  
13 OF THE FAIR VALUE OF ITS UTILITY PLANTS  
14 AND PROPERTY AND FOR INCREASES IN ITS  
15 WATER RATES AND CHARGES FOR UTILITY  
16 SERVICE BASED THEREON.

**DOCKET NO. W-03514A-13-0111**

Arizona Corporation Commission  
**DOCKETED**

FEB 14 2014

DOCKETED BY  
*ICM* *[Signature]*

17  
18  
19 IN THE MATTER OF THE APPLICATION OF  
20 PAYSON WATER COMPANY INC., AN ARIZONA  
21 CORPORATION, FOR AUTHORITY TO: (1) ISSUE  
22 EVIDENCE OF INDEBTEDNESS IN AN AMOUNT  
23 NOT TO EXCEED \$1,238,000 IN CONNECTION  
24 WITH INFRASTRUCTURE IMPROVEMENTS TO  
25 THE UTILITY SYSTEM; AND (2) ENCUMBER REAL  
26 PROPERTY AND PLANT AS SECURITY FOR SUCH  
27 INDEBTEDNESS.

**DOCKET NO. W-03514A-13-0142**

**REQUEST FOR ACKNOWLEDGEMENT OF MISREPRESENTATION OF FACT BY ROBIN MITCHEL IN HER REDRESS TO INCLUDE A SERIOUS IMPLIED THREAT**

28  
29  
30  
31 **COMES NOW**, Richard M. Burt, a Customer of PAYSON WATER CO. INC. (PWC) in the  
32 Mesa del Caballo System (PWS 04-030) to Request that Attorney Robin Mitchell Publicly Apologize to  
33 Intervener Burt for her misrepresentations of facts, unjustified over reactive response and Chastisement  
34 of Mr. Burt for the use of a common, acceptable "interjection" word in these proceedings on February 5,  
35 2014 that was not used as profanity but used to emphasize the much needed expressions of relief from  
36 the greed, material misrepresentations and unfairness of the much sought after excessive rate increase  
37 currently desired by the Water Utility and which has resulted in the public Slandering of his good name  
38 on February 10, 2014 d 10th, 2014 for the following reasons:

39 **DEFINITIONS:**

40 **Interjection:** (-jek'shen) **n.** 1. an interjecting, 2. Something interjected, 3. *Gram.* An explanation or  
41 other word(s) inserted into an utterance without grammatical connection to it. **Webster's New world**  
42 **Dictionary, 4<sup>th</sup> edition 2003.**

1 **Damn:** (dam) vt. **Damned, damn'ing** [<L *damnare*, condemn] 1. To condemn to an unhappy fate, 2.  
2 *Theol.* To condemn to hell, 3. To condemn as bad, inferior, etc., 4. To swear at by saying "damn"  
3 n. the saying of "damn" as a curse – **adj., adv.** (Inf.) **short for DAMNED** \_\_\_\_ **interjection.** Used to  
4 express anger, etc. **Webster's New world Dictionary, 4<sup>th</sup> edition 2003.**

5  
6 **Damn:** (dam). To condemn; to deem, think or judge anyone to be guilty or to be criminal; to give  
7 judgment, or sentence, or doom of guilt; to adjudge, or declare the penalty or punishment, **Blaufus v**  
8 **People, 69 NY 107, 111. (Ballentine's Law Dictionary 3<sup>rd</sup> Edition 1969).**

9  
10 **Profane:** (pro-fan'). Adjective: Common rather than sacred. Irreverent toward or contemptuous of  
11 sacred things. Verb. To desecrate. To put to an ignoble or improper use. **(Ballentine's Law Dictionary**  
12 **3<sup>rd</sup> Edition 1969).**

13  
14 **Profanity:** (pro-fan'i-ti). Calling for or implying divine vengeance or divine condemnation, with or  
15 without directly employing the name of the Deity. **Gaines v. State, 75 tenn (7 Lea) 410. (Ballentine's**  
16 **Law Dictionary 3<sup>rd</sup> Edition 1969).**

