

1. Lurie v. Department of Army

United States District Court, District of Columbia. | July 15, 1997 | 970 F.Supp. 19 | 1997 WL 405111

Plaintiff brought Freedom of Information Act (FOIA) suit against Department of the Army, seeking information relating to Army's informal investigation of **military** medical **researcher's** representations regarding Acquired Immune Deficiency Syndrome (AIDS) vaccine **research** and **researcher's** connection to nongovernment organization that lobbied Congress...

...Law enforcement records exemption of Freedom of Information Act (FOIA) protected **military** medical **researcher's** answer to question in interview in informal **military** investigation regarding, in part, **researcher's** relationship to nongovernment organization that lobbied Congress to provide **research** funds on Acquired Immune Deficiency Syndrome (AIDS) vaccine on which **researcher** worked; while question related to relationship between organization and **researcher's military** department, answer was nonresponsive and provided no insight into operation of government agency. 5 U.S.C.A. §552(b)(7)(C)...

...Personal privacy exemption of Freedom of Information Act (FOIA) did not protect report of informal Army investigations of **military** medical **researcher** who made public statements and appeared before Congress and made representations about **research** and testing of specific Acquired Immune Deficiency Syndrome (AIDS) vaccine; other **military** scientists claimed that **researcher** misrepresented **research** and engaged in scientific misconduct, **researcher's** representations may have played significant role in obtaining \$20 million appropriation for **research**...

2. Sills v. Bureau of Prisons

United States Court of Appeals, District of Columbia Circuit. | May 14, 1985 | 761 F.2d 792 | 245 U.S.App.D.C. 389

Federal prisoner moved for summary reversal of order of the United States District Court for the District of Columbia, Penn, J., which dismissed his complaint seeking access to **military** law **research** records as frivolous. The Court of Appeals, Mikva, Circuit Judge, held that district court erred in dismissing the complaint without ruling...

...Appellant, who was convicted under **military** law, has claimed that he has a constitutional and statutory right to access to appropriate **military** legal **research** materials, and that he does not have access to these materials....

... In his complaint, appellant, a federal prisoner, seeks access to **military** law **research** materials to assist him in his pursuit of post-conviction remedies....

3. U.S. ex rel. Dingle v. BioPort Corp.

United States District Court, W.D. Michigan, Southern Division. | June 18, 2003 | 270 F.Supp.2d 968 | 2003 WL 21649521

GOVERNMENT CONTRACTS - Qui Tam. Qui tam action under FCA was jurisdictionally barred.

...Specifically, both Dingle and Rempfer were members of a **military research** team investigating the anthrax vaccine and its safety for human use....

...Members of **military research** team investigating anthrax vaccine initiated qui tam action against government contractor which manufactured anthrax vaccine, to recover damages and civil penalties on behalf of the United States arising from alleged violation of the False Claims Act (FCA)....

4. In re Zhang

United States Bankruptcy Court, S.D. Ohio, Western Division, | January 10, 2012 | 463 B.R. 66 | 2012 WL 75432

BANKRUPTCY - Discharge. Hiding of funds in undisclosed corporate account warranted denial of debtor's discharge.

...Wu's testimony did not indicate she had any particular expertise in **military research**, relevant scientific background, or any experience with **military** contracts (Pl. Exh. 3)...

...The story also concerns Zhang's paid employment and volunteer work in the field of **military** defense **research**....

5. **Prestfield v. Zakhary**

United States District Court, E.D. California. | September 01, 2021 | Slip Copy | 2021 WL 3911177

Plaintiff Christopher Prestfield is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff's claim that Defendant violated his 14th Amendment rights by failing to obtain his informed consent in operating on Plaintiff to repair a facial fracture...

...Rather, Plaintiff believes that he is currently being housed in some sort of weird psychiatric or perhaps **military research** facility."...

...Plaintiff has informed mental health staff at KVSP about his delusions, that he is increasingly suicidal, and that he poses a threat to KVSP staff and other inmates, yet "his concerns in this regard have been intentionally ignored because he is in fact being held in some sort of weird psychiatric or **military research** facility."...

6. **Lopez v. Villegas**

United States District Court, C.D. California. | May 20, 2021 | Slip Copy | 2021 WL 4464191

On July 23, 2019, Plaintiff Daniel Lopez filed the Complaint in this action against Defendants Regina Villegas and Abraha Rivas, alleging violations of the Americans with Disabilities Act ("ADA") and California's Unruh Civil Rights Act ("Unruh Act"). [Doc. # 1.] On January 17, 2020, the Court declined to exercise...

...The Court reduces the 3.1 hours that Handy spent on case-initiating tasks such as reviewing Google satellite images, performing public records searches, reviewing the investigator's report, drafting the Complaint, and **researching** Rivas' **military** status to 1.2 hours....

...For example, Handy billed 0.8 hours for "drafting" the formulaic Complaint and 0.4 hours **researching** Defendant Rivas' **military** status; Vento billed 1.2 hours for drafting one set of discovery requests; Gunderson spent 6.7 hours drafting documents and compiling evidence in support of the MSJ; and Price spent 3.6 hours drafting and "rework[ing]" the instant MAF and supporting documents....

7. **Daley v. District of Columbia**

United States Court of Appeals, District of Columbia Circuit. | June 21, 1996 | Not Reported in F.3d | 1996 WL 393471

Upon consideration of the motion for summary reversal, and the motion for summary affirmance and the response thereto, it is ORDERED the motion for summary reversal be denied. It is FURTHER ORDERED that the motion for summary affirmance be granted substantially for the reasons stated in the district court's order of July 28, 1995. The missing...

... See *Bounds v. Smith*, 430 U.S. 817, 824 (1977); cf. *Sills v. Bureau of Prisons*, 761 F.2d 792, 796 (D.C.Cir.1985) (a prison law library which contains no **military** legal **research** materials may amount to an unconstitutional denial of meaningful access to the courts)....

8. **Barnard v. McDonough**

United States Court of Appeals for Veterans Claims. | July 07, 2023 | Not Reported in Vet. App. Rptr. | 2023 WL 4397339

On May 3, 2023, the pro se petitioner, Michael Barnard, filed a petition for extraordinary relief in the form of a writ of mandamus compelling VA to adjudicate a claim for entitlement to disability compensation for diabetes mellitus type 2 as due to herbicide exposure. Petition (Pet.) at 1, 13. He asserts that he filed a supplemental claim...

...In that regard, the Secretary explains that VA's **Military Records Research** Center has completed **research** to attempt to verify the petitioner's service in Vietnam, and the RO issued a rating decision on June 16, 2023, denying benefits for diabetes mellitus type 2. Secretary's Response at 2-3; Exhibit 14....

...Alternatively, the Secretary asserts that the Court should deny the petition because the petitioner has not shown unreasonable delay pursuant to the factors identified in Telecommunications **Research** & Action Center v. FCC, 750 F.2d 70, 79 (D.C. Cir. 1984), or that he is entitled to a writ....

9. **U.S. v. Pantic**

United States Court of Appeals, Fourth Circuit. | January 23, 2009 | 308 Fed.Appx. 731 | 2009 WL 161313

CRIMINAL JUSTICE - Evidence. Foreign **military** records indicating defendant's **military** service fell within the public records hearsay exception.

...Government satisfied its burden of authentication of exhibits of **military** records indicating defendant's foreign **military** service, in a prosecution for making materially false statements on United States immigration applications; **military** analyst and **researcher** testified in detail about his involvement in the seizure, cataloguing, and storage of the records, and sufficient indicia of reliability existed to support their admissibility. Fed.Rules Evid.Rule 901(a), 28 U.S.C.A....

...Foreign **military** records indicating defendant's **military** service fell within the public records hearsay exception, in a prosecution for making materially false statements on United States immigration applications; contents of the **military** records themselves confirmed that they were records of the activities of the Army of the Republika Srpska (VRS). Fed.Rules Evid.Rule 803(8), 28 U.S.C.A....

10. **McNally v. Cooksey**

United States Court of Appeals, Seventh Circuit. | December 17, 1993 | 14 F.3d 604 | (Table, Text in WESTLAW), Unpublished Disposition | 1993 WL 524297

S.D.III. AFFIRMED.

... Plaintiff also alleges that the Bureau of Prisons is obligated to provide plaintiff with **military** legal **research** materials....

...Plaintiff McNally alleges that the **military** legal **research** materials at the United States Penitentiary at Marion are insufficient to guarantee his constitutional right of meaningful access to the courts....

11. **U.S. Dept. of Justice v. Reporters Committee For Freedom of Press**

Supreme Court of the United States | March 22, 1989 | 489 U.S. 749 | 109 S.Ct. 1468

Reporter and association of journalists sought protection of criminal records pursuant to Freedom of Information Act. The United States District Court for the District of Columbia, John Garrett Penn, J., entered summary judgment dismissing suit, and reporter and association appealed. The Court of Appeals, 816 F.2d 730, remanded, and...

... New York University law students sought Air Force Academy Honor and Ethics Code case summaries for a law review project on **military** discipline....

... For example, it was never suggested that the FOIA would be a boon to academic **researchers**, by eliminating their need to assemble on their own data which the government has already collected")....

12. United States v. Juan

United States District Court, E.D. California. | May 03, 2021 | Slip Copy | 2021 WL 1737346

Defendant's Motion for Pretrial Discovery, ECF No. 117, and Defendant's Motion for Bill of Particulars, ECF No. 118, came on for hearing before the undersigned on April 19, 2021. Both motions were fully briefed. See ECF Nos. 125 (opposition to discovery motion), 128 (reply); 124 (opposition to motion for bill of particulars), 127 (reply). Assistant...

...Defendant complains in essence that the indictment itself does not exclusively commit the government to a particular theory of evidence as to her alleged **military** service, when several such theories have been suggested: participation in a "civilian cadre" that is part of the Chinese **military** despite its civilian designation; enlistment as a (presumably) non-civilian member of the **military**; work at a university or **research** facility with **military** affiliation that renders its scientists official or de facto members of the **military**....

...Items 1-7 broadly seek analyses, reports, documents and photographs related to the structure and organization of the Chinese **military**, the relationship of the Chinese **military** to Chinese **research** institutions, and the U.S. non-immigrant visa process and government uses of the question on the application regarding **military** service....

13. U.S. Dept. of State v. Ray

Supreme Court of the United States | December 16, 1991 | 502 U.S. 164 | 112 S.Ct. 541

Haitians seeking political asylum sought, under Freedom of Information Act (FOIA), names of Haitian nationals who had been returned to Haiti. The United States District Court for the Southern District of Florida, James C. Paine, J., and David W. Dyer, Senior Circuit Judge, sitting by designation, 725 F.Supp. 502, ordered State...

14. Tomscha v. General Services Admin.

United States Court of Appeals, Second Circuit. | December 12, 2005 | 158 Fed.Appx. 329 | 2005 WL 3406575

GOVERNMENT - Records. Freedom of Information Act exemption for personnel records was applicable to employee's request for co-employee's records.

15. U. S. Dept. of State v. Washington Post Co.

Supreme Court of the United States | May 17, 1982 | 456 U.S. 595 | 102 S.Ct. 1957

Proceeding was instituted on a request to obtain certain records. On cross motions for summary judgment, the United States District Court for the District of Columbia ordered disclosure of records, and defendant appealed. The Court of Appeals, 207 U.S.App.D.C. 372, 647 F.2d 197, affirmed, and certiorari was granted. The...

16. Core v. U.S. Postal Service

United States Court of Appeals, Fourth Circuit. | January 06, 1984 | 730 F.2d 946

Employee of the United States Postal Service appealed from order of the United States District Court for the Eastern District of Virginia, at Alexandria, Oren R. Lewis, Senior District Judge, denying his request under Freedom of Information Act for employment histories of applicants for federal employment, specifically, for position of systems...

 **17. Department of Air Force v. Rose**

Supreme Court of the United States | April 21, 1976 | 425 U.S. 352 | 96 S.Ct. 1592

Present and former law review editors brought action under Freedom of Information Act to compel disclosure of case summaries of honor and ethics hearings at service academy with personal references and other identifying material deleted. The United States District Court for the Southern District of New York, granted partial summary judgment to...

...What we have said of the **military** in other contexts has equal application here: it “constitutes a specialized community governed by a separate discipline from that of the civilian,” Orloff v. Willoughby, 345 U.S. 83, 94, 73 S.Ct. 534, 540, 97 L.Ed. 842, 849 (1953), in which the internal law of command and obedience invests the **military** officer with “a particular position of responsibility.”...

...I would have thought, however, that matters that concern the established Honor Codes of our **military** academies, codes long in existence and part of our **military** society and tradition, see Parker v. Levy, 417 U.S. 733, 743-744, 94 S.Ct. 2547, 2556, 41 L.Ed.2d 439, 451 (1974), and the disciplining of cadets as they move along in their Government-supplied education, would clearly qualify as “internal personnel . . . practices” of that agency...

 **18. Chappell v. Wallace**

Supreme Court of the United States | June 13, 1983 | 462 U.S. 296 | 103 S.Ct. 2362

Navy enlisted men brought race discrimination action against superior officers. The United States District Court for the Southern District of California entered judgment from which the enlisted men appealed. The Court of Appeals, Ninth Circuit, reversed and remanded, 661 F.2d 729. After granting certiorari, the Supreme...

...Congress has exercised its plenary constitutional authority over the **military**, has enacted statutes regulating **military** life, and has established a comprehensive internal system of justice to regulate **military** life, taking into account the special patterns that define the **military** structure....

...Because of need for special regulations in relation to **military** discipline, and consequent need and justification for a special and exclusive system of **military** justice, civilian courts must at very least hesitate long before entertaining suit which asks court to tamper with established relationship between enlisted **military** personnel and their superior officers, such relationship being at heart of the necessarily unique structure of the **military** establishment....

 **19. Brown v. Glines**

Supreme Court of the United States | January 21, 1980 | 444 U.S. 348 | 100 S.Ct. 594

United States Air Force Reserve officer brought suit based on allegation that the Air Force's regulations relating to the circulation of petitions on air force bases violated the First Amendment and federal statutory law. The United States District Court for the Northern District of California, 401 F.Supp. 127, declared the regulation...

...While members of the **military** services are entitled to the protections of First Amendment, the different character of the **military** community and of the **military** mission requires a different application of those protections. U.S.C.A.Const. Amend. 1....

... Thus, while members of the **military** services are entitled to the protections of the First Amendment, “the different character of the **military** community and of the **military** mission requires a different application of those protections.” ...

20. Lockheed Aircraft Corp. v. U.S.

United States Court of Claims, Trial Division. | April 20, 1976 | 1976 WL 347651 | 190 U.S.P.Q. 134

Plaintiff seeks, pursuant to 28 U.S.C. §1498, reasonable and entire compensation for the unauthorized manufacture and use by or for the Government of a radar for determining the altitude of remote objects. The patent in suit, United States Letters Patent No. 3,001,191 (hereinafter referred to as either the Richter or '191 patent), entitled...

...Preliminary Design studies investigating airplane performance with various aerodynamic configurations **Military Operations Research** evaluation of each antenna radome configuration as to probability of detection with varying targets and studies of operational altitudes, speeds, etc., of the search airplane....

...(a) The Contractor shall conduct preliminary design studies and **military** operations **research** evaluations of various radome-antenna configurations of AEW/CIC/DEW aircraft, including all pertinent independent and related aspects of radar and airplane performance, and including design and operations considerations for APS-45 Height Finding....

21. Independent Guard Ass'n of Nevada, Local No. 1 v. O'Leary on Behalf of U.S. Dept. of Energy

United States Court of Appeals, Ninth Circuit. | June 12, 1995 | 57 F.3d 766 | 1995 WL 348365

Union representing security guards supplied by contractor to the Department of Energy (DOE) to guard facilities at which DOE produced and tested nuclear explosive devices for use by the **military** brought suit against agency, challenging agency personnel regulation on ground that it was promulgated without prior notice and comment required by the...

... McDonald involves a **military** determination concerning **military** personnel who had participated in a **military** conflict, and did not speak to contractor support functions....

... The court further found that “the proper conduct of a **military** function often requires essential, though non- **military**, support functions,” and that “such **military** functions cannot proceed absent full regulation and control of the support function.” ...

22. Aerojet-General Corp. v. U. S.

United States Court of Claims. | December 14, 1977 | 215 Ct.Cl. 223 | 568 F.2d 729

Government defense contractor brought suit for the unreimbursed balance of its independent **research** and development costs for particular fiscal year. The Court of Claims agreed with opinion of Willi, Trial Judge, as supplemented and modified, and held that under governing statute, Government could not unilaterally impose upon its contractor against...

...The conferees agreed to delete the reference to relevancy and substitute the words ‘in the opinion of the Secretary of Defense, a potential relationship to a **military** function or operation’ to assure a broad interpretation of the relationship of basic **research** to **military** requirements....

...The development of such fundamental achievements in science is vital to **military research** and national interests....

23. U.S. v. Reeder

U.S. Navy–Marine Corps Court of Criminal Appeals. | October 15, 1999 | Not Reported in M.J. | 1999 WL 985177

A **military** judge, sitting alone as a special court-martial, convicted the appellant, in accordance with his pleas, of two specifications alleging violations of 18 U.S.C. § 2252, as assimilated under Article 134, Uniform Code of **Military** Justice, 10 U.S.C. § 934 (1994), by receiving and possessing child pornography. The appellant was sentenced to...

...The **military** judge should then have made further inquiry into the appellant's claims that he was conducting **research** and inquired as to whether or not he believed that his "**research**" purposes gave rise to any defense in his mind to the charges alleged....

..."If any potential defense is raised by the accused's account of the offense or by other matter presented to the **military** judge, the **military** judge should explain such a defense to the accused and should not accept the plea unless the accused admits facts which negate the defense."...

24. U.S. v. Miller

U.S. Air Force Court of Criminal Appeals. | December 14, 2005 | Not Reported in M.J. | 2006 WL 13150

Pursuant to his pleas, the appellant was convicted at a special court-martial of possessing six pills of methylenedioxyamphetamine (ecstasy), in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. He was sentenced by officer members to a bad-conduct discharge, confinement for 3 months, and reduction to the grade of E-1. The convening...

...The **military** judge overruled the defense counsel's objection this time, stating, "he has done some **research** into this and I'll let him testify based on his **research**."...

...The **military** judge's ruling is clear to this Court, and nowhere do we see evidence that the **military** judge reversed his ruling....

25. U.S. v. Roth

United States Court of Appeals, Sixth Circuit. | January 05, 2011 | 628 F.3d 827 | 2011 WL 13609

CRIMINAL JUSTICE - Weapons. Evidence was sufficient to sustain conviction for violation of Arms Export Control Act.

...At their initial meeting, Roth explained to Witherspoon that the project was **military** in nature, but that the subject of the **research** was part of the public domain, which meant it was publicly available, and, thus, not export controlled....

...At or around that time, Sherman told Roth that the project would be paid for with "6.2" funds, which Roth knew implied that the **research** would be subject to export control laws that prohibit allowing access to the **research** outside of the United States or to foreign nationals unless a license has been obtained....

26. Mayfield v. Dalton

United States District Court, D. Hawai'i. | September 08, 1995 | 901 F.Supp. 300 | 1995 WL 555317

Members of armed services sought to certify class in opposition to requirement that soldiers provide DNA samples for the **military** to use in identifying remains in event of death during time of war. The District Court, Samuel P. King, Senior District Judge, held that: (1) although taking of blood sample for DNA purposes was...

...Requirement by armed services that members provide DNA samples for use in identifying remains in event of death during time of war did not meet regulatory definition of "**research**" for purposes of contention by service members that **military** had failed to comply with all requirements for human **research** conducted by **military** or civilian branches of federal government....

...The regulations in question define **research** as "a systematic investigation, including **research** development, testing and evaluation, designed to develop or contribute to generalizable knowledge." ...

27. U.S. v. Lumbus

U.S. Army Court of Military Review. | March 25, 1974 | 1974 WL 13874 | 48 C.M.R. 613

Special Court-Martial Convened by Headquarters, U. S. Theater Army Support Command, Europe (H. J. Green, **Military** Judge, alone). Sentence adjudged 22 August 1973. Approved sentence: Bad-conduct discharge, confinement at hard labor for five months, forfeiture of \$204.00 per month for five months. (By action of the Commandant, USDB, dated 7 Dec 73,...

...The **military** judge recessed the court, giving trial defense counsel 43 minutes for his **research**. 4...

...1. Pursuant to the Uniform Code of **Military** Justice, Article 67(b)(2), the record of trial and the decision of the Army Court of **Military** Review in the above captioned case are forwarded for review....

28. United States v. Dowd

U.S. Air Force Court of Criminal Appeals. | November 29, 2017 | Not Reported in M.J. Rptr. | 2017 WL 6026920

A general court-martial composed of officer and enlisted members convicted Appellant, contrary to his pleas, of two specifications of attempting to commit a lewd act on a child under the age of 16 years in violation of Article 80, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §880. The court-martial sentenced Appellant to a...

...Her **research** did not focus on **military** members or minors....

...She testified she was unaware of the LIWC, a **research** tool, being used as evidence in any federal, state, or **military** trial....

29. U.S. v. Schoolfield

U.S. Army Court of Military Review. | November 13, 1992 | 36 M.J. 545 | 1992 WL 340566

Accused was convicted by general court-martial convened at Fort Eustis, H.C. Eggers, J., of attempted sodomy, disobeying superior commissioned officers, sodomy, aggravated assault, and performing indecent act. The United States Army Court of **Military** Review, Crean, Senior Judge, held that: (1) probable cause existed for issuance of search warrant...

...The **military** judge further found that the **military** magistrate had sufficient probable cause to issue the warrant....

...The government relied on the testimony of Doctor (Lieutenant Colonel) Redfield, Chief of Retroviral **Research** at the Walter Reed Army Institute of **Research**, for the admissibility of these documents....

30. U.S. v. Anderson

U.S. Army Court of Military Review. | August 29, 1972 | 1972 WL 14463 | 46 C.M.R. 640

General Court-Martial Convened by Headquarters U. S. Army Infantry Center and Fort Benning (R. W. Kennedy, **Military** Judge). Sentence adjudged 22 November 1971. Approved sentence: Dishonorable discharge, confinement at hard labor for five years, and forfeiture of all pay and allowances.

...Where the testimony of court-members, at a post-trial hearing conducted by the **military** judge, disclosed that the president of the court had, during a recess in the trial, read from the Manual for Courts-Martial, United States, 1969 (Rev ed), and that several members had looked at legal **research** material while in the office of the judge advocate in the vicinity of courtroom, and where the testimony showed discrepancies and inconsistencies as to the types and kinds of legal publications examined, as to the times the Manual was in the deliberation room, and as to exactly what portions of the Manual had been examined, the Court of **Military** Review declined to speculate as to the prejudice that might have been suffered by the accused; the findings and sentence were set aside....

...The **military** judge recognized that the examination of legal reference books and the Manual could be error...

31. U.S. v. Sullivan

U.S. Court of Military Appeals. | September 26, 1988 | 26 M.J. 442 | 1988 WL 92080

The accused, a staff sergeant, United States Air Force, was convicted on his pleas by a general court-martial, Donald E. Weir, J., of specifications of harmful distribution of the medication dilaudid, larceny of dilaudid, and forging prescriptions for dilaudid. The United States Air Force Court of **Military** Review affirmed. Review was granted. The...

... The United States Court of **Military** Appeals, Cox, J., held that **military** judge did not abuse his discretion in denying defense motion for continuance....

...**Military** judge did not abuse his discretion in denying defense motion for continuance to further **research** issue of unlawful command influence; command-influence episodes which ran throughout four related court-martials were well known to defense counsel and had been litigated in three previous trials, counsel had more than enough time to prepare case, defense called seven extenuation and mitigation witnesses, and defense counsel made no representation that other evidence might become available if another continuance were granted....

32. C.I.R. v. Ide

United States Court of Appeals Third Circuit. | July 15, 1964 | 335 F.2d 852 | 14 A.F.T.R.2d 5190

Proceeding on petition to review a decision of the Tax Court of the United States at 40 T.C. 721. The Court of Appeals, Hastie, Circuit Judge, held that general college tuition payment Cornell student received from Navy Department in connection with his enrollment in ROTC program was a 'scholarship', and not to be included in cost of his support...

...Logically, a class of institutions exemplified by the Naval Academy and the **Military** Academy is a category of special schools in which student life is organized after the **military** pattern and preparation for **military** or naval service is a primary mission of the institution....

...'However, amounts paid or allowed to, or on behalf of, an individual to enable him to pursue studies or **research** are considered to be amounts received as a scholarship or fellowship grant for the purpose of section 117 if the primary purpose of the studies or **research** is to further the education and training of the recipient in his individual capacity and the amount provided by the grantor for such purpose does not represent compensation * * *....

33. Emerald Coast Finest Produce Co., Inc. v. U.S.

United States Court of Federal Claims. | May 22, 2007 | 76 Fed.Cl. 445 | 2007 WL 1501082

GOVERNMENT CONTRACTS - Bidding. Post-award bid protestor would not be allowed to supplement the administrative record.

... Claims one through four state that the award of the contract to **Military** Produce Group "lacks a rational basis and is unreasonable or irrational, and thus arbitrary and capricious because," plaintiff alleges, that the evaluation of **Military** Produce Group's proposal assumes that it had teaming partners, that the evaluation "ignores **Military** Produce Group's commitment to use a distribution facility in Birmingham, Alabama," that not all of **Military** Produce Group's deliveries are inspected by the United States Department of Agriculture, that **Military** Produce Group...

...This is a post-award bid protest filed by Emerald Coast Finest Produce Company, Incorporated (Emerald Coast), a fresh produce distributor that serves **military** facilities, plaintiff's Statement of Facts (Facts) 2, 2 challenging an award to **Military** Produce Group, LLC (**Military** Produce Group) under Request for Proposal Number HDEC02-06-R-0005 (Solicitation) issued by the United States, id. at 5-6, acting through the Defense Commissary Agency of the Department of Defense,

Resale Contracting Division (DeCA), id. at 2. Pursuant to the court's Order of November 3, 2006, defendant filed its certified Administrative Record (AR) on November 17, 2006....

34. In re Zyprexa Products Liability Litigation

United States District Court, E.D. New York. | May 12, 2009 | Not Reported in F.Supp.2d | 2009 WL 1322292

Plaintiff moves to exclude the testimony of defendant's designated expert, John E. Gerich, M.D. The papers submitted suffice as a basis for decision without need for an evidentiary hearing or oral argument. Dr. Gerich is offered on the issue of whether Zyprexa caused plaintiff's diabetic condition. The requirements he must meet are as follows: If...

...He completed two years of **military** service in the Navy at the Naval Regional Medical Center in Oakland, California (1975–1977), after which he assumed a post at the Mayo Clinic as Associate Professor in Medicine, Associate Director of the Clinical **Research** Center, and Director of the Diabetes **Research** Laboratory....

...He was later recruited to the University of Pittsburgh to be Director of the school's Clinical **Research** Unit and Diabetes **Research** Laboratory....

35. U.S. v. Reeder

U.S. Navy–Marine Corps Court of Criminal Appeals. | June 30, 2005 | Not Reported in M.J. | 2005 WL 1540227

The appellant was tried by a special court-martial composed of officer and enlisted members. Contrary to his plea, the appellant was convicted of wrongful possession of child pornography, in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C § 934, and 18 U.S.C. § 2252. The members sentenced the appellant to confinement for three...

...We determined that 18 U.S.C § 2252 is not a strict liability criminal statute, that a valid **research** purpose could raise a possible defense, and that the **military** judge failed to adequately resolve the defense before accepting the plea....

...The appellant does not argue that the statements were per se inadmissible, rather, he complains that the **military** judge failed to hold the trial counsel accountable for failing to give the appellant timely notice under **Military** Rule of Evidence 404(b), Manual for Courts–Martial, United States (2000 ed.)....

36. U.S. v. Hanjuan Jin

United States District Court, N.D. Illinois, Eastern Division. | February 08, 2012 | 833 F.Supp.2d 977 | 2012 WL 400681

CRIMINAL JUSTICE - Larceny. Evidence was sufficient to support finding that defendant knowingly stole trade secrets.

... The 7th **Research** Institute works in conjunction with the **research** institutes on the **military** side under the General Staff Department, sharing technology and completing projects for the **military**....

...153.The Chinese **Military** Industrial Complex is a conglomeration of **military** and commercial enterprises, factories, **research** institutes, and decision-making bodies....

37. Verma v. U.S.

United States Court of Appeals, District of Columbia Circuit. | March 18, 1994 | 19 F.3d 646 | 1994 WL 83280

Former army captain brought action against the United States on claims arising from army's retention on vials of antiserum. The United States District Court, District of Columbia, Norma Holloway Johnson, J., dismissed action, and former captain appealed. The Court of Appeals held that action was barred under intramilitary tort...

... Although Verma did do **research** on atropine and L-hyoscyamine at Walter Reed in 1983, that **research** was not associated with Smallridge's project....

... Whether a case implicates those concerns would often be problematic, raising the prospect of compelled depositions and trial testimony by **military** officers concerning the details of their **military** commands #...

38. Power Density Solutions LLC v. United States

United States Court of Federal Claims. | April 08, 2022 | 159 Fed.Cl. 208 | 2022 WL 1073221

PATENTS — Jurisdiction. Alleged infringing activities by **research** institutions were not for Government's benefit, as required to invoke Court of Federal Claims' jurisdiction over infringement claim against United States.

...This shows, Plaintiffs argue, that the **research** institutions were directly serving the government's interests in improving **military** technology, rather than merely performing fundamental **research**....

...See Am. Compl. ¶¶ 9–10, 18; see also id. ¶ 14 n.1 (citing Defense Contractors to Develop Next-Gen **Military** Electronics Thermal Management, Electronics Cooling (Nov. 11, 2013), <http://www.electronics-cooling.com/2013/11/defense-contractors-develop-next-gen-military-electronics-thermal-management/>); App. to Def's Mot. at 1–179 (grant and cooperative agreement awards with eight **research** institutions that participated in the ICECool program)....

39. U.S. v. Lawrence

U.S. Air Force Court of Military Review. | June 20, 1990 | 30 M.J. 1140 | 1990 WL 91996

Accused, a sergeant in the United States Air Force, was convicted by general court-martial convened at Eglin Air Force Base, Florida, Donald E. Weir, J., and he appealed. The United States Air Force Court of **Military** Review, Kastl, Senior Judge, held that: (1) trial counsel produced racially neutral, legitimate explanation for peremptorily...

... The **military** judge made elaborate essential findings....

...The **military** judge's handling of this matter further supports our decision to affirm....

40. United States v. Chaoqun

United States District Court, N.D. Illinois, Eastern Division. | July 18, 2022 | Slip Copy | 2022 WL 2802321

For the reasons stated below, Defendant's motion in limine to preclude or limit the testimony of the government's anticipated expert witnesses [246] is denied. The government served its expert disclosures on April 22, 2022, identifying four experts, including (1) unspecified FBI translators; (2) unspecified computer forensics witnesses; (3) Joe...

...The bases of Mr. McReynolds' opinions include his experience of over one decade in **researching** Chinese intelligence operations and industrial espionage in various forms, including the organizational structure and culture of the Ministry of State Security and affiliated organs, his serving as a lead editor and co-author of the book China's Evolving **Military** Strategy, which includes a chapter on the evolution of Chinese intelligence operations, and his Chinese-language **research** into the relevant institutions and organizations underlying this case....

...Although he holds a Top Secret security clearance through his employer, the SOSi Center for Intelligence **Research** and Analysis, his **research** work is conducted using open sources and none of the topics under consideration here touch on any classified knowledge he is privy to....

41. Malini v. Singleton and Associates

United States District Court, S.D. Texas, Houston Division. | September 09, 1988 | Not Reported in F.Supp.
| 1988 WL 126562

Srini Malini takes nothing against Singleton and Associates, Edward B. Singleton, M.D., St. Luke's Episcopal Hospital, Baylor College of Medicine, Houston Radiology Associated, James E. Harrell [sic], M.D., and The Methodist Hospital. THE COURT: All right. I am going to grant a judgment that the plaintiff take nothing. I will attempt now to...

...To include that aspect we would have to consider the inclusion of the medical branch in Galveston, the **military** and University of Texas facilities in San Antonio and all the other facilities that would compete in academic **research**....

...Although Dr. Malini did talk about it in her deposition, I did not take this case to be an academic exclusion case that was based on the opportunity to teach and the opportunity to do medical school-related **research**, but to the extent that that may be part of this case, in the absence of applications or grants to applications for privileges, definitions of projects, definitions of projects with which Baylor would be required to be part of it, absence of any evidence of applications to **research** facilities available from the University of Texas–Houston, there is simply no basis for finding that Dr. malini has been crippled by exclusion from the academic **research** market which is represented by the Texas Medical Center, or more importantly, by these defendants....

42. Doe v. Sullivan

United States District Court, District of Columbia. | January 31, 1991 | 756 F.Supp. 12 | 1991 WL 16294

Action was brought to enjoin Department of Defense (DoD) from using unapproved drugs on troops taking part in **military** operation without first obtaining informed consent from individual **military** personnel. On government's motion to dismiss, the District Court, Stanley S. Harris, J., held that: (1) decision on part of DoD to...

... The cases note the special nature of **military** discipline and conclude that courts are "ill-equipped to determine the impact upon **military** discipline that any particular intrusion on **military** authority might have." ...

...5 In §50.23(d), the FDA recognized that certain **military** concerns may make obtaining informed consent from **military** personnel in combat impracticable....

43. United States v. Juan

United States District Court, E.D. California. | May 28, 2021 | Slip Copy | 2021 WL 2188712

On April 9, 2021, Defendant filed a Motion to Suppress Evidence seized pursuant to a June 20, 2020 search warrant. See Mot. to Suppress ("Mot."), ECF No. 129. Defendant argues that the warrant authorizing the search and seizure of items at her apartment in Davis, California was not supported by probable cause and was overbroad. Id. The...

...Id. Chinese **military** documents that detailed Tang's **research** were also seized, as well as evidence of her initial **military** enlistment date, and a letter she sent in May 2020 to the China Scholarship Council and PRC Consulate General personnel stating that her **research** in the United States was ending and requesting to resume her **military** duties in China....

...Id. Additional open source internet searches revealed other articles about Tang and listed her affiliation with the Air Force **Military** Medical University/Fourth **Military** Medical University and China People's Liberation Air Force **Military** Medical University, Molecular Medicine Translation Center....

44. U.S. v. Kyle

U.S. Air Force Court of Military Review. | February 22, 1991 | 32 M.J. 724 | 1991 WL 35391

Accused, staff sergeant, United States Air Force, was convicted by general court-martial, Robert E. Sears, J., of committing indecent acts and taking indecent liberties with child and making sexually exploitative videotape of children. The United States Air Force Court of **Military** Review, James, J., held that: (1) maximum sentence for making...

...**Military** judge must make record of every significant in camera activity (other than legal **research**) adequate to assure that decisions remain reviewable on appeal, and when **military** judge examines information not accessible to both parties, that information must be sealed and attached to record as appellate exhibit. UCMJ, Arts. 54(c)(1), 65–70, 10 U.S.C.A. §§854(c)(1), 865–870; R.C.M. 701(g)(2)....

...We bring this example to the attention of **military** judges (and trial counsel and staff judge advocates, who share responsibility for making and preserving a record 4) for its valuable lesson: A **military** judge must make a record of every significant in camera activity (other than his legal **research**) adequate to assure that his decisions remain reviewable on appeal....

45. **Priester v. McDonough**

United States Court of Appeals for Veterans Claims. | October 18, 2021 | Not Reported in Vet. App. Rptr. | 2021 WL 4823240

Marine Corps veteran Larry B. Priester, through counsel, appeals a December 17, 2019, Board of Veterans' Appeals decision denying service connection for an acquired psychiatric disorder, including post-traumatic stress disorder (PTSD). The appeal is timely, the Court has jurisdiction, and single-judge disposition is appropriate. See 38 U.S.C....

...But the Board, without addressing whether Mr. Priester's proffered information met the minimum requirement for additional **research** or explaining why the information was insufficient, concluded that additional **research** would be futile....