17  
18 **Cursing:** (ker-sing). Profane swearing, sometimes a criminal offense. 12 Am J2d Blas § 10. A public  
19 or common nuisance where the profane words are uttered in a public place. 12 Am J2d Blas § 11.  
20 **(Ballentine's Law Dictionary 3<sup>rd</sup> Edition 1969).**

21  
22 **Vernacular:** (ver-nak'-u-lar). Characterizing the language of the people as distinguished from the  
23 language of the dictionary or the literary persons. 17 Am J2d Contr § 247. **Ballentine's Law**  
24 **Dictionary 3<sup>rd</sup> Edition 1969).**

25  
26 **ARIZONA CONSTITUTION – FREEDOM OF SPEECH AND PRESS**

27 **§6.** "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of  
28 that right."

29  
30 **UNITED STATES CONSTITUTION – AMENDMENT 1 – BILL OF RIGHTS**

31 "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise  
32 thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to  
33 assemble, and to petition the Government for a redress of grievances."

34  
35 **ACC RECORDED AUDIO - VIDEO TEXT OF FEBRUARY 5, 2014**

36 BURT: "Now simply we are bearing the burden of the pipeline and everything else."

37 BURT: "Do you not think it's somewhat fair that we get a damn break here?"

38 ALJ NODES: (time 4:44:57) "Alright . . . enough . . . Okay if you can't, if you can't conduct yourself in  
39 an appropriate manner, then you are not going to be allowed to ask questions. You don't need to curse  
40 at the witness."

1 **ACC RECORDED AUDIO - VIDEO TEXT OF FEBRUARY 10, 2014**

2 MITCHELL: (time 1:22:57) "Your honor if I may because I tell you I take exception of the Issue here  
3 because I know I have represented Staff here and in front of the Commission, you made a statement  
4 during the hearing. Because Mr. Burt swore at a witness and used a curse word at a witness. I've been  
5 almost 8 years here and I've never heard that, if he could not conduct himself civilly in this matter then  
6 he would not be allowed to ask questions. But not exclude him from the case. You asked him to pay  
7 common courtesy and I've told Mr. Gehring that if they curse at my witness I will get them.

8 Not one person in those proceedings can present themselves as a "Puritan" whose ears or personal  
9 Beliefs were "profanely" injured by the common, acceptable interjection "damn" in the expression of a  
10 question of fair relief.

11 The word has been used in many a court wherein the vernacular expression has been accepted  
12 proceeding and in the movies on the "Silver Screen" such as **Gone with the Wind** as in "Frankly my  
13 dear I don't give a damn." Or the word phrase used in a WW II era movie "Damn the Torpedoes, full  
14 speed ahead." Or in Damn Yankees was the title contested? Was that word hotly contested for its use in  
15 public places? Were the Actors chastised for the use of it or their U. S. Constitutional 1<sup>st</sup> Amendment  
16 Rights infringed upon? Absolutely not!

17 **ISSUE ONE IMPUNED CHARACTER**

18 Mr. Burt asked the question of the witness Baroussa in the vernacular as is his right. "Do you not  
19 think it's somewhat fair that we get a damn break here?"

20 This was undoubtedly a question to the witness and no matter what word was used to emphasize its  
21 importance it was not used to "curse at the witness" as has been falsely alleged and not proven.

22 My profound apology to ALJ Nodes was made by a personal assessment, which I myself recognized  
23 as a violation of my demeanor, which ALJ Nodes identified my verbalization as "cursing" was  
24 disregarded by myself.

25 I believe that ALJ Nodes response was based, primarily, on my demeanor as the primarily offense to  
26 which he responded. Therefore, I have no further issue with judge Nodes and accept his response as  
27 both reasonable and prudent as it pertains to inappropriate demeanor before him and all present.

28 However, the issue here is how Mrs. Mitchell impugned my character by identifying my single  
29 vernacular question as the worst offense she has experienced in her almost 8 year tenure with the  
30 Commission excluding of course the failures and refusals of the legal division to enforce the subpoenas  
31 issued in other proceedings and failures and refusals on their part to comply with the Statutory

1 construction, Rules, Regulation and Rules of Civil proceedings to deny Complainants in other  
2 proceedings their right to Discovery and Disclosure in favor of the Corporations, Public Utilities and  
3 Corporate Officers undue influences over the Commission with their material misrepresentations of  
4 material facts to sway a decision in their favor and to the detriment of the Customer.

5 Mrs. Mitchell, by virtue of her redress (well after the incident and not even on the same day of this  
6 alleged profanity) issued her comments without clarifying in any way what the “offensive word” was.

7 This classifies my actions, evidently, as being far more serious than perjury, refusal to comply with  
8 subpoenas, or actions of redress to contempt. Question; How can this possibly be?

9 I therefore request a clear identification of the category of this offense in order to establish  
10 misdemeanor or felony?

11 I would additionally request a clear identification, by category, of the aforementioned offenses  
12 germane to perjury, overt statements that subpoenaed witness made that they would not, and have not  
13 complied with subpoenas and the issues of contempt of the subpoenas.

14 Mrs. Mitchell’s redress of this single issue had an uninitiated observer been present only for her  
15 redress without any knowledge of the actual incident would have left with an impression that Mr. Burt  
16 was unquestionably the most profoundly “foul mouthed” and “undisciplined” individual she had ever  
17 been exposed to in her almost 8 year tenure with the Commission.

## 18 **ISSUED 2 IMPLIED THREAT**

19 MITCHELL: “I’ve told Mr. Gehring that if they curse at my witness I will get them.”

20 Firstly: This was not Mrs. Mitchell’s witness, it was a Utilities witness.

21 Additionally: The witness was not “cursed at,” even if the word used could have been profanity.

22 The word was used as a question and not a statement. Mrs. Mitchell portrayed it as a statement and  
23 profanity “directed” at a witness. Instead, it was nothing more than a passionate question begging  
24 recognition that relief of an entire community be considered.

25 I request a full and complete definition of Mrs. Mitchell’s utterance that “I will get them.” What  
26 exactly is meant by this statement?

27 Question. Is this an attempt to intimidate the Interveners? If so why? Additionally, if so, is this a  
28 part of her job description?

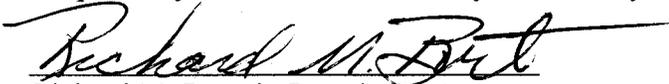
29 Question. What level of threat must I, or we Interveners prepare ourselves for?

1 Since she refused to prosecute others for their failure to comply with subpoenas, or their  
2 participation in perjury, material misrepresentations and contempt for non compliance with any  
3 punishment for anything what exactly can we anticipate?

4 WHEREFORE Mr. Burt requests that he participate in these proceedings without the duress implied  
5 by Mrs. Mitchell and that she makes every effort to redact from all public records presently existing, as  
6 video, audio, written transcript as maintained by the ACC of her unwarranted chastisement and slander  
7 of him in her attempt to impugn his good character in these proceedings, so as to negate the many  
8 questions to Mr. Burt asking "WHAT DID YOU SAY TO THAT WITNESS?"

9 Mr. Burt has on more than a dozen occasions taken an oath in service of his country which begins;  
10 "I solemnly swear to uphold, support, and defend the Constitution of these United States against all enemies,  
11 both foreign and domestic." It continues, "To keep faith with my fellow soldiers and obey the orders of  
12 the officers appointed above me." There is more, but the operative ending is "so help me God." I feel  
13 that this contentment of Mrs. Mitchell's redress is my sworn duty to defend the Constitution  
14 "(specifically the 1<sup>st</sup> Amendment) against what I perceive as an infraction (perhaps without knowing) by  
15 what I consider a domestic interferer of the Constitution. (See: Exhibit 1)

16  
17 Respectfully submitted this 14<sup>th</sup> day of February 2014

18   
19  
20 Richard M. Burt, in Propria Persona

21 **CERTIFICATE OF SERVICE**

22  
23 The Original and 13 Copies of the foregoing has been mailed this 14<sup>th</sup> day February 2014 to the following:

24  
25 **DOCKET CONTROL**  
26 ARIZONA CORPORATION COMMISSION  
27 1200 West Washington St.  
28 Phoenix, Arizona 85007

29  
30 A Copy of the Original of the foregoing has been mailed this 14<sup>th</sup> day February 2014 to the following:

31  
32 Jason Williamson, President PWC  
33 7581 E. Academy Blvd., Suite 229  
34 Denver, CO 80203

35  
36 Thomas J. Bourassa, Consultant PWC  
37 139 W. Wood Dr.  
38 Phoenix, Az. 85029

39  
40 Kathleen M. Reidhead, Intervener  
41 14406 S. Cholla Canyon Dr.