...Mr. Priester also asks the Court to reverse the Board's finding that his stressor was unrelated to fear of hostile **military** activity under 38 C.F.R. § 3.304(f)(3), as he argues that his claimed stressor of guard duty along the DMZ was related to fear of North Korean **military** action....

46. **U.S. v. Wean**

U.S. Court of Appeals for the Armed Forces. | January 22, 1997 | 45 M.J. 461 | 1997 WL 133984

Accused was convicted by general court-martial, Richard D. Dahlinger and Gregory O. Varo, JJ., of three specifications of committing indecent acts with child under age of 16. The United States Army Court of **Military** Review affirmed. The United States Court of **Military** Appeals set aside decision and remanded, 37 M.J. 286. On remand after factfinding...

... Currently, however, only the **military** judge is allowed to reconsider findings before sentence is announced....

... The United States Court of **Military** Appeals set aside decision and remanded, 37 M.J. 286....

47. **Chavez v. Carranza**

United States Court of Appeals, Sixth Circuit. | March 17, 2009 | 559 F.3d 486 | 2009 WL 670022

CIVIL RIGHTS - Constitutional Torts. Extraordinary circumstances warranted equitable tolling of limitations period in action alleging torture by Salvadoran **military** officer.

... In her report, Professor Karl discusses her credentials as an expert in the politics of Latin America including: the **military** strategies of both the Salvadoran **military** and security forces and the armed opposition, the command structure of the Salvadoran **military**, the corruption of the Salvadoran **military** and security forces, and the practice of death squads....

...Carranza claims that Professor Karl should not have been permitted to testify about **military** procedures and command responsibility because she has never served in a **military** organization and she was never identified as a **military** expert....

48. U.S. v. Johnson

U.S. Army Board of Review. | September 15, 1952 | 1952 WL 2137 | 5 C.M.R. 268

Sentence adjudged 16 May 1952. Approved sentence: Forfeiture of \$50 per month for six months, and confinement for six months.

...Upon trial by general court-martial, the accused pleaded not guilty to and was found guilty of larceny in violation of the Uniform Code of **Military** Justice, Article 121 (Charge I and its Specification) and the wrongful possession, with intent to defraud, of the exchange ration cards of two other soldiers in violation of the Uniform Code of **Military** Justice, Article 134 (Charge II and its Specifications)....

...The record of trial was referred to this board of review by The Judge Advocate General of the Army pursuant to the Uniform Code of **Military** Justice, Article 69, for review by the board in accordance with Article 66....

49. Kostmayer v. O'Keefe

United States District Court, E.D. Pennsylvania. | October 29, 1993 | Not Reported in F.Supp. | 1993 WL 441716

Plaintiffs have moved for summary judgment based upon the theory that the Naval Air Warfare Center Warminster (NAWC), unlike the Philadelphia Naval Shipyard, is a naval **research** and development laboratory, not a **military** base, and therefore was improperly and illegally proposed for realignment and relocation by the Base Closure Commission pursuant...

...Plaintiffs have moved for summary judgment based upon the theory that the Naval Air Warfare Center Warminster (NAWC), unlike the Philadelphia Naval Shipyard, is a naval **research** and development laboratory, not a **military** base, and therefore was improperly and illegally proposed for realignment and relocation by the Base Closure Commission pursuant to congressionally adopted procedures for base closures and realignments....

...The crux of plaintiffs' argument, then, is that even though the Base Closure Act provided that the authority provided by that act "shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a **military** installation inside the United States" (Section 2909(a)), NAWC is not a **military** installation but falls under an exception to the Base Closure Act in light of the provisions of the Lab Commission Act....

50. U. S. v. Dunnings

U. S. Air Force Court of Military Review. | August 19, 1975 | 1 M.J. 516

The accused, airman basic, was convicted by general court-martial, Russell A. Stanley, J., of willful damage to government property, breach of correctional custody, communication of a threat, and assault on his superior noncommissioned officer in the execution of his office, and he appealed. The Air Force Court of **Military** Review, Orser, J., held...

...In assigning the task of preparing the pretrial advice, the chief of **military** justice informed the prospective author that thorough **research** was required....

...The chief of **military** justice disagreed, and following various conferences with the author, the Article 32 investigating officer and the staff judge advocate, plus his own **research** on the issue, eventually rewrote the draft to recommend trial on the charge as preferred....

51. Davis v. Snyder

United States Court of Appeals for Veterans Claims. | February 10, 2017 | Not Reported in Vet. App. Rptr.
| 2017 WL 541543

Dennis L. Davis appeals through counsel an August 18, 2015, Board of Veterans' Appeals (Board) decision that denied entitlement to VA disability benefits for prostate cancer due to exposure to Agent Orange, erectile dysfunction secondary to prostate cancer, and special monthly compensation for the loss of use of a creative organ. Mr. Davis's Notice...

...1. In the course of its **research** efforts, the [Joint Services Records **Research** Center] has reviewed numerous official **military** documents, ships histories, deck logs, and other sources of information related to Navy and Coast Guard ships and the use of tactical herbicide agents, such as Agent Orange, during the Vietnam Era....

...The memorandum's subject heading was "Joint Services Records **Research** Center Statement on **Research** Findings Regarding Navy and Coast Guard Ships During the Vietnam Era."...

52. Vietnam Veterans of America v. Central Intelligence Agency

United States Court of Appeals, Ninth Circuit. | January 26, 2016 | 811 F.3d 1068 | 2016 WL 316003

VETERANS - Health Care. Army was required to provide medical care for injuries caused by experiments, even if veterans were entitled to health care from another agency.

...Id. The second system, the Medical **Research** Volunteer Registry, newly created in 1986, was designed to maintain "[r]ecords of **military** members, civilian employees, and non-DOD civilian volunteers participating in current and future **research** sponsored by the U.S. Army Medical **Research** and Development Command." ...

...Then, in 1986, the Army created a new database that included members of the **military** "participating in current and future **research**" in order to "contact individuals who participated" in such **research** in order to provide them with "newly acquired information, which may have an impact on their health." ...

53. Cowhig v. National Military Establishment

United States District Court District of Columbia. | June 27, 1952 | 105 F.Supp. 807

Walter W. Cowhig, individually and as trustee, co-partners engaged in business in Boston, Massachusetts, under the firm name and style of White **Research** Associates, brought action against the National **Military** Establishment and others for losses allegedly incurred in carrying out contract with government agency for defense purposes. The District...

...Walter W. Cowhig, individually and as trustee, co-partners engaged in business in Boston, Massachusetts, under the firm name and style of White **Research** Associates, brought action against the National **Military** Establishment and others for losses allegedly incurred in carrying out contract with government agency for defense purposes....

...It is undisputed that Walter W. Cowhig formed a partnership with one Carl White, with the firm name of White **Research** Associates....

54. Angus v. Mayorkas

United States Court of Appeals, Fifth Circuit. | June 09, 2023 | Not Reported in Fed. Rptr. | 2023 WL 3918986

Between 2012 and 2017, Plaintiff-Appellant Diann Angus applied to three job openings posted by Immigration and Customs Enforcement ("ICE"), an agency within the Defendant-Appellee Department of Homeland Security ("DHS"). Angus was not selected for any of these positions. According to Angus, these non-selections were the...

...For both the 2012 Intelligence **Research** Specialist position and 2016/2017 Investigative **Research** Specialist position, each of the five selected candidates either had prior substantive intelligence experience, **military** experience, or both....

...As with the candidates selected for the Intelligence **Research** Specialist position in 2012, T.H. had prior **military** and intelligence experience....

55. Daily Journal

December 17, 1996 | 46 M.J. 204 | 46 M.J. 207

To Colonel Frederick Bernays Wiener, AUS (Retired) Chief Judge Cox: Before we call today's case, the Court would recognize Dr. Jonathan Lurie, the Court historian, who is going to pay tribute to a very prominent person in the annals of **military** justice, Colonel Frederick Bernays Wiener. Dr. Lurie: Thank you, your honor. It's always a privilege and...

... His two articles in the 1958 Harvard Law Review on Courts–Martial and the Bill of Rights: The Original Practice, 72 HARV.L.REV. 1 and 209, and his magisterial book- Civilians Under **Military** Justice, published in 1967, made possible because he had received a Guggenheim Fellowship for the **research**, are still cited as basic sources in **military**/legal history....

... Given that assumption, his insistence that **military** justice should remain within the **military** becomes very understandable....

56. U.S. v. Bray

U.S. Court of Appeals for the Armed Forces. | September 30, 1998 | 49 M.J. 300 | 1998 WL 954020

Accused was convicted by general court-martial, Willard L. Pope, J., in accordance with his pleas, of assault and battery on a five-year-old girl, kidnapping that child, committing an indecent act upon her, communicating a threat to her, and drunk driving. The United States Air Force Court of Criminal Appeals affirmed. Review was granted. The...

...**Military** judge did not abuse his discretion in refusing to recuse himself on grounds that he had previously heard accused's responses to a providence inquiry, had reviewed a stipulation of fact concerning them, had entered findings of guilty pursuant to accused's initial pleas of guilty, had compelled accused to withdraw his earlier pleas of guilty on the basis of defense evidence raising question of competency at time of offenses, and had commented that the accused was facing a life sentence, where the **military** judge's statements on the record made clear that he had no intractable opinion regarding accused's guilt or sentence, and **military** judge conducted a full hearing on this matter. R.C.M. 902(d)....

...not provide ineffective assistance in presenting mitigation evidence at sentencing without further **research** and without anticipating the trial judge's action in raising question as to the providence of accused's favorable plea agreement; (2) it was not ineffective assistance to advise accused to withdraw his guilty plea; (3) execution of forfeitures and reduction in grade prior to the date of the...

57. U.S. v. Griffin

U.S. Court of Appeals for the Armed Forces. | May 12, 1999 | 50 M.J. 278 | 1999 WL 303967

Accused was convicted by general court-martial, Michael B. McShane, J., of two specifications of making a false official statement, taking indecent liberties, and communicating a threat. The United States Air Force Court of Criminal Appeals affirmed the findings and sentence. Review was granted. The United States Court of Appeals for the Armed...

...After the **military** judge so ruled, appellant withdrew his request for enlisted members and requested trial by **military** judge alone....

...Court of Appeals for the Armed Forces reviews a **military** judge's rulings under evidence rule governing admissibility of expert testimony for abuse of discretion. **Military** Rules of Evid., Rule 702....

58. Jacobs-Cardenas-Johnson v. First Trinity Lutheran Church

United States District Court, District of Columbia. | November 14, 2008 | 587 F.Supp.2d 112 | 2008 WL 4921273

LITIGATION - Dismissal. Complaint was dismissed pursuant to statute requiring dismissal of frivolous in forma pauperis complaints.

...Plaintiff's complaint states at the outset that "I am here in Washington, D.C. so that I could receive a Terrorism compliant against the City of Washington as well as receive an appt. before the General of the United States because I am U.S. Blood and Brain **Research** of the United States **Military** for the purpose of receiving an appt. to complete a litigation against Nazi in regards to my being allowed to be U.S. Law of U.S. **Research**....

... I am very important and my Blood **research** is Blood to the Pentagon." ...

59. In re 3M Combat Arms Earplug Products Liability Litigation

United States District Court, N.D. Florida, Pensacola Division. | October 29, 2020 | Slip Copy | 2020 WL 6787216

Pending before the Court is Defendants' Motion to Compel the Deposition of LTC Martin Robinette. ECF No. 1457. LTC Robinette is an employee of the Department of Defense. The Government has filed a response in opposition, ECF No. 1474, and the motion, therefore, is ripe for consideration. The district court referred this matter to the undersigned...

...Defendants wish to interview and depose LTC. Robinette regarding: (i) the **military's** design and development of the dual-ended Combat Arms Earplugs, including the desired length of the CAEv2 stem; (ii) **military** testing, **research** or other analysis of the effectiveness of the Combat Arms Earplugs; (iii) instructions and/or training that **military** audiologists provided to service members for the use or fit of the Combat Arms Earplugs; and (iv) the location of documents or other data regarding those topics....

...Specifically, the Department permitted LTC Merkle to testify regarding, inter alia, his knowledge of "the **military's** design and development of the CAEv2[.]" of "the **military's** testing of the CAEv2[.]" of "the effectiveness of the CAEv2 in preventing and mitigating hearing loss in the **military**[.]" and of "the instructions and training provided to service members for use of the CAEv2."...

60. Sperient Corporation, Inc. v. United States

United States Court of Federal Claims. | September 30, 2013 | 113 Fed.Cl. 1 | 2013 WL 5434702

GOVERNMENT CONTRACTS — Jurisdiction. Final decision by contracting officer on contractor's claims was required for court's jurisdiction over contract action.

...Sperient Corporation ("Sperient") seeks redress for the alleged breach of three cost plus fixed-fee **military** contracts awarded under Phase II of the Small Business Innovation **Research** ("SBIR") Program 1 for the performance of **research** and development activities....

...The third phase uses non-SBIR funding to develop "commercial applications of SBIR-funded **research** and development" or "products or services intended for use by the Federal Government, by follow-on non-BIAR Federal funding awards" or "the continuation of **research** or **research** and development that has been competitively selected using peer review or scientific review criteria." ...

61. U.S. v. Airman Johnson

U.S. Air Force Court of Military Review. | August 23, 1994 | Not Reported in M.J. | 1994 WL 483894

On 27 July 1992, pursuant to a pretrial agreement, appellant pled guilty to wrongfully using cocaine and failing to obey a lawful order. Articles 112a and 92, UCMJ, 10 U.S.C. §§ 912a, 892 (1988). The **military** judge sentenced appellant to a bad-conduct discharge, confinement for 6 months, forfeiture of \$200 pay per month for 6 months, and reduction...

... Before the Court of **Military** Appeals, Appellant raised three issues, two of which had already been decided adversely to Appellant...

... At the request of Appellant's counsel, we granted eight enlargements of time so that he could completely review the record of trial and **research** the issues raised....

62. U. S. v. Douglas

U. S. Army Court of Military Review. | January 18, 1977 | 2 M.J. 1091

Accused specialist four, United States Army, was convicted by general court-martial, C. G. Moore, J., of premeditated murder of his wife, two specifications of unlawfully striking his wife, unlawfully striking another soldier, and wrongfully communicating a threat to injure his wife, and he appealed. The Army Court of **Military** Review, Donahue, J.,...

...**Military** law has worked itself into a corner; only the Court of **Military** Appeals can extricate it...

...The jurisdictional status of Baker Beach was unclear without considerable **research**....

63. United States v. Board of Hamilton County Commissioners

United States District Court, S.D. Ohio, Western Division. | June 19, 2017 | Not Reported in Fed. Supp. | 2017 WL 2651712

This matter is before the Court on the Request for Review of the denial of a Sewer Backup ("SBU") claim by David Guerdan (Doc. 857) and the response of the Metropolitan Sewer District of Greater Cincinnati ("MSD") (Doc. 930). On June 13, 2017, the Court held a hearing on Mr. Guerdan's request for review of the denial...

...Therefore, the Court awards Mr. Guerdan \$650.00 for the lost **military** uniforms and \$85.00 for the **military** rucksack....

...The Court's independent **research** indicates this represents the fair market value of a "used" **military** "Alice pack."...

64. Deward v. C.I.R.

United States Tax Court. | April 25, 2007 | T.C. Summ.Op. 2007-62 | 2007 WL 1217210

This case was heard pursuant to the provisions of section 7463 of the Internal Revenue Code in effect when the petition was filed. Pursuant to section 7463(b), the decision to be entered is not reviewable by any other court, and this opinion shall not be treated as precedent for any other case. Respondent determined a deficiency of \$3,913 in...

...The **research** and development deduction on Mr. Deward's 2001 Schedule C consisted of expenses petitioners incurred while on a trip to Europe in 2001 and of **research** expenses, all related to the proposed WWI book....

...However, he was still conducting **research**....

65. Brown v. United States

United States Court of Federal Claims. | July 10, 2017 | 133 Fed.Cl. 186 | 2017 WL 2952278

VETERANS — Disability Benefits. Substantial evidence supported **military** corrections board's denial of disability compensation for former service member.

...Army Board for Correction of **Military** Records (ABCMR), in denying service member's request for disability compensation, appropriately considered evidence that he provided, all of which concluded that he was not unfit to perform his **military** duties due to medical condition during his **military** tenure; ABCMR reviewed Army Review Boards Agency letter, member's application for correction of **military** record, noncommissioned officer evaluation report (NCOER), additional **military** records, letter from sleep disorder and **research** center, member's progress notes, and supporting memoranda from soldiers serving with him....

...On a motion for judgment upon the administrative record, **military** correction board decisions may be reviewed by the Court of Federal Claims for failure to correct plain legal error committed by the **military**, including the **military's** violation of statute, regulation, published mandatory procedure, or unauthorized act. RCFC, Rule 52.1....

66. U.S. v. Archey

U.S. Air Force Court of Criminal Appeals. | December 02, 1994 | Not Reported in M.J. | 1994 WL 693390

Consistent with her pleas, appellant was convicted by general court-martial of two instances of wrongfully using cocaine, one wrongful use of marijuana, and issuing four insufficient funds checks with intent to defraud. Articles 112a, 123a, UCMJ. The **military** judge sentenced her to a bad-conduct discharge, confinement for 4 months, and total...

... He explained the elements of the defense to appellant, inquired further, at a later point he recess the proceedings for additional **research** —also inviting counsel to conduct their own **research** —and, finally, asked trial defense counsel her assessment of the providence of appellant's pleas....

...The **military** judge sentenced her to a bad-conduct discharge, confinement for 4 months, and total forfeitures....

67. Log Cabin Republicans v. U.S.

United States District Court, C.D. California. | October 12, 2010 | 716 F.Supp.2d 884 | 2010 WL 3960791

GLBT - **Military** Service. The "Don't Ask, Don't Tell" Act violated the First Amendment.

...In addition to the testimony from the lay witnesses, Plaintiff introduced other evidence, from witnesses in such specialties as national security policy, **military** sociology, **military** history, and social psychology, on whether the Act furthered the Government's interests in **military** readiness or unit cohesion....

...In addition to the testimony from the lay witnesses, Plaintiff introduced other evidence, from witnesses in such specialties as national security policy, **military** sociology, **military** history, and social psychology, on whether the Act furthered the Government's interests in **military** readiness or unit cohesion....

68. U.S. v. Simmons

United States District Court, E. D. Tennessee, Winchester Division. | December 18, 1980 | 508 F.Supp. 552

The United States sought a default judgment in a civil action. The District Court, Neese, District Judge, held that without a showing that the defendant was not in the **military** service, the United States in a civil action was not entitled to a default judgment. Default judgment denied.

...It makes no reference specifically to whether either "defendant" is in the **military** service, as required by the afore-quoted Soldiers' and Sailors' Civil Relief Act of 1940, supra; it alludes only to " * * * the affiant's best information and belief * * * " and

sets forth no facts [FN*] “ * * * showing that the defendant is not in the **military** service * * *,” as also required by such statute; and it contains not the slightest hint as to upon what fact(s) the affiant's stated “ * * * best information and belief * * * ” were acquired....

...An assistant United States attorney filed an affidavit that no person having a right or possible claim of right herein is in the **military** service....

69. U.S. v. Allen

United States Court of Appeals, Ninth Circuit. | August 05, 1991 | 940 F.2d 1536 | (Table, Text in WESTLAW), Unpublished Disposition | 1991 WL 148763

N.D.Cal. AFFIRMED.

...From late July through August (1989), the defendants attempted to obtain information from **military** officials at the Institute....

...On October 31, 1989, the defendants were each charged with one count of unlawful entry into a **military** installation in violation of 18 U.S.C. §1382....

70. Burns v. McDonough

United States Court of Appeals for Veterans Claims. | March 23, 2023 | Not Reported in Vet. App. Rptr. | 2023 WL 2607009

Daniel Walter Burns served honorably in the Marine Corps from 1969 to 1971, during which he was stationed at U.S. Naval Base Subic Bay in the Philippines. He was diagnosed with metastatic squamous cell carcinoma in 2002 and with prostate cancer in 2014. These conditions are entitled to a presumption of service connection for veterans who have been...

...The regional office should provide JSRRC with the Veteran's **military** unit, location, dates at the location, **military** occupation, and any other relevant facts, as shown by the Veteran's actual **military** records....

...Therefore if additional **research** is warranted, it should be done by the Regional Office via Virtual VA, C&P Service Stressor Verification Site or by contacting the Marine Corps Gray **Research** Center, # depending on the year the Marine served, to obtain unit records or information....

71. CCCO-Western Region v. Fellows

United States District Court, N.D. California. | December 31, 1972 | 359 F.Supp. 644

Action for injunctive relief and for declaratory judgment that letters stating that further entry onto **military** base by certain plaintiffs, who distributed publications concerning discharge from **military** service, could subject them to prosecution under statute proscribing entering **military** base in violation of commander's order were...

...Entity, which did **research** into and published material concerning draft and **military** organization, had standing to maintain suit for injunctive relief and for declaratory judgment that letters stating that further entry on **military** base by persons, who, as employees of entity, had distributed publication on base, could subject them to prosecution under statute proscribing entering **military** base in violation of the commander's order were unconstitutionally issued and void and for declaratory judgment that such statute and army regulation giving commanders power to exercise prior restraint were unconstitutional as applied to people on open bases. 18 U.S.C.A. § 1382...

...Action for injunctive relief and for declaratory judgment that letters stating that further entry onto **military** base by certain plaintiffs, who distributed publications concerning discharge from **military** service, could subject them to prosecution under statute proscribing entering **military** base in violation of commander's order were unconstitutionally issued and void and that such statute and army regulation giving commanders power to exercise prior restraint were unconstitutional as applied to people on open bases....

72. Professional Helicopter Pilots Ass'n v. Carlucci

United States District Court, M.D. Alabama, Southern Division. | March 02, 1990 | 731 F.Supp. 440 | 1990 WL 18546

Pilots association brought action against Army challenging Army policy requiring coronary artery disease testing for all aircrew members. On defendants' motions to dismiss or, in the alternative, for summary judgment, the District Court, Dubina, J., held that: (1) policy was not subject to judicial review, and (2) in any event, Army...

...The court in *Mindes v. Seaman* stated: Traditional judicial trepidation over interfering with the **military** establishment has been strongly manifested in an unwillingness to second-guess judgments requiring **military** expertise and in a reluctance to substitute court orders for discretionary **military** decisions....

...Before establishing the CAD testing policy, the **military** conducted almost two decades of **research**....

73. Bryant v. Kinnamon

United States District Court, E.D. Louisiana. | September 30, 2008 | Not Reported in F.Supp.2d | 2008 WL 4467803

Plaintiff Dustin Bryant alleges that defendant Brandon Kinnamon beat him while Plaintiff was incarcerated at the Washington Parish jail. Kinnamon was employed as a deputy with the sheriff's office. Plaintiffs learned that Kinnamon is on active **military** duty in Iraq when they attempted to serve him with the complaint in this matter. Citing § 521(2)...

...The Court will therefore stay this matter pending Kinnamon's return from active **military** duty in Iraq....

...Plaintiffs learned that Kinnamon is on active **military** duty in Iraq when they attempted to serve him with the complaint in this matter....

74. Ripley v. Foster Wheeler LLC

United States Court of Appeals, Fourth Circuit. | November 01, 2016 | 841 F.3d 207 | 2016 WL 6441049

GOVERNMENT CONTRACTS — Contractor's Liability. Government contractor defense is available in failure to warn cases.

...Government contractor defense was applicable to state law failure to warn claims brought against manufacturers that produced asbestos-containing products for the Navy; **military** procurement contracts and specifications involved manifold warning and labeling requirements inapplicable to nonmilitary equipment, separation of powers suggested that judiciary should hesitate to intervene in **military** procurement matters, including the warnings accompanying **military** equipment, and government contractors willing to risk liability on failure to warn claims would pass their increased costs to the government; abrogating *McCormick v. C.E. Thurston & Sons, Inc.*, 977 F.Supp. 400....

...Second, as a practical matter, a higher risk of liability for government contractors would increase costs to the government while decreasing the supply of contractors and **research** and development in **military** equipment....

75. Davis v. Billington

United States District Court, District of Columbia. | March 30, 2011 | 775 F.Supp.2d 23 | 2011 WL 1237919

CIVIL RIGHTS - Constitutional Torts. Bivens claim was an available remedy for violation of Library of Congress employee's constitutional rights.

...Given that Library of Congress employee's earlier outside activity was met with not only an "overly long silence," but express approval of prior speaking engagements at which he commented about the **military** commissions, employee stated due process claim based on allegations that he was not provided fair warning of the adverse consequences of newspaper

publications of his personal views regarding Guantanamo Bay and the **military** commissions process; employee, who alleged that he was terminated in retaliation for the publications, allegedly was not given a reasonable opportunity to know what was prohibited so as to enable him to conform his conduct to Library of Congress regulation and Congressional **Research**...

...Id. Believing that the **military** commissions system had become “fundamentally flawed,” id., the plaintiff resigned from his position as Chief Prosecutor in October 2007, id., and retired from his position as a **military** officer at that same time, id. ¶12...

76. U.S. v. Yunis

United States District Court, District of Columbia. | February 12, 1988 | 681 F.Supp. 891 | 1988 WL 20616

Defendant, who was indicted for his alleged involvement in hijacking of Jordanian civilian aircraft in Middle East, moved to dismiss indictment, claiming that involvement of United States Navy in apprehension and arrest of defendant in Mediterranean Sea and his transportation to United States violated Posse Comitatus Act. The District Court,...

... Yunis was in no real way ever subject to the proscriptive powers of the **military** or **military** law...

... The **military** did not exercise any authority or control over the defendants, nor did the **military** threaten such control or authority....

77. Vietnam Veterans of America v. Central Intelligence Agency

United States District Court, N.D. California. | November 19, 2013 | Not Reported in Fed. Supp. | 2013 WL 6092031

Plaintiffs Vietnam Veterans of America, Swords to Plowshares: Veterans Rights Organization, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David C. Dufrane, Tim Michael Josephs, William Blazinski and Kathryn McMillan–Forrest move for partial summary judgment, holding that Defendants U.S. Department of Defense and its...

...In the 1990s, several reviews of **military** human subject **research** programs from the World War II and Cold War eras noted the common practice of **research** volunteers signing “secrecy oaths” to preclude disclosure of **research** information....

...On May 10, 1988, the Army published a proposed change, which changed the name of the “Medical **Research** Volunteer Registry” to “**Research** Volunteer Registry” and expanded it to encompass **research** conducted by the U.S. Army Chemical **Research**, Development and Engineering Center (CRDEC)....

78. United States v. Atchak

U.S. Air Force Court of Criminal Appeals. | August 10, 2015 | Not Reported in M.J. Rptr. | 2015 WL 5139087

A general court-martial composed of a **military** judge sitting alone convicted the appellant, consistent with his pleas, of dereliction of duty, violation of a lawful order, and aggravated assault, in violation of Articles 92 and 128, UCMJ, 10 U.S.C. §§892, 918. The court sentenced him to a bad-conduct discharge, confinement...

...The government opposed the motion 5 and attached an affidavit from the director of the **military's** HIV **research** program at Walter Reed Army Institute of **Research** who had significant expertise in diagnosing HIV....

...Although EM may be used for **research** purposes, the state university medical school did not have a **research** protocol in place such that contract commercial laboratories could collect blood samples for use in that **research**....

79. United States v. United Technologies Corporation

United States District Court, District of Columbia. | July 22, 2020 | Slip Copy | 2020 WL 4810850

WHEREAS, Plaintiff, United States of America, filed its Complaint on March 26, 2020, the United States and Defendants, United Technologies Corporation and Raytheon Company, by their respective attorneys, have consented to entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment...

...H. At the option of the Acquirer of the **Military** GPS Divestiture Assets, and subject to approval by the United States in its sole discretion, on or before the date on which the **Military** GPS Divestiture Assets are divested to the Acquirer of the **Military** GPS Divestiture Assets, Defendants must enter into a supply contract for **Military** GPS Systems sufficient to meet the needs of the **Military** GPS Business, as determined by the Acquirer of the **Military** GPS Divestiture Assets, for a period of up to twelve (12) months on terms and conditions reasonably related to market conditions for **Military**...

...H. At the option of the Acquirer of the **Military** Airborne Radios Divestiture Assets, and subject to approval by the United States in its sole discretion, on or before the date on which the **Military** Airborne Radios Divestiture Assets are divested to the Acquirer of the **Military** Airborne Radios Divestiture Assets, Defendants must enter into a supply contract for **Military** Airborne Radios sufficient to meet the needs of the **Military** Airborne Radios Business, as determined by the Acquirer of the **Military** Airborne Radios Divestiture Assets, for a period of up to twelve (12) months on terms and conditions reasonably related to market conditions for **Military**...

80. **Cammermeyer v. Aspin**

United States District Court, W.D. Washington. | June 01, 1994 | 850 F.Supp. 910 | 1994 WL 238154

National Guard officer brought declaratory judgment action against the government claiming that her discharge from **military** service based solely on her admission that she is a lesbian violated her constitutional rights. On cross-motions for summary judgment, the District Court, Zilly, J., held that: (1) officer's discharge violated...

... The regulation provides that the presence of homosexuals in the **military** environment: (1) seriously impairs the accomplishment of the **military** mission; (2) adversely affects the ability of the armed forces to maintain discipline, good order and morale; (3) seriously impairs the **military's** ability to foster mutual trust and confidence among servicemembers; (4) adversely affects the **military's** ability to insure the integrity of the system of rank and command; (5) impairs the **military's** ability to facilitate assignment and worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; (6) adversely affects the **military's**...

...The Government relies heavily upon the professional **military** judgment of this country's **military** leaders that the presence of homosexuals in the **military** will adversely affect the morale, good order and discipline of the **military**....

81. **Vietnam Veterans of America v. Central Intelligence Agency**

United States District Court, N.D. California. | July 24, 2013 | Not Reported in Fed. Supp. | 2013 WL 3855688

Plaintiffs Vietnam Veterans of America, Swords to Plowshares: Veterans Rights Organization, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David C. Dufrane, Tim Michael Josephs, William Blazinski and Kathryn McMillan–Forrest move for partial summary judgment, holding that Defendants U.S. Department of Defense and its...

...In the 1990s, several reviews of **military** human subject **research** programs from the World War II and Cold War eras noted the common practice of **research** volunteers signing "secrecy oaths" to preclude disclosure of **research** information....

...On May 10, 1988, the Army published a proposed change, which changed the name of the "Medical **Research** Volunteer Registry" to "**Research** Volunteer Registry" and expanded it to encompass **research** conducted by the U.S. Army Chemical **Research**, Development and Engineering Center (CRDEC)....

82. **Loughlin v. U.S.**

United States District Court, District of Columbia. | September 10, 2003 | 286 F.Supp.2d 1 | 2003 WL 22110306

GOVERNMENT - Tort Claims. Claims arising from government's disposal of munitions were barred by FTCA.

...It could have created unwarranted fears that might have undermined the **military's** ability to use private land for important **research** in the future....

... As the Tenth Circuit has recognized, the “nature of the **military's** function requires that it be free to weigh environmental policies against security and **military** concerns.” ...

83. **Sturges v. Shinseki**

United States Court of Appeals for Veterans Claims. | July 13, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 2694691

Timothy C. Sturges appeals through counsel an August 3, 2009, Board of Veterans' Appeals (Board) decision that denied entitlement to VA benefits for diabetes mellitus, claimed as due to exposure to herbicides while in service. The Court has jurisdiction pursuant to 38 U.S.C. §§ 7252(a) and 7266(a) to review the August 2009 Board decision....

...In a January 2004 letter, the U.S. Armed Services Center for Unit Records **Research**, now the Joint Services Records **Research** Center (Records **Research** Center), responded to the regional office's request for information pertaining to Mr. Sturges's presence in Viet Nam....

...Information concerning Mr. Sturges[']s specific **military** assignments should be maintained in his Official **Military** Personnel File #...

84. **Montgomery v. Wilkie**

United States Court of Appeals for Veterans Claims. | March 31, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 1520231

Yvonne Montgomery, widow of U.S. Army veteran Darryl Montgomery, appeals, through counsel, that part of a March 26, 2019, Board of Veterans' Appeals decision that denied service connection for the cause of the veteran's death, as well as dependency and indemnity compensation (DIC) under 38 U.S.C. § 1318. Record (R.) at 5-18. The appellant...

...Although the Board noted that the veteran had served in Korat, Thailand, from September 1970 to October 1970, it found that “ **research**, at this time, indicates that herbicide agents were sprayed in 1964 and 1965, in an isolated coastal area near Pranburi, Thailand[,] # not near any U.S. **military** installation.”...

...In March 2011, the Joint Services Records and **Research** Center (JSRRC) responded to the RO's request to verify the veteran's herbicide exposure in Korea or Thailand....

85. **N.S.N. Intern. Industry v. E.I. Dupont de Nemours & Co., Inc.**

United States District Court, S.D. New York. | November 04, 1991 | 140 F.R.D. 275 | 1991 WL 286512

Foreign contractor sought to discover contract between defense contractor and Defense Advance **Research** Projects Agency of Department of Defense in suit which alleged that contractor wrongfully used armor systems technology. The government moved for protective order barring release of classified documents based on state secrets privilege. The...

... DARPA is charged with pursuing what is termed as “high risk/high pay off” defense **research** that is too advanced to be reflected in current **military** requirements or that cuts across the responsibilities of various **military** departments....

...In his declaration Secretary Cheney describes DARPA as the central **research** and development agency of the Department of Defense....

86. Vietnam Veterans of America v. C.I.A.

United States District Court, N.D. California. | September 30, 2012 | 288 F.R.D. 192 | 2012 WL 4715308



VETERANS - Class Actions. Court certified veterans' class action against government stemming from experimental **research** it conducted on service members.

...In the 1990s, several reviews of **military** human subject **research** programs from the World War II and Cold War eras noted the common practice of **research** volunteers signing "secrecy oaths" to preclude disclosure of **research** information....

... 1 See also Herb Decl., Ex. 1, 1 (describing the establishment of the Army's Medical **Research** Division in 1922 and related **research** activities)....

87. Starrett v. Lockheed Martin Corporation

United States Court of Appeals, Fifth Circuit. | August 23, 2018 | 735 Fed.Appx. 169 | 2018 WL 4050465

William Starrett, Jr., proceeding pro se, filed suit against various federal government and **military** agencies, the Texas **Military** Department, and large private corporations for violations of numerous federal laws. Starrett's 149-page complaint alleged that defendants conspired to use him for mind experiments, targeted him with "Remote...

...William Starrett, Jr., proceeding pro se, filed suit against various federal government and **military** agencies, the Texas **Military** Department, and large private corporations for violations of numerous federal laws....

...Additionally, the court found that plaintiff's claims against Lockheed Martin and Texas **Military** Department should be dismissed under Rule 12(b)(5) because service was insufficient....

88. U.S. v. McPhaul

U.S. Army Court of Military Review. | June 26, 1986 | 22 M.J. 808

Pursuant to his plea, accused was convicted by general court-martial, G.R. Denison, J., of rape. He appealed. The United States Army Court of **Military** Review, Carmichael, J., held that: (1) failure of **military** judge to personally advise accused of his elections concerning court's composition was not error; (2) accused was not entitled to challenge...

... Rule for Courts-Martial 903 does not require the **military** judge to explain these elections to an accused, nor does it set forth a procedure to be used by the **military** judge for determining whether an accused wants an enlisted court or a **military** judge alone court....

... The United States Army Court of **Military** Review, Carmichael, J., held that: (1) failure of **military** judge to personally advise accused of his elections concerning court's composition was not error; (2) accused was not entitled to challenge for cause a **military** police officer detailed as a court member; (3) trial counsel's presentencing argument was not improper; and (4) sentence was not excessive....

89. In re Schaefer

United States District Court, W.D. Pennsylvania. | June 03, 2019 | 331 F.R.D. 603 | 2019 WL 2336698

CIVIL RIGHTS — Discovery. Professional and reputational burdens that scientist would incur would disproportionately outweigh relevance of, and government's asserted need for, her deposition testimony.

...In September 2015, the Office of the Under Secretary of Defense for Personnel and Readiness commissioned RAND's National Defense **Research** Institute ("NDRI")—one of RAND's federally funded **research** and development centers—to

conduct a study to evaluate the effects and feasibility of permitting open **military** service by transgender persons and to review the experiences of foreign **militaries** that permit transgender persons to so serve....