1 Phoenix, Az. 85044

2

3 William Sheppard, Intervener

4 6250 N. Central Ave.

5 Phoenix, Az. 85012

6

7 Suzanne Nee, Intervener

8 2051 E. Aspen Dr.

9 Tempe, Az. 85282

10

11 Glynn Ross, Intervener

12 405 S. Ponderosa

13 Payson, Az. 85541

14

15 Fennemore & Craig, P.C.

16 Jay L. Shapiro (No. 14650)

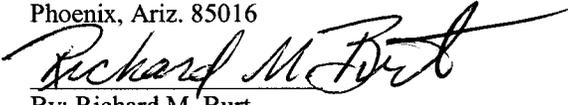
17 Attorneys for Payson Water Co. Inc.

18 2394 E. Camelback Rd., Suite 600

19 Phoenix, Ariz. 85016

20

21

22   
By: Richard M. Burt

23

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7

# EXHIBIT 1

|   |                             |  |  |   |           |
|---|-----------------------------|--|--|---|-----------|
| <b>DD FORM 1 JUL 79 214</b>   |                             | PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.   |  | <b>CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY</b> |           |
| 1. NAME (Last, first, middle)<br><b>BURT, RICHARD MADISON</b>   |                             | 2. DEPARTMENT, COMPONENT AND BRANCH<br><b>ARMY RA</b>  |  | 3. SOCIAL SECURITY NO.                                      |           |
| 4a. GRADE, RATE OR RANK<br><b>SFC</b>   | 4b. PAY GRADE<br><b>E-7</b> | 5. DATE OF BIRTH<br><b>440530</b>  | 6. PLACE OF ENTRY INTO ACTIVE DUTY<br><b>Houston, TX</b>   |   |           |
| 7. LAST DUTY ASSIGNMENT AND MAJOR COMMAND<br><b>HQ Co FWA<br/>172d Infantry Brigade (AK) FORSCOM FC</b>   |                             |  | 8. STATION WHERE SEPARATED<br><b>Fort Wainwright, AK</b>   |   |           |
| 9. COMMAND TO WHICH TRANSFERRED<br><b>USAR Control Group (Retired) RCPAC St Louis, MO 63132</b>   |                             |  | 10. SGLI COVERAGE<br>AMOUNT \$ <b>35,000</b> <input type="checkbox"/> NONE   |   |           |
| 11. PRIMARY SPECIALTY NUMBER, TITLE AND YEARS AND MONTHS IN SPECIALTY. (Additional specialty numbers and titles involving periods of one or more years)<br><b>11B48//Infantryman//21 Years, 10 months//<br/>NOTHING FOLLOWS"</b>  |                             | 12. RECORD OF SERVICE  |  |   |           |
|   |                             | a. Date Entered AD This Period   | <b>79</b>  | <b>09</b>   | <b>24</b> |
|   |                             | b. Separation Date This Period   | <b>84</b>  | <b>11</b>   | <b>30</b> |
|   |                             | c. Net Active Service This Period  | <b>05</b>  | <b>02</b>   | <b>07</b> |
|   |                             | d. Total Prior Active Service  | <b>16</b>  | <b>07</b>   | <b>02</b> |
|   |                             | e. Total Prior Inactive Service  | <b>00</b>  | <b>00</b>   | <b>00</b> |
|   |                             | f. Foreign Service   | <b>08</b>  | <b>08</b>   | <b>23</b> |
|   |                             | g. Sea Service   | <b>00</b>  | <b>00</b>   | <b>00</b> |
|   |                             | h. Effective Date of Pay Grade   | <b>82</b>  | <b>05</b>   | <b>02</b> |
|   |                             | i. Reserve Oblig. Term. Date   | <b>00</b>  | <b>00</b>   | <b>00</b> |
| 13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)<br><b>Distinguished Service Cross//Distinguished Service Medal//Silver Star//Bronze Star Medal<br/>//Combat Infantry Badge (2nd Award)//Vietnam Cross of Gallantry W/Palm//Vietnam Service Medal//Valorous Unit Award//Senior Parachutist Badge//Parachutist Badge//Wheel Vehicle Driver Badge//Army Commendation Medal (1st OLC)//NCO Professional Development Ribbon (3)</b> |                             |  |  |   |           |
| 14. MILITARY EDUCATION (Course Title, number weeks, and month and year completed) <b>None//NOTHING FOLLOWS"</b>   |                             |  |  |   |           |
| 15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |                             | 16. HIGH SCHOOL GRADUATE OR EQUIVALENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO             |  | 17. DAYS ACCRUED LEAVE PAID <b>2</b>                        |           |
| 18. REMARKS (#13 cont.)// <b>Good Conduct Medal (5th Award)//Overseas Service Bars (4)//Overseas Service Ribbon (2)//Army Service Ribbon//Campaign Ribbons; VCN Defensive//VN Counter-offensive PH III//TET Counteroffensive//VN Counteroffensive PH IV//VN Counteroffensive PH V//VN Counteroffensive PH VI//Dental care was (X) was not ( ) completed within 90 days of separation date//NOTHING FOLLOWS"</b>   |                             |  |  |   |           |
| 19. MAILING ADDRESS AFTER SEPARATION<br><b>PO Box 56992 North Pole, AK 99705</b>  |                             |  | 20. MEMBER REQUESTS COPY 6 BE<br>SENT TO <u>AK</u> DIR. OF VET AFFAIRS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |   |           |
| 21. SIGNATURE OF MEMBER BEING SEPARATED<br>   |                             | 22. TYPED NAME, GRADE, TITLE AND SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN<br><b>DAVID C. STEFFY, CW2, USA, ASST AG</b> |  |   |           |