...The RAND Corporation ("RAND") "is a nonprofit, nonpartisan **research** organization incorporated in 1948 to improve public policy and decision making through **research** and analysis using its core values of quality and objectivity."...

90. United States v. Bell

U.S. Army Court of Criminal Appeals. | March 22, 2013 | 72 M.J. 543 | 2013 WL 1222674

MILITARY LAW — Sex Offenses. Accused could be convicted of lesser included offense of assault consummated by battery on a child.

...Holdings: The United States Army Court of Criminal Appeals, Martin, J., held that: (1) denial of accused's request for expert assistance on issue of false confession was not an abuse of discretion; (2) **military** judge erred in placing undue emphasis on error rates as to false confessions in determining whether expert testimony on false confessions was admissible; (3) **military** judge did not abuse its discretion when he ruled that even if expert's testimony was reliable, his testimony was not admissible; (4) **military** judge did not abuse his discretion by allowing testimony of minor alleged victim's prior consistent statements;...

...United States Army Court of Criminal Appeals reviews **military** judge's decision regarding admissibility of expert testimony for abuse of discretion. **Military** Rules of Evid., Rule 702....

91. Firth Sterling Steel Co. v. Bethlehem Steel Co.

District Court, E.D. Pennsylvania. | October 08, 1912 | 199 F. 353

In Equity. Suit by the Firth Sterling Steel Company against the Bethlehem Steel Company. On motion to expunge certain exhibits from the record. Granted.

...'It is believed that the **researches** and developments made by the Bureau of Ordnance and communicated to the Bethlehem Steel Company, for the purpose of fulfilling its contracts, embody secrets of **military** value to the government that could not be disclosed without detriment to the public interests....

...To sustain the complainant's position in this case, the court must hold that, although it may upon grounds of public policy dismiss a suit based upon **military** secrets, it may not upon those grounds prevent the disclosure of **military** secrets in a pending suit, except through the privilege of a witness, who may or may not claim the privilege, and that parties are therefore free to effect the disclosure of matters of the utmost importance to the national defense and welfare, if the possession of papers containing such information can be obtained....

92. United States v. Driskill

U.S. Air Force Court of Criminal Appeals. | August 23, 2022 | Not Reported in M.J. Rptr. | 2022 WL 3589824

At a general court-martial, in accordance with his pleas and pursuant to a pretrial agreement (PTA), a **military** judge found Appellant guilty of one specification of wrongful possession of obscene cartoons in violation of Article 134, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. § 934. Contrary to his pleas, a panel of officer members...

...Appellant initially raised nine issues which we have reworded: (1) whether the evidence was legally and factually sufficient to support Appellant's convictions for rape and sexual abuse of a child; (2) whether the **military** judge abused his discretion by allowing a Government expert to testify about future impact on the named victim; (3) whether the **military** judge erred when he denied Appellant's request to sever the charge for wrongful possession of obscene cartoons from the charge and specifications for rape and sexual abuse of a child; (4) whether Appellant's conviction for wrongful possession of obscene cartoons violated the prohibition against double jeopardy found in the Fifth Amendment to the United States Constitution 6...

...However, we give less deference to **military** judges' decisions if they do not explain their analysis on the record, and we give **military** judges no deference when they fail to conduct the analysis at all....

93. U.S. v. Oneida Research Services, Inc.

United States District Court, N.D. New York. | February 09, 1998 | Not Reported in F.Supp. | 1998 WL 59453

By notice of motion filed December 4, 1997, the government sought a pretrial ruling regarding the admissibility of certain expert testimony in the trial of this criminal matter. Dkt. No. 17. Defendants Oneida **Research Services, Inc.** ("Oneida **Research**"), et al., responded to the motion, and oral argument took place on January 26, 1998. A grand jury...

... Defendants Oneida **Research Services, Inc.** ("Oneida **Research**"), et al., responded to the motion, and oral argument took place on January 26, 1998. 1...

... While the government offers an interpretation of interrelated **military** standards in an effort to show that the 10-minute heating period without question was required, even this argument would benefit from an expert's opinion of the unique meaning, if any, that the **military** attaches to the word "requirements" in its regulations....

94. Pierson v. U.S.

United States Court of Appeals, Ninth Circuit. | December 04, 1975 | 527 F.2d 459 | 1975 WL 485608

Wife of state government employee killed in crash of **military** aircraft being used in wildlife radio tracking project brought suit against government under the Federal Tort Claims Act. The United States District Court for the Western District of Washington, William N. Goodwin, Chief Judge, granted the Government's motion for summary judgment, and...

...Where standardization and training officer at army air field authorized use by Department of Interior **research** biologist of **military** aircraft for radio tracking of wildlife, and where **research** biologist then allowed plane to be used by state employee in elk tracking project, suit brought by widow of state employee killed when plane crashed in Washington during tracking project would be governed by law of State of Washington....

...The fact of the flight on August 4 and the failure to prohibit future flights is conduct by the principal (the U.S.) which would tend to establish that Schmitz had apparent authority to authorize non-Department of Defense federal employees to use **military** aircraft for a plainly non- **military** purpose....

95. Kletschka v. Driver

United States Court of Appeals Second Circuit. | April 22, 1969 | 411 F.2d 436

Action by Veterans' Administration doctor, who had been ordered transferred from veterans' hospital and whose **research** grant had not been renewed, for injunctive relief and damages for interference with employment rights by certain federal and state officials. The United States District Court for the Northern District of New York, Edmund Port, J.,...

...In this instance the final decision to withdraw plaintiff's **research** grant was made by heart **research** specialists employed at the V.A. facilities in Houston....

...The defendants' conspiracy also prevented plaintiff from using any **research** facilities at the hospital or school, and in particular frustrated his attempts to have the \$20,000 **research** grant restored....

96. Watkins v. Shinseki

United States Court of Appeals for Veterans Claims. | July 23, 2010 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2010 WL 2912368

Jack L. Watkins, Jr., who is self-represented, appeals an August 28, 2006, Board of Veterans' Appeals (Board) decision that denied entitlement to VA benefits for post-traumatic stress disorder. The Court has jurisdiction

pursuant to 38 U.S.C. §§ 7252(a) and 7266(a) to review the Board decision, and a single judge may conduct that review....

...The Board then stated that the regional office “did not request verification from the [Joint Services **Research** and Records Center] of [Mr. Watkins]’ s claimed stressor regarding his **military** duties in [Viet Nam] because [he] did not describe a specific stressor that could be verified.”...

...His records indicate that his duties during service included: Intelligence Operations Specialist, Film Library Section, **Research** Center....

 **97. University of Rochester v. Hartman**

United States Court of Appeals, Second Circuit. | February 20, 1980 | 618 F.2d 170 | 54 A.L.R. Fed. 877

Appeal was taken from an order of the Department of Labor's Benefits Review Board which awarded claimant compensation benefits pursuant to the Defense Base Act. The Court of Appeals, Moore, Circuit Judge, held that claimant's benefit claim was not compensable under Defense Base Act for reason that, at time of his death, claimant's husband, a...

...Thus, in order to promote scientific **research**, Congress empowered all agencies with the authority to contract for **research** to issue grants for **research** as well....

...He concluded: “To equate Professor Vishniac's scholarly **research** with **military** endeavor unduly strains the facts and the law”....

98. Wayne v. McDonald

United States Court of Appeals for Veterans Claims. | December 30, 2015 | Not Reported in Vet.App. | 2015 WL 9488109

The appellant, Kenneth R. Wayne, appeals through counsel a November 7, 2014, Board of Veterans' Appeals (Board) decision that denied entitlement to benefits based on service connection for tinnitus. Record (R.) at 2–10. The appellant argues that the Board erred by finding that (1) the appellant's statements about the onset of his tinnitus...

...Just to say the veteran was exposed to hazardous levels of noise exposure during **military** service is insufficient in establishing a nexus with **military** service #...

...Based on these studies, the veteran's hearing test at the time of his **military** separation accurately represents the effects of any hazardous noise exposure the veteran sustained during active **military** service....

 **99. Atlantic Research Marketing Systems, Inc. v. Troy**

United States Court of Appeals, Federal Circuit. | October 06, 2011 | 659 F.3d 1345 | 2011 WL 4600585

COMMERCIAL LAW - Trade Secrets. District court abused its discretion in not granting mistrial after not investigating colorable claim of jury taint.

...Atlantic **Research** includes among its customers the United States **military**....

...Atlantic **Research** is an arms manufacturing company that focuses on accessories for small arms weaponry, including handguards that attach to **military** rifles....

 **100. Thomasson v. Perry**

United States Court of Appeals, Fourth Circuit. | April 05, 1996 | 80 F.3d 915 | 1996 WL 157451

Naval lieutenant sued Secretary of Defense and Secretary of the Navy, seeking declaratory and injunctive relief to prevent his discharge pursuant to “Don't Ask, Don't Tell” policy governing homosexuality in the **military**, following his disclosure that he was gay. The United States District Court for the Eastern District of...

... They included: the Secretary of Defense and the Chairman of the Joint Chiefs of Staff; **military** and legal experts; enlisted personnel, officers and senior **military** leaders; and activists supporting and opposing the **military's** policy....

... In general, the Court observed, “while members of the **military** services are entitled to the protections of the First Amendment, ‘the different character of the **military** community and of the **military** mission requires a different application of those protections.’ ...

101. U.S. v. Frey

U.S. Court of Appeals for the Armed Forces. | May 19, 2014 | 73 M.J. 245 | 2014 WL 2095366

MILITARY LAW - Sentencing. Accused was not prejudiced by improper sentencing argument.

...**Military** judge cannot invite members to substitute their understanding of the “ways of the world” for evidence or for the **military** judge's instructions on sentencing....

... But worse, when the **military** judge gave his sentencing instructions mere moments later, the **military** judge actually compounded the problem—as conceded by the majority....

102. Schlumberger Technology Corp. v. U.S.

United States Court of Appeals, Fifth Circuit. | June 11, 1971 | 443 F.2d 1115 | 34 A.L.R. Fed. 686

Action by taxpayer to recover federal income taxes and interest paid. The United States District Court for the Southern District of Texas, John V. Singleton, Jr., J., upheld the commissioner's position with respect to certain losses but rejected the commissioner's position as to other losses, 305 F.Supp. 1020. An appeal and cross appeal were taken....

...At all times material to this case Electro-Mechanical **Research**, Incorporated (EMR), a wholly owned subsidiary of SWSC, was also engaged in the measurement business, using taxpayer's and its own expertise and **research** to develop telemetry devices and related measurement components for use by **military** and space agencies in above ground measurement problems....

...For this reason SWSC maintains **research** and development facilities in Houston, Texas and Ridgefield, Connecticut....

103. Tyler Const. Group v. U.S.

United States Court of Appeals, Federal Circuit. | June 25, 2009 | 570 F.3d 1329 | 2009 WL 1796702

GOVERNMENT CONTRACTS - Construction and Operation. Army's use of indefinite delivery/quantity contract for building services was permissible exercise of procurement authority.

... It conducted a **research** program which included a nationwide forum, four regional fora, and “a specialized forum with representatives of the pre-fabricated/pre-engineered/modular construction industry, as well as the implementation of an internet-based **research** questionnaire.” ...

...Even if restrictions in Small Business Act and **military** procurement statute on bundling of contract requirements, so as not to foreclose small business participation, were applicable to general construction work, those restrictions did not apply to procurement by Army Corps of Engineers for award of indefinite delivery/indefinite quantity (IDIQ) contract for design and construction of various **military** facilities, where, on basis of comprehensive advice provided by construction industry, Corps determined that bundling was necessary and justified. Small Business Act, §§2[2](j)(3), 2[3](o)(2), 2[15](e)(2)(A), 15 U.S.C.A. §§631(j)(3), 632(o)(2), 644(e)(2)(A); 10 U.S.C.A. §2382(c)(1)...

104. **United States v. Jacinto**

U.S. Navy-Marine Corps Court of Criminal Appeals. | April 30, 2020 | 79 M.J. 870 | 2020 WL 2079255

MILITARY LAW — Evidence. Use of wrong standard to deny production of child victim's privileged mental health records, or to conduct an in camera review, was harmless.

...Appellant asserts seven assignments of error (AOE), which we have re-numbered: (1) the **military** judge abused his discretion when he denied Appellant's motion to order the production of one of the child victims' mental health records or review them in camera; (2) the **military** judge erred by refusing to grant a continuance; (3) the **military** judge erred by refusing to admit evidence against a child victim under **Military** Rule of Evidence [Mil. R. Evid.] 412; (4) all of the specifications, except for one, fail to state the time of the offense with sufficient particularity, and the **military** judge erred in denying Appellant's motion for a bill of particulars; (5) the **military**...

...Holdings: United States Navy-Marine Corps Court of Criminal Appeals, Stephens, J., held that: (1) **Military** Judge abused his discretion by applying the wrong legal standard when ruling on the accused's motion to pierce the mental health records of child victim, but (2) Judge's error in applying the wrong standard to deny production of child victim's privileged mental health records, or to conduct an in camera review, was harmless; (3) **Military** Judge did not abuse his discretion by denying accused's motion for a continuance to allow him time to **research** whether child victim ever took a known antipsychotic medication, or was having psychotic delusions when she made her report against the accused;...

105. **U.S. v. Newport News Shipbuilding, Inc.**

United States District Court, E.D. Virginia, Alexandria Division. | August 14, 2003 | 276 F.Supp.2d 539 | 2003 WL 2195586

GOVERNMENT CONTRACTS - Construction and Operation. **Research** and Development expenses were improperly allocated.

...Independent **research** and development (IR & D) means a contractor's IR & D cost that consists of projects falling within the four following areas: (1) Basic **research**, (2) applied **research**, (3) development, and (4) systems and other concept formulation studies....

...Material issues of fact, as to whether **research** and development efforts involving development of commercial transport vessel constituted Independent **Research** and Development (IR&D) properly allocable to government **military** vessel contracts as indirect expense, precluded summary judgment that shipbuilder knowingly submitted false claims to government, in violation of False Claims Act (FCA), by charging efforts to develop commercial transport vessel to **military** transport vessels contracts, as IR&D. 31 U.S.C.A. §3729(a)(1, 2, 7), (b)....

106. **U.S. v. Francis**

U.S. Army Board of Review. | December 12, 1967 | 1967 WL 4465 | 38 C.M.R. 628

Sentence adjudged 20 June 1967. Approved sentence: Bad conduct discharge, forfeiture of \$37.00 per month for six (6) months, confinement at hard labor for six (6) months, and reduction to the grade of Private (E-1). (BCD and CHL for six months suspended for six months, with provision for automatic remission). (Unexecuted portion of entire sentence...

...**Research** fails to reveal that the Court of **Military** Appeals has ruled on this precise question, although it has held a trial to be void where the law officer and counsel were sworn only at a preliminary hearing before the court convened and the pleas of the accused were entered only at that hearing and not thereafter (United States v Robinson (No. 16,491), 13 USCMA 674, 33 CMR 206)....

...Captain W was not, at these proceedings, administered the oath required by Article 42, Uniform Code of **Military** Justice....

107. D'Andrea Bros. LLC v. U.S.

United States Court of Federal Claims. | November 18, 2010 | 96 Fed.Cl. 205 | 2010 WL 4721301

GOVERNMENT CONTRACTS - Construction and Operation. CRADA between Army and licensee regarding Army's HooAH! energy/nutritional bars was contract.

..." In contrast, the **military** feeding components procure both branded and non-branded foods that are not sold but provided to members of the **military** in **military** rations or at dining facilities....

...The government, while not disputing that it made negative comments for the purpose of this motion, argues that nothing in the CRADA precluded members of the **military** from making negative comments about the plaintiff to other members of the **military** community, and that such comments did not frustrate the purpose of the CRADA because the purpose of the CRADA was not to assist the plaintiff in selling to the **military** community. 26...

108. Noble v. Serco, Inc.

United States District Court, E.D. Kentucky, Central Division, at Frankfort. | September 28, 2009 | Not Reported in F.Supp.2d | 2009 WL 3154252

LABOR AND EMPLOYMENT - Class Actions. Co-workers' declarations of working overtime without proper compensation was enough to prove that the employee's FLSA claim was not particular to him.

...Serco describes **Military** Recruiter IIIs as having "a more specific focus" than **Military** Recruiter Is and IIs: [**Military** Recruiter IIIs] were responsible for: (1) recruiting individuals from the Navy or Air Force to join the Army after their enlistment period was finished, (2) facilitating the move of a National Guardsman to another National Guard location, (3) transitioning soldiers from active duty into the Arkansas Guard, and/or (4) developing market **research** associated with their recruiting efforts....

...[Record No. 21, p. 10; see also id., p. 3 ("Throughout their employment, Messrs. Noble, Robinson, Smith, Delgado, and the other Recruiters they worked with spent most of their time 'cold calling' high school students # from a list that was provided to them and trying to schedule an appointment to meet and discuss enlisting in the U.S. Army.") and Exs. 2, 3, 4] From these descriptions, it should have been clear to Serco that Noble did not intend to include **Military** Recruiter IIIs, whose responsibilities involved recruiting not high school students but individuals from other branches of the **military**, 1 or employees whose job titles contained the word 'recruiter' but whose primary duty was not recruiting, such as **Military**...

109. U.S. v. Parker

U.S. Court of Appeals for the Armed Forces. | December 22, 2003 | 59 M.J. 195 | 2003 WL 23005033

MILITARY LAW - Court-Martial. Dismissal was required due to government's failure to prove rape occurred during charged period.

...Defense counsel asked the **military** judge to enter special findings regarding the motion to dismiss when the **military** judge completed his review of the variance matter, and the **military** judge agreed....

... Has the **military** judge done any **research** that he had indicated that he was going to do earlier?...

110. U.S. v. Ellis

U.S. Navy–Marine Corps Court of Criminal Appeals. | January 29, 1998 | 47 M.J. 801 | 1998 WL 37216

Accused was convicted by special court-martial, D.P. Holcombe, J., of making and uttering worthless checks by dishonorably failing t maintain sufficient funds. The United States Navy–Marine Corps Court of Criminal Appeals, Oliver, J., held that accused's guilty plea was improvident. Set aside.

..." The **military** judge granted the trial counsel time to **research** so that he could pose additional questions....

...Even after speaking with the counsel on several occasions and after the **military** judge had expressed his concern as to the providence of the plea, the appellant told the **military** judge at least twice more that she was unsure whether the checks were going to clear....

111. U.S. v. Gerena

United States District Court, D. Connecticut. | December 05, 1986 | 649 F.Supp. 1179

Proceeding was instituted on motion of defendant to dismiss indictment by reason of Government's alleged violation of posse comitatus statute. The District Court, Clarie, Senior District Judge, held that use of **military** equipment, facilities, and personnel in transporting defendants from the courthouse in Hato Rey, Puerto Rico to the Muniz...

... The defendants were in no real way subject to the proscriptive powers of the **military** or **military** law....

... The **military** did not exercise any authority or control over the defendants, nor did the **military** threaten such control or authority....

112. U.S. v. Al Bahlul

United States Court of Military Commission Review. | September 09, 2011 | 820 F.Supp.2d 1141 | 2011 WL 4916373

MILITARY LAW - Enemy Combatants. Guantanamo detainee's conviction for violations of **Military** Commissions Act was upheld on appeal.

...Appellant also argues that "[the **military** judge effectively] allowed him to represent himself," that he raised the issues in controversy in colloquies with the **military** judge, that the **military** judge did not inform him of the purported waiver or ask "what he wanted to do," and instead broadly referred to his "boycott" as preserving appellate challenges to the **Military** Commissions Act (MCA)....

...Holdings: The United States Court of **Military** Commission Review, Price, Appellate **Military** Judge, held that: (1) **military** commission properly exercised jurisdiction over defendant; (2) evidence was sufficient to establish **military** commission's assertion of jurisdiction over the charged offenses; (3) conduct with which defendant was charged was punishable by **military** commission when committed; (4) Government proved beyond a reasonable doubt that defendant provided material support or resources to an international terrorist organization engaged in hostilities against the United States;...

113. Fenske v. McDonald

United States Court of Appeals for Veterans Claims. | December 29, 2015 | Not Reported in Vet.App. | 2015 WL 9474171

U.S. Air Force veteran Herbert D. Fenske, M.D., appeals through counsel from a June 3, 2014, Board of Veterans' Appeals (Board) decision that denied disability benefits for bilateral hearing loss. For the following reasons, the Court will affirm the Board's June 2014 decision. Dr. Fenske argues that the Board relied on an inadequate July 2011 VA...

...Id. The examiner also noted two facts derived from additional studies without drawing express conclusions: (1) "According to a number of **research** studies regarding hazardous noise exposure in the **military**[,] 95% of veterans were exposed to hazardous levels of noise during **military** service [] but less than 20% had complaints of hearing disturbances and even fewer had identified hearing loss"; and (2) a **research** study showed that "only 20% of the veteran[]s returning from combat deployment in Iraq [and] Afghanistan have complaints of hearing disturbances [] [a]nd only a percentage of those were found to have hearing loss."...

...In the examination report at issue, the examiner acknowledged that Dr. Fenske was exposed to noise while in service, but concluded that his current hearing loss was not a result of **military** service....

114. **Offner Products Corp. v. Renegotiation Board**

Tax Court of the United States. | September 16, 1968 | 50 T.C. 856 | 1968 WL 1449

Held: 1. **Research** and development expenses incurred in 1954 are not allocable to petitioner's renegotiable business. 2. Advertising expenses incurred in 1954 are not allocable to renegotiable business. 3. Petitioner's profits for 1954 were not excessive.

... Thus, it was "product *** **research** in preparation for reconversion" rather than "basic **research**" as that term is used in section 1459.8(e)(2)(i) of the regulations....

...Likewise, while Offner testified that the dynagraph had potential **military** use, there is no evidence that either of his companies adapted it to such purposes or that the **research** and development expenses were incurred in relation to a specific bid or negotiation for future defense work....

115. **Petrick v. U.S.**

United States Claims Court. | July 22, 1987 | 12 Cl.Ct. 700

Former air force officer brought action seeking declaratory judgment and ancillary relief on theory that his discharge from the Air Force violated due process and applicable air force regulations. On motion to dismiss, the Claims Court, Smith, C.J., held that: (1) **research** associates program under the Air Force Institute of...

...**Research** associates program under the Air Force Institute of Technology was not "education" under AFIT and thus was subject to the seven-day option, giving air force officer choice of remaining on active duty by accepting an assignment to the program or leaving the Air Force, where the **research** associates were involved in gathering **research** for the Air Force and not in being educated by the program....

... The **Research** Associates are therefore involved in gathering **research** for the Air Force and are not engaged in being educated by the program....

116. **U.S. v. Handley**

U.S. Air Force Court of Criminal Appeals. | September 26, 2007 | Not Reported in M.J. | 2007 WL 2791480

Consistent with his pleas the appellant pled guilty to a single charge and specification of violating a no contact order and one charge with two specifications of using cocaine and ecstasy on divers occasion, in violation of Articles 92 and 112a, UCMJ, 10 U.S.C. §§ 892, 912a. The appellant now claims his guilty plea to violating the order is...

...In this case, the question centers on the validity of the order and whether the **military** judge was required to question the order's validity when defense expressly advised the judge he had done "# some legal **research** on it and I do believe it was a lawful order."...

...As stated by our superior court in United States v. Moore, 58 M.J. 466 (C.A.A.F.2003), **military** authorities may curtail a service member's communication and association with other individuals—and thus burden the service member's freedom of speech and association—provided the authorities act with a valid **military** purpose and issue a clear, specific, narrowly drawn mandate....

117. **U.S. v. McGinnis**

U.S. Army Court of Criminal Appeals. | August 19, 2010 | Not Reported in M.J. | 2010 WL 3931494

A panel consisting of officer and enlisted members sitting as a general court-martial convicted appellant, contrary to his pleas, of assault consummated by a battery on a child under the age of sixteen (two

specifications), in violation of Article 128, Uniform Code of **Military** Justice, 10 U.S.C. § 928 [hereinafter UCMJ]. The panel sentenced...

...Appellant's **military** occupational specialty was 31B, a **military** police officer....

...The **military** judge erred in denying the defense the equal opportunity to obtain evidence and witnesses guaranteed by Article 46 of the Uniform Code of **Military** Justice.”...

118. U.S. v. Dozier

U.S. Army Court of Military Review. | February 24, 1989 | 28 M.J. 550 | 1989 WL 17228

Accused, a sergeant in the United States Army, was convicted at the 7th Infantry Division (Light) and Fort Ord, J.E. Noble and R.K. Dahlinger, JJ., of communicating by telephone indecent language to wife of fellow soldier, and he appealed. The United States Army Court of **Military** Review, Smith, J., held that testimony of expert in field of...

...Our **research** has not revealed any other reported case in which phonetic transcription was used...

...In this case, the **military** judge's basis for excluding Dr. Compton's testimony was inconsistent with the facts....

119. U.S. v. Thompson

U.S. Court of Appeals for the Armed Forces. | May 05, 2004 | 59 M.J. 432 | 2004 WL 963775

MILITARY LAW - Court-Martial. **Military** judge committed prejudicial error in rulings related to statute of limitations.

...After advising the parties that he had engaged in further **research**, the **military** judge ruled against the defense motion to propound a further question to the members, and he also rejected the defense motion to dismiss the finding....

... If, on the other hand, the **military** judge had determined that Appellant would not waive the statute of limitations, the **military** judge would have been obligated to modify the instructions as to the lesser included offenses to include only the period that was not time-barred....

120. United States v. Walls

U.S. Air Force Court of Criminal Appeals. | July 29, 2013 | Not Reported in M.J. Rptr. | 2013 WL 3972283

A general court-martial composed of officer and enlisted members convicted the appellant, contrary to his pleas, of two specifications of assault consummated by a battery, one specification of willfully disobeying a superior commissioned officer, one specification of willfully disobeying a noncommissioned officer, and one specification of...

...In response to the **military** judge inquiring about the behaviors that were identified in the studies by known victims of domestic violence, Dr. Valliere indicated that the **research** showed it was not atypical for a victim to fail to report, minimize or deny certain events occurred, or return to the offender....

...We review a **military** judge's decision regarding an expert witness for abuse of discretion....

121. United States v. Bair

U.S. Navy-Marine Corps Court of Criminal Appeals. | April 30, 2013 | Not Reported in M.J. Rptr. | 2013 WL 2250219

A **military** judge, sitting as a general court-martial, convicted the appellant, pursuant to his pleas, of one specification of sale of **military** property, and one specification of larceny of **military** property, in violation of Articles 108 and 121, Uniform Code of **Military** Justice, 10 U.S.C. §§908 and 921. The **military** judge...

...A **military** judge, sitting as a general court-martial, convicted the appellant, pursuant to his pleas, of one specification of sale of **military** property, and one specification of larceny of **military** property, in violation of Articles 108 and 121, Uniform Code of **Military** Justice, 10 U.S.C. §§908 and 921....

...The court was then adjourned until 7 August 2012, whereupon the **military** judge was properly relieved by a new **military** judge....

122. Zampedri v. McDonough

United States Court of Appeals for Veterans Claims. | October 12, 2021 | Not Reported in Vet. App. Rptr. | 2021 WL 4734331

Army veteran David B. Zampedri appeals a Board decision denying entitlement to service connection for bilateral hearing loss. He argues that the Board relied on two inadequate VA examinations from 2013 and 2019. However, the Board did not rely on the 2013 exam. And because the 2019 exam considered the veteran's medical history and provided a...

...In her rationale, the examiner explicitly mentioned the veteran's occupation as a **military** policeman and his in-service exposure to hazardous noises (to include rifle and pistol ranges, transportation buses, and several C130 **military** planes)....

...The examiner acknowledged the veteran's occupation as a **military** policeman and his exposure to hazardous noises in service....

123. Cowhig v. National Military Establishment

United States Court of Appeals District of Columbia Circuit. | June 14, 1956 | 235 F.2d 817 | 98 U.S.App.D.C. 320

Action under War Contracts Hardship Claims Act to recover amount of losses claimed to have been incurred by partnership in performance of contracts with certain government office. The United States District Court for the District of Columbia, James W. Morris, J., 105 F.Supp. 807 and 109 F.Supp. 519, determined that profits realized from government...

...Cowhig sought to recover the amount of losses claimed to have been incurred by White **Research** Associates between September 16, 1940, and August 14, 1945, in the performance of contracts with the Office of Scientific **Research** and Development (No....

...This action was filed by Walter W. Cowhig, "individually and as trustee, copartners engaged in business * * * under the firm name and style of "White **Research** Associates," against the National **Military** Establishment, the Secretary of Defense and the Department of the Navy for equitable relief under the War Contracts Hardship Claims Act, commonly known as the Lucas Act....

124. United States v. Hull

U.S. Air Force Court of Criminal Appeals. | August 14, 2018 | Not Reported in M.J. Rptr. | 2018 WL 4440391

Appellant, contrary to his pleas, was convicted of one specification of attempt to commit a lewd act upon a minor in violation of Article 80, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §880. Consistent with his pleas, Appellant was also convicted of one specification of negligent dereliction of duty for failing to register a...

...Appellant's stay at the Wichita County Detention Center lasted approximately 80 days, significantly longer than the typical one- to two-week period before **military** members are transferred to a **military** confinement facility....

...Appellant raises the following issues on appeal: (a) whether the **military** judge abused his discretion when he precluded the Defense's expert in psychology and human sexuality from testifying; (b) whether the post-trial confinement conditions, disparate treatment because of Appellant's **military** status, deprivation of healthcare, and failure to pay deferred forfeitures constitute legal error and merit relief; (c) whether the violation of the 120-day post-trial processing standard from sentence to action warrants relief; (d) whether this court's order preventing appellate defense counsel from disclosing the contents of sealed materials to Appellant interfered with Appellant's Sixth Amendment 2...

 **125. U.S. v. Thompson**

U.S. Army Court of Criminal Appeals. | April 02, 1999 | Not Reported in M.J. | 1999 WL 35021395

Consistent with his pleas, appellant was found guilty by the **military** judge of making a false official statement, three assaults each consummated by a battery (involving two different women), and fraternization, in violation Articles 107, 128 and 134, Uniform Code of **Military** Justice, 10 U.S.C. §§ 907, 928 and 934 [hereinafter UCMJ]....

...Appellant was represented at trial by a civilian defense counsel, Mr. B., and detailed **military** trial defense counsel, Captain (CPT) P. During the course of presenting appellant's defense, counsel suffered adverse rulings by the **military** judge on several strenuously contested matters....

...Consistent with his pleas, appellant was found guilty by the **military** judge of making a false official statement, three assaults each consummated by a battery 1 (involving two different women), and fraternization, in violation Articles 107, 128 and 134, Uniform Code of **Military** Justice, 10 U.S.C. §§ 907, 928 and 934 [hereinafter UCMJ]....

126. U.S. v. McGinnis

U.S. Navy–Marine Corps Court of Criminal Appeals. | April 30, 2007 | Not Reported in M.J. | 2007 WL 1725687

A general court-martial, composed of officer and enlisted members, convicted the appellant, contrary to his pleas, of one specification of indecent acts with a child in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C. § 934. The appellant was sentenced to confinement for three years and a dishonorable discharge. The convening...

...Further, these errors were not cured by the **military** judge's instructions....

...They talk about false allegations in their field, more experience, more **research**....

 **127. Fitzgerald v. Penthouse Intern., Ltd.**

United States District Court, D. Maryland. | October 22, 1981 | 525 F.Supp. 585 | 1981 WL 815515

Plaintiff brought suit against magazine for libel, invasion of privacy, trespass, tortious interference with business activities and conspiracy. Following remand, 639 F.2d 1076, plaintiff moved for partial summary judgment on issue of his status in the litigation and defendants also filed such a motion, along with one on the issues of "actual..."

...Fitzgerald's active **research** in dolphin technology began in 1964, 23 and he pioneered the **military** application of dolphin technology for the United States Navy....

...The District Court, James R. Miller, Jr., J., held that: (1) sufficient public controversy about the **military** application of dolphin technology existed at time of magazine article to meet standard of privileged defamatory comment; (2) plaintiff, who had voluntarily appeared on the television show "60 Minutes" and discussed **military** applications of dolphin technology, had a limited public figure status on the issue of **military** application of dolphin technology at time of publication of alleged defamatory article; and (3) where no evidence had been introduced to suggest even an inference of malice in the constitutional sense under any recognized theory, plaintiff could not recover from magazine....

128. **United States v. Franks**

U.S. Army Court of Criminal Appeals. | August 31, 2017 | 76 M.J. 808 | 2017 WL 3816039

MILITARY LAW - Coercion or duress. An accused's own fear of committing suicide does not support a defense of duress.

...Before he left, he paid his rent and left his **military** identification card, **military** identification tag, West Point class ring, cell phone, and keys to his office....

...Before leaving his unit, appellant conducted **research** into various foreign **military** organizations, to determine if they accepted U.S. citizens....

129. **In re Agent Orange Product Liability Litigation**

United States District Court, E.D. New York. | May 20, 1983 | 565 F.Supp. 1263 | 1983 WL 984823

Action was brought by Vietnam veterans and their relatives to recover damages from chemical companies for injuries allegedly suffered as a result of exposure to a herbicide used by the **military** in Vietnam. On various defendants' motions for summary judgment with respect to government contract defense, the District Court, George C. Pratt,...

... It reveals that the government and the **military** possessed rather extensive knowledge tending to show that its use of Agent Orange in Vietnam created significant, though undetermined, risks of harm to our **military** personnel....

...Even when all doubts are resolved in favor of the plaintiffs, as required by SEC v. **Research** Automation Corp., 585 F.2d 31, 33 (2d Cir.1978), the record demonstrates that the government and the **military** had a considerable amount of knowledge about 2,4,5-T, about dioxin, and about the health hazards associated with both....

130. **Daniels v. Nicholson**

United States Court of Appeals for Veterans Claims. | July 25, 2007 | 24 Vet.App. 196 | (Table, Text in WESTLAW), Unpublished Disposition | 2007 WL 2301903

The appellant, Harry E. Daniels, through counsel, appeals an August 18, 2005, Board of Veterans' Appeals (Board) decision in which the Board denied his claim for service connection to arthritis for multiple joints either on a direct basis, or as secondary to service-connected malaria. Record (R.) at 1. Single-judge disposition is appropriate. See...

...I do not feel that his **military** service has any bearing on his current degenerative joint disease....

...III. Is it as least as likely as not that arthritis or [DJD] is causally related to his **military** service?...

131. **U.S. v. Wales**

U.S. Air Force Court of Military Review. | September 29, 1989 | 29 M.J. 586 | 1989 WL 114509

The accused, captain, United States Air Force, was convicted by general court-martial, Stephen R. Bloss, J., of adultery and fraternization. The United States Air Force Court of **Military** Review, Kastl, Senior Judge, held that Air Force Regulation 30-1 was sufficient basis to show current Air Force custom against accused's fraternization with...

... Further useful **research** is found in Mahoney, Fraternization: **Military** Anachronism or Leadership Challenge?...

...2 We are also convinced that the **military** judge correctly instructed the court members on the factors to consider in assessing whether the conduct of Captain Wales compromised the chain of command or otherwise undermined **military** discipline and good order....

132. **Sconza v. Shinseki**

United States Court of Appeals for Veterans Claims. | February 13, 2013 | Not Reported in Vet.App. | 2013 WL 530597

Ronda Sconza appeals through counsel an April 29, 2011, Board of Veterans' Appeals (Board) decision that denied entitlement to VA benefits for the cause of her husband's death Mrs. Sconza's Notice of Appeal was timely, and the Court has jurisdiction to review the Board decision pursuant to 38 U.S.C. § 7252(a). Neither party requested oral...

...The Report of these tests noted that 5 civilian and 5 **military** personnel from Fort Detrick, Maryland[,] conducted the spray operations and subsequent **research**....

...The application of commercial herbicides on **military** installations was conducted by certified applicators....

133. **United States v. Hodge**

U.S. Air Force Court of Criminal Appeals. | July 10, 2018 | Not Reported in M.J. Rptr. | 2018 WL 3616770

A general court-martial composed of officer and enlisted members convicted Appellant of one charge and three specifications of violating Article 120, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §920 (2012), for abusive sexual contact of Senior Airman (SrA) BS and JB and sexual assault of JB. The court members sentenced Appellant...

...Here, the **military** judge's findings of fact are supported by the record....

...The **research** has shown to have good validity and reliability at predicting reoffense rates....

134. **Hudson v. Shinseki**

United States Court of Appeals for Veterans Claims. | March 27, 2012 | Not Reported in Vet.App. | 2012 WL 998793

The appellant, through counsel, appeals from a January 24, 2011, Board of Veterans' Appeals (Board) decision that denied his claim for entitlement to service connection for a sleep disorder, including as secondary to his service-connected post-traumatic stress disorder (PTSD). This appeal is timely and the Court has jurisdiction over the appeal...

...There was no evidence that the Veteran was diagnosed with a sleep condition while he was in the **military** or within 5 years of discharge from the **military**....

...Instead, the examiner opined that the Veteran's sleep apnea is less likely as not related to his active **military** service....

135. **Angle v. U.S.**

United States District Court, D. New Jersey. | December 21, 2012 | Not Reported in F.Supp.2d | 2012 WL 6708165

This matter comes before the Court by way of a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (CM/ECF No. 18) by Defendant United States of America ("Defendant" or the "Government"). No oral argument was heard pursuant to Rule 78 of the Federal Rules of Civil Procedure. Upon consideration of the...

...Plaintiffs characterize Picatinny Arsenal as a “secure **military research** and manufacturing installation located on approximately 6,500 acres in Morris County, New Jersey.”...

...The headquarters of the U.S. Army Armament **Research**, Development and Engineering Center (“ARDEC”), which **researches** and develops armament and munitions systems, is located on the Picatinny Arsenal installation...

136. Philips v. Perry

United States Court of Appeals, Ninth Circuit. | February 14, 1997 | 106 F.3d 1420 | 1997 WL 61211

Service member in Navy brought action seeking injunction to prevent his discharge pursuant to “Don't Ask, Don't Tell” policy governing homosexuality in the **military**, following his disclosure that he was gay. The United States District Court for the Western District of Washington, William L. Dwyer, J., 883 F.Supp. 539, granted...

...When **military** regulation is challenged, Court of Appeals is to give great deference to professional judgment of **military** authorities concerning relative importance of particular **military** interest....

... In acknowledgment of that limitation, we have recognized that Congress and the President have special responsibilities over **military** activities, that not every provision of the Constitution can be enforced across the board within the **military**, and that in the unequal **military** society created by statute there are distinctions and discriminations which, if supported by **military** opinion as to their necessity, cannot be disturbed by a judge's fiat....

137. U.S. v. Stokes

U.S. Army Court of Criminal Appeals. | June 11, 2007 | 65 M.J. 651 | 2007 WL 1666741

MILITARY LAW - Appeals. Court of Criminal Appeals could not consider evidence not presented at trial in evaluating guilty plea.

...A **military** judge sitting as a special court-martial convicted appellant, pursuant to his pleas, of absence without leave, wrongful appropriation of private property valued at over \$500.00, larceny of private property valued at over \$500.00, larceny of **military** property valued at over \$500.00, and forgery, in violation of Articles 86, 121, and 123, Uniform Code of **Military** Justice, 10 U.S.C. §§886, 921, and 923 [hereinafter UCMJ]....

...Appellant did not simply tell the **military** judge that the property in question was **military** property because the government was liable for his purchases....

138. U.S. v. Cannon

U.S. Court of Military Appeals. | September 30, 1991 | 33 M.J. 376 | 1991 WL 205183

Accused, captain, United States Air Force, was convicted by general court-martial, Mildred L. Raichle, J., of conduct unbecoming an officer through adultery. The United States Air Force Court of **Military** Review, 30 MJ 886, affirmed. Review was granted. The United States Court of **Military** Appeals, Everett, Senior Judge, held that: (1) **military** judge...

...In response to a question by the **military** judge as to the purpose for which the statements were being offered, trial counsel described his purpose in these words: Under **Military** Rule of Evidence 106, Your Honor, the rule of completeness to show that her statement is absolutely consistent with what she testified here in court....

...**Military** judge could defer ruling on accused's motion in limine to block evidence of uncharged misconduct, even though threatened admission of uncharged misconduct had chilling effect on presentation of good character evidence by defense and probably accounted for decision not to let accused testify. R.C.M. 906(b)(13); **Military** Rules of Evid., Rules 403, 404(a)(1), (b)....

139. **Charlton v. Shinseki**

United States Court of Appeals for Veterans Claims. | September 27, 2013 | Not Reported in Vet.App. | 2013 WL 5410070

The appellant, Travis C. Charlton, appeals through counsel a January 30, 2012, Board of Veterans' Appeals (Board) decision that denied VA disability compensation for tinnitus. Record of Proceedings (R.) at 3–15. This appeal is timely, and the Court has jurisdiction to review the Board's decision pursuant to 38 U.S.C. §§ 7252(a) and 7266(a). Both...

...The tinnitus he reports in both ears, more so in the left ear, is less likely than not related to **military** service and more likely related to noise exposure after **military** service....

...Id. The examiner stated: Given his hearing was normal hearing except for 4000 [Hertz, right ear,] in 1987 and normal except for 4000 and 6000 [Hertz, right ear,] in 1988, when he joined the service[,] and was normal except for mild loss at 4000 & 6000 [Hertz, right ear] in 1992 when he was discharged[,] and that he has worked or recreated around non[] **military** noise since that time[,] his hearing loss observed today is not caused by or a result of his 4 years of **military** service....

140. **U.S. v. Santiago**

United States District Court, S.D. New York. | August 13, 2013 | 966 F.Supp.2d 247 | 2013 WL 4399220

CRIMINAL JUSTICE - Confessions. A Marine Corps corporal was not in custody for Miranda purposes when he was interviewed by a superior officer.

...(c)Nothing in this chapter may be construed to deprive a court-martial, **military** commission, provost court, or other **military** tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, **military** commission, provost court, or other **military** tribunal....

... As I have already noted, my cursory **research** into **military** jurisprudence suggests that Wang should indeed have provided Santiago with Article 31 warnings the second he developed the suspicion that Defendant was the real shooter....

141. **United States v. Christopher**

U.S. Navy-Marine Corps Court of Criminal Appeals. | December 28, 2017 | Not Reported in M.J. Rptr. | 2017 WL 6614125

At a contested general court-martial, officer and enlisted members convicted the appellant of three specifications of assault consummated by a battery upon a child and one specification of indecent acts with a child, violations of Articles 128 and 134, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §§928 and 934. The members...

...The appellant raises nine original assignments of error (AOEs): (1) the court-martial lacked in-personam jurisdiction over him because he was a retired servicemember; (2) his trial defense team was ineffective in allowing him to plead guilty to a charge that was barred by the statute of limitations; 2 (3) the **military** judge abused her discretion by not advising the appellant of his right to assert the protection of the statute of limitations prior to her acceptance of his pleas; (4) the **military** judge abused her discretion by not granting a mistrial for the entire proceedings when the appellant withdrew his guilty plea to an offense the **military** judge had informed the members he committed; (5) the **military**...

...In spite of the **military** defense counsel's identification of the potential statute of limitations issue upon reviewing the appellant's case, his inadequate **research** and misapplication of the law resulted in the appellant receiving erroneous advice....

142. **U. S. Servicemen's Fund v. Eastland**

United States Court of Appeals, District of Columbia Circuit. | August 30, 1973 | 488 F.2d 1252 | 159 U.S.App.D.C. 352

Action by nonprofit membership corporation to enjoin subpoena issued over signature of chairman of committee and subcommittee of Senate directing bank to bring to subcommittee records pertaining to plaintiff which alleged that the exercise of subpoena powers threatened deprivation of First Amendment rights of freedom of association. From orders of...

...1) To stimulate, develop, foster, coordinate, improve and encourage the educational opportunities of **military** personnel and to protect the civil rights of such persons, by: 2) Holding public meetings, providing entertainment and other recreational services for the benefit of **military** personnel; 3) Executing, sponsoring and encouraging **research** designed to improve the general welfare of **military** personnel; 4) Contributing to the costs of legal representation of **military** personnel; 5) Initiating programs, including scholarship programs, designed to further the educational opportunities of **military**...

...Among its charitable, educational and legal purposes and powers as stated in its certificate of incorporation are the following: 1) to stimulate, develop, foster, coordinate, improve and encourage the educational opportunities of **military** personnel and to protect the civil rights of such persons, by: 2) Holding public meetings, providing entertainment and other recreational services for the benefit of **military** personnel; 3) Executing, sponsoring and encouraging **research** designed to improve the general welfare of **military** personnel; 4) Contributing to the costs of legal representation of **military** personnel;...

143. Doe 1 v. Trump

United States District Court, District of Columbia. | October 30, 2017 | 275 F.Supp.3d 167 | 2017 WL 4873042

MILITARY LAW — Personnel. Equal protection challenge to transgender **military** service ban was likely to succeed.

...Transgender individuals currently serving in the **military**, as movants for preliminary injunction, satisfied the injury-in-fact element for Article III standing, in action challenging on equal protection grounds a Presidential Memorandum directing the **military**, by a date certain, to authorize the discharge of transgender members of the **military**; each plaintiff submitted a declaration of intent to remain in **military** service, and there was no real doubt that they would face a competitive barrier, based on transgender status, to their continued retention by the **military**, in light of President's separate pronouncement that United States government would not accept or allow transgender individuals to serve in any capacity in U.S. **military**...

...As explained above, after a lengthy review process by senior **military** personnel, the **military** had recently determined that permitting transgender individuals to serve would not have adverse effects on the **military** and had announced that such individuals were free to serve openly....

144. Ribas v. Macher

United States District Court, District of Columbia. | June 16, 1988 | 687 F.Supp. 684 | 1988 WL 69017

Research medical officer, who was major in the United States Army and who was detailed at Army medical center, brought slander action against superior officer after superior officer allegedly discussed **research** medical officer's possible drug use, drug trafficking, and theft with professional co-workers. Superior officer moved for summary...

...Alleged injuries sustained by **research** medical officer, who was serving in active duty as major in the United States Army and who was detailed to Army medical center, when superior officer discussed **research** medical officer's possible drug use, drug trafficking, and theft with professional co-workers, were incident to **research** medical officer's **military** service; therefore, superior officer was entitled to immunity from slander action arising out of the alleged discussion....

... The District Court, John Garrett Penn, J., held that: (1) alleged injuries sustained by **research** medical officer were incident to **military** service, and (2) alleged slanderous statements were made within outer scope of superior officer's official duties....

145. Hime v. Shinseki

United States Court of Appeals for Veterans Claims. | March 24, 2009 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2009 WL 799539

The appellant, Richard B. Hime, appeals through counsel a September 21, 2007, decision of the Board of Veterans' Appeals (Board) that, inter alia, denied service connection for diabetes mellitus and a disability rating in excess of 20% for residuals of a shoulder injury. Both parties have filed briefs. On appeal, the appellant asserts that (1) the...

...The report directed the RO to “refer the[] case[] to the JSRRC for any information that this organization can provide to corroborate the veteran's claimed exposure” and to “provide JSRRC with the veteran's **military** unit, location, dates at the location, **military** occupation, and any other relevant facts, as show by the veteran's actual **military** records.”...

...He further contends that the June 2007 JSRRC report is inadequate in this regard because “there is nothing in the June 2007 response indicating that any **research** was done into routine base brush clearing and maintenance activities” and “the JSRRC response made it clear that they were not sure exactly what the RO was asking, and that the dates provided were too expansive for JSRRC to conduct any meaningful **research** on the veteran's behalf.”...

146. U.S. v. Wilson

U.S. Navy–Marine Corps Court of Criminal Appeals. | February 13, 2007 | Not Reported in M.J. | 2007 WL 1701866

A **military** judge sitting as a general court-martial convicted the appellant, contrary to his pleas, of murder (unpremeditated) and five specifications of aggravated assault, in violation of Articles 118 and 128, Uniform Code of **Military** Justice, 10 U.S.C. §§ 918 and 928. The appellant was sentenced to a dishonorable discharge, confinement for life...

...A **military** judge sitting as a general court-martial convicted the appellant, contrary to his pleas, of murder (unpremeditated) and five specifications of aggravated assault, in violation of Articles 118 and 128, Uniform Code of **Military** Justice, 10 U.S.C. §§ 918 and 928. 1...

...After hearing arguments, the **military** judge granted the motion (Appellate Exhibit LXXII)....

147. U.S. v. Davis

U.S. Navy–Marine Corps Court of Criminal Appeals. | July 24, 2003 | Not Reported in M.J. | 2003 WL 21789030

Officer members, sitting as a general court-martial, tried Appellant, a Navy lieutenant commander with over 16 years of active service. The court-martial took place on various dates in July, August, and September 1995. Following mixed pleas and a trial on the merits, the court-martial found Appellant guilty of two specifications of rape and two...

...In Scott, our superior Court stated that the **military** follows the “standards utilized by the federal courts in evaluating claims of ineffective assistance of counsel” in the **military**....

...After hearing testimony from each of the two trial defense counsel (both then out of the **military**) and Appellant, as well as reviewing earlier affidavits of the parties and other documentary evidence, the **military** judge entered his findings of fact on 21 January 2000....

148. United States v. Sundstrum

U.S. Air Force Court of Criminal Appeals. | November 12, 2020 | Not Reported in M.J. Rptr. | 2020 WL 6817044

A general court-martial composed of a **military** judge convicted Appellant in accordance with his pleas and pursuant to a pretrial agreement (PTA) of two specifications of attempting to use and distribute 1-propionyl-

lysergic acid diethylamide (1P-LSD), one specification of wrongful possession of a controlled substance (psilocybin), and two...

...A general court-martial composed of a **military** judge convicted Appellant in accordance with his pleas and pursuant to a pretrial agreement (PTA) of two specifications of attempting to use and distribute 1-propionyl-lysergic acid diethylamide (1P-LSD), one specification of wrongful possession of a controlled substance (psilocybin), and two specifications of wrongfully using and distributing 4-Acetoxy-N-N-dimethyltryptamine (4-AcO-DMT), 2 in violation of Articles 80, 112a, and 134, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §§ 980, 912a, 934. 3...

...The **military** judge admitted favorable character statements as defense exhibits....

149. Lockett v. Bure

United States Court of Appeals, Second Circuit. | May 17, 2002 | 290 F.3d 493 | 2002 WL 1008509

MILITARY LAW - Civilians. Title VII protections may apply to hybrid **military** personnel holding jobs with civilian aspects.

...Title VII protections extend to discrimination actions brought by **military** personnel in hybrid jobs entailing both civilian and **military** aspects, except when the challenged conduct is integrally related to the **military's** unique structure, and there may be cases in which dual-status, **military**-civilian employees allege a justiciable Title VII complaint arising purely from their civilian employment. Civil Rights Act of 1964, §701 et seq., as amended, 42 U.S.C.A. §2000e et seq....

... Accordingly, we determine that Title VII protections extend to discrimination actions brought by **military** personnel in hybrid jobs entailing both civilian and **military** aspects except when the challenged conduct is integrally related to the **military's** unique structure....

150. Alaska v. U.S.

United States Court of Appeals, Ninth Circuit. | May 23, 2000 | 213 F.3d 1092 | 2000 WL 669140

GOVERNMENT - Property. Title to riverbed did not pass from federal government to Alaska at time it obtained statehood.

...Alaska elaborates on this argument by contending that the purpose of the reservation of property held for **military** purposes in section 11(b) was to protect the right of **military** commanders to control their active **military** installations, not to insulate large reserves held for strategic purposes....

... Portions of the PLO 82 tract were used for **military** purposes related to the Cold War, including long-range radio navigation, electronic and radar surveillance, and **research** into combat in polar regions....

151. U.S. v. Mathews

United States Court of Appeals, First Circuit. | November 04, 1971 | 450 F.2d 439

Defendant was convicted in the United States District Court for the District of Massachusetts, W. Arthur Garrity, Jr., J., 327 F.Supp. 1362, of refusing to submit to induction, and he appealed. The Court of Appeals, Coffin, Circuit Judge, held that executive secretary of local board had duty to draw attention of the board to request for deferment...

...In urging affirmance, the government argues, in effect, that Mathews has been enrolled in the master's program for too many years, that his **research** and writing do not constitute a "course of instruction", and that he is not working "full-time" on his **research** and writing....

...Executive secretary of local board had duty to draw attention of the board to request for deferment and supporting papers, and the secretary erred in denying request on advice of **military** advisor to selective service state headquarters without

bringing it to attention of the members of the board. **Military** Selective Service Act of 1967, § 12(a), 50 U.S.C.A. App. § 462(a)....

152. Davis v. Billington

United States District Court, District of Columbia. | June 25, 2014 | 51 F.Supp.3d 97 | 2014 WL 2882679

LABOR AND EMPLOYMENT — Public Employment. Former government employee failed to establish that employer's speech policy violated his due process rights.

...Additionally, the plaintiff has submitted the Grimmitt Declaration, which states that “no one at [the Foreign Affairs, Defense, and Trade Division] had any formal or public responsibility for anything involving Guantánamo Bay or the related **military** commissions,” and that “[i]f anyone within [the Division] had been tapped to work on **military** commissions issues # it would likely have been [him, i.e., Grimmitt], as [he] was an expert on war powers....

...Background: Former Library of Congress employee brought Bivens action against Librarian of Congress, in his official capacity, and the Director of the Congressional **Research** Service (CRS), in his individual capacity, alleging that defendants violated his First and Fifth Amendment rights by failing to convert his employment from probationary status to permanent status in alleged retaliation for newspaper publication of his personal views regarding Guantanamo Bay and the **military** commissions process....

153. Nautilus Ins. Co. v. Feliz

United States District Court, M.D. Florida, Jacksonville Division. | August 03, 2011 | Not Reported in F.Supp.2d | 2011 WL 3897968

THIS CAUSE is before the Court on the Motion for Final Default Judgment (“Motion for Default Judgment”) (Doc. 16) and the Stipulated Motion for Entry of Consent Judgment (“Motion for Consent Judgment”) (Doc. 21) (collectively, “Motions”). Both Motions were referred to the undersigned for an appropriate resolution. (See Doc. 22.) On May 10, 2011 and...

...This Affidavit also shows necessary facts in support thereof, including: a statement from Deborah Drylie, attorney for Mr. Thompson and Mr. Koon in the related state court action, that these two Defendants are not in **military** service or on active duty status; “**research** through a number of sources including Auto Track” performed by Plaintiff's attorney's office, which “did not identify either Defendant as being in the **military** or as being on active duty status”; and a search of the Department of Defense Manpower Data Base, which did “not contain any information indicating Mr. Koon's **military** status.”...

...When a plaintiff seeks the entry of a default judgment against an individual defendant, the plaintiff must also comply with § 521 of the SCRA, which requires, inter alia, the filing of an affidavit by the plaintiff: (A) stating whether or not the defendant is in **military** service and showing necessary facts to support the affidavit; or (B) if the plaintiff is unable to determine whether or not the defendant is in **military** service, stating that the plaintiff is unable to determine whether or not the defendant is in **military** service....

154. United States v. Hasan

U.S. Army Court of Criminal Appeals. | December 11, 2020 | 80 M.J. 682 | 2020 WL 7310499

MILITARY LAW — Counsel. Accused was entitled to represent himself at sentencing, and could control direction of his own capital case, even to extent of choosing to forgo mitigation evidence.

...Nonetheless, the following seven assigned errors bear discussion: (1) whether the **military** judge erred in allowing appellant to represent himself; (2) whether the **military** judge erred in allowing appellant to represent himself at sentencing in a capital case; (3) whether the **military** judge erred in denying standby counsel's motion for the independent presentation of mitigation evidence; (4) whether the Staff Judge Advocate was disqualified from providing the Article 34, UCMJ, pretrial advice; (5) whether the **military** judge should have sua sponte excused certain panel members; (6) whether the **military** judge erred in denying appellant's motions for change of venue due to pretrial publicity and heightened security measures; 3...

...Appellant was assisted by standby counsel, who were ordered by the **military** judge to provide both legal **research** assistance and advice to appellant....

155. D'Andrea Brothers LLC v. United States

United States Court of Federal Claims. | February 08, 2013 | 109 Fed.Cl. 243 | 2013 WL 500346

GOVERNMENT CONTRACTS — Implied Contracts. Trademark licensee's recovery of reliance damages was foreclosed by losses that licensee would have incurred despite government's breach.

...Starting in the spring of 2007, after learning that the CRADA would not be renewed, plaintiff sent out several emails to individuals in the **military** that played some role in **military** feeding, seeking to promote plaintiff's reformulated commercial bar to the **military** feeding community....

...Plaintiff's emails to the members of the **military** feeding community touted the "superiority" of plaintiff's bar over Natick's bar used in **military** rations....

156. United States v. Delasota

U.S. Navy-Marine Corps Court of Criminal Appeals. | September 27, 2021 | Not Reported in M.J. Rptr. | 2021 WL 4395287

Appellant was convicted, pursuant to his pleas, of two specifications of sexual abuse of a child under Article 120b, Uniform Code of **Military** Justice [UCMJ], for touching a six-year-old girl's groin and causing her to touch his penis with her hand, with an intent to arouse and gratify sexual desire. Appellant asserts two assignments of error: (1)...

...The **military** judge then ordered a recess to **research** whether "groin" and "vagina" are synonymous....

...The **military** judge ordered Prosecution Exhibit 4 admitted and the words "for identification" stricken....

157. Cole v. Laird

United States Court of Appeals, Fifth Circuit. | October 24, 1972 | 468 F.2d 829

Serviceman, who was convicted by court-martial for unlawful use of marijuana, petitioned for appropriate declaratory and injunctive relief on the ground that the court-martial was without jurisdiction over the offense. The United States District Court for the Western District of Texas, at Austin, Jack Roberts, J., dismissed the case without a...

...[5][6] The first touchstone of **military** jurisdiction is **military** status, 2 "namely, whether the accused in the court-martial proceeding is a person who can be regarded as falling within the term 'land and naval Forces'....

...First touchstone of **military** jurisdiction is **military** status which means whether the accused in court-martial proceeding is a person who can be regarded as falling within the term "land and naval Forces", as status as member of the Armed Forces must be established not only at the time of the offense but also at the time of trial....

158. In re Consolidated U.S. Atmospheric Testing Litigation

United States District Court, N.D. California. | August 28, 1985 | 616 F.Supp. 759 | 54 USLW 2161

Actions were brought against the United States and federal contractors, asserting claims arising out of alleged exposure to nuclear radiation resulting from bombing of Hiroshima and atmospheric testing of nuclear weapons. Government moved to be substituted for contractors as the sole defendant and for summary judgment. The District...

... In later tests, involving large scale **military** maneuvers under battlefield conditions, these considerations led to delegation of responsibility for radiological and physical safety of troops to the **military** commanders....

... To this end the AEC was authorized to conduct experiments, undertake **research**, and develop the **military** applications of atomic energy either in its own facilities or pursuant to arrangements with public or private institutions....

159. United States v. Rottinghaus

U.S. Air Force Court of Criminal Appeals. | May 15, 2019 | Not Reported in M.J. Rptr. | 2019 WL 2246538

A **military** judge convicted Appellant, in accordance with his pleas and pursuant to a pretrial agreement (PTA), of three specifications of sexual assault of a child, on divers occasions, in violation of Article 120b, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. § 920b. The **military** judge sentenced Appellant to a dishonorable discharge,...

...The **military** judge queried trial defense counsel on whether he was attempting to have the **military** judge “make a diagnosis” of TW and whether the defense exhibits were from “peer reviewed” publications....

...This deficiency was apparent during cross-examination of SSgt JR, when the **military** judge asked trial defense counsel whether he was attempting “to elicit a bunch of symptoms” of TW and have the **military** judge essentially “make a diagnosis.”...

160. U.S. v. Singleton

U.S. Army Court of Criminal Appeals. | November 13, 2003 | 59 M.J. 618 | 2003 WL 22671462

MILITARY LAW - Sentencing. Accused did not waive issue of illegal pretrial punishment.

...(If the affidavit provided by **military** trial defense counsel is inconsistent with appellant's Grostefon submission and affidavit, the DuBay **military** judge shall require testimony of appellant's **military** trial defense counsel at the DuBay hearing.);...

...4.That the DuBay **military** judge will decide whether testimony at a DuBay hearing by appellant's **military** trial defense counsel is necessary....

161. Thomasson v. Perry

United States District Court, E.D. Virginia, Alexandria Division. . | June 08, 1995 | 895 F.Supp. 820 | 1995 WL 470185

Service member brought suit seeking declaratory and injunctive relief to prevent his discharge from the Navy, after Board of Review recommended his discharge for failing to rebut presumption that he engaged in, or was likely to engage in, homosexual acts, arising from his declaration that he was a homosexual. On cross-motions for summary...

...Statute embodying “Don't Ask Don't Tell” policy regarding homosexuals in the **military** does not violate equal protection clause of the Fifth Amendment, under rational basis review; **military** has concluded that allowing acknowledged homosexuals to serve in the **military** would undermine unit cohesion and **military** readiness, a legitimate governmental purpose, and means employed by government are rationally related to legitimate purpose of excluding from service in the **military** those engage in or demonstrate a propensity to engage in homosexual conduct. U.S.C.A. Const.Amends. 5...

... The **military** has concluded that allowing acknowledged homosexuals to serve in the **military** would undermine unit cohesion and **military** readiness....

162. Gao v. U.S.

United States District Court, E.D. Virginia, Alexandria Division. | June 27, 2005 | 375 F.Supp.2d 456 | 2005 WL 1560490

CRIMINAL JUSTICE - Taxes. Tax fraud defendant was not deprived of effective assistance of counsel.

...“Dual-use” technology has both **military** and non- **military** applications....

... The record reflects that from mid-2000 until January 2001, petitioner, acting through various business entities, purchased certain federally-regulated electronic components from domestic manufacturers and suppliers and then shipped them, unlicensed, to Chinese corporations engaged, inter alia, in the acquisition of **military** and dual-use technology 2 for the armed forces of the PRC. In one such transaction in October 2000, petitioner sent a shipment of eighty MG80486DX2-50 microprocessors (“DX2-50s”) to the Nanjing **Research** Institute of Electronics Technology, 3 one of the PRC’s preeminent designers of radar systems for **military** and civilian aircraft....

163. U. S. v. Baxter

U. S. Navy Court of Military Review. | February 07, 1977 | 2 M.J. 610

Accused lance corporal United States Marine Corps, was convicted by special court-martial, Ouellette, J., of wrongful possession, sale and transfer of phencyclidine, and he appealed. The Navy Court of **Military** Review, Murray, Senior Judge, held that: (1) where issue of search and seizure should have been fully litigated and ruled on at trial level...

...Apparently at this earlier juncture of the proceedings, defense counsel, in spite of extensive inquiry into the search and seizure issue and Judge Ouellette’s sua sponte direction to **research** and argue the issue, incorrectly decided that objection to the search and seizure could not be raised consistent with the alibi defense even before a **military** judge sitting alone....

...Other Courts of **Military** Review have invoked the exception to the Dupree rule to prevent injustice....

164. U.S. v. Strandlof

United States District Court, D. Colorado. | December 18, 2009 | Not Reported in F.Supp.2d | 2009 WL 5126540

CIVIL RIGHTS - Free Speech. Supplemental briefing was required to determine whether criminalization of the representation of earning **military** honors violated the First Amendment.

...Supplementary briefing was required by the court to determine whether the criminalization of an individual’s mere representation that he/she had earned certain types of **military** honors was in violation of the First Amendment. The court found no precedent from any jurisdiction holding that the protection of the honor and reputation of **military** awards qualified as a compelling government interest sufficient to justify a content-based regulation of pure speech. The court was not able to determine to what extent precedent concerning expressive conduct and **military** decorations applied when the speech was admittedly a false statement of fact untethered from an expression of an idea or opinion. U.S.C.A. Const.Amend. 1...

...At least one federal court has found that the government has a “legitimate” interest in safeguarding the dignity associated with **military** decorations in connection with the expressive conduct of wearing unauthorized **military** medals....

165. Sabo v. United States

United States Court of Federal Claims. | July 26, 2016 | 127 Fed.Cl. 606 | 2016 WL 4013676

VETERANS — Attorney Fees. Veterans, by obtaining settlement with United States to correct disability ratings, were prevailing parties, as required for fee award under EAJA.

...C. **Research**, including individualized **research** and factual investigation, regarding impacts and elections for large numbers of class members;...

...Defendant next argues that the **military’s** prelitigation position was substantially justified because the **military** reasonably considered VASRD §4.129 to be analogous to a convalescent rating, a type of rating that the Department of Defense deemed inapplicable to the **military** departments’ rating of service member disabilities....

166. Norman v. Campbell

United States Court of Appeals, Seventh Circuit. | December 19, 2003 | 87 Fed.Appx. 582 | 2003 WL 23018570

CIVIL RIGHTS - Jurisdiction. Doctor was not state actor as required to establish federal jurisdiction over § 1983 claim.

...Doctor and hospital were not state actors as required to establish federal question jurisdiction over patient's § 1983 claim alleging medical malpractice related to patient's treatment after alleged exposure to a biological agent used by **military** scientists; although doctor and hospital may have received state funding for clinical **research**, receipt of state funds, without more, did not make a state actor, and patient did not allege that doctor or hospital formed a conspiracy with a state actor to violate his constitutional rights. 42 U.S.C.A. §1983....

...Patient failed to establish diversity jurisdiction between parties in his medical malpractice claim against hospital and doctor related to his treatment after alleged exposure to a biological agent used by **military** scientists, where patient and doctor were both citizens of Illinois....

167. Griffin v. Secretary of Health and Human Services

United States Court of Federal Claims. | August 26, 2014 | 124 Fed.Cl. 101 | 2014 WL 10787943

HEALTH — Vaccines. Petitioner was not employee of United States eligible for compensation under National Childhood Vaccine Injury Act.

...Respondent disagrees, arguing that the Special Master did not err by conducting outside **research** without giving petitioner notice because the matters she **researched** were all appropriate issues for taking of judicial notice....

...In his Motion for Review, Mr. Griffin made no attempt to discredit the Special Master's **research** as to its substance or to prove that the introduction of the **research** violated “fundamental fairness” principles....

168. Wells Fargo Bank, N.A. v. Wrenn

United States District Court, District of Columbia. | June 18, 2009 | Not Reported in F.Supp.2d | 2009 WL 1705692

Presently before the Court is a Motion for Default Judgment filed by Wells Fargo Bank, N.A. (“Wells Fargo”), HSBC USA, Inc. (“HSBC”), and Mortgage Electronic Registration Systems, Inc. (“MERS”) (collectively, “Plaintiffs”) against Defendant Randolph Stevens (“Stevens”). After thoroughly reviewing Plaintiffs' Amended Complaint and attachments,...

...Plaintiffs filed a Status Report on December 5, 2008, explaining that Stevens had ceased his **military** service: [t]hrough Mr. Fidell's efforts to contact Defendant Stevens and subsequent **research**, Plaintiffs no longer believe Mr. Stevens is on active **military** duty....

...Previously, the Department of Defense **military** database had indicated active duty service for Mr. Stevens....

169. Bragg v. Hammett

United States District Court, D. New Mexico. | January 10, 2020 | Slip Copy | 2020 WL 128131

THIS MATTER comes before the Court on Plaintiff's Complaint, Doc. 1, filed January 8, 2020, and on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. 3, filed January 8, 2020 (“Application”). The statute for proceedings in forma pauperis, 28 U.S.C. § 1915(a), provides that the...

...Testing facilities for directed energy and mm wave are scheduled and located at the air force **research** laboratories, total of four locations in the United States, and can only be scheduled through the US **military** by **military** personnel....

...The Air Force **Research** Laboratory [at Kirtland Air Force Base] has both **research** and testing facilities for electromagnetic systems (including electromagnetic pulse) and directed microwave energy (mm wave) [sic]...

170. Bragg v. Shiffler

United States District Court, D. New Mexico. | April 25, 2019 | Not Reported in Fed. Supp. | 2019 WL 1866320

THIS MATTER comes before the Court on pro se Plaintiffs Complaint (Doc. 1 ("Compl.")), filed April 19, 2019, and on Plaintiffs Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2). filed April 19, 2019. The statute for proceedings in forma pauperis, 28 U.S.C. § 1915(a). provides that the Court may...

...(Compl. at 2.) Plaintiff states she "is asking the United States Air Force **research** laboratory or a **military** component to schedule the necessary testing to save her life."...

...New Mexico, 87117-5776, has both **research** and testing facilities for electromagnetic systems and directed microwave energy (mm wave)....

171. Biondi v. Zelez

United States District Court, D. Kansas. | February 21, 1991 | Not Reported in F.Supp. | 1991 WL 31053

This matter is before the court on a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. Petitioner, an inmate at the United States Disciplinary Barracks, Fort Leavenworth, Kansas, claims constitutional error in his court-martial conviction and denial of parole. Specifically, he claims: (1) there was no jurisdiction for the...

... The court's **research** disclosed no federal district court opinion which has addressed the issue of whether discretionary direct review by the Supreme Court of **military** court-martial decisions is considered a "**military** remedy" under the doctrine....

... Under the agreement, the **military** is to investigate and prosecute individuals subject to UCMJ who are involved in crimes where the victim is also subject to UCMJ or is a dependent or member of a household of **military** or civilian personnel residing on a **military** installation....

172. Cooper v. Tokyo Elec. Power Co., Inc.

United States District Court, S.D. California. | November 26, 2013 | 990 F.Supp.2d 1035 | 2013 WL 6875866

TORTS - Negligence. Political question doctrine barred United States **military** members' claims against Japanese electric company, alleging they were injured by radiation exposure when they were deployed near a nuclear power plant in Japan in the aftermath of an earthquake and tsunami.

...Political question doctrine barred United States **military** members' claims against Japanese electric company for negligence, fraud, strict liability, nuisance, and intentional infliction of emotional distress, alleging they were injured by radiation exposure when they were deployed near a nuclear power plant in Japan in the aftermath of an earthquake and tsunami, where adjudicating the lawsuit would require the District Court to weigh in on the propriety of the **military's** discretionary decisions regarding deployment of personnel and assets during a **military** operation, and would require the Court to determine the adequacy of communications between the Japanese government and United States government regarding the extent of radiation that had leaked from the power plant....

...Thus, Plaintiffs' success inevitably hinges on the conclusion that the **military's** precautions were inadequate or unreasonable and that, had it not been for TEPCO's misstatements, **military** commanders would have adopted a different course of action....

173. Nguyen v. CNA Corp.

United States Court of Appeals, Fourth Circuit. | January 20, 1995 | 44 F.3d 234 | 1995 WL 19633

After employer refused to reinstate employee after leave of absence, employee brought suit alleging that employee manual, alone or in combination with other statements, created implied employment contract under which employer could only refuse reinstatement for “just cause.” Plaintiff also asserted that promissory estoppel...

...CNA, formerly known as the Center for Naval Analysis, is a private **military research** organization that specializes in the **research** of defense-related issues for the United States Navy....

... CNA contends, however, that whatever the implications of the paper, the overall project on which Nguyen was working—studies of the Soviet **military** press to determine Soviet **military** advances—had come to a conclusion around the time the paper was circulated, and CNA further asserts that Nguyen was having trouble performing on other **research** projects and in other roles with CNA....

174. **Montgomery v. Wilkie**

United States Court of Appeals for Veterans Claims. | June 17, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 3260819

Yvonne Montgomery, widow of U.S. Army veteran Darryl Montgomery, appeals, through counsel, that part of a March 26, 2019, Board of Veterans' Appeals decision that denied service connection for the cause of the veteran's death, as well as dependency and indemnity compensation (DIC) under 38 U.S.C. § 1318. Record (R.) at 5-18. The appellant...

...Although the Board noted that the veteran had served in Korat, Thailand, from September 1970 to October 1970, it found that “ **research**, at this time, indicates that herbicide agents were sprayed in 1964 and 1965, in an isolated coastal area near Pranburi, Thailand[,] # not near any U.S. **military** installation.”...

...In March 2011, the Joint Services Records and **Research** Center (JSRRC) responded to the RO's request to verify the veteran's herbicide exposure in Korea or Thailand....