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

|   |  |  |  |
|---|--|--|--|
| 23. TYPE OF SEPARATION<br><b>Retirement</b>                                     |  | 24. CHARACTER OF SERVICE (Includes upgrades)<br><b>Honorable G</b> |  |
| 25. SEPARATION AUTHORITY<br><b>Paragraph 4-24e(1), AR 635-40</b>                |  | 26. SEPARATION CODE<br><b>SFJ</b>                                  | 27. REENLISTMENT CODE<br><b>RE-4R</b>  |
| 28. NARRATIVE REASON FOR SEPARATION<br><b>Physical Disability - Permanent</b>   |  |  |  |
| 29. DATES OF TIME LOST DURING THIS PERIOD<br><b>800811-800817/800820-810304</b> |  |  | 30. MEMBER REQUESTS COPY 4<br>INITIALS |

ENLISTED EVALUATION REPORT  
 (AR 623-205)

PART I. ADMINISTRATIVE DATA

|  |                                   |   |                                 |                                  |
|--|-----------------------------------|---|---------------------------------|----------------------------------|
| A. LAST NAME -- FIRST NAME -- MIDDLE INITIAL<br><b>BURT RICHARD M.</b> |                                   | B. SSN  | C. RANK (ABBR)<br><b>SEC</b>    | D. DATE OF RANK<br><b>820502</b> |
| E. PRIMARY MOSC<br><b>11B40</b>  | F. SECONDARY MOSC<br><b>31V40</b> | G. UNIT, ORGANIZATION, STATION, ZIP CODE/APO, MACOM<br><b>172D IN BDE HQ CO FT WAINWRIGHT AK FT WAINWRIGHT 99703 (FC)</b> |                                 |                                  |
| H. CODE TYPE OF REPORT<br><b>2 J ANNUAL</b>                            | I. PERIOD OF REPORT               |   | J. RATED MONTHS<br><b>12</b>    | K. NONRATED MONTHS<br><b>0</b>   |
|  |                                   | FROM YEAR MONTH<br><b>82 06</b>   | THRU YEAR MONTH<br><b>83 05</b> | L. NONRATED CODES<br><b>NA</b>   |