175. **Morrow v. McDonough**

United States Court of Appeals for Veterans Claims. | August 23, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 3593387

The appellant, Richard D. Morrow, through counsel appeals an April 13, 2021, Board of Veterans' Appeals (Board) decision that denied entitlement to special monthly compensation (SMC) based on the need for aid and attendance or housebound status, Record (R.) at 17-22; and a May 10, 2021, Board decision that denied entitlement to benefits for...

...Id. at § A.4.b. For veterans, like the appellant, who served in Thailand during the Vietnam era, if VA is unable to concede herbicide exposure, VA must either submit a request to the **Military** Records **Research** Center for verification of exposure to herbicides or refer the case to the RO **research** coordinator to make a formal finding that sufficient information required to verify herbicide exposure does not exist. 5...

...The [r]eport of these tests noted that 5 civilian and 5 **military** personnel from Fort Detrick, Maryland[,] conducted the spray operations and subsequent **research**....

176. **Zinck v. ITT Corp.**

United States District Court, S.D. New York. | July 15, 1988 | 690 F.Supp. 1331 | 1988 WL 73230

Personal representatives of servicemen killed in night-time helicopter exercise brought products liability action against manufacturer of pilot's night vision goggles. Manufacturer moved for summary judgment based on “government contractor” defense. The District Court, Leisure, J., held that: (1) government...

...[T]here is a danger in transporting the rubric of tort law and products liability to a **military** setting and **military** technology #...
...In the absence of the government contractor defense, the **military** procurement process could be affected in **research**, development and design, and increase in the cost of weaponry and equipment....

177. U.S. v. Wolfson

U.S. Court of Military Appeals. | July 28, 1972 | 1972 WL 14186 | 45 C.M.R. 323

On petition of the accused below. CM 424992, not reported below. Reversed.

...1. Under the United States Constitution offenses committed in the civilian community by **military** personnel, which are cognizable in the civilian criminal courts are not triable by a court-martial unless they have “service connection” or “**military** significance.” Where the offenses concern the issuance of bad checks in violation of Article 123a, incidental identification of the accused in the criminal transaction as a member of the armed forces, by itself, is insufficient to establish the requisite service connection or **military** significance for **military** trial; as a minimum, it must further appear that the accused's **military**...
...Courts-martial § 43 — lack of jurisdiction of offenses unconnected with **military** service or without **military** significance....

178. U.S. v. Walker

U.S. Army Court of Military Review. | January 09, 1987 | 23 M.J. 740

Accused, a specialist four in the United States Army, was convicted by special court-martial at United States Army Infantry Center and Fort Benning, D.A. Rogers, J., of distribution of 1.1 grams of cocaine and use of marijuana, and he appealed. The United States Army Court of **Military** Review, Raby, Senior Judge, held that: (1) neither subjective...

... Over six years ago, the United States Court of **Military** Appeals, after acknowledging “that drug abuse in the **military** is a most serious problem” and that the nature of servicemembers' lives “may create a special vulnerability to drug use,” pertinently, observed: [T]he prospect cannot be ignored that prosecution of those servicepersons who possess, use, and distribute drugs off post will tend to dry up sources of drugs for others who would use them on or near a **military** installation to the detriment of the **military** mission....
...In fact, the United States Supreme Court has indicated that the presence or absence of service connection: [t]urns in major part on gauging the impact of an offense on **military** discipline and effectiveness, on determining whether the **military** interest in deterring the offense is distinct from and greater than that of civilian society, and on whether the distinct **military** interest can be vindicated adequately in civilian courts....

179. Veres v. Shinseki

United States Court of Appeals for Veterans Claims. | May 14, 2014 | Not Reported in Vet.App. | 2014 WL 1910673

The appellant, Burt C. Veres, appeals through counsel a November 16, 2012, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for bilateral hearing loss. Record (R.) at 3–17. The Court has jurisdiction pursuant to 38 U.S.C. § 7252(a) to review the Board decision. A single judge may conduct that...

...While the appellant argues that the examiner “simply recites” two prior VA examinations, this argument is unavailing as the examiner clearly provided a thorough review of the appellant's medical history and the relevant medical **research** before concluding that the appellant's hearing loss was “less likely as not” related to his **military** service....
...Here, the examiner reviewed and analyzed the appellant's claims file and medical history and detailed the medical **research** concerning hearing loss....

180. **U.S. v. Pinkston**

Court of Military Appeals. | February 24, 1956 | 1956 WL 4546 | 21 C.M.R. 22

On petition of the accused below. NCM 55-00288, not reported below. Reversed.

...failure to give such instructions. As a general rule the law established for the guidance of the **military** judicial system by the Court of **Military** Appeals must attach with equal force to every tribunal over which the court exercises appellate jurisdiction. It has been established that the law officer of a general court-martial is required to instruct sua sponte where the evidence operates to raise...

...In the instance of the special court-martial, **military** law has selected the body's president to perform this task, and has provided that he shall speak for the record....

181. **U.S. v. Ruth**

U.S. Court of Appeals for the Armed Forces. | February 12, 1997 | 46 M.J. 1 | 1997 WL 134054

Accused was convicted by general court-martial, Charles E. Trant and William G. Fischer, JJ., of offenses arising out of "get rich quick" scheme. The United States Army Court of Criminal Appeals, 42 M.J. 730, affirmed, and review was granted. The United States Court of Appeals for the Armed Forces, Cox, C.J., held that judge did not abuse...

...**Military** judge did not abuse discretion in deferring finality of ruling on defense motion for personal production of witness until point in trial where materiality and necessity of witness would become clear and explaining to defense alternatives to production of witness, such as use of his article as learned treatise and use of article for cross-examination. R.C.M. 703(d); **Military** Rules of Evid., Rules 705, 803(18)...

... Therefore, under these circumstances, we find no abuse of discretion in the **military** judge's preliminary ruling...

182. **Monzingo v. Gibson**

United States Court of Appeals, Federal Circuit. | June 13, 2014 | 566 Fed.Appx. 972 | 2014 WL 2619556

LABOR AND EMPLOYMENT - Jurisdiction. Court of Appeals lacked jurisdiction to review Veterans Court's denial of veteran benefits applicant's pretrial motions.

... Monzingo also contends that the Veterans Court should have taken judicial notice of more aspects of Noise and **Military** Service and Tinnitus because the VA participated in the **research** and publication of those reports, thus allegedly giving it knowledge of the contents of those reports....

...In August 2011, Monzingo filed a motion to append a pre-publication version of Noise and **Military** Service to his reply brief....

183. **Scott v. Wilkie**

United States Court of Appeals for Veterans Claims. | September 21, 2018 | Not Reported in Vet. App. Rptr. | 2018 WL 4554471

Appellant Charles B. Scott appeals through counsel a May 22, 2017, Board of Veterans' Appeals decision that denied entitlement to service connection for a psychiatric disability, including PTSD and depression. This appeal is timely and the Court has jurisdiction over the final Board decision. The Court must decide whether the Board erred when it...

...The Agency said that the current information is not sufficient to allow **research** of his claim:...

...This includes the duty to obtain relevant records pertaining to appellant's active **military** service that are held or maintained by a governmental entity. 16...

184. **Ide v. C.I.R.**

United States Board of Tax Appeals. | February 28, 1941 | 43 B.T.A. 799 | 1941 WL 488

The petitioner is the European representative of the National Advisory Committee for Aeronautics, at Paris. During 1936 and 1937 he spent considerable amounts for meals, lodging, entertainment, etc., in excess of the amounts for which he was reimbursed by the United States. Held, that these excess payments are deductible from gross...

...Petitioner's duties were generally similar to those of the **military** and naval attaches at the American Embassy, except that they related to aeronautics instead of **military** and naval matters and that they covered Europe in its entirety, whereas the **military** and naval attaches as a rule covered only one country....

... In substance the petitioner was required to keep the Advisory Committee fully informed as to the scientific **research** and the technical development of aeronautics in Europe....

185. **In re Brown**

United States Bankruptcy Court, M.D. Louisiana. | December 15, 1995 | 189 B.R. 653 | 1995 WL 755352

Exemptions. Chapter 7 debtor's nonmilitary firearms were not exempt from estate under Louisiana exemption for "arms and **military** accoutrements."

...Under Louisiana exemption for "arms and **military** accoutrements," firearms not used for **military** purposes are not exempt; only arms used for **military** purposes are covered by exemption provision. LSA-R.S. 13:3881, subd. A(4)(c)....

... The Court finds that "arms and **military** accoutrements" refers not to firearms used for personal purposes, such as hunting, but instead refers to arms and **military** regalia used as weapons for fighting purposes, in the context of **military** duty. 1...

186. **Nartron Corporation v. United States**

United States Court of Claims, Trial Division. | May 02, 1978 | 1978 WL 21744 | 200 U.S.P.Q. 823

This suit was brought by the Nartron Corporation to recover, pursuant to 28 U.S.C. §1498, "reasonable and entire compensation" for the unlicensed use by or manufactured for the United States of the inventions described and claimed in United States Patent Nos. 3,551,744, 3,639,777 and 3,716,682 (hereinafter referred to respectively...

...It was during this period of difficulty that Meridian sold Nartron all the tools, dies, jigs, and fixtures which it used in the manufacture of **military** land vehicle signal switches and **military** land vehicle solid state flashers....

...Signal switches and flashers for **military** land vehicles were to that time manufactured by the Controls Division of Meridian....

187. **Long v. Department of Defense**

United States District Court, District of Columbia. | March 16, 2010 | Not Reported in F.Supp.2d | 2010 WL 1006709

This matter comes before the court on review of plaintiff's application to proceed in forma pauperis and pro se civil complaint. The court will grant the application, and dismiss the complaint. The court must dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B)(i)....

...Plaintiff alleges that, since the late 1970s, the **military** has “been doing # medical **research** in the (sky) by way of a (doppler [.]” Compl. at 1, and that the doppler “destroy[ed] [her] body, jobs, schools, homes, USA money currency and personal life.”...
...Id. at 2. She further alleges that a **military** lab spilled an unspecified substance over her to further victimize her....

188. U.S. v. Parker

United States Court of Appeals, Fourth Circuit. | September 16, 2010 | 396 Fed.Appx. 20 | 2010 WL 3623502

In these consolidated appeals, the Government challenged the district court's orders dismissing its 18 U.S.C. § 4248 (2006) petitions for civil commitment of Lonnie Parker and James Woodruff, who were both convicted of various sex offenses and sentenced in **military** court-martial proceedings, but are currently housed within a Bureau of Prisons...

... The district court dismissed the Government's petitions because it found that “ §4248 does not apply to **military** prisoners [since] they are not ‘in the custody of the Bureau of Prisons’ pursuant to 18 U.S.C. §4248(a)....

...In these consolidated appeals, the Government challenged the district court's orders dismissing its 18 U.S.C. §4248 (2006) petitions for civil commitment of Lonnie Parker and James Woodruff, who were both convicted of various sex offenses and sentenced in **military** court-martial proceedings, but are currently housed within a Bureau of Prisons facility....

189. Smith v. Smith

United States District Court, M.D. Alabama, Northern Division. | November 29, 1997 | Not Reported in F.Supp. | 1997 WL 33121865

Plaintiff James Smith's complaint asserts that he was denied substantive and procedural due process and equal protection of the law when he was separated from the Alabama Army National Guard on May 14, 1990. Plaintiff has sued Ivan Smith, the former Adjutant General of the Alabama National Guard; Clyde Hennies, the present Adjutant General; Major...

...This “rais [es] the prospect of compelled depositions and trial testimony by **military** officers concerning the details of their **military** commands” such that “the mere process of arriving at correct conclusions would disrupt the **military** regime.”...

...The termination was a **military** personnel action affecting plaintiff's **military** status....

190. U.S. v. Wallace

U.S. Navy–Marine Corps Court of Criminal Appeals. | May 22, 2003 | 58 M.J. 759 | 2003 WL 21254893

MILITARY LAW - Sentencing. Confinement for life without possibility for parole was an authorized sentence.

... Specifically, Appellant argues that trial defense counsel “failed to seek out available **military** witnesses to testify to his **military** character.” ...

... Through Title 10 U.S.C. §952 Congress delegated to the service Secretaries the authority to establish a parole system for **military** personnel confined in **military** correctional facilities....

191. In re 3M Combat Arms Earplug Products Liability Litigation

United States District Court, N.D. Florida, Pensacola Division. | March 04, 2021 | Slip Copy | 2021 WL 830309

This Order addresses the parties' respective challenges to Drs. Gregory A. Flamme and Mark R. Stephenson, John Casali, and Harri Kytomaa, and Robert Johnson, and resolves the parties' omnibus motions to exclude

these experts under Federal Rule of Evidence 702 and Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579 (1993). Rule 702, as explained by...

...He is also the founding partner and Chief Technology Officer of Hearing, Ergonomics, & Acoustics Resources LLC, a firm that "specializes in hearing-related, ergonomics and acoustical consulting as applied to, among other things, product and systems design, product testing and evaluation, **military research** and development."...

...They reviewed Estes and Baker's audiological, **military** service, and disability records, and evaluated the various hearing protectors used by each plaintiff, as well as their noise exposures, both during their **military** careers and thereafter...

192. Brass v. United States

United States Court of Federal Claims. | July 22, 2016 | 127 Fed.Cl. 505 | 2016 WL 3962274

VETERANS — Attorney Fees. Reduction of veteran's EAJA award for partial success on the merits was not warranted.

...Elsewhere in its brief, the government states that "[t]he time entries do not demonstrate that it was reasonable to spend more than 70 hours **researching**, drafting, and revising the # complaint # 125 hours **researching**, drafting, and revising Ms. Brass's cross-motion" and "40 hours to **researching**, drafting, and revising her # reply."...

...The government recognizes that Ms. Brass may receive other benefits associated with a **military** retirement, such as medical and dental care in **military** facilities and eligibility for TRICARE, the **military's** health care program, but argues that those benefits do not justify Ms. Brass's requested award of attorneys' fees and costs under the EAJA....

193. Hirshhorn v. Mine Safety Appliances Co.

United States District Court W.D. Pennsylvania. | December 12, 1951 | 101 F.Supp. 549

Action by Joseph H. Hirshhorn, On his own behalf and on behalf of all other stockholders of Carbon Monoxide Eliminator Corporation, one of the defendants herein, against Mine Safety Appliances Company, a corporation of the State of Pennsylvania, and others, to require an accounting of profits allegedly diverted. Plaintiff filed motion for leave to...

...Paragraph 16 alleges that Catalyst **Research** Corporation has become the owner of various patents in connection with similar **research** for industrial **military** and marine safety devices....

...The **research** outlined in paragraph 15 is incorporated into paragraph 16 by the words 'similar **research**'....

194. U.S. v. Foster

U.S. Court of Appeals for the Armed Forces. | January 30, 2007 | 64 M.J. 331 | 2007 WL 268953

MILITARY LAW - Court-Martial. Accused did not establish that **military** judge was biased against him based on treatment of defense expert witness.

...Accused did not establish that **military** judge was not impartial based on allegation that **military** judge conducted a hostile examination of defense expert in front of court-martial members; although tenor of **military** judge's questioning resembled cross-examination, limited exchange cast no doubt on judge's partiality....

...Foster's claim that the **military** judge was not impartial centers on the **military** judge's treatment of Dr. Huffman....

195. U.S. v. Santaude

U.S. Army Court of Criminal Appeals. | May 07, 2002 | 56 M.J. 888 | 2002 WL 857564

MILITARY LAW - Sentencing. Defense counsel provided ineffective assistance at sentencing.

...Trial defense team provided ineffective assistance of counsel by failing to **research** whether accused's nolo contendere pleas in state court constituted convictions under Florida law, and thus could be considered at sentencing, and error was aggravated by trial defense counsel's concession to **military** judge that the nolo contendere pleas constituted convictions. U.S.C.A. Const.Amend. 6; R.C.M. 1001(b)(3)....

...The **military** judge recessed the trial for forty-four minutes....

196. CHE Consulting, Inc. v. U.S.

United States Court of Federal Claims. | September 11, 2007 | 78 Fed.Cl. 380 | 2007 WL 2768863

GOVERNMENT CONTRACTS - Bidding. Combining hardware and software maintenance in one contract did not violate the Competition in Contracting Act (CICA).

...[T]he critical, high priority **research** conducted using MSRC archive data and the production of information from that data is essential to U.S. Navy fleet operations as well as on-going DOD **military** operations....

... Id. Future weapons systems, such as radio frequency weapons, the airborne laser, and the Army's future combat system, benefit from basic and applied **research** in plasma physics, turbulence modeling, molecular engineering, high energy materials, and advanced signal processing conducted by **researchers** using the HPCMP....

197. Palantir USG, Inc. v. United States

United States Court of Federal Claims. | November 03, 2016 | 129 Fed.Cl. 218 | 2016 WL 6649226

GOVERNMENT CONTRACTS — Bidding. Army violated procurement statute by failing to evaluate whether commercial items were available for solicitation for intelligence software system.

...(c) Preliminary market **research**.—(1) The head of an agency shall conduct market **research** appropriate to the circumstances—...

...Separate from the “maximum extent practicable” language, the defendant's briefs submitted in this protest focus on the language of 10 U.S.C. §2377(c) regarding market **research** and emphasize the phrase: “The head of an agency shall conduct market **research** appropriate to the circumstances,” to argue that the undertaken “market **research** was clearly ‘appropriate in the circumstances.’...”

198. American Sec. Council Ed. Foundation v. F.C.C.

United States Court of Appeals, District of Columbia Circuit. | June 29, 1979 | 607 F.2d 438 | 45 Rad. Reg. 2d (P & F) 1433

Petitioner sought review of decision of the Federal Communications Commission that petitioner did not present prima facie evidence of fairness doctrine violation. On rehearing, the Court of Appeals, Tamm, Circuit Judge, held that where petitioner did not base his complaint on a particular, well-defined issue, it did not present prima facie evidence....

...From the transcripts the **researchers** culled all news items falling within four topic areas thought likely to produce references to national security: U.S. **military** and foreign affairs (including the U.S.-U.S.S.R. **military** balance); Soviet **military** and foreign policy; Chinese **military** and foreign policy; and Vietnam affairs....

...1. We defined national security very broadly to include all broadcast material that fell under these nine subjects: 1) U.S. **military** posture, 2) U.S. national strength, 3) U.S. internal security, 4) USSR: **military**, 5) USSR: non- **military**, 6) China: **military**, 7) China: non- **military**, 8) Southeast Asia, and 9) other foreign relations....

199. Nuss v. U. S.

United States Court of Claims. | January 05, 1954 | 127 Ct.Cl. 197 | 117 F.Supp. 413

In action against United States for breach of alleged implied contract arising from plaintiffs' presentation to government agent of plans, specifications and idea in connection with seamless caskets used by United States to return to this country bodies of **military** personnel buried overseas. The United States Court of Claims, Jones, Chief Judge,...

...The **Research** and Development Branch which had the duty of developing, designing, and specifying items of **military** supplies under the Quartermaster General delegated Lt. Paden to represent the branch at the July meeting and soon thereafter an order was issued to the **Research** and Development Branch to undertake the development of a suitable **military** casket for the purpose indicated....

...Major Beyers at that time was assigned under the direction of Colonel Harbold to study and assemble data concerning a proposed program and to investigate the general problem of plans and specifications for caskets and shipping boxes in order to have a design which would meet the approval of the **Research** and Development Branch of the **Military** Planning Division of the Quartermaster Corps....

200. Barber v. Widnall

United States Court of Appeals, Ninth Circuit. | March 14, 1996 | 78 F.3d 1419 | 1996 WL 109740

Retired Air Force pilot challenged denial by Secretary of Air Force of his petition to correct his **military** record. The United States District Court for the District of Oregon, John Jelderks, United States Magistrate Judge, granted summary judgment in favor of Secretary, and pilot appealed. The Court of Appeals, Canby, Circuit...

...Retired Air Force pilot's challenge to Secretary of Air Force's denial of his petition to correct his **military** record to give him sole credit for shooting down Japanese Admiral's bomber during World War II presented justiciable controversy, where pilot exhausted his intraservice remedies, pilot had strong interest in having his record accurately reflect his participation in event of deep personal and historic significance, pilot's potential injury if review was denied, while neither economic nor physical, was not insignificant, judicial review would not interfere with **military** functions or discipline, and review of Secretary's decision for arbitrariness and support in evidence did not require **military**...

... Section 1552 provides, in relevant part, that "[t]he Secretary of a **military** department may correct any **military** record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice #...

201. McCaleb v. U.S.

United States District Court, M.D. Tennessee, Nashville Division. | October 26, 1983 | 572 F.Supp. 1260

Father of deceased serviceman brought action against Government under Federal Tort Claims Act, alleging that navy medical personnel improperly released psychotic serviceman who thereafter stabbed his son to death, and Government filed motion to dismiss. The District Court, Wiseman, J., held that both treatment and release of psychotic...

... Rather, the Feres doctrine is applicable whenever "a service member is subject to **military** discipline at the time of injury # " and that "[a] service member is subject to **military** discipline where his movements or actions are under the immediate control of **military** authorities." ...

... Neither party has cited, and this Court's **research** failed to reveal, a case in which a serviceman was treated by **military** doctors and, in a separate incident, harmed another serviceman....

202. PGMedia, Inc. v. Network Solutions, Inc.

United States District Court, S.D. New York. | March 16, 1999 | 51 F.Supp.2d 389 | 1999 WL 144494

Developer of domain name service for use with Internet sued National Science Foundation (NSF) and current provider of domain registration service under contract with NSF, alleging antitrust and First Amendment

violations. Motions and cross-motions for summary judgment were made. The District Court, Robert P. Patterson, Jr., J., held that: (1)...

...to initiate and support basic scientific **research** in the mathematical, physical, medical, biological, engineering, and other sciences, by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such basic scientific **research** and to appraise the impact of **research** upon industrial development and upon the general welfare....

... The NSF was now "authorized to foster and support access by the **research** and education communities to computer networks which may be used substantially for purposes in addition to **research** and education in the sciences and engineering, if the additional uses will tend to increase the overall capabilities of the networks to support such **research** and education activities." ...

203. Schroer v. Billington

United States District Court, District of Columbia. | September 19, 2008 | 577 F.Supp.2d 293 | 2008 WL 4287388

LABOR AND EMPLOYMENT - Discrimination. Revocation of job offer after applicant revealed her transsexualism constituted Title VII discrimination "because of sex."

...Library of Congress's proffered reasons for not hiring male-to-female transsexual who applied for position with Congressional **Research** Service (CRS), that applicant might lack credibility with members of Congress, and might be unable to maintain her **military** contacts acquired as a male, violated Title VII's proscription against sex discrimination; former constituted deference to presumed biases of others, and latter was not backed up by any effort to discern reasonableness of such concern. Civil Rights Act of 1964, §703(a)(1), 42 U.S.C.A. §2000e-2(a)(1)....

... Preece told Wilkins that the candidate was a 25-year **military** veteran....

204. U. S. v. Brooks

U. S. Court of Military Appeals. | February 02, 1977 | 2 M.J. 102

Accused, a staff sergeant in the United States Army, was convicted at general court-martial of unpremeditated murder, and he appealed. The Army Court of **Military** Review affirmed. The Court of **Military** Appeals, Cook, J., held that: (1) even if disclosures made by accused to counsel had been confidential and even if those disclosures had been...

...Called as a defense witness in support of the motion to recuse him, Werner acknowledged that while serving as the chief of **military** justice he had conversed on a number of occasions with the two **military** counsel, but he denied he had ever "talked about"

...He had never attempted "to assist the defense in any way," and before the Article 32 investigation, he had specifically instructed the **military** defense counsel to consult "with the Chief Defense Counsel" at Fort Carson to insure that "all discussion pertaining to the merits of the case" was kept "strictly in the hands of the defense side of the **Military** Justice Section."...

205. Greene v. U.S.

United States Court of Federal Claims. | November 16, 2007 | Not Reported in Fed.Cl. | 2007 WL 5161750

Plaintiff has submitted two documents, received in the Clerk's office on November 8, 2007, but not filed at that time. One is a motion, received (and apparently mailed, as the certificate of service is dated October 31, 2007) out of time, seeking an enlargement of time in which to submit a document that was to be filed on or by October 30, 2007....

...It appears to the Court that further **research** on the part of plaintiff will prove futile....

...Moreover, precedents of our Court have found that no statutory provision establishes a right to interest in **military** pay cases....

206. **Anderson v. McDonald**

United States Court of Appeals for Veterans Claims. | July 27, 2016 | Not Reported in Vet.App. | 2016 WL 4009824

Albert L. Anderson appeals through counsel a March 30, 2015, decision of the Board of Veterans' Appeals (Board) that denied an effective date earlier than March 11, 2005, for an award of service connection for post-traumatic stress disorder (PTSD) and related symptoms. The appellant contends that the Board failed to consider an earlier effective...

...In July 2006, the RO submitted another request to the **military** for **research** into the asserted stressors....

...In July 2003, the USASCURR replied that it would not **research** the request due to insufficient stressor information, explaining in part that “[**research** is not conducted for general historical documentation and cannot be provided for large periods of time without a specific incident and date.”...

207. **Sutcliffe v. Honeywell Intern., Inc.**

United States District Court, D. Arizona. | March 30, 2015 | Not Reported in F.Supp.3d | 2015 WL 1442773

Pending before the Court is Defendants Airbus **Military**, S.L.'s and EADS Construcciones Aeronauticas S.A.'s Motion to Dismiss the Second Amended Complaint for Lack of Personal Jurisdiction Pursuant to Fed.R.Civ.P. 12(b)(2) (Doc. 38). Having considered the parties' memoranda in light of the relevant record, the Court finds the motion should be...

...Based on his **research**, Thornback states that 477 C212 aircraft were manufactured between 1971 and 2013, which means that Airbus **Military**/EADS CASA and their predecessors have purchased at least 954 TPE331–10 engines from Garrett/Honeywell; he also states that 13,000 TPE331 engines have shipped from Honeywell's Arizona facility since 1961, which means that Airbus **Military**/EADS CASA have purchased at least 7% of the TPE331 engines manufactured by Honeywell....

...engines; EADS Construcciones Aeronáuticas, S.A. (“EADS CASA”) and Airbus **Military** S.L. (“Airbus **Military**”), both alleged to be the manufacturer of the C212 aircraft, with Airbus **Military** alleged to be the successor to EADS CASA; and Shimadzu Corporation and Shimadzu Precision Instruments, Inc., alleged to be suppliers of components used in the Aircraft's engines.2...

208. **Doe v. Walker**

United States District Court, D. Maryland. | October 29, 2010 | 746 F.Supp.2d 667 | 2010 WL 4269605

GOVERNMENT - Elections. National Guardsman and **military** voters' organization were entitled to preliminary injunction extending voting deadline.

...Plaintiff **Military** Voter Protection Project (“MVPP”) is a non-profit organization which seeks to protect the voting rights of **military** personnel....

...This Court thus takes judicial notice of the fact that the United States Army and the Government Accountability Office have concluded that international **military** mail requires between 12 and 18 days to be delivered to an overseas **military** member during wartime....

209. **Electronic Systems Associates, Inc. v. U.S.**

United States Court of Appeals, Federal Circuit. | February 12, 1990 | 895 F.2d 1398 | 1990 WL 10620

Contractor appealed from order of the Board of Contract Appeals which dismissed challenge to award of contract for lack of jurisdiction. The Court of Appeals, Mayer, Circuit Judge, held that reduced instruction set computer Ada environment for use with Strategic Defense Initiative systems was a “weapon” for purposes of the...

... It requires the Secretary of Defense to include in his annual SDI Report to Congress “[d]etails on what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant **military** threats and help accomplish critical **military** missions.” ...

... Its first and principal argument is that, because the ABM Treaty “proscribes development of a weapon, weapons system, or a **military** mission under the SDI program,” ipso facto, the SDI systems ultimately employing the fruits of this procurement cannot be “weapons” or “weapons systems” or have “**military** missions” within the meaning of the Warner Amendment....

210. U.S. v. Tsai

United States Court of Appeals, Third Circuit. | January 21, 1992 | 954 F.2d 155 | 1992 WL 6516

Defendant was convicted of violations of Arms Export Control Act and sentenced to 87 months in prison by the United States District Court for the Eastern District of Pennsylvania, Franklin S. Van Antwerpen, J. Defendant appealed. The Court of Appeals, Becker, Circuit Judge, held that: (1) evidence was sufficient to support defendant's conviction...

...In March 1987, Rosen purchased from TRT ten of these optical receivers, and shipped them without an export license to the Chung Shan Institute of Science and Technology in Taiwan, the top **military research** center of the Taiwanese government....

... As part of the scheme, defendant instructed Rosen to represent himself falsely to suppliers of **military** equipment as a doctor of engineering and as TRT's director of **research**....

211. Thomas v. Wilkie

United States Court of Appeals for Veterans Claims. | June 14, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 2479844

The appellant, Jerry Thomas, through counsel appeals a March 1, 2018, Board of Veterans' Appeals (Board) decision that denied entitlement to benefits for a heart disability and prostate cancer, both including as secondary to herbicide exposure. Record (R.) at 1-15. This appeal is timely, and the Court has jurisdiction to review the Board's decision...

...Therefore, we also coordinated our **research** with the U.S. Army Center for **Military** History....

...They were unable to locate 1961 unit records submitted by the 18th **Military** Police Detachment (18th MP Det[.]....

212. United States v. Mingo

United States Court of Appeals, Second Circuit. | July 08, 2020 | 964 F.3d 134 | 2020 WL 3815520

CRIMINAL JUSTICE — Sex Offenders. Delegation of which particular **military** offenses should qualify as “sex offense” under SORNA did not violate non-delegation doctrine.

...**Military** affairs exception applied to Secretary of Defense's designation of **military** offenses as sex offenses, and therefore defendant who was convicted by court-martial in **military** tribunal of raping member of his platoon and who served his sentence in **military** facility could not be relieved of his obligation to register under Sex Offender Registration Notification Act (SORNA) by Secretary's failure to follow Administrative Procedure Act (APA) notice-and-comment procedures, since defendant's conviction in **military** tribunal was part and parcel of **military** justice system. 5 U.S.C.A. § 553...

...Because the “defendant [had been] convicted by court-martial in a **military** tribunal” and “served his sentence in a **military** facility,” his conviction was “part and parcel of the **military** justice system.”...

213. Weigel v. Shinseki

United States Court of Appeals for Veterans Claims. | March 31, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 1188037

The appellant, Frank R. Weigel, Jr., through counsel, appeals a February 25, 2009, Board of Veterans' Appeals (Board) decision in which the Board denied his claim for an effective date earlier than August 19, 2003, for the grant of service connection for post-traumatic stress disorder (PTSD). Record of Proceedings (R.) at 12. This appeal is timely,...

...A **military** extract dated November 1968 shows that the appellant was assigned to 330th Radio **Research** Company (RRC)...

...Id. The RO listed “[e]xtracts, [o]fficial **military** personnel records” as evidence it considered in reaching its decision....

214. Louden v. Brown

United States Court of Veterans Appeals. | July 16, 1993 | Not Reported in Vet.App. | 1993 WL 322863

This is an appeal from an August 7, 1991, decision of the Board of Veterans' Appeals (BVA or Board) which denied appellant's claims of entitlement to service connection for migraines, equivalent with lightheadedness and left-sided paresthesia (claimed as stroke), multiple allergies, and lipomas as residuals of in-service exposure to carbon...

... The evidence appellant has submitted in support of his contention that in-service exposure to carbon tetrachloride caused his migraines, multiple allergies, and lipomas consists of the following: a pamphlet authored by appellant which details his opinions and the results of his personal **research** regarding the residuals of carbon tetrachloride exposure; several statements from former service comrades who attest to having used carbon tetrachloride during their **military** service and who describe physical problems they have encountered since (R. at 101–05); and statements from Drs. Cobb and Spieler (R. at 91–93)...

... Dr. Spieler's correspondence indicated that appellant suffers from multiple allergies, and also stated that appellant himself attributed the onset of his physical difficulties to **military** service and to carbon tetrachloride....

215. U.S. v. Merritt

U.S. Air Force Court of Military Review. | June 15, 1984 | 18 M.J. 618

Accused, an airman first class in the United States Air Force, was convicted by general court-martial, Jeffrey W. Cook, J., of being absent without leave, and he appealed. The United States Air Force Court of **Military** Review held that modification of charge sheet increasing duration of accused's offense of absence without leave from six months to...

... Each case will be considered under the basis of individual merit, including such circumstances as youth, combat exhaustion, exceptionally good combat service, absence of a criminal record, absence of a juvenile delinquency pattern, prior satisfactory **military** service, and demonstrated ability to perform **military** duties....

...In fact, the success of the squadron is measured by the total number of proper dispositions, including both the restorations to duty and the returns to civilian life, and the quality of supplemental **research** services that measure progress and give the program meaning. b.However, the use of intensive rehabilitative efforts, coupled with **research** feedback, must be directed toward increasing the success rates to provide the best return from this program....

216. [In re Al -Nashiri](#)

United States Court of Military Commission Review. | December 28, 2021 | 577 F.Supp.3d 1285 | 2021 WL 6804163

CRIMINAL JUSTICE — Discovery. Mandamus petitioner failed to establish error in judge's involvement of staff in evaluating government's request to redact classified information.

...The **military** commission judge is the **military** commission during litigation when **military** commission members (jurors) are not present...

...**Military** commission rules expressly contemplate the detailing of personnel “for the assistance of the **military** commission,” who will perform “such duties as may be imposed by the **military** judge.”...

217. [In re Consolidated U.S. Atmospheric Testing Litigation](#)

United States Court of Appeals, Ninth Circuit. | June 22, 1987 | 820 F.2d 982 | 56 USLW 2044

Actions were brought against United States and federal contractors, asserting claims arising out of alleged exposure to nuclear radiation resulting from bombing of Hiroshima and atmospheric testing of nuclear weapons. Government moved to be substituted for contractors as sole defendant and for summary judgment. The United States...

... In later tests, involving large scale **military** maneuvers under battlefield conditions, these considerations led to delegation of responsibility for radiological and physical safety of troops to the **military** commanders....

... To this end the AEC was authorized to conduct experiments, undertake **research**, and develop the **military** applications of atomic energy either in its own facilities or pursuant to arrangements with public or private institutions....

218. [Young v. Secretary of Defense](#)

United States District Court, E.D. Pennsylvania. | January 17, 2007 | Not Reported in F.Supp.2d | 2007 WL 172480

In response to his involuntary separation from the United States **Military** Academy (“USMA”), Plaintiff Joshua Young filed this action seeking temporary and permanent injunctive relief. Plaintiff sought to restrain the Army from placing him on active duty at the enlisted level. The Court held a hearing on Plaintiff's requests for injunctive relief on...

...This Court's **research** did not reveal a single case in which a federal court ordered a stay pending review by a board for correction of **military** records absent an accompanying request that the court remedy an allegedly unlawful **military** action. 3...

...Only after a plaintiff asserts that the **military** has acted illegally can a court consider whether it should excuse a plaintiff's failure to exhaust his administrative remedies and order a stay of the **military's** orders to protect the plaintiff from irreparable harm pending review by either the court itself or the appropriate **military** records board....

219. [Renninger v. Shinseki](#)

United States Court of Appeals for Veterans Claims. | August 21, 2012 | Not Reported in Vet.App. | 2012 WL 3578158

The appellant, Donald E. Renninger, appeals through counsel a July 22, 2011, Board of Veterans' Appeals (Board) decision that denied VA disability compensation for bilateral hearing loss. Record of Proceedings (R.) at 3–15. This appeal is timely, and the Court has jurisdiction to review the Board's decision pursuant to 38 U.S.C. §§...

...As a rationale for his opinion, the examiner stated: [September 2005] Institute of Medicine Report on noise exposure in the **military**, "Noise and **Military** Service—Implications for Hearing Loss and Tinnitus," concluded that if documentation of the existence of [hearing loss] or tinnitus at discharge from the **military** is missing, it is nearly impossible to determine whether [hearing loss] or tinnitus later in life is the result of noise exposure during prior **military** service....

...The appellant argues that the examiner did not provide an adequate rationale for his opinion because the examiner did not identify the medical principles underlying the **research** report's findings and whether the literature accounted for individuals such as the appellant, who have no known potential cause for hearing loss other than **military** noise exposure....

220. U.S. v. Thomas

U.S. Navy—Marine Corps Court of Criminal Appeals. | February 09, 1995 | 41 M.J. 873 | 1995 WL 68597

Accused was convicted in special court-martial of two specifications of making false official statement, seven specifications of larceny, six specifications of uttering bad checks and false swearing. The United States Navy-Marine Corps Court of Criminal Appeals, Reed, Senior Judge, held that: (1) denial of accused's request for expert assistance in...

...However, as the Court of **Military** Appeals noted in Dunlap: In **military** law, the ultimate legal effect of the findings of guilty determined by the court-martial and the sentence imposed by it depends upon the action of the convening authority....

...In Clevidence, the Court of **Military** Appeals noted that unreasonable post-trial delays seemed to be a recurring problem in the Coast Guard....

221. U.S. v. Perry

U.S. Air Force Board of Review. | November 06, 1963 | 1963 WL 4790 | 34 C.M.R. 761

Sentence adjudged 4 April 1963 by General Court-Martial at Yokota Air Base, Japan. Approved sentence: Bad conduct discharge, total forfeitures, confinement at hard labor for three (3) years, and reduction to airman basic.

...[2][3][4] The constitutional privilege against former jeopardy, applicable to the civilian community, is granted to offenders against **military** law by the Uniform Code of **Military** Justice, Article 44....

...He admitted hearing the tape recording of the interview in the presence of the Staff Judge Advocate and his Chief of **Military** Justice, and he reported various developments in the trial to both the Staff Judge Advocate and the Chief of **Military** Justice....

222. Waters v. Schlesinger

United States District Court, N.D. Texas, Dallas Division. | November 12, 1973 | 366 F.Supp. 460

Person charged with violation of **military** code filed complaint in federal district court for a temporary restraining order which would halt pending court-martial on ground that the article with which he was charged was unconstitutional. The District Court, Hughes, J., held, inter alia, that the federal court would not intervene where petitioner had...

...Petitioner has not filed a motion to dismiss with the **military** trial court contending (i) that his counsel has been informally advised that such a motion will be denied, and (ii) that the **military** trial court is obligated to uphold the constitutionality because the United States Court of **Military** Appeals has ruled Article 134 constitutional....

...Where person charged with violations of **military** code which he claimed to be unconstitutional had not yet presented objection of constitutionality to the forum court, he had failed to exhaust existing remedies within the **military** judicial system, and until he did so the federal district court had no jurisdiction, although person could speculate that his constitutional defense would be ruled upon unfavorably at the **military** trial and appellate levels. 10 U.S.C.A. §§ 921, 934....

223. Stockman v. Trump

United States District Court, C.D. California. | December 22, 2017 | Not Reported in Fed. Supp. | 2017 WL 9732572

Two motions are before the Court. First, Plaintiffs Aiden Stockman, Nicolas Talbott, Tamasyn Reeves, Jaquice Tate, John Doe 1, John Doe 2, Jane Doe, and Equality California (collectively, "Plaintiffs") have filed a Motion for Preliminary Injunction. ("MPI," Dkt. No. 15.) Second, Defendants Donald J. Trump ("President...

...The RAND Report also analyzed the other 18 foreign **militaries** which permit **military** service by transgender individuals, focusing on Australia, Canada, Israel, and the United Kingdom—the four countries “with the most well-developed and publicly available policies on transgender **military** personnel.”...

...(Dkt. No. 28, Exh. G.) The Presidential Memorandum contains several operative prongs: (1) it indefinitely extends the prohibition preventing transgender individuals from entering the **military** (the “Accession Directive”); (2) it requires the **military** to authorize the discharge of transgender service members (the “Retention Directive”); and (3) it largely halts the use of DOD or Department of Homeland Security (“DHS”) resources to fund sex reassignment surgical procedures for current **military** members (“Sex Reassignment Surgery Directive”) (collectively, “Directives”)....

224. American Friends Service Committee v. U.S. Dept. of Defense

United States District Court, E.D. Pennsylvania. | August 04, 1988 | Not Reported in F.Supp. | 1988 WL 82852

Summary judgment was entered by the district court in favor of the United States Department of Defense (DoD) upon plaintiff's action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (1982), seeking classified documents entitled Technical Abstract Bulletins (TABs) published biweekly by DoD. On appeal, the case was remanded for...

... In addition, it would assist unfriendly foreign governments to build on United States **research** and development in the **military** field and also guide them in determining where to spend money and effort to counter United States **research** and development (Tr. 68)....

...Gathered together, even unclassified material may provide a “substantive indication of the nature of the **research** and development.” ...

225. U.S. v. Thomas

U.S. Navy-Marine Corps Court of Military Review. | May 31, 1991 | 33 M.J. 768 | 1991 WL 182101

Accused petitioned for funds to hire appellate defense counsel qualified in capital case. The United States Navy-Marine Corps Court of **Military** Review, Albertson, Senior Judge, held that: (1) no per se rule requires appointment of appellate defense counsel with special qualifications such as those recommended by American Bar...

... The statutory structure of the **military** justice system provides the **military** due process required to protect an accused's right to a fair trial, review, and appeal....

... His trial and appellate experience, his training, and overall **military** justice background provide him with qualifications well within the range of that of most counsel appearing in capital cases in the **military** services....

226. Ready & Motivated Minds, L.L.C v. Ceridian Corporation

United States District Court, D. New Jersey. | September 28, 2012 | Not Reported in Fed. Supp. | 2012 WL 13034313

This matter comes before the Court by way of cross-motions for summary judgment by Plaintiff Ready & Motivated Minds, LLC (“Plaintiff” or “ReadyMinds”) (CM/ECF No. 102) and Defendant Ceridian Corporation (“Defendant” or “Ceridian”) (CM/ECF No. 100). The Court has considered the written submissions in...

...As Defendant Ceridian explains, “[t]he **Military** OneSource program is a comprehensive **military** service program supporting **military** personnel and their families by providing consultation, referral, and information services across a wide range of issues, as well as situational, problem-solving services” (“**Military** OneSource” or the “Program”)...

...Also worth noting is that said contract and the relevant RFP state that “[o]n behalf of the **Military** Departments and the Guard Reserve Components, the Department of Defense (DoD) requires a contractor to provide services in support of the **Military** OneSource program.”...

227. In re 3M Combat Arms Earplug Products Liability Litigation

United States District Court, N.D. Florida, Pensacola Division. | January 22, 2020 | Not Reported in Fed. Supp. | 2020 WL 365617

This matter is before the Court on 341 motions to remand filed on behalf of more than 5,700 Plaintiffs in this multidistrict product liability litigation against 3M Company and its predecessor, Aearo Technologies, LLC, for damages related to the Plaintiffs’ use of the Combat Arms Earplug (“CAEv2”). Plaintiffs’ cases were...

...These facts constitute plausible evidence that the **military** considered and approved the design feature in question, and that the CAEv2 conformed to the **military’s** specifications....

...Defendants’ evidentiary submissions are not definitive proof that the allegedly defective design of the CAEv2 resulted from the **military’s**—and not Aearo’s—discretionary decision, nor are they definitive proof that Aearo adequately warned the **military** of the risks associated with shortening the stem of the CAEv2....

228. Salazar v. Gibson

United States Court of Appeals for Veterans Claims. | May 30, 2014 | Not Reported in Vet.App. | 2014 WL 2318142

Louisa Salazar appeals through counsel a July 11, 2012, Board of Veterans' Appeals (Board) decision that denied entitlement to dependency and indemnity compensation benefits based on cause of death. Mrs. Salazar's Notice of Appeal was timely, and the Court has jurisdiction to review the Board decision pursuant to 38 U.S.C. § 7252(a). Neither...

...The [r]eport of these tests noted that 5 civilian and 5 **military** personnel from Fort Detrick, Maryland[,] conducted the spray operations and subsequent **research**....

...The application of commercial herbicides on **military** installations was conducted by certified applicators....

229. U.S. v. Heitkamp

U.S. Army Court of Criminal Appeals. | November 30, 2007 | 65 M.J. 861 | 2007 WL 4226956

MILITARY LAW - Drug Offenses. Accused's plea of guilty to charge of wrongful possession of methandienone was provident.

...The **military** judge's advice to appellant is consistent with para. 3–37–1, Dep't of Army, Pam. 27–9, Legal Services: **Military** Judges' Benchbook [hereinafter Benchbook] (15 Sept. 2002)....

... Although the **military** judge informed appellant that he must know “the substance was of a contraband nature ” and he “must know of the contraband nature of the substance[.]” the **military** judge merely read an inartfully drafted instruction 7 and did not provide appellant with a defense to his conduct....

230. U.S. v. Compton

U.S. Navy–Marine Corps Court of Criminal Appeals. | April 03, 1997 | Not Reported in M.J. | 1997 WL 658743

A **military** judge sitting as a general court-martial convicted the appellant, pursuant to his pleas, of a violation of a general regulation, 40 specifications of larceny, 28 specifications of forgery, and 12 specifications of stealing mail, in violation of Articles 92, 121, 123, and 134, Uniform Code of **Military** Justice, 10 U.S.C. §§ 892, 921, 923,...

...We note that the **military** judge did so following the mid-day recess on the second day...

... Nor have we been able to discover any such requirement in our own **research**....

231. U.S. v. Ellenson

U.S. Air Force Court of Military Review. | November 01, 1984 | 19 M.J. 605

Contrary to his pleas, accused was convicted by general court-martial, Donald E. Weir, J., on charges of drug abuse and desertion, and he appealed. The United States Air Force Court of **Military** Review, Hodgson, C.J., held that: (1) sentence to confinement adjudged by court-martial could be served consecutively with period previously imposed by...

... The United States Air Force Court of **Military** Review, Hodgson, C.J., held that: (1) sentence to confinement adjudged by court-martial could be served consecutively with period previously imposed by civil court, and (2) accused was not entitled to administrative credit toward his unserved **military** confinement by virtue of his civil sentence to confinement....

... Article 14(b) of the Code, 10 U.S.C. §814(b) addresses this question somewhat by stating: When delivery under this article is made to any civil authority of a person undergoing sentence of a courts-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of competent **military** authority, be returned to **military** custody for the completion of his sentence....

232. Daily Journal

January 25, 1994 | 39 M.J. 375 | 39 M.J. 376

No. 93–1334/AF. U.S. v. Clifford C. Meadows, Jr. CMR 29778. Granted on Issue I raised by appellate defense counsel as follows: Whether the Government's use at trial of a lease agreement which differed from that which had been offered during the Article 32 investigation unfairly misled the defense and thereby denied appellant a fair opportunity to...

...III.Did the Navy–Marine Corps Court of **Military** Review err by summarily holding that trial defense counsel's failure to **research** the rules of reconsideration did not deny appellant his Sixth Amendment right to effective assistance of counsel?...

...IV.Does the Judge Advocate General of the Navy's preparation of the Navy–Marine Corps Court of **Military** Review judges' fitness reports deprive that court of its independence and the appearance of independence?...

233. U.S. v. Neece

U.S. Army Court of Criminal Appeals. | May 28, 2004 | Not Reported in M.J. | 2004 WL 5866702

A **military** judge sitting as a general court-martial convicted appellant, pursuant to his pleas, of conspiracy to commit larceny, absence without authority (AWOL) (two specifications), failure to go to his appointed place of duty (three specifications), willfully disobeying a superior commissioned officer (two specifications), violation of a lawful...

...Our superior court, in *United States v. Perron*, 58 M.J. 78, 81–82 (C.A.A.F.2003), reaffirmed the commitment of the **military** justice system to a careful, thorough providence inquiry, stating: The **military** justice system imposes even stricter standards on **military** judges with regards to guilty pleas than those imposed on federal civilian judges....

...The **military** judge explained that the untimely motion violated the rules of court and, as a consequence, he was denied “an opportunity to understand the issue and do some **research**.”...

234. *U.S. v. Roth*

United States District Court, E.D. Tennessee. | June 19, 2009 | Not Reported in F.Supp.2d | 2009 WL 1748748

CRIMINAL JUSTICE - Weapons. Sufficient evidence was presented to support the defendant's conviction under the Arms Export Control Act.

...Defendant argues that he consistently expressed the understanding that the export restrictions did not apply to basic, fundamental **research** being conducted in the University of Tennessee Plasma Lab and at AGT, and that the export control restrictions only applied once the Air Force made a determination that the **research** was successful and could be applied to some **military** article....

...Mr. Crump also testified that the work of the Phase II project applied **research** results to a civilian aircraft with only the eventual goal being use on a **military** aircraft....

235. *U.S. v. Rodriguez*

U.S. Army Court of Criminal Appeals. | October 30, 1998 | 49 M.J. 528 | 1998 WL 756576

Accused was convicted by general court-martial, P.E. Brownback, III, J., of intentionally inflicting an injury upon himself in a hostile fire pay zone, without intent to avoid service. The United States Army Court of Criminal Appeals, Carter, J., held that: (1) general, unrestricted psychotherapist-patient privilege recognized by the United States...

... The **military** judge ruled that under Mil.R.Evid. 501 and Article 36, UCMJ, the federal psychotherapist-patient privilege is not applicable in the **military**, at least for a **military** psychiatrist....

...**Military** privilege law absolutely must accommodate legitimate issues of **military** necessity....

236. *U.S. v. Thomas*

U.S. Army Court of Criminal Appeals. | August 29, 2002 | Not Reported in M.J. | 2002 WL 34572036

Pursuant to his pleas, a general court-martial convicted appellant of desertion terminated by apprehension in violation of Article 85, Uniform Code of **Military** Justice, 10 U.S.C. § 885 [hereinafter UCMJ]. A panel composed of officer and enlisted members convicted appellant, contrary to his pleas, of attempted voluntary manslaughter, wrongful...

...Appellant was held in confinement by German authorities from 5 April 1997 until 13 June 1997, when he was turned over to **military** authorities and confined at the **military** confinement facility in Mannheim, Germany....

...In this Article 66, UCMJ, appeal, appellant asserts that: (1) the **military** judge erred in denying the defense request for Dr. Nicolson, an expert in microbiology; (2) the **military** judge erred in failing to order appellant's blood to be tested by Dr. Nicolson for mycoplasmal infections; and (3) appellant is entitled to confinement credit for the period 5 April 1997 through 13 June 1997....

237. **Sligh-Coleman v. Shinseki**

United States Court of Appeals for Veterans Claims. | August 18, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 3625035

Mrs. Marian Sligh–Coleman, surviving spouse of veteran Willie A. Coleman appeals pro se an October 6, 2009, decision of the Board of Veterans' Appeals (Board) that denied dependency and indemnity compensation (DIC) benefits because her husband's death was not service connected. Mrs. Sligh–Coleman argues that the Board erred because her...

...As the Board noted, the JSRRC reflects that in 1964 and 1965 herbicides were sprayed in Thailand at the Pranburi **Military** Reservation, a facility associated with the Royal Thai Army; however, this facility was not near any U.S. **military** installation....

...The Board recognized that Mr. Coleman served in the U.S. Army in Korat, Thailand, from September 1962 to November 1962, but the Joint Services Records **Research** Center (JSRRC) could not document or verify any exposure to herbicides....

238. **Triad Logistics Services Corp. v. U.S.**

United States Court of Federal Claims. | February 29, 2012 | Not Reported in Fed.Cl. | 2012 WL 5187846

Plaintiff, Triad Logistics Services Corporation (Triad), a Florida based corporation, was awarded Contract No. FA3022–07–C–0001–P00024 (the contract) for vehicle operations and maintenance services at Columbus Air Force Base in Columbus, Mississippi by the United States Air Force. The contract was a one year contract with four option years....

...The Secretary of a **military** department may issue supplemental guidance to assist in such decisions affecting functions of that **military** department....

...The Secretary of a **military** department may issue supplemental guidance to assist in such decisions affecting functions of that **military** department....

239. **Walmer v. U.S. Dept. of Defense**

United States District Court, D. Kansas. | October 15, 1993 | 835 F.Supp. 1307 | 1993 WL 441867

Following her discharge for engaging in homosexual acts, female Army officer brought suit and sought preliminary injunction. The District Court, Earl E. O'Connor, District Judge, held that: (1) officer had adequately exhausted her administrative remedies; (2) officer was unlikely to succeed on merits of her claim that Army...

...[1] *Mindes v. Seaman*, 453 F.2d 197 (5th Cir.1971), provides a general statement of a court's authority to review **military** decisions: [A] court should not review internal **military** affairs in the absence of (a) an allegation of the deprivation of a constitutional right, or an allegation that the **military** has acted in violation of applicable statutes or its own regulations, and (b) exhaustion of available intraservice corrective measures....

... The presence in the **military** environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the **military** mission....

240. **Campbell v. Shinseki**

United States Court of Appeals for Veterans Claims. | March 06, 2014 | Not Reported in Vet.App. | 2014 WL 869492

Veteran Jimmy Campbell appeals pro se a February 1, 2013, decision of the Board of Veterans' Appeals (Board) that denied entitlement to disability compensation benefits for post-traumatic stress disorder (PTSD)

and a psychiatric disorder other than PTSD. Mr. Campbell argues that the Board erred in requiring official **military** records to verify an...

...In finding the buddy statements not credible, the Board noted that the statements were identical to Mr. Campbell's statement and inconsistent with official **military** records....

...Moreover, the Board found Mr. Campbell's testimony not credible because it was inconsistent with official **military** records and because his in-service stressors have changed over time....

241. **United States v. Baker**

U.S. Army Court of Criminal Appeals. | April 10, 2019 | Not Reported in M.J. Rptr. | 2019 WL 1581525

In this opinion, we discuss appellant's claim that his conviction for sexual assault should be dismissed because the specification failed to state an offense. More specifically, appellant asserts the specification "violates the accused's right to notice because it fails to allege [a] mens rea and therefore fails to state an offense." As...

...Following argument by both parties (and after conducting further **research** on the issue), the **military** judge denied the defense motion....

...A **military** judge sitting as a general court-martial convicted appellant, contrary to his pleas, of one specification of sexual assault in violation of Article 120, Uniform Code of **Military** Justice, 10 U.S.C. §920 [UCMJ]....

242. **Wofford v. Shinseki**

United States Court of Appeals for Veterans Claims. | May 06, 2013 | Not Reported in Vet.App. | 2013 WL 1868094

The appellant, Jann L. Wofford, through counsel, appeals an April 13, 2011, Board of Veterans' Appeals (Board) decision that denied entitlement to disability compensation for an acquired psychiatric disorder, to include depression, anxiety, and post-traumatic stress disorder (PTSD). Record of Proceedings (R.) at 23–37. Additionally, the Board...

...In February 2008, a VA **military** records specialist wrote a memorandum for the appellant's file explaining that VA had determined that there was insufficient information to send to the Joint Services Records **Research** Center, Marine Corps, or National Archives Records Administration to corroborate the appellant's reported stressor....

...However, the incident of being attacked by guards while in the **military** has not been verified."...

243. **Nunley v. McDonough**

United States Court of Appeals for Veterans Claims. | April 29, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 1284599

Vietnam War veteran Charles W. Nunley pro se appeals a October 27, 2020, Board of Veterans' Appeals decision that denied entitlement to service connection for tinnitus and radial sensory neuritis. Record (R.) at 5-10. The appellant presents arguments as to both determinations, which the Court will construe liberally. See Calma v. Brown, 9...

...Based on no evidence of auditory damage in service, significant post **military** noise exposure, the Veteran's reported onset of mid 1980's, and current **research**; the preponderance of evidence favors the Veteran's tinnitus is less likely than not a result of **military** noise exposure and at least as likely as not a result of occupational noise exposure....

...The Veteran's reported onset has been consistent with mid 1980's, which significantly post[-]dates **military** service....

244. **Capitol Airways, Inc. v. C. A. B.**

United States Court of Appeals District of Columbia Circuit. | May 25, 1961 | 292 F.2d 755 | 1961 WL 106753

Proceeding on petition to review a Civil Aeronautics Board order. The Court of Appeals, Washington, Circuit Judge, held that action of Board in amending regulation so that supplemental air carriers serving **military** establishment must apply for individual exemption from restrictions on authority, rather than enjoying blanket exemption, was...

...All classes of carriers thereupon competed for **military** business....

...Petitioners obtained a share of this business, under negotiated contracts with the **military** authorities....

245. **U.S. v. Kimball**

U.S. Army Court of Military Review. | May 30, 1972 | 1972 WL 14280 | 45 C.M.R. 687

Special Court-Martial Convened by Hq., 8th Infantry Division, APO New York 09111 (W. K. Laray, **Military** Judge, alone). Sentence adjudged 16 December 1970. Approved sentence: Bad-conduct discharge, confinement at hard labor for five months (BCD and unserved conf susp for four months), forfeiture of \$100.00 per month for five months, and reduction to...

...If this is in fact correct, it appears that the appointed **military** counsel and his superiors misconceive the duty of **military** counsel in a case in which the accused has retained civilian counsel....

...The failure to appoint a **military** counsel for the accused during pretrial confinement pursuant to his request does not constitute a denial of **military** due process where prejudice is not demonstrated and there is during the period in question neither interrogation nor any other stage of the proceedings which is deemed critical....

246. **U.S. v. General Elec. Corp.**

United States Court of Appeals, Federal Circuit. | February 28, 1984 | 727 F.2d 1567 | 31 Cont.Cas.Fed. (CCH) P 72,180

The Armed Services Board of Contract Appeals awarded public contractor right to adjustment in price of aircraft engines delivered for foreign **military** sales, based on savings clause in contracts which permitted recovery of overceiling **research** and development and bid and proposal costs, and the United States appealed. The Court of Appeals,...

...The Armed Services Board of Contract Appeals awarded public contractor right to adjustment in price of aircraft engines delivered for foreign **military** sales, based on savings clause in contracts which permitted recovery of overceiling **research** and development and bid and proposal costs, and the United States appealed....

...Decision of Armed Services Board of Contract Appeals which awarded public contractor right to adjustment in price of aircraft engines delivered for foreign **military** sales, on basis of savings clause in contracts which permitted recovery of overceiling **research** and development and bid and proposal costs, was supported by substantial evidence. Contract Disputes Act of 1978, §10, 41 U.S.C.A. §609(b)....

247. **Hanna v. Secretary of the Army**

United States Court of Appeals, First Circuit. | January 09, 2008 | 513 F.3d 4 | 2008 WL 82233

MILITARY LAW - Personnel. Denial of conscientious objector status to member of Coptic Orthodox Church was without basis in fact.

... He reported that, based on his **research**, he believed the COC "endorses **military** service through the example of [its] Saints and religious leaders." ...

...He testified that **military** service by these saints occurred before their religious phase....

248. **Campbell v. Wilkie**

United States Court of Appeals for Veterans Claims. | December 30, 2019 | Not Reported in Vet. App. Rptr.
| 2019 WL 7286512

Veteran Jerry M. Campbell appeals through counsel a July 3, 2018, Board of Veterans' Appeals (Board) decision that denied service connection for hearing loss and tinnitus. Record (R.) at 4-11. For the reasons that follow, the Court will set aside the July 2018 Board decision and remand the matter for further development, if necessary, and...

...As support for her rationale, the examiner referenced several medical **research** studies, including a 2006 report from the Institute of Medicine (IOM) entitled Noise and **Military** Service. 2...

...Following examination, the examiner opined that Mr. Campbell's hearing loss was less likely as not caused by or a result of his **military** service....

249. **U.S. v. Benoit**

U.S. Army Court of Military Review. | October 31, 1985 | 21 M.J. 579

Accused was found guilty by general court-martial, M.B. Kearns, J., of distribution of lysergic acid diethylamide and possession of marijuana, and he appealed. The United States Army Court of **Military** Review, Yawn, Senior Judge, held that defense counsel waived any objection to composition of court martial. Affirmed.

... The judge also directed defense counsel to **research** the matter....

...The record fails to indicate whether the chief of **military** justice exercised any discretion in approving absences....

250. **Sigmatech, Inc. v. United States**

United States Court of Federal Claims. | February 27, 2018 | 136 Fed.Cl. 346 | 2018 WL 1074817

GOVERNMENT CONTRACTS — Bidding. Army's decision to set aside for small businesses solicitation for foreign **military** sales support services was reasonable under Rule of Two.

...Army's market **research** to ascertain proposed bidders' technical acceptability for small business set-aside contract to provide security assistance/foreign **military** sales (FMS) programmatic support services to United States Army Security Assistance Command (USASAC) had rational basis and was conducted in accordance with procurement regulations affording agency substantial discretion in determining...

...FAR Part 10 provides that an agency has substantial discretion in determining how much and what type of market **research** is "appropriate to the circumstances" for the purpose of "[d]etermining if sources capable of satisfying the agency's requirements exist." 48 C.F.R. §10.001(a); see also Assessment and Training Solutions Consulting Corp. v. United States, 92 Fed. Cl. 722 (Fed. Cl. 2010) (determining that the CO's market **research** and set-aside decision were reasonable, in light of the "regulatory guidance [provided in FAR Part 10] and the discretion afforded the agencies and contracting officers in making such procurement-related determinations")....

251. **Lockheed Martin Corp. v. U.S.**

United States Court of Federal Claims, | November 18, 1998 | 42 Fed.Cl. 485 | 1998 WL 842235

TAXATION - Income. Taxpayer not entitled to qualified **research** expenditure (QRE) tax credits.

... If a taxpayer performing **research** for another person retains no substantial rights in **research** under the agreement providing for the **research**, the **research** is treated as fully funded for purposes of section 41(d)(4)(H), and no expenses paid or incurred by the taxpayer in performing the **research** are qualified **research** expenses....

... Plaintiff interprets the substantial rights requirement as requiring merely that the **researcher** retain the right to use the **research** in the **researcher's** trade or business, regardless of whether the **researcher** can prevent the unauthorized disclosure and use of the **research** by others....

 **252. Tozer v. LTV Corp.**

United States Court of Appeals, Fourth Circuit. | May 27, 1986 | 792 F.2d 403 | 54 USLW 2638

Wife of navy pilot killed in airplane accident brought action against airplane manufacturer and its subsidiary under Death on the High Seas Act and general maritime law alleging defective design of airplane modification. The United States District Court for the District of Maryland at Baltimore, Herbert F. Murray, J., entered judgment on...

... We cannot accept the view that "the danger of interfering with [**military**] discipline in **military** contractor cases 'is too remote to be accorded significant weight when the decision only indirectly involves **military** orders or practices concerning active duty soldiers.' ...

... **Military** contractors ordinarily work so closely with the **military**, see section III, infra, that it is nearly impossible to contend that the contractor defectively designed a piece of equipment without actively criticizing a **military** decision....

253. U.S. v. King

U.S. Army Court of Military Review. | October 17, 1974 | 1974 WL 14068 | 49 C.M.R. 297

General Court-Martial Convened by Headquarters, 3d Infantry Division, APO New York 09036 (R.W. Snyder, **Military** Judge, alone). Sentences adjudged 17 July 1973. Approved sentences: (KING) To pay a fine of \$500.00 (if unable to pay fine on demand, to be confined at hard labor for six months) and reduction to the grade of Private (E-2). (WRIGHT)...

...In a common trial by a **military** judge, sitting as a general court-martial, the appellants were convicted of the offenses of wrongful possession of heroin and wrongful possession of amphetamine, in violation of Article 92, Uniform Code of **Military** Justice, 10 USC § 892....

...[1] In light of the foregoing considerations, we conclude that the **military** judge abused his discretion in not ruling on the speedy trial motions....

 **254. Purcell v. Wilkie**

United States Court of Appeals for Veterans Claims. | December 22, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 7502360

The appellant, David A. Purcell, through counsel appeals a June 24, 2019, Board of Veterans' Appeals (Board) decision that denied entitlement to disability compensation for right ear hearing loss. Record (R.) at 5-12. This appeal is timely, and the Court has jurisdiction to review the Board's decision pursuant to 38 U.S.C. §§ 7252(a) and...

...In this regard, the appellant maintains that the November 2018 audiologist did not consider Dr. Kujawa's **research** related to delayed-onset hearing loss, noting that the **research** is not listed among the evidence and statements reviewed or expressly discussed....

...In this regard, the Board noted that the March 2011 VA examiner's "rationale did not consider a line of **research** conducted by Dr. Sharon G. Kujawa, which establishes the possibility of delayed-onset hearing loss, or the significance, if any of the threshold shift of the [appellant's] right ear hearing at 6000 Hertz [(Hz)] during his **military** service."...

255. Nartron Corp.

United States Court of Claims. | May 27, 1977 | 214 Ct.Cl. 780 | 1977 WL 9587

Patents; party entitled to bring and maintain suit for infringement; ownership interest in patent; limited licensee; joinder of necessary parties.—On May 27, 1977 the court entered the following order:

... These products are adaptable to both **military** and non- **military** uses, but the sales agreement described plaintiff's license only in terms of the products' **military** part numbers....

... There is no dispute that plaintiff's rights extend only to applying the patents to **military** uses....

256. U.S. v. Vega

U.S. Air Force Court of Military Review. | December 15, 1989 | 29 M.J. 892 | 1989 WL 158685

Accused, a staff sergeant in the United States Air Force, was convicted by general court-martial convened at MacDill Air Force Base, Florida, Harmon O. Massey, Jr., J., of possessing cocaine, and he appealed. The United States Air Force Court of **Military** Review, Kastl, Senior Judge, held that: (1) accused's belief that the substance he possessed...

... The case was tried by a **military** judge sitting alone....

... He conducted a searching inquiry, then recessed to **research** the issue....

257. Kao v. C.I.R.

United States Tax Court | August 24, 1977 | T.C. Memo. 1977-288 | 1977 WL 3579

Held, payments received by petitioner were not a scholarship or fellowship grant under sec. 117(a)(1), I.R.C. 1954.

...2 Nicholas Moriarty, acting chief of **research** manpower in the NIH division of **research** grants, testified that although NIH awards stipends on training and fellowship grants, they are not awarded on **research** grants....

...This was necessary to confine petitioner's **research** to the general parameters of the **research** grant....

258. Strackbein v. Department of Air Force

United States District Court, E.D. Wisconsin. | March 19, 2007 | Not Reported in F.Supp.2d | 2007 WL 858638

Pursuant to 5 U.S.C. § 7703(b)(2), plaintiff Lloyd T. Strackbein brings this action seeking review of a decision of the Merit Systems Protection Board ("MSPB") upholding his removal by the Department of the Air Force ("the Air Force") as an aircraft engine mechanic. I have jurisdiction because this is a "mixed case," i.e., one that contains claims...

...In order to keep his civilian position, he had to maintain active status as a **military** member of the Air Force Reserve....

...” The report included a plan to ensure that only dual status technicians held **military** technician positions by the end of fiscal year 2007....

259. U. S. v. Wilson

U. S. Air Force Court of Military Review. | October 15, 1976 | 2 M.J. 683

The accused, an airman first class in the United States Air Force, appealed from his conviction by court-martial, Earl E. Hodgson, Jr., J., of drug offenses. The Air Force Court of **Military** Review, Orser, J., held, inter alia, that instructions given on corroboration of an accomplice's testimony were correct. Findings of guilty and sentence...

...The Manual treatment contains no specific definition of the term corroboration; nor has our **research** revealed any case of the United States Court of **Military** Appeals interpreting its meaning....

...Although accused was improperly charged of drug offenses under Article 134 of Uniform Code of **Military** Justice, rather than under Article 92 thereof, no curative action was appropriate in view of sentence imposed and fact that case arose before Court of **Military** Appeals' decision in United States v. Courtney. UCMJ, arts. 92, 134, 10 U.S.C.A. §§ 892, 934....

260. Tatum v. Laird

United States Court of Appeals, District of Columbia Circuit. | April 27, 1971 | 444 F.2d 947 | 144 U.S.App.D.C. 72

Action for declaratory judgment that army's surveillance of lawful civilian political activity was unconstitutional, for an injunction forbidding future similar activity, and destruction of all data hitherto illegally obtained. The United States District Court for the District of Columbia, George L.Hart, Jr., J., denied requested relief, and...

...Other obvious proper uses by the Army for such information may be judicially noticed from public incidents of the period and would include helping prevent and solve crimes involving destruction, threat of destruction, or theft of **military** draft records, **military** supplies, **military research** and other Government property and facilities at draft centers, armories, **military** bases, forts, arsenals, **military** training centers and **military** suppliers and **research** centers operating under **military**...

...Appellees assert the constitutional and statutory authority and duty of the President to use such of the Armed Forces as he deems necessary to suppress any insurrection or domestic violence, and point to Defense Department directives regarding the planning for and employment of **military** resources in the event of civil disturbances, under which one of the responsibilities of the Army is to provide 'essential planning, operational and intelligence data to the national **military** command center and to **military** service command centers on a timely basis to insure that the national command authorities and appropriate **military** service command authorities are adequately informed.'...

261. Carver-Weatherspoon v. Shinseki

United States Court of Appeals for Veterans Claims. | January 17, 2013 | Not Reported in Vet.App. | 2013 WL 174116

Veteran Deanna L. Carver-Weatherspoon appeals, through counsel, from the September 29, 2011, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for post-traumatic stress disorder (PTSD) with anxiety, depression, and adjustment disorder. Record (R.) at 3-41. This appeal is timely and the Court has jurisdiction,...

...In May 2007, VA physician Michael Wenning and VA psychiatrist George Lowry diagnosed her with chronic PTSD, "secondary to both **military** and non- **military** trauma"; these stressors included childhood molestation by her uncle, ongoing legal problems of a family member accused of molesting someone, in-service harassment by her platoon sergeant who went on to rape seven women after her reports to superiors were ignored, being "molested" by a **military** physical therapist during an in-service examination, separation from her newborn child during deployment to Saudi Arabia, involvement in a car accident just before deployment, undergoing a missile attack while on deployment, and having to perform "unmasking procedures" 2...

...The above opinion is based on the veteran's **military** records, review of the [claims] file, treatment records, clinical evaluation, reviews of recent **research**, psychological testing, and DSM-IV diagnostic criteria....

262. U.S. v. Busch

U.S. Court of Appeals for the Armed Forces. | January 29, 2016 | 75 M.J. 87 | 2016 WL 381664

MILITARY LAW - Sex Offenses. Accused's sentencing on specification of sexual abuse of a child did not violate Ex Post Facto Clause.

...The **military** judge recessed for lunch to provide both parties time to **research** the issue....

... "While [the court] review[s] a **military** judge's sentencing determination under an abuse of discretion standard, # where a **military** judge's decision was influenced by an erroneous view of the law, that decision constitutes an abuse of discretion." ...

263. Shuler v. McDonald

United States Court of Appeals for Veterans Claims. | October 13, 2016 | Not Reported in Vet. App. Rptr. | 2016 WL 5940111

Barbara J. Shuler, surviving spouse of veteran Michael W. Carson, appeals through counsel a March 18, 2015, decision of the Board of Veterans' Appeals (Board) that denied dependency and indemnity compensation (DIC) based on service connection for the cause of the veteran's death, including as due to ischemic heart disease resulting from exposure to...

...The Court also agrees with the appellant's assertion that the Board's decision lacks adequate reasons or bases for not addressing whether VA's efforts to obtain relevant **military** records were sufficient to satisfy its duty to assist, given that VA did not send a **research** request to the JSRRC for relevant records....

...The manual provides that "special consideration of herbicide exposure on a factual basis should be extended to [v]eterans whose duties place them on or near the perimeters of Thailand **military** bases."...

264. Kurjan v. Local Bd. No. 58

United States District Court, E.D. Pennsylvania. | June 16, 1970 | 314 F.Supp. 213

Habeas corpus proceeding to contest armed services classification. The District Court, Masterson, J., held that where uncontroverted facts established that registrant was no longer graduate student receiving stipend for **research** but was full-time salaried employee of university performing work which Scientific Advisory Committee classified...

...The Occupational Inquiry Form 5 merely stated that Kurjan was 'involved' in acoustical **research** relating to **military** helicopters and made no mention of his salary....

...The letter supporting the request indicated that Kurjan was a **research** assistant doing graduate work part-time while devoting the majority of his time to **research** and development....

265. McKenna v. Weinberger

United States District Court, District of Columbia. | January 18, 1983 | Not Reported in F.Supp. | 1983 WL 30344

Plaintiff Barbara Franklin McKenna filed this Title VII (42 U.S.C. § 2000e et seq.) employment discrimination suit against the Defense Intelligence Agency (DIA) alleging that DIA's decision not to continue her employment beyond the probationary period of one year constitutes gender based discrimination and retaliation for filing an...