PART II. DUTY DESCRIPTION

A. PRINCIPAL DUTY TITLE: **FIELD FIRST SERGEANT** B. DUTY MOSC: **11B30**

C. DESCRIPTION OF DUTIES: Responsible for assisting the First Sergeant in the supervision of noncommissioned officers and soldiers of this battalion-sized unit. Responsible for training, personal and professional development; accountability, military appearance, physical conditioning and discipline of subordinates; planning and conducting day-to-day operations; communications between the soldier and the organization; appearance and condition of unit billets, facilities and work areas; and providing advice on support of and implementation of policy.

PART III. EVALUATION OF PROFESSIONALISM AND PERFORMANCE

| RATER | INDORSER | A. PROFESSIONAL COMPETENCE        | SCORING SCALE | RATER | INDORSER | B. PROFESSIONAL STANDARDS |
|-------|----------|-----------------------------------|---------------|-------|----------|---------------------------|
| 5     | 5        | 1. Demonstrates initiative.       | (High)        | 5     | 5        | 1. Integrity.             |
| 5     | 5        | 2. Adapts to changes.             |               | 5     | 5        | 2. Loyalty.               |
| 5     | 5        | 3. Seeks self-improvement.        |               | 5     | 5        | 3. Moral courage.         |
| 5     | 5        | 4. Performs under pressure.       |               | 5     | 5        | 4. Self-discipline.       |
| 5     | 5        | 5. Attains results.               |               | 5     | 5        | 5. Military appearance.   |
| 5     | 5        | 6. Displays sound judgment.       |               | 5     | 5        | 6. Earns respect.         |
| 5     | 5        | 7. Communicates effectively.      |               | 5     | 5        | 7. Supports EO/EEO.       |
| 5     | 5        | 8. Develops subordinates.         |               | 35    | 35       | SUBTOTALS                 |
| 5     | 5        | 9. Demonstrates technical skills. |               | 0     |          |                           |
| 1     | 1        | 10. Physical fitness.             |               | (Low) |          |                           |
| 46    | 46       | SUBTOTALS                         |               |       |          |                           |

(Add the Rater's SUBTOTALS (A&B) and enter sum in the appropriate box in PART VI. SCORE SUMMARY. Do the same for Indorser.)

C. DEMONSTRATED PERFORMANCE OF PRESENT DUTY **PROFILE 8305** **727194 YES**

1. Rater's Evaluation: SFC Burt is one of the rare, tough, professional noncommissioned officers that you meet once in a career. He is extremely knowledgeable, dedicated and makes intelligent decisions concerning the day-to-day activities of his job. He remains calm and his thought process is thorough. However, I feel that SFC Burt is not qualified for world-wide assignment in his present MOS. Since 1974, he has had a profile for lateral instability of his left knee, which could not be corrected through surgery. In 1981, he underwent surgery for the same problem on his right knee, which was also not corrected. Since that time he has been performing his duties within the limitations of his profile. In February of 1983, he was hospitalized with a stroke, caused by a cranial aneurism. Presently he is still under doctor's care for that problem. Continued work in his present MOS may possibly endanger SFC Burt, his subordinates or an Army mission.

2. Indorser's Evaluation: SFC Burt is a hard-nosed, tough professional whose loyalty and devotion to duty are unsurpassed by any member of my command. SFC Burt has performed the duties of Field First Sergeant of this complex and diverse battalion-sized unit, and acted as the First Sergeant during many periods, accomplishing all assigned missions and tasks in a singularly outstanding manner. Although a stern disciplinarian, SFC Burt never loses sight of the welfare of his subordinates and is a team builder, achieving commitments to excellence from subordinates once perceived as problem soldiers. SFC Burt, after his stroke, has experienced a great deal of remorse because he could no longer perform at the high level of excellence while working 12 to 14 hour days as had been his habit previously. This total professional is an excellent role model for junior noncommissioned officers and is currently performing most admirably as a coach and teacher for junior leaders in this unit while awaiting the outcome of his medical board.