...The Court observed, respecting the objectives of the Worcester Foundation (a cancer **research** foundation): In the employment setting at the Foundation, the employer had a particular interest in maintaining a harmonious and congenial working environment conducive to the interchange of ideas and the sharing of **research**....

...She was awarded a certificate of distinguished **military** analyst at the conclusion of this course....

266. United States v. Bowser

U.S. Air Force Court of Criminal Appeals. | October 03, 2014 | 73 M.J. 889 | 2014 WL 5511508

MILITARY LAW — Court-Martial. **Military** judge did not abuse his discretion in dismissing charges with prejudice.

...The **military** judge's oral order at trial and his subsequent written ruling dismissed charges because, in the **military** judge's view, the Government committed prosecutorial misconduct in failing to comply with the **military** judge's order to produce the interview notes for an in camera review....

...**Military** judge was within his authority, based on government's prior failures to timely produce alleged Brady material, to order government to produce witness notes for in camera review, and government had no grounds to refuse to obey this order based on its disagreement with **military** judge's past discovery rulings or concern that judge might release notes to defense counsel; if government was concerned that **military** judge would release notes without providing it with opportunity to seek appellate relief, it could make specific request that **military** judge not turn over notes to defense until government had opportunity to seek appellate relief on emergency basis, but could not simply disobey order....

267. U.S. v. Cochrane

U.S. Navy–Marine Corps Court of Criminal Appeals. | March 12, 2004 | 60 M.J. 632 | 2004 WL 1826144

MILITARY LAW - Alcohol or drug offenses. Instruction prohibiting “unlawful use” of controlled substance analogues not void for vagueness.

... Although **military** judges are normally presumed to know and apply the law, United States v. Prevatte, 40 M.J. 396, 398 (C.M.A.1994), we do not apply that presumption to the appellant's case, due to the **military** judge's mistaken belief that the evidence was relevant....

...While it was error for the **military** judge to consider on sentencing portions of special agent's testimony dealing with drug investigations unrelated to accused's case, accused suffered no resulting prejudice, and the error was harmless, in light of the relatively lenient sentence adjudged by the **military** judge....

268. Bedrossian v. Northwestern Memorial Hosp.

United States District Court, N.D. Illinois, Eastern Division. | April 01, 2004 | Not Reported in F.Supp.2d | 2004 WL 813543

Two motions are before the court: (1) the motion of Northwestern Memorial Hospital to dismiss Counts II and V of the complaint; and (2) the motion of Northwestern Medical Faculty Foundation, Inc., Janardan Reddy, M.D., John Warren, M.D., and Ritt Nayar, M.D. to dismiss Counts II, III, V, VI, and VII of the complaint. For the reasons explained...

...Dr. Bedrossian alleges that from April 2000 until August 2002, Dr. Reddy “harassed” him about days Dr. Bedrossian had taken as **military** leave “by routinely changing policies concerning **military** leave, and by threatening to deduct the days Dr. Bedrossian had already used for **military** leave from his paycheck.”...

...In 2001 and 2002, Dr. Nayar “harassed” Dr. Bedrossian with respect to his **military** leave by “imposing an excessive, exhausting and unsafe work schedule prior to scheduled dates of **military** leave and placing Dr. Bedrossian on the draft schedule for the days for which he had already been granted **military** leave.”...

269. U.S. v. Raytheon Co.

United States District Court, District of Columbia. | October 22, 1997 | Not Reported in F.Supp. | 1997 WL 669646

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (“APPA”), 15 U.S.C. § 16(b)-(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding. On October 16, 1997, the United States filed a civil antitrust Complaint alleging that the...

...Raytheon's acquisition of Hughes would eliminate competition in the **research**, development, and production of SADA II detectors and ground EO systems, both necessary to ground **military** weapons systems in the United States....

...RTIS's FPA Business includes the 2nd Gen. scanning and third generation (“3rd Gen.”) staring IR detector businesses (operated out of the Semiconductor Building and the **Research** West Building, located at the Expressway site in Dallas, Texas), all tangible and intangible assets used in producing those detectors, including production facilities, **research** and development activities, and all dewar and cryogenic cooler manufacturing assembly....

270. U.S. v. Torres

U.S. Navy–Marine Corps Court of Criminal Appeals. | January 31, 2007 | Not Reported in M.J. | 2007 WL 1775005

The appellant was convicted, contrary to his pleas, by a general court-martial composed of members with enlisted representation, of one specification of indecent acts, on divers occasions, with a female under the age of 16, in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C. § 934. He was sentenced to confinement for six...

...Finally, the appellant avers that the **military** judge erred when, in response to members' questions, he instructed them that they were not to consider treatment availability for **military** sex offenders....

...Trial defense counsel, relying on **Military** Rule of Evidence 304, Manual For Courts–Martial, United States (2005 ed.), advised the **military** judge that motions are due prior to the entry of pleas, and submitted the motion to suppress the appellant's statement on 20 April 2005....

271. Ex parte Beck

District Court, D. Montana. | September 29, 1917 | 245 F. 967

In the matter of the application of John Beck for writ of habeas corpus directed to one Jesse B. Roote, Major. Writ issued.

... If he is not in **military** service, the reverse is true....

... From the latter time, those so notified are in the **military** service....

272. American Friends Service Committee v. United States Dept. of Defense

United States District Court, E.D. Pennsylvania. | September 25, 1986 | Not Reported in F.Supp. | 1986 WL 10659

Plaintiff, American Friends Service Committee, brought this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to obtain documents which plaintiff contends were improperly classified and withheld from plaintiff by defendant, the United States Department of Defense. Defendant refused to release the requested documents to plaintiff...

... The TABs are a bi-weekly listing of **military research** and scientific and technical reports which are compiled by the Defense Technical Information Center (DTIC) of the Department of Defense....

... Section 140c(b)(2) provides as follows: “technical data with **military** or space application” means any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used, or be adapted for

use, to design, engineer, produce, manufacture operate, repair overhaul or reproduce any **military** or space equipment or technology concerning such equipment....

273. U.S. v. Griffin

U.S. Army Court of Military Review. | December 23, 1983 | 17 M.J. 698

Accused, a specialist four in the United States Army, was convicted by general court-martial, J.E. Noble, J., of indecent assault, communicating obscene language, and indecent exposure and he appealed. The Army Court of **Military** Review, Su-Brown, J., held that when it was discovered victim's testimony had not been recorded, **military** judge acted...

... After a short recess to allow counsel to **research** the issue, the **military** judge heard from both counsel....

... The Army Court of **Military** Review, Su-Brown, J., held that when it was discovered victim's testimony had not been recorded, **military** judge acted properly in recalling the witness for examination anew, with instructions to the court members to disregard the initial testimony....

274. Sims v. Peake

United States Court of Appeals for Veterans Claims. | January 09, 2008 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2008 WL 126625

U.S. Army veteran Terry L. Sims appeals through counsel from an October 27, 2005, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for post-traumatic stress disorder (PTSD). This appeal is timely, and the Court has jurisdiction pursuant to 38 U.S.C. §§ 7252(a) and 7266(a). A single judge may conduct this...

...In response to the letter from USASCRUR, the appellant's representative "specifically requested that VA not make any more attempts to corroborate the [appellant's] stressors through [USASCRUR], stating that [his] stressors were too unique to be in the **military** records....

...The appellant also argues that VA failed to assist him in developing his claim pursuant to 38 U.S.C. § 5103A because it did not inform him that he needed to provide specific dates to the U.S. Armed Services Center for **Research** of Unit Records (USASCRUR) for development of his alleged stressors....

275. Meimaroglou v. Shinseki

United States Court of Appeals for Veterans Claims. | May 22, 2014 | Not Reported in Vet.App. | 2014 WL 2120021

The appellant, Christos T. Meimaroglou, appeals through counsel a June 4, 2013, Board of Veterans' Appeals (Board) decision that denied service connection for astigmatism and myopia, claimed as a bilateral eye condition. Record (R.) at 5–16. The Court has jurisdiction pursuant to 38 U.S.C. § 7252(a) to review the Board decision. A single...

...In June 2009, the appellant submitted online **research** regarding the effects of video display terminal use on eye health and vision....

...The examiner opined that the appellant's **military** duties included looking at a radar screen which could have caused the refractive error....

276. Donlon v. AC and S, Inc.

United States District Court, E.D. Pennsylvania. | March 26, 2013 | Not Reported in F.Supp.2d | 2013 WL 1880814

AND NOW, this 25th day of March, 2013, it is hereby ORDERED that the Motion for Summary Judgment of Defendant Goodrich Corporation (Doc. No. 284) is GRANTED. AND IT IS SO ORDERED. Under California law, a plaintiff need only show (1) some threshold exposure to the defendant's asbestos-containing product and (2) that the exposure "in reasonable...

...All my **research** shows these were Goodrich brakes with asbestos-containing Goodrich brake linings....

...In my library, I have **military** technical publications for the SNJ model aircraft, where were published by the United States government....

277. **Davis v. Billington**

United States District Court, District of Columbia. | January 20, 2010 | Not Reported in Fed. Supp. | 2010 WL 11586668

This matter came before the Court on January 19, 2010, for a hearing on the plaintiff's motion for a preliminary injunction to prevent the Congressional **Research** Service, a service unit of the Library of Congress, from terminating his employment. Plaintiff's Motion for a Temporary Retraining Order or, in the Alternative, a Preliminary Injunction;...

...Regardless of the defendants' contention to the contrary, Defs.' Opp'n at 26, it appears that the content of the plaintiff's published opinions was one of the reasons, if not the primary reason, he was fired, i.e., because the plaintiff took a position on the prosecution of detainees being housed at the United States **military's** Guantánamo Bay facility which the Congressional **Research** Service felt would call into question its impartiality as to any policy recommendation it would make and any **research** it would conduct on that issue....

...First, as to the plaintiff's continuing enforcement point—that the defendants' ongoing enforcement of the Congressional **Research** Service policy "has already stopped [him] from taking advantage of numerous opportunities to publicly express his views on this administration's **military** commissions policy," id. at 41—the reality is that the restrictions about which he complains will remain in effect while this case is litigated....

278. **Fisher v. McDonough**

United States Court of Appeals for Veterans Claims. | July 11, 2023 | Not Reported in Vet. App. Rptr. | 2023 WL 4447603

United States Army veteran Randy A. Fisher appeals, through counsel, a February 8, 2022, Board of Veterans' Appeals (Board) decision denying entitlement to service connection for (1) a heart disability, (2) hypertension, and (3) a bilateral hand disability. Appellant argues that the Board relied on inadequate VA compensation and pension (C&P)...

...To determine whether appellant's service included areas where the **military** used herbicides in the past, in 2018 the Board remanded the claims and ordered the Joint Services Record **Research** Center (JSRRC) to search appellant's records 36 and investigate. 37...

...Both responses stated that a professional **researcher** reviewed appellant's unit histories for 1975 and concluded that "no evidence was located to support documentation of the claimed incident." 41...

279. **United States v. Hutfless**

U.S. Navy-Marine Corps Court of Criminal Appeals. | July 12, 2018 | Not Reported in M.J. Rptr. | 2018 WL 3432655

A **military** judge sitting as a special court-martial convicted the appellant, contrary to his pleas, of one specification of unauthorized absence (UA) and one specification of missing movement through design, in

violation of Articles 86 and 87, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §§886 and 887. The **military** judge...

...Article 86(c)(10), UCMJ, provides the five methods by which an absentee's UA can be terminated: (1) the absentee surrenders to **military** authority by presenting themselves to any **military** authority, notifies that authority of their UA status, and submits or demonstrates a willingness to submit to **military** control; (2) the absentee is apprehended by **military** authorities; (3) the absentee is delivered by anyone to **military** authorities; (4) the absentee is apprehended by civilian authorities at the request of **military** authorities; or (5) if the absentee is in the hands of civilian authorities for reasons other than a prior **military**...

...He is constructively returned to **military** control "when [the] absentee presents himself to **military** authorities with full intention of returning to duty, even when no control is exercised by **military** authorities."...

280. Sewell v. Shinseki

United States Court of Appeals for Veterans Claims. | January 20, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 180971

The appellant, David P. Sewell, appeals through counsel a February 19, 2009, Board of Veterans' Appeals (Board) decision that denied his claims for entitlement to service connection for bilateral hearing loss and tinnitus. Record of Proceedings (R.) at 3–12. This appeal is timely, and the Court has jurisdiction to review the Board's decision...

...The veteran stated that his tinnitus began while in the **military**...

...Current **research** does not support the concept of delayed onset of hearing loss....

281. Dennis v. Snyder

United States Court of Appeals for Veterans Claims. | January 31, 2017 | Not Reported in Vet. App. Rptr. | 2017 WL 405878

The appellant, Charles A. Dennis, Jr., served in the U.S. Navy from February 1971 to February 1975. Record (R.) at 61. He appeals, through counsel, an August 7, 2015, Board of Veterans' Appeals (Board) decision that denied his claims for entitlement to service connection for diabetes mellitus, type II, gout, hypertension, peripheral neuropathy of...

...R. at 8. It determined, however, that "the evidence does not competently and credibly establish that he was exposed to herbicide agents," discussing the appellant's service records, **research** from the JSRRC, and the National Personnel Records Center....

...The Board is not required to accept "lay evidence that [an] event occurred"; rather, "as in all cases, a non-combat veteran's lay statements must be weighed against other evidence, including the absence of **military** records supporting the veteran's lay assertions."...

282. U.S. v. Burris

United States District Court, D. Kansas. | November 07, 2007 | Not Reported in F.Supp.2d | 2007 WL 4322230

This misdemeanor case was tried to the court, sitting without a jury, at Fort Leavenworth, Kansas, on September 12, 2007. The government appeared through U.S. Army Cpt. Anna L. Speas, serving as Special Assistant U.S. Attorney. The defendant, Miles E. Burris, IV, appeared in person and through Assistant Federal Public Defender Melody Evans. At the...

...Stated differently, defendant argues that, regardless of one's receipt of a bar letter, and regardless of one's intent to re-enter a **military** base, a person is essentially free from prosecution under the facts presented here so long as he is stopped on **military** property somewhere leading up to the check point....

...See, e.g., United States v. Vasarajs, 908 F.2d 443 (9th Cir.1990) (defendant turned off public highway bisecting base, and onto **military** access road leading up to a secured gate); United States v. McCoy, 866 F.2d 826 (6th Cir.1989) (holding that driveway at main gate of air force base constituted part of the **military** installation)....

283. Brady v. Calyon Securities (USA)

United States District Court, S.D. New York. | November 08, 2005 | 406 F.Supp.2d 307 | 2005 WL 3005808

SECURITIES REGULATION - Brokers and Dealers. Terminated **research** analyst could not sue broker-dealer on basis of NYSE or NASD rules.

... NYSE Rule 2711 prohibits retaliation against **research** analysts as a result of unfavorable **research** reports or public appearances that may adversely affect the prospective investment banking relationship with the company that is the subject of a **research** report....

...Plaintiff alleges that Schindler subsequently began to berate Brady for his rigid "**military**-like" approach to following the NYSE and NASD rules....

284. In re WS, Inc.

United States Bankruptcy Court, D. Oregon. | May 09, 1996 | Not Reported in B.R. | 1996 WL 875079

The defendant moved to dismiss for lack of subject matter jurisdiction. The motion should be granted. 46 U.S.C. § 745 prohibits suits against agents of the United States arising from the operation of a public vessel where a remedy is provided against the government under 46 U.S.C. §§ 741-752, the Suits in Admiralty Act. Such a remedy is provided in...

...The plaintiff, in paragraph six of the complaint, admits: "At all times material herein U. S. Marine was the contract operator of a vessel owned by the U. S. Navy **Military** Sealift Command known as the 'USNS Triumph'...."

...Nelson v. **Research** Corporation, 805 F.Supp. 837 (D. Haw. 1993)....

285. Hirshhorn v. Mine Safety Appliances Co.

District Court, W.D. Pennsylvania. | March 13, 1944 | 54 F.Supp. 588 | 61 U.S.P.Q. 517

Action by Joseph H. Hirshhorn, on his own behalf and on behalf of all other stockholders of Carbon Monoxide Eliminator Corporation, against Mine Safety Appliances Company and others for an accounting, for rescission of a license agreement, and for general equitable relief. On defendants' motions to stay the proceedings and motion to dismiss....

... Carbon Monoxide, a **research** organization, owns 60% of the capital stock of Catalyst **Research**, a similar **research** organization....

...thereof, pursuant to a plan and conspiracy, acquired control of Carbon Monoxide and Catalyst 590**Research** by electing officers and directors of said corporations almost exclusively from officers and directors of Mine Safety, operated Carbon Monoxide and Catalyst **Research** as instrumentalities of Mine Safety, in order to obtain exclusive rights in any patents resulting from **research** by Carbon...

286. Carney v. C.I.R.

United States Tax Court | February 23, 1978 | T.C. Memo. 1978-71 | 1978 WL 2778

H, a camouflage engineer, and W spent 38 days visiting 8 European countries. Held, the major portion of such trip did not directly maintain or improve skills required in H's employment, and therefore, his portion of the expenses is not deductible.

...NATO projects, which dealt with a wide variety of defense matters including the following: (1) The **Military** Agency for Standardization (Camouflage and Concealment Working Party), the coal of which was to consider the subjects of camouflage and concealment in terms of standardization, interchangeability, or interoperability of related equipment and operating procedures of NATO armed forces; (2) the...

...However, Mr. Carney visited no **military** installations, nor did he meet with NATO camouflage personnel....

287. U.S. v. Pomarleau

U.S. Court of Appeals for the Armed Forces. | September 30, 2002 | 57 M.J. 351 | 2002 WL 31190841

MILITARY LAW - Court-Martial. **Military** judge erred in excluding defense evidence as discovery sanction.

... Regardless of our differing views of the evidence, the proper course of action—and indeed the prevailing course of action in federal, state, and **military** courts—is to return this record of trial to the Court of Criminal Appeals for factual findings underlying the **military** judge's exclusion of four defense exhibits so that we can properly assess the **military** judge's exercise of discretion....

...I respectfully dissent because the majority opinion (1) engages in speculation regarding the **military** judge's ruling, and (2) applies a drastic remedy that is contrary to the prevailing practice in federal, state, and **military** courts....

288. California v. Trump

United States District Court, N.D. California. | December 11, 2019 | 407 F.Supp.3d 869 | 2019 WL 6727860

GOVERNMENT — Emergency. Diversion of **military** construction funds to construct barriers on nation's southern border violated statute and Appropriations Clause.

...There, the Supreme Court noted that “‘ **military** duty’ and ‘ **military** protection’ are synonymous with the exercise of **military** jurisdiction,” and that the term “‘ **military** installation’ is used [that way] elsewhere in federal law.”...

...Eleven proposed projects, with exception of two projects on **military** installation, authorized by Secretary of Defense to construct barrier on southern border were not “**military** construction projects” as they were not being carried out with respect to “**military** installation,” defined as base, camp, post, station, yard, center, or “other activity” under jurisdiction of Secretary of **military**...

289. U. S. v. Weldon

U. S. Navy Court of Military Review. | August 08, 1979 | 7 M.J. 938

Accused, a first lieutenant, United States Marine Corps Reserve, was convicted at general court-martial of forgery and conduct unbecoming an officer and gentleman. On appeal, the Navy Court of **Military** Review, Michel, J., held that: (1) use of altered “Request for Personal Data Sheet” by accused in an attempt to show landlord that he had been...

...The pertinent part of the lease here in question, the “ **military** orders escape clause,” provides as follows: This lease may be terminated after three (3) months only by **military** orders (out of Onslow County) or deposit forfeit....

...Conduct unbecoming an officer and gentleman is a uniquely **military** offense....

290. U.S. v. Dobson

U.S. Army Court of Criminal Appeals. | August 20, 2004 | Not Reported in M.J. | 2004 WL 5862499

A general court-martial composed of officer and enlisted members convicted appellant, contrary to her pleas, of premeditated murder, in violation of Article 118, Uniform Code of **Military** Justice, 10 U.S.C. § 918 [hereinafter UCMJ]. The convening authority approved the adjudged sentence of a dishonorable discharge, confinement for life without...

...The **military** judge granted a recess to allow the parties to **research** the issue and comment on his ruling....

...The defense and government again agreed with the **military** judge's ruling....

291. U.S. v. Coulter

U.S. Navy–Marine Corps Court of Criminal Appeals. | September 26, 2005 | 62 M.J. 520 | 2005 WL 2457459

MILITARY LAW - Evidence. Sixth Amendment right to confront witnesses did not preclude admission of nontestimonial statements of child victim.

...A **military** judge, sitting alone as a general court-martial, convicted the appellant, contrary to his pleas, of committing an indecent act upon a child under the age of 16 years, in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C. §934....

...**Military** evidence rules authorizing the admission and consideration of prior, uncharged instances of child molestation in any court-martial where the accused is charged with child molestation are intended to assist the finder of fact in assessing credibility in sexual assault and child molestation cases, and to assess the accused's criminal propensities in light of past conduct. **Military** Rules of Evid., Rules 413, 414(a)....

292. United States v. Asgari

United States Court of Appeals, Sixth Circuit. | March 19, 2019 | 918 F.3d 509 | 2019 WL 1246828

CRIMINAL JUSTICE — Electronic Surveillance. Leon “good faith” exception permitted introduction of evidence found during search of Iranian scientist's e-mails.

...The Office of Naval **Research** funded the **research** into corrosion-resistant stainless steel to develop materials that the Navy could use to combat the harmful effects of saltwater....

...This type of visa does not authorize employment in the United States or for **researchers** to conduct **research** at United States institutions that will benefit the United States Institution....

293. Smith v. Clark

United States District Court, S.D. Mississippi, Jackson Division. | February 19, 2002 | 189 F.Supp.2d 529 | 2002 WL 313216

GOVERNMENT - Elections. Congressional redistricting plan satisfied constitutional and statutory criteria.

... We found this testimony to be persuasive: A congressperson with only one **military** base in his or her district is much more likely to be successful in preventing its closure than a congressperson who has two **military** bases in his or her district....

... While respecting county, city and precinct lines and the compactness of each district, the court sought to give appropriate weight to the following factors: respect for historical and regional interests to the extent feasible; placement of growth areas, **research** universities and **military** bases in separate districts if otherwise practicable; inclusion of as much as possible of the former districts 3 and 4, representing the communities of interest in southwest and east central Mississippi, in the new District 3; avoiding the outdistricting of incumbents; and minimizing travel distances within the districts, consistent with the other requirements....

294. U.S. v. North

United States District Court, District of Columbia. | November 15, 1988 | Not Reported in F.Supp. | 1988 WL 126241

Defendant North's Motion (# 37) to Dismiss Count 23 for Failure to State an Offense. Defendant North's Motion (# 38) to Dismiss Count 23 for Lack of Fair Notice that the Alleged Conduct Was Unlawful. The above motions to dismiss Count 23 are each denied. However, the Independent Counsel must provide certain particulars with respect to Count 23...

... There is no mention of Central America, **military** or non-**military** assistance, or humanitarian aid of any kind for any group anywhere in the world....

...The issue is not whether lethal and other **military** or humanitarian aid can ever be charitable....

295. U.S. v. Rodman

U.S. Court of Military Appeals. | December 05, 1969 | 1969 WL 6301 | 41 C.M.R. 102

On petition of the accused below. CM 419883, not reported below. Affirmed.

...A recess permitted **research** of the applicable law...

...rights; the question in issue was taken up during an out-of-court hearing; a recess permitted **research** of the applicable law; the law officer permitted the amendment only after being assured that the defense was in agreement; neither accused ever claimed the amendment misled him about the nature of the charge intended; all parties thought the amended specification alleged robbery since the offense...

296. United States v. Hook

U.S. Army Court of Criminal Appeals. | October 23, 2015 | Not Reported in M.J. Rptr. | 2015 WL 6459754

A panel of officer and enlisted members sitting as a general court-martial convicted appellant, contrary to his pleas, of wrongful possession and use of an anabolic steroid, trenbolone acetate, one specification of aggravated assault by intentionally inflicting grievous bodily harm upon a child under the age of sixteen years, two specifications of...

...Investigator CR also testified that he seized from appellant's refrigerator a container labeled with, "Anabolic **Research** Labs." The **military** judge ruled that any additional words on the label purporting to identify its exact contents was inadmissible hearsay, and the government offered no evidence to support the allegation that the substance was trenbolone acetate....

...A panel of officer and enlisted members sitting as a general court-martial convicted appellant, contrary to his pleas, of wrongful possession and use of an anabolic steroid, trenbolone acetate, one specification of aggravated assault by intentionally inflicting grievous bodily harm upon a child under the age of sixteen years, two specifications of aggravated assault with a means likely to produce death or grievous bodily harm, two specifications of assault consummated by a battery upon a child under the age of sixteen years, eight specifications of assault consummated by a battery, one specification of child endangerment, and one specification of communicating a threat, in violation of Articles 112a, 128, 134, Uniform Code of **Military** Justice, 10 U.S.C. §§912a...

297. National A-1 Advertising, Inc. v. Network Solutions, Inc.

United States District Court, D. New Hampshire. | September 28, 2000 | 121 F.Supp.2d 156 | 2000 WL 1513791

INTELLECTUAL PROPERTY - Computers and Online Services. Second-level Internet domain name restrictions did not violate First Amendment.

...Pursuant to the Solicitation, the NIS manager responsible for non- **military** registration services would provide registration services for non- **military** domain names....

...By the late 1980s, however, a significant number of new registrants were **research** and educational institutions (primarily in the .edu TLD), which were likely to be supported by NSF and other civilian **research** agencies....

298. **United States v. Hebert**

U.S. Air Force Court of Criminal Appeals. | October 22, 2013 | Not Reported in M.J. Rptr. | 2013 WL 5880890

Contrary to his pleas, the appellant was convicted by a **military** judge sitting as a general court-martial of one specification of wrongfully and knowingly possessing one or more visual depictions of minors engaging in sexually explicit conduct, in violation of Article 134, UCMJ, 10 U.S.C. §934. The **military** judge sentenced the...

...A **military** judge is not bound to accept only cases cited to it by one party, and in fact the **military** judge has a duty to thoroughly **research** and accurately cite the law....

... “ ‘When a **military** judge’s impartiality is challenged on appeal, the test is whether, taken as a whole in the context of [the] trial, a court-martial’s legality, fairness, and impartiality were put into doubt’ by the **military** judge’s actions.” ...

299. **Kostick v. Nago**

United States District Court, D. Hawai’i. | May 22, 2012 | 878 F.Supp.2d 1124 | 2012 WL 1883817

GOVERNMENT - Injunction. Issuance of preliminary injunction preventing state officials from further implementing reapportionment plan was not warranted.

...The percentage of the population of **military** and **military** families in Hawaii in 2010 is not clear from the record, but some data indicates as many as 153,124 **military** and **military** dependents....

...US. **military** personnel living in **military** barracks in the US. —Counted at the **military** barracks....

300. **Angus v. Mayorkas**

United States District Court, W.D. Texas, Austin Division. | April 29, 2022 | Slip Copy | 2022 WL 1295289

TO: THE HONORABLE LEE YEAKEL UNITED STATES DISTRICT JUDGE Before the Court are Plaintiff’s Motion for Summary Judgment (Dkt. 70) and Plaintiff’s Memorandum in Support of Summary Judgment (Dkt. 71), both filed February 7, 2022; Defendant’s Motion for Summary Judgment, filed February 14, 2022 (Dkt. 76); Defendant’s Response to Plaintiff’s Motions for...

...Dkt. 76-7 at 3. N.R. served as United States Army **military** intelligence officer and as a **military** intelligence company commander in Iraq....

...ICE moves for summary judgment on the grounds that (1) Plaintiff’s retaliation claims relating to her non-selection for the Intelligence **Research** Specialist and Investigative **Research** Specialist positions fail because she did not exhaust her administrative remedies; and (2) the selected candidates for all three ICE positions were hired because they had qualifications significantly superior to Plaintiff’s, rather than in retaliation for her engagement in protected activity....

301. **Allen v. U.S.**

United States District Court, D. Utah, Central Division. | May 10, 1984 | 588 F.Supp. 247

Actions were brought against the United States under the Federal Tort Claims Act by 24 plaintiffs to recover for cancer or leukemia allegedly caused by the Atomic Energy Commission testing of atomic devices prior to 1963. The District Court, Jenkins, J., held that: (1) the United States failed to adequately warn off-site residents of...

...Section 6 of the 1946 Act, which concerns **military** applications of atomic energy, authorized the AEC to “conduct experiments and do **research** and development work in the **military** application of atomic energy,” and to engage in the production of atomic bombs, atomic bomb parts or other **military** weapons utilizing fissionable materials” subject to “express consent and direction of the President” obtained at least once a year...

... In an effort to promote a program of private and governmental atomic energy **research** leading to maximum scientific progress in the nuclear field, the Act provided: Sec.3.(a) **Research** Assistance —The Commission is directed to exercise its powers in such manner as to insure the continued conduct of **research** and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields...

302. Crawford v. Midway Games Inc.

United States District Court, C.D. California. | December 03, 2008 | Not Reported in Fed. Supp. | 2008 WL 11334537

This matter is before the Court on Defendants' Motion for Summary Judgment on Plaintiffs' First Claim for Relief (docket no. 129), filed September 26, 2008, and Defendants' Motion for Summary Judgment on Plaintiffs' Second Claim for Relief (docket no. 143), filed November 3, 2008. The Court has considered the moving, opposition, and reply documents...

...Plaintiffs identify a list of settings that are arguably common to both works, including a **military** hospital, hospital bed, interrogation room, computer room, helicopter, corridor, airplane, underground area, **military** bunker, detainment room, holding area, mindscape, silo, technical **research** building, and **research** facility....

...Plaintiffs argue that part of Defendants' **research** extracted information from Plaintiffs' website, “PsyOpstheMovie.com.”...

303. U.S. ex rel. New v. Perry

United States District Court, District of Columbia. | January 16, 1996 | Not Reported in F.Supp. | 1996 WL 420175

This habeas corpus action is brought on behalf of Specialist Michael G. New who is stationed, detained and awaiting trial at a United States Army base in Germany. Petitioner is facing court martial for refusing to obey an order requiring that he wear a uniform bearing United Nations' insignia and for resisting his deployment to Macedonia to serve...

... In addition, petitioner must demonstrate that the illegality of the deployment order of which he is currently in defiance changes his status from **military** to civilian; otherwise, the case law indicates that, whatever strength his arguments carry on the merits, an Article III court cannot preempt resolution of these issues by **military** tribunals....

... Moreover, even if subjected to a **military** trial, petitioner “cannot at this time show imminent irreparable injury....”

304. Ganse v. U. S.

United States Court of Claims. | May 12, 1967 | 180 Ct.Cl. 183 | 376 F.2d 900

Lawyer brought action against the United States to recover pay as civilian employee of the Army at rate higher than rate of position to which he was appointed and to receive credit for periods of inactive **military** service in computation of his civil service retirement annuity. The United States Court of Claims held that where lawyer was appointed...

...The fact is, that from 1920 until the 1956 amendments to the statute, the civil service retirement laws have been interpreted administratively to include only active **military** service as honorable **military** service....

...He applied for an immediate annuity and this was denied by the Bureau of Retirement and Insurance of the Civil Service Commission, which held that only his active duty **military** service could be counted (along with his civilian service) as

creditable service, and that the period during which he was a member of the organized Reserve forces could not be so counted, since it did not involve any active **military** service....

305. In re 3M Combat Arms Earplug Products Liability Litigation

United States District Court, N.D. Florida, Pensacola Division. | February 11, 2021 | Slip Copy | 2021 WL 684183

Numerous expert challenges are pending before the Court, several of which relate to anticipated expert testimony regarding the Army Safety Program and, more specifically, the Army Hearing Program. Plaintiffs proffer two experts on the subject, Brigadier General (Retired) Timothy J. Edens and Sergeant Major (Retired) Blaine Huston, and Defendants...

...Similarly, Dr. Crawford provides no reliable factual basis for his opinion on what was “well-known within the **military** audiologist community and among relevant medical staff” or what was “understood within the **military**.”...

...Also, while Dr. Fallon may explain how he personally trained and instructed Army medical personnel on the use of the CAEv2, he may not opine on what was “understood” or “well-known” by “the **military**” or “the **military** audiology community” regarding hearing protection in general or the CAEv2 more specifically....

306. Fleming v. Mabus

United States District Court, D. Maryland. | September 30, 2016 | Not Reported in Fed. Supp. | 2016 WL 8669945

Defendant Ray Mabus, Secretary of the United States Department of the Navy (“defendant” or “Secretary Mabus”) moves to dismiss plaintiff Bruce Fleming’s (“plaintiff” or “Professor Fleming”) Complaint for (1) lack of subject matter jurisdiction and (2) failure to state a claim upon which relief can be...

...Id. The Naval Academy **Research** Counsel (“NARC”) also provides some support for faculty **research** on a competitive basis....

...See ECF No. 16-1 at 9, n. 6. Many professors secure outside **research** funding for summer projects....

307. U.S. v. Com. of Va.

United States District Court, W.D. Virginia, Roanoke Division. | April 29, 1994 | 852 F.Supp. 471 | 1994 WL 172275

United States sued Commonwealth of Virginia, challenging Commonwealth’s maintenance of **military** college exclusively for males. The United States District Court for the Western District of Virginia, 766 F.Supp. 1407, entered judgment for Commonwealth. The Fourth Circuit Court of Appeals, 976 F.2d 890, vacated and remanded. On...

... Evaluation packets for each cadet are prepared by the cadet’s professor of **military** science, and concern three general evaluation areas: **military** performance, academic performance and, very importantly, the recommendation of the professor of **military** science....

...19.Mary Baldwin has no tradition of producing **military** leaders, or of training its students for the **military**....

308. U.S. v. Wiggins

U.S. Navy-Marine Corps Court of Military Review. | June 10, 1992 | 35 M.J. 597 | 1992 WL 181033

Accused was convicted in special court-martial, Marine Corps Base, Camp Lejeune, North Carolina, D.A. Anderson, J., of four instances of failure to go or going from his appointed place of duty, disrespect to staff

noncommissioned officer, sleeping on post and larceny. The United States Navy-Marine Corps Court of **Military** Review, Jones,...

... Our **research** has revealed a similar paucity of authority....

... Nevertheless, he admitted to the **military** judge that he had fallen asleep within the limits of that post....

309. **Morawski v. Lightstorm Entertainment, Inc.**

United States District Court, C.D. California. | January 31, 2013 | Not Reported in Fed. Supp. | 2013 WL 12081818

Gerald Morawski filed this action against Lightstorm Entertainment, Inc. ("Lightstorm"), James Cameron, and certain fictitious defendants on December 13, 2011, alleging that defendants unlawfully used his original ideas in the film Avatar. Morawski filed a first amended complaint on January 4, 2012, alleging claims for breach of an...

...He also asserts that he conducted a significant amount of **research** regarding **military** aircraft when drafting Rambo II, and that he drew on that **research** to create the gun ships used by the antagonists in Avatar. 68...

...In the 1970s and early 1980s, one of the story ideas that Cameron discussed with me was a story about an American **military** man who bombs Vietnamese villages, but then falls in love with a Vietnamese girl and works together with the Vietnamese to fight against the U.S. **military**....

310. **Antonuk v. U.S.**

United States Court of Appeals, Sixth Circuit. | July 08, 1971 | 445 F.2d 592

Petition by Army reservist who was called to active duty for habeas corpus or mandamus. The United States District Court for the Eastern District of Michigan, Southern Division, Damon J. Keith, J., denied relief and the reservist appealed. The Court of Appeals, McCree, Circuit Judge, held that evidence supported trial court's finding that Army...

...[1] This last assumption is consistent with the traditional judicial view of constitutional questions raised in a **military** or quasi-**military** (e.g., Selective Service) context....

...No decision has been cited, and our **research** has disclosed none, which has extended such rights so far within the **military** realm....

311. **Louden v. Brown**

United States Court of Veterans Appeals. | July 26, 1993 | Not Reported in Vet.App. | 1993 WL 322855

The July 16, 1993, decision in this case is withdrawn, and this decision is issued in its stead. This is an appeal from an August 7, 1991, decision of the Board of Veterans' Appeals (BVA or Board) which denied appellant's claims of entitlement to service connection for migraines, equivalent with lightheadedness and left-sided paresthesia (claimed...