PART IV. EVALUATION OF POTENTIAL

1. Rater Evaluation: (Place score in applicable box)

40-38

Promote ahead of peers

37-20

Promote with peers

19-0

Do not promote

40-0

E9 Soldiers Only.

Comments: (potential for higher-level school, assignment, and supervisory responsibility)

SM should be assigned a position which would cause minimum physical and mental stress. Assign within limitations of profile. SM's score is due strictly to medical condition.

-2. Indorser Evaluation: (Place score in applicable box)

40-38

Promote ahead of peers.

37-20

Promote with peers.

19-0

Do not promote.

40-0

E9 Soldiers Only.

Comments: (potential for higher-level school, assignment, and supervisory responsibility)

If the soldier could physically perform within the limits of his profile, I would recommend immediate promotion and assignment as a First Sergeant. However, SFC Burt is not physically able to perform duties in his specialty in a combat environment, and therefore must be considered for disability retirement by a medical board.

PART V. AUTHENTICATION

|  |  |     |                          |
|--|--|-----|--------------------------|
| A. NAME OF RATER (Last, First, MI)   |  | SSN | SIGNATURE                |
| MAGWOOD, VICTOR N.   |  |     | <i>Victor N. Magwood</i> |
| RANK, ORGANIZATION, AND DUTY ASSIGNMENT  |  |     | DATE                     |
| 1SG Headquarters Company FWW, Fort Wainwright, AK First Sergeant                           |  |     | 22 Jun 83                |
| Refer to AR 623-205 for requirements to discuss contents of report with the rated soldier. |  |     |                          |

|   |  |     |                         |
|---|--|-----|-------------------------|
| B. NAME OF INDORSER (Last, First, MI)                       |  | SSN | SIGNATURE               |
| PALMER, DENNIS D.   |  |     | <i>Dennis D. Palmer</i> |
| RANK, ORGANIZATION, AND DUTY ASSIGNMENT                     |  |     | DATE                    |
| MAJ Headquarters Company FWW, Fort Wainwright, AK Commander |  |     | 24 Jun 83               |

|  |               |  |  |
|--|---------------|--|--|
| C. NAME OF RATED SOLDIER (Last, First, MI) |               | I have verified Administrative Data, PART I, and Duty Description, PART II. I have seen this report as prepared by the Rater and Indorser. I understand that my signature does not constitute agreement nor disagreement with their evaluations. |  |
| BURT, RICHARD M.                           |               | Signature: <i>Richard M. Burt</i>  |  |
| SSN  | DATE          |  |  |
|  | 24 June, 1983 |  |  |

|   |  |     |  |
|---|--|-----|--|
| D. NAME OF REVIEWER (Last, First, MI)             |  | SSN | I have reviewed this report in accordance with |
| ESTRINE, JOSEPH M.                                |  |     | AR 623-205 on <u>29 Jun 83</u> (date)          |
| RANK, ORGANIZATION, AND DUTY ASSIGNMENT           |  |     | Signature: <i>Joseph M. Estrine</i>            |
| MAJ Headquarters Company, Ft Wainwright, AK 99703 |  |     |  |

| PART VI. SCORE SUMMARY |             |                | PART VII. MILPO CERTIFICATION   |                        |
|------------------------|-------------|----------------|---|------------------------|
| PART                   | RATER SCORE | INDORSER SCORE | A. SOLDIER'S COPY:  | B. FORWARDING ADDRESS: |
| III                    | 81          | 81             | <input type="checkbox"/> Given to Soldier _____ (date)                        |                        |
| IV                     | 19          | 19             | <input checked="" type="checkbox"/> Forwarded to Soldier <u>830727</u> (date) |                        |
| Sum                    | 100         | 100            | <input type="checkbox"/> Mailed to Soldier _____ (date)                       |                        |

|              |                 |                                |                        |               |
|--------------|-----------------|--------------------------------|------------------------|---------------|
| REPORT SCORE | C. NO. OF INCL. | D. DATE ENTERED ON DA FORM 2-1 | E. MILPO SIGNATURE     | F. MILPO CODE |
|              | 7               | 830727                         | <i>William K. L...</i> |               |