... The evidence appellant has submitted in support of his contention that in-service exposure to carbon tetrachloride caused his migraines, multiple allergies, and lipomas consists of the following: a pamphlet authored by appellant which details his opinions and the results of his personal **research** regarding the residuals of carbon tetrachloride exposure; several statements from former service comrades who attest to having used carbon tetrachloride during their **military** service and who describe physical problems they have encountered since (R. at 101-05); and statements from Drs. Cobb and Spieler (R. at 91-93)....

... Dr. Spieler's correspondence indicated that appellant suffers from multiple allergies, and also stated that appellant himself attributed the onset of his physical difficulties to **military** service and to carbon tetrachloride....

312. Stone v. Trump

United States District Court, D. Maryland. | August 20, 2019 | 400 F.Supp.3d 317 | 2019 WL 3935363

GLBT — **Military** Service. Heightened scrutiny applied to equal protection challenge to restrictions on transgender service in **military**.

...The Palm Center is an independent, non-profit **research** institute that conducts **research** on “sexual minorities in the **military**.” ...

...[62] Courts have reached similar conclusions in cases involving **military** officers who asserted property interests in their employment with the **military**....

313. Singh v. Ashcroft

United States Court of Appeals, Ninth Circuit. | December 23, 2004 | 393 F.3d 903 | 2004 WL 2966581

IMMIGRATION - Asylum. BIA's decision that alien was not credible was not supported by substantial evidence.

... As early as 1987, the New York Times, reporting on the Indian Army's unsuccessful incursion into Sri Lanka, ended its report from New Delhi: “ **Military** analysts here say the main failure was that of the **Research** and Analysis Wing, India's intelligence agency.” ...

...The existence and operations of the RAW are readily known by the employment of an accessory tool as familiar in legal **research** today as Shephard's Citations were half a century ago....

314. U. S. v. Cruzado-Rodriguez

U. S. Air Force Court of Military Review. | August 27, 1980 | 9 M.J. 908

The accused, an airman first class, United States Air Force, was convicted by general court martial, convened at Sembach Air Base, Germany, Colonel Stephen R. Bloss, **Military** J., of a drug offense, and he appealed. The Air Force Court of **Military** Review, Arrowood, Senior Judge, held that an AF Form 1612, Notification of Drug-Abuse Information,...

...In the case at hand, the **military** judge was aware of the statute and the regulation, but determined that the AF Form 1612 was not the type of record covered thereunder....

...Under the rules these records are considered to be confidential, and, without the consent of the patient, disclosure is limited to medical personnel for emergency treatment and qualified personnel for **research** or audits....

315. United States v. Qin

United States District Court, D. Massachusetts. | November 30, 2020 | Slip Copy | 2020 WL 7024650

Defendant Shuren Qin (“Qin”) has moved to suppress evidence seized from his laptop computer and iPhone and statements he made to agents during a secondary inspection upon his return to the United States from China at Logan Airport on November 24, 2017. D. 212. Having considered the evidence offered by the parties at an eight-days-long...

...II:76. Others are **research** institutes located in China, VI:70, which were not on the U.S. entities list, 2 but were still of concern to the agents, since some such **research** institutes receive substantial funding from the Chinese **military**, I:36-37, 41, and provide **research** and development for same....

...Exh. 3. Although Qin may have originally approached Riptide regarding a micro-UUV, a type of vehicle that could be used for **research**, I:56-57, or **military** use during the discussions with the undercover NCIS agent, Qin asked Riptide about exporting

a U.S.-made autonomous underwater vehicle (“AUV”) and expressed interest in its ability to gather data “in real time” which is not typical for **research** vessel and indicated that his customers included the Chinese Navy, a **military** operation....

316. Meyer v. Shulkin

United States Court of Appeals for Veterans Claims. | June 30, 2017 | Not Reported in Vet.App. | 2017 WL 2829356

The appellant, Dennis C. Meyer, through counsel, appeals the January 12, 2016, decision of the Board of Veterans' Appeals (Board) that denied entitlement to disability compensation benefits for bilateral hearing loss, bilateral tinnitus, and acoustic neuroma of the right ear. Record (R.) at 2–12. This appeal is timely and the Court has...

...Because the appellant's hearing was within normal limits when he left the **military**, the examiner opined that the appellant's current hearing loss was not caused by or a result of **military** noise exposure....

...After noting that the appellant's SMRs revealed that his hearing was normal on entrance and separation examinations and that there were no “documented complaints of hearing loss or tinnitus,” the examiner opined that “due to the absence of acoustic damage upon separation from the **military** and [a] lack of documentation to support hearing loss [and] tinnitus upon separation it is not at least as likely as not that the appellant's hearing loss and tinnitus are related to **military** service.”...

317. General Elec. Co. v. U. S.

United States Court of Claims. | April 16, 1971 | 194 Ct.Cl. 678 | 440 F.2d 420

Action by **military** contractor to recover additional compensation. The Court of Claims, Collins, J., held that contracting officer did not have discretion to refuse **military** contractor additional funding on account of cost overrun, despite contractor's failure to give prior notice, where contractor could not have known of overrun in time to give...

...Pursuant to ASPR § 3.706, 1 the **military** departments maintained at the time of this contract an inter-service committee, commonly referred to as the Tri-Services Committee, which negotiated final overhead rates with contractors having cost-reimbursement type contracts with more than one **military** department....

...Action by **military** contractor to recover additional compensation....

318. Gao v. Holder

United States Court of Appeals, Fourth Circuit. | February 23, 2010 | 595 F.3d 549 | 2010 WL 624312

IMMIGRATION - Deportation or Removal. BIA could determine if alien's unlawful export offense was particularly serious crime, for purpose of withholding of removal.

...By selling “sophisticated microprocessors with well-known **military** applications” to “quasi-governmental entities in China” that were known to do **military research**, Gao “placed her desire for financial gain ahead of the security interests of the United States.” ...

...Sometime thereafter, she began exporting controlled technology without a license to what the BIA described as “quasi-governmental entities in China” that focused on **military research**....

319. Conlon v. U.S.

United States District Court, D. New Jersey. | March 26, 1997 | 959 F.Supp. 683 | 1997 WL 141848

First plaintiff, as administrator of estate of worker killed in apparent explosion of **military** ordnance in scrapyard, brought wrongful death action against United States, and second plaintiff sued United States and scrapyard for personal injuries sustained in explosion. United States and scrapyard sought summary judgment. The...

... Courts have consistently recognized that federal **military** authorities have policy based discretion to make decisions as to the safe management of munitions and other **military** equipment....

... After reviewing photographs of the site and the debris, Cruice states that “the only probable causative agent for the incident in question is a **military** warhead or similar **military** device.” ...

320. U.S. v. Thompson

U.S. Court of Appeals for the Armed Forces. | August 31, 2000 | 54 M.J. 26 | 2000 WL 1239315

MILITARY LAW - Court-Martial. Remand was required on ineffective assistance of counsel claims.

...**Military** judge did not err in refusing to recuse himself on basis of remarks to counsel and his impatience with their efforts, where the portion of the record complained of revealed that the **military** judge became concerned with **military** defense counsel's repeated statements on the record that she was “ineffective” and the impact these statements might have on appeal, and reflected efforts by the **military** judge to clarify and remedy previously asserted defense concerns, and the judge was tough on trial counsel as well as defense counsel, he made numerous rulings favorable to the defense, he expressly disclaimed any bias against **military**...

...(R. 479, 735) Furthermore, the **military** judge expressly disclaimed any bias against **military** defense counsel (R. 539) and made substantial effort to particularly address **military** defense counsel's concerns....

🚩 321. U.S. v. Electrodyne Systems Corp.

United States District Court, D. New Jersey. | August 12, 1998 | 28 F.Supp.2d 213 | 1998 WL 531358

Pursuant to plea agreements, defense contracting corporation was convicted of impermissibly exporting defense-related equipment and making a false statement its president, and its president, and director of marketing, were convicted, respectively, of importing merchandise contrary to law and with intent to defraud United States, and of unlawful...

...The abuse of a position of trust held by Nathan through his disclosure of technology and specifications as to **military** items utilized in combat could have greatly compromised the safety of members of the United States **military**....

...As mentioned, between 6 November 1989 and 10 March 1994, Electrodyne entered the Contracts to provide United States Government agencies and branches of the **military** with electronic components for use in **research**, communications, radar and weapons systems....

322. Starrett v. United States

United States Court of Appeals, Federal Circuit. | January 11, 2023 | Not Reported in Fed. Rptr. | 2023 WL 152827

William Starrett, Jr., sued the United States in the U.S. Court of Federal Claims (Claims Court), asserting three counts of breach of contract and seeking approximately 11 trillion dollars in damages. In his complaint, Mr. Starrett alleged that he has been forced “[a]gainst his protests” to “advise” in the federal...

...Section 2371b permits the Director of the Defense Advanced **Research** Projects Agency to “carry out prototype projects that are directly relevant to enhancing the mission effectiveness of **military** personnel.”...

...Sections 271 and 272 permit the Secretary of Defense to provide to civilian law enforcement “any information collected during the normal course of **military** training or operations that may be relevant” to the civilian authorities’ jurisdiction, 10

U.S.C. § 271(a), and to make available to civilian law enforcement “any equipment #, base facility, or **research** facility of the Department of Defense # for law enforcement purposes,” id. § 272....

323. BAE Systems Information and Electronic Systems Integration Inc. v. Aeroflex Incorporated

United States District Court, D. Delaware. | August 02, 2011 | Not Reported in F.Supp.2d | 2011 WL 3474344

BAE Systems Information and Electronic Systems Integration, Inc. (“BAE”) sued Aeroflex Incorporated and Aeroflex Plainview, Inc. (collectively, “Aeroflex”) on October 14, 2009. (D.I.1) In the complaint, BAE alleges, among other things, that Aeroflex infringes U.S. Patent No. 5,742,384 (the “384 patent”)....

...Aeroflex thus contends that, from its inception, the ITT program's objective was to offer a lower cost, more reliable countermeasure system to the U.S. **military**, rendering all of the **research** and development activities relating to the gimbal prototypes “for the government.”...

...Indeed, encouraging **research** and development to be used in government **military** operations was the most basic purpose of § 1498: “The original purpose of § 1498 was ‘to stimulate contractors to furnish what was needed for the [First World] War, without fear of becoming liable themselves for infringements to inventors or the owners or assignees of patents.’...”

324. Gagne v. McDonald

United States Court of Appeals for Veterans Claims. | October 19, 2015 | 27 Vet.App. 397 | 2015 WL 6114516

VETERANS - Service Connection. Veterans' Administration failed to satisfy its statutory duty to assist veteran in developing claim.

... The Secretary argues further that M21–1MR, permits RO adjudicators to deny a claim for service connection for PTSD “if the claimant fails to provide the minimum information required to conduct **research**,” and that the JSRRC's **research** is limited to a range of 30 days before and 30 days after a given date....

...alleged stressor event; although veteran provided information sufficient to locate records of a **military** vehicle accident he was involved in and the unit to which he was assigned when the accident occurred, VA did not submit multiple requests to the Joint Services Records **Research** Center (JSRRC) each covering a different 60–day period, and the relevant 13-month period was not unreasonably long. 38...

325. U.S. v. Heyward

U.S. Air Force Court of Military Review. | October 18, 1993 | Not Reported in M.J. | 1993 WL 430309

On 29 and 30 April 1992, a **military** judge, sitting as a special court-martial, convicted appellant of wrongfully using marijuana and sentenced her to bad-conduct discharge and reduction to E–1. The case was sent to this court without assignment of error and, on 23 September 1992, we affirmed the findings and sentence. For the first time, before the...

... The **military** judge denied the request...

... For the first time, before the Court of **Military** Appeals, appellant raised two issues: 1) Whether the total ban on the admission of polygraph evidence (Mil. R. Evid. 707) violated appellant's right to due process; and 2) whether the **military** judge's decision to deny appellant's request for continuance based solely upon Mil.R.Evid. 707 deprived appellant of exculpatory evidence which could have been effectively used outside the trial forum....

326. U.S. v. Hall

U.S. Army Court of Military Review. | November 15, 1991 | 34 M.J. 695 | 1991 WL 244298

Accused was convicted by general court-martial, 7th Infantry Division (Light), Fort Ord, R.K. Dahlinger, J., of committing sodomy and adultery and videotaping those acts. The United States Army Court of **Military** Review, Hagan, J., held that right to privacy was not violated by court-martial for heterosexual sodomy consisting of anal...

...4 At the same time, there seems to be little to find in the development of our **military** law (at least with the time one may spend in **research** without immersion) to indicate that sodomy was the subject of ordinary criminal sanction within our army until this century....

...A **military** judge sitting as a general court-martial convicted the appellant, based upon mixed pleas, of one specification of sodomy, and of two specifications of adultery and videotaping those acts, in violation of Articles 125 and 133, Uniform Code of **Military** Justice, 10 U.S.C. §§925 and 933 (1982) [hereinafter UCMJ]....

327. Reese v. Shinseki

United States Court of Appeals for Veterans Claims. | April 23, 2009 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2009 WL 1098817

The appellant, Douglas O. Reese, appeals a June 14, 2007, Board of Veterans' Appeals (Board or BVA) decision that denied the appellant's claims for entitlement to service connection for diabetes mellitus and peripheral neuropathy, an eye disability, and kidney disease, all claimed as secondary to diabetes mellitus. Because the appellant does not...

...He wrote: The patient states that he has been able to locate documentation that he was exposed to Agent Orange while serving in the **military**....

...The appellant filed a Notice of Disagreement, requesting that the RO "obtain copies of my efficiency reports showing that my duties in the **military** included handling herbicides."...

328. U.S. v. Principe

U.S. Army Board of Review. | July 18, 1952 | 1952 WL 2779 | 4 C.M.R. 380

Sentences adjudged 2 December 1951. Approved sentences: Principe—Wisseman—Sivacek—Forfeiture of \$50 per month for six months, and confinement for six months (suspended). Thompson—Forfeiture of \$20 per month for six months, and confinement for six months (suspended).

...Each accused was found not guilty of the disobedience alleged but guilty of being "insubordinate [having received the lawful command of his superior] by stating, 'I will not go,' or words to that effect, to the prejudice of good order and **military** discipline," in violation of the Uniform Code of **Military** Justice, Article 134....

...Extensive **research** has disclosed no comprehensive definition of insubordination....

329. In re al-Nashiri

United States Court of Appeals, District of Columbia Circuit. | June 23, 2015 | 791 F.3d 71 | 2015 WL 3851966

CRIMINAL JUSTICE - Appeals. Separation of powers challenges were fully reviewable on appeal, and thus writ of mandamus was not available.

...Court of Appeals had jurisdiction to issue writ of mandamus in aid of its appellate jurisdiction of **military** commissions and United States Court of **Military** Commission Review, since **Military** Commissions Act (MCA) gave Court of Appeals "exclusive jurisdiction to determine the validity of a final judgment rendered by a **military** commission" and therefore Court could issue writ of mandamus to protect exercise of its appellate jurisdiction; although MCA contained jurisdiction-stripping provision, it did not expressly include remedial powers of Court. 10 U.S.C. §950g(a); 28 U.S.C.A. §§1651(a), 2241(e)(2)...

...Most significantly, the Defense Secretary has broader authority to remove **military** judges from the CMCR than the Librarian of Congress has vis-à-vis the CRJs. The Secretary can remove a **military** judge either for good cause or “ **military** necessity.” ...

330. U.S. v. Ambroise

U.S. Navy–Marine Corps Court of Criminal Appeals. | November 16, 2001 | Not Reported in M.J. | 2001 WL 1488485

Contrary to his pleas, the appellant was convicted by a general court-martial, composed of officer and enlisted members, of conspiracy to commit rape , making a false official statement, and rape, in violation of Articles 81, 107, and 120, Uniform Code of **Military** Justice, 10 U.S.C. §§ 881, 907, and 920. The convening authority approved the...

...Although the **military** judge ordered that the portion of the record containing the hearing be sealed, the court reporter and trial counsel, who authenticated the record due to the retirement of the **military** judge, failed to comply with this order....

...The **military** judge allowed the Government to elicit additional qualifications....

331. U.S. v. Daffron

U.S. Air Force Court of Military Review. | April 12, 1991 | 32 M.J. 912 | 1991 WL 78460

Accused, a staff sergeant in the United States Air Force, was convicted before a general court-martial convened at Hessisch Oldendorf Air Station, Federal Republic of Germany, J. Jeremiah Mahoney, J., of attempted rape and indecent acts, and he appealed. The United States Air Force Court of **Military** Review, James, J., held that: (1) providence...

... Like our predecessors, we have examined the colloquy between the **military** judge and the appellant, and we find that the **military** judge did adequately assure himself that the appellant made his request for trial by **military** judge alone knowing and understanding the difference between the two forums....

...The United States Air Force Court of **Military** Review, James, J., held that: (1) providence inquiry was sufficient to show that accused's pleas to charges of attempted rape and indecent acts were voluntary, knowing, and understanding; (2) rule requiring a **military** judge to inquire into an accused's knowledge of right to trial by members does not require that, when a sentence over ten years is...

332. Gaddis v. McDonald

United States Court of Appeals for Veterans Claims. | November 09, 2016 | Not Reported in Vet. App. Rptr. | 2016 WL 6609749

Shari Gaddis appeals through counsel a May 29, 2015, Board of Veterans' Appeals (Board) decision that denied entitlement to benefits for the cause of her husband's death. Mrs. Gaddis's Notice of Appeal was timely, and the Court has jurisdiction to review the Board decision pursuant to 38 U.S.C. §7252(a). The parties neither requested...

...His **military** occupational specialty at that time was munitions maintenance technician....

...Therefore, if a veteran's [**military** occupational specialty] or unit is one that regularly had contact with the base perimeter, there was a greater likelihood of exposure to commercial pesticides, including herbicides....

333. Abex Corporation/Jetway Div. v. Controlled Systems, Inc.

United States Court of Appeals, Fourth Circuit. | January 12, 1993 | 983 F.2d 1055 | (Table, Text in WESTLAW), Unpublished Disposition | 1993 WL 4836

N.D.W.Va. Affirmed in part, reversed in part, vacated in part, and remanded.

...1 Jetway also envisioned selling these GPUs to the **military**....

...Jetway claimed that this failure precluded sales to the **military**....

334. Golden v. United States

United States Court of Federal Claims. | November 30, 2016 | 129 Fed.Cl. 630 | 2016 WL 7015720

PATENTS — Parties. Manufacture and use of accused device was “for the Government,” as required for Court of Federal Claims to have jurisdiction.

...Reasonable inference could be made that use of accused devices funded by National Science Foundation (NSF) was “for the Government,” as required for Court of Federal Claims to have jurisdiction to adjudicate patent infringement claims against the United States, where patentee alleged that Government awarded **research** grants to develop portable devices that could identify dangerous chemical, radiological, and bacterial agents and track the spread of disease; thus, it was plausible that accused devices were used to further **military** defense, national security, and public health interests of United States, which were policies that Government had fundamental interest in advancing. 28 U.S.C.A. § 1498(a)...

...Holdings: The Court of Federal Claims, Braden, J., held that: (1) patentee stated reasonable inference that manufacture and use of accused device was “for the Government” and “with the authorization and consent of the Government”; (2) reasonable inference could be made that contractor’s manufacture and use of product that shot electromagnetic pulse so that vehicles could be disabled without using firearms advanced **military** defense and security of United States and thus was “for the benefit of the Government”; (3) reasonable inference could be made that use of accused devices funded by National Science Foundation (NSF) was “for the Government”; and (4) government funding of **research**...

335. Foundation on Economic Trends v. Weinberger

United States District Court, District of Columbia. | May 31, 1985 | 610 F.Supp. 829 | 22 ERC 1971

Self-styled public interest organization joined by several concerned citizens sought to enjoin construction of proposed aerosol test facility and proposed toxic agent test support facilities at Department of Army's Dugway Proving Ground in Utah. Plaintiffs contended defendants failed to comply with requirements of National Environmental Policy Act...

... Specifically, the plaintiffs pointed to: comments made by Amoretta M. Hoeber, Principal Deputy Assistant of the Army for **Research**, Development and Acquisition, that “the Soviets are actively engaged in **research** and development of toxins as weapons”, Declaration of Amoretta M. Hoeber at 2; Secretary Weinberger's Letter of Nov. 20, 1984 to Senator Sasser noting that the Soviets are “exploring genetic engineering” and that the Dugway facility is needed to “meet[] the threats posed by Soviet chemical and biological warfare capabilities”; statements made in an Army “Fact Sheet” submitted to Congress in support of the funding request noting that...

... As such, they are not equipped to handle **research** involving recombinant DNA, or the most pathogenic of toxins....

336. Polaroid Corp. v. Horner

United States District Court District of Columbia. | September 28, 1961 | 197 F.Supp. 950 | 131 U.S.P.Q. 102

Action for judgment that the senior party in an interference proceeding was the first and sole inventor of a dosimeter and that his assignee was entitled to a patent therefor. The District Court, McGarraghy, J., held that the testimony was not of a character or sufficient to produce a clear conviction that the Patent Office made a mistake in...

...The Board stated that the key to what was actually sought by the **Military** Specification of the contract over that which was then known was the production of an equipment which would comply with the **Military** Specification in the contract and which could be manufactured at low cost by mass production methods....

...At this point in the proceedings only the **military** specification of the contract under which the dosimeter was constructed was before the Board of Patent Interferences....

337. Vacek v. Shinseki

United States Court of Appeals for Veterans Claims. | June 12, 2012 | Not Reported in Vet.App. | 2012 WL 2126819

Linhart J. Vacek appeals through counsel an August 10, 2010, Board of Veterans' Appeals (Board) decision that denied entitlement to VA benefits for basal cell carcinoma of the face, including as secondary to in-service herbicide or chemical exposure. Mr. Vacek's Notice of Appeal was timely, and the Court has jurisdiction to review the Board...

...The regional office should provide [the Joint Services Records **Research** Center] with the veteran's **military** unit, location, dates at the location, **military** occupation, and any other relevant facts, as shown by the veteran's actual **military** records #...

...In this regard, the Board acknowledged that VA had not complied with the provisions of the M21-1 MR requiring additional inquiry to the Joint Services Records **Research** Center, but concluded that this failure was harmless error because (1) the M21-1 MR provision at issue has never been held to be substantive and is therefore not binding on the Board, and (2) "[t]here is no reasonable possibility that a remand to obtain [Joint Services Records **Research** Center] confirmation of information already obtained by the [regional office] in this case-that the Veteran was not exposed to herbicides while on active service in Korea-would benefit the veteran."...

338. Monzingo v. Shinseki

United States Court of Appeals for Veterans Claims. | November 21, 2012 | 26 Vet.App. 97 | 2012 WL 5869404

VETERANS - Disability Benefits. Veteran did not demonstrate that reports regarding hearing loss were constructively part of the record before Board of Veterans' Appeals.

... In support of these contentions, he relies on a 2006 report, entitled Noise and **Military** Service: Implications for Hearing Loss and Tinnitus (Noise and **Military** Service), prepared by the Committee on Noise-Induced Hearing Loss and Tinnitus Associated with **Military** Service from World War II to the Present (the Committee), and a 1982 report, entitled Tinnitus: Facts, Theories, and Treatments (Tinnitus), prepared by Working Group 89 of the Committee on Hearing, Bioacoustics, and Biomechanics of the Commission on Behavioral and Social Sciences and Education of the National **Research** Council (Working Group 89)....

... Accordingly, the Court will take judicial notice of the facts that (1) VA was ordered by Congress to contract for Noise and **Military** Service, (2) both Noise and **Military** Service and Tinnitus have been published, and (3) VA received a copy of Noise and **Military** Service from the Committee....

339. U.S. v. Hunter

U.S. Air Force Court of Military Review. | July 06, 1993 | Not Reported in M.J. | 1993 WL 270963

This is another case involving the speedy trial rule of R.C.M. 707 and the impact of its simple, crystal clear language. See United States v. Shim, 36 M.J. 1124 (A.F.C.M.R.1993). We remand for a limited hearing to marshal additional facts, if available. Sergeant Hunter was placed in confinement on 7 December 1978, but was released on 11 December...

...Sergeant Hunter remained absent until he voluntarily surrendered to **military** control on 31 July 1991....

... The **military** judge conducting the hearing will hear and receive evidence and enter findings of fact and conclusions on the following issues:...

340. U.S. v. Garner

U.S. Air Force Court of Military Review. | March 29, 1989 | 28 M.J. 634 | 1989 WL 33342

Accused, an airman first class in the United States Air Force, was convicted by special court-martial convened at Robins Air Force Base, Georgia, James A. Young, III, J., of larceny and attempted larceny, and he appealed. The United States Air Force Court of **Military** Review, Kastl, Senior Judge, held that: (1) alleging an overt act is not necessary...

... Although the issue has not been addressed recently, our **research** indicates that such has been the **military** rule for some 60 years....

...[4] We also note that the **military** judge correctly decided that larceny of the ATM card and subsequent thefts of monies using that card were not multiplicitous for sentencing purposes....

341. Keene v. Clark County School District

United States District Court, D. Nevada. | June 30, 2016 | Not Reported in Fed. Supp. | 2016 WL 3580465

Plaintiff Richard B. Keene has brought employment discrimination claims against his former employer, defendant Clark County School District ("CCSD"), for violations of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), 38 U.S.C. §§ 4301 et seq. USERRA prohibits discrimination against persons...

...Additionally, neither party disputes that on all prior occasions, after Keene's **military** obligations ended, he promptly returned to work at CCSD until his next **military** assignment....

...In the email, Keene wrote that he was back in town upon completion of his **military** training and asked to be put back in his prior position on a temporary basis until his next **military** assignment....

342. Raytheon Company v. Ahtna Support and Training Services, LLC

United States District Court, W.D. Kentucky, Louisville Division. | June 16, 2022 | Slip Copy | 2022 WL 20033843

Plaintiff Raytheon Company ("Raytheon") and Defendant Thomas M. Owens ("Owens") have submitted a Renewed Motion for Entry of Protective Order. (DN 54). Defendants Ahtna Support and Training Services, LLC, Ahtna Netiyé, LLC, and Ahtna, Incorporated (together "Ahtna") have responded in opposition....

...In addition to the Export-Control-Restricted information, the Court finds it appropriate to grant the protective order to restrict dissemination of trade secrets, data, **research**, and other proprietary information that likewise involves highly sensitive technology utilized by the U.S. **military**, including that of lithium-ion batteries....

...As they explain, the "underlying subject matter of this litigation relates to the [United States] **military**" and technology utilized by it....

343. U.S. v. Button

U.S. Air Force Court of Military Review. | November 14, 1990 | 31 M.J. 897 | 1990 WL 193916

Accused, a senior airman, United States Air Force, was convicted in general court-martial, Misawa Air Base, Japan, James E. Heupel, J., of committing indecent acts upon the body of his stepdaughter, of violating an order from his commander not to go to his family's on base quarters where victim resided, and of sodomizing the child on diverse...

...Our initial **research** did not reveal any **military** precedent addressing the **Military** Rule of Evidence 613 issue under similar circumstances....

... The **military** judge's ruling was correct....

🚩 **344. Travers v. FedEx Corporation**

United States District Court, E.D. Pennsylvania. | July 20, 2020 | 473 F.Supp.3d 421 | 2020 WL 4059893

LABOR AND EMPLOYMENT — Leaves. Statutory protection of “rights and benefits” for **military** reservists excludes paid **military** leave.

...Providing holiday pay for employees on **military** leave when employees on comparable leave receive holiday pay evens the playing field; requiring employers to pay wages for **military** reservists on short-term **military** leave when the employers do not pay wages for non-reservist employees on short-term **military** leave would mandate an additional benefit beyond equality between reservists and non-reservists....

...25 Mr. Travers does not argue all businesses must provide paid leave for **military** reservists on short-term **military** leave—he only contends the Act requires paid leave for **military** reservists if employers provide paid leave for comparable short-term leaves....

345. Silverman v. Middendorf

United States District Court, S. D. New York. | November 08, 1976 | 422 F.Supp. 471

Motion was filed for preliminary injunction enjoining Secretary of Navy and Commanding Officer, Bureau of Medicine and Surgery, United States Navy, from ordering plaintiff to active duty. Defendants moved for dismissal. The District Court, Bonsal, J., held that where plaintiff made no showing that he had exhausted available intraservice corrective...

...participating physicians to be brought to active duty in fulfillment of their obligation for **military** duty at mutually acceptable times by providing for the (1) appointment in the Reserve components of qualified participants in the program who are vulnerable for **military** service under the provisions of the Universal **Military** Training and Service Act, as amended (50 U.S.C.App. 454(a)), and (2) deferment from **military** service of selected participants in order to permit them to undergo approved residency training in the various specialties required by the Armed Services.”...

...Section 1552 of Title 10 of the United States Code provides in part: “(a) The Secretary of a **military** department, under procedures established by him and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that **military** department, may correct any **military** record of that department when he considers it necessary to correct an error or remove an injustice....

346. U.S. v. Collins

U.S. Army Court of Military Review. | May 18, 1970 | 1970 WL 7160 | 42 C.M.R. 554

Special Court-Martial Convened by Headquarters, U. S. Army Training Center, Infantry and Fort Lewis, Fort Lewis, Washington (J. G. Lee, **Military** Judge, alone). Sentence adjudged 6 October 1969. Approved sentence: Bad-conduct discharge, forfeiture of \$50.00 pay per month for six months and confinement at hard labor for six months (bad-conduct...

...In a trial by special court-martial before a **military** judge alone, the appellant pleaded guilty to and was found guilty of larceny of clothing (\$10.80 value) and larceny of currency (\$45.00) in violation of Article 121, Uniform Code of **Military** Justice (10 USC § 921)....

...The rationale in Luzzi thus reaffirms and reconciles the Court's prior holdings in Roark and Barrow without permitting of any inference that the role of the sentencing authority in **military** law may be equated with the traditional and statutory role of the convening authority in **military** law....

347. Ramey v. Martin-Baker Aircraft Co. Ltd.

United States Court of Appeals, Fourth Circuit. | May 09, 1989 | 874 F.2d 946 | 1989 WL 47044

Aircraft mechanic, who was allegedly injured by a defectively designed aircraft ejection seat, brought suit against the seat's manufacturer and his supervisor seeking damages for his injuries. The United States District Court for the District of Maryland, 656 F.Supp. 984, Edward S. Northrop, Senior District Judge, entered summary judgment...

...We had in Tozer anticipated the same risks of "a decrease in contractor participation in design, an increase in the cost of **military** weaponry and equipment, and diminished efforts in contractor **research** and development" absent a **military** contractor defense....

... In Dowd, we indicated that even though the **military** had not developed or approved the specifications for the component at issue, "[t]he length and breadth of the [**military's**] experience with the [component]—and its decision to continue using it—amply establish government approval of the alleged design defects." ...

348. Harper v. Commissioner of Internal Revenue

United States Tax Court. | May 10, 2023 | T.C. Memo. 2023-57 | 2023 WL 3337216

TAXATION — Business. Factual issues precluded summary judgment on its assertion that taxpayers could not claim qualified **research** expense tax credits.

...The first test (section 174 test) requires that the expenditures involved in the **research** qualify as "**research** or experimental expenditures" under section 174. 4...

...Over the last 15 years, HCC has specialized in **military** design-build projects, including over 30 **military** housing projects....

349. U.S. v. Johnson

United States Court of Appeals, Fourth Circuit. | June 08, 2005 | 410 F.3d 137 | 2005 WL 1345622

CRIMINAL JUSTICE - Searches and Seizures. Community-caretaking exception to warrant requirement applied to police officer's search of defendant's glove compartment.

... Generally, Congress has placed strict limitations on the use of **military** equipment by **military** personnel for civilian law enforcement purposes....

...**Military** Support for Civilian Law Enforcement Agencies Act's authorization of the use of **military** equipment and facilities by civilian law enforcement officials for law enforcement purposes did not authorize **military** personnel to perform "searches" of blood in furtherance of misdemeanor driving under the influence (DUI) prosecutions. 10 U.S.C.A. §372(a)....

350. U.S. v. Lucas

U.S. Navy–Marine Corps Court of Criminal Appeals. | September 15, 2005 | Not Reported in M.J. | 2005 WL 2375180

Pursuant to mixed pleas, the appellant stands convicted of aggravated assault (three specifications), wrongful discharge of a firearm endangering human life, wrongful communication of a threat, and kidnapping (two specifications) . The appellant's offenses violated Articles 128 and 134, Uniform Code of **Military** Justice, 10 U.S.C. §§ 828 and 934. A...

...After much discussion among the **military** judge and counsel about the theory of assault, i.e., attempt, offer, or culpable negligence, the **military** judge took a recess, held an R.C.M. 802 conference, then started over in his colloquy with the appellant....

...Nevertheless, once raised, the **military** judge had a duty to instruct sua sponte....

351. Taylor v. McDonough

United States Court of Appeals, Federal Circuit. | June 15, 2023 | 71 F.4th 909 | 2023 WL 4006449



VETERANS — Effective Date. Statute limiting effective date for disability benefit awards was unconstitutional as applied to veteran who was denied access to forum for his claim.

...It explained that the special process— “for at least the cases of special operations” —begins with VA submitting “what's called a classified **research** request to the # central **military** records organization, which will then run that **research** request and then send back to the regional office, okay, there is credible evidence supporting the claim or not.”...

...Mr. Taylor has a legal entitlement: “The law entitles veterans who have served on active duty in the United States **military** to receive benefits for disabilities caused or aggravated by their **military** service.”...

352. U.S. v. Clemons

U. S. Court of Military Appeals. | July 05, 1983 | 16 M.J. 44

Accused was convicted by court members at a general court martial of unlawfully entering a barracks room, wrongfully appropriating a television set found therein, and stealing a cassette player, and he appealed. The United States Army Court of **Military** Review affirmed, and review was granted. The Court of **Military** Appeals, Fletcher, J., held...

... The Court of **Military** Appeals, Fletcher, J., held evidence of accused's good **military** character and his character for lawfulness was relevant in light of accused's defense that, in entering barracks room and taking television and cassette player, accused, functioning as charge of quarters, was teaching his subordinates a lesson in security and was personally securing the property in accordance with **military** responsibilities; because Court of **Military** Appeals could not say that accused was not prejudiced by **military** judge's exclusion of the evidence, findings and sentence would be set aside....

...Evidence of accused's good **military** character and his character for lawfulness was relevant in light of accused's defense to the charges of wrongful appropriation, larceny and unlawful entry, that, in entering barracks room and taking television and cassette player, accused, functioning as charge of quarters, was teaching his subordinates a lesson in security and was personally securing the property in accordance with **military** responsibilities; because Court of **Military** Appeals could not say that accused was not prejudiced by **military** judge's exclusion of the evidence, findings and sentence would be set aside. UCMJ, Arts. 121, 134, 10 U.S.C.A. §§921...

353. Waterman v. Commandant, United States Disciplinary Barracks

United States District Court, D. Kansas. | July 20, 2004 | 337 F.Supp.2d 1237 | 2004 WL 2283149

CIVIL RIGHTS - Prisons. Prison could ban photocopies of materials not coming directly from publisher.

... The software is updated regularly, and includes, but is not limited, to the Federal Reporters, Federal Supplements, Supreme Court Reports, U.S.Code Annotated, **Military** Justice Codes in Titles 10 and 32, **Military** Justice Reporters, **Military** Judge's Benchlaw, American Jurisprudence, Manual for Courts–Martial, and the **Military** Criminal Law Benchbook....

... The USDB's main library is centrally located in the facility, which consists of five computer workstations that run Westlaw's LawDesk legal **research** software....

354. U.S. v. Clason

U.S. Navy Court of Military Review. | January 23, 1974 | 1974 WL 13833 | 48 C.M.R. 453

Sentence adjudged 24 May 1973. Review pursuant to Article 66(c), UCMJ of special Court-Martial convened by Commanding Officer Naval Support Activity, Seattle, Washington.

...The consequences to the **military** community are obviously different where, for example, an accused acting on one purported impulse damages **military** and privately owned vehicles parked adjacent to one another on a **military** base....

...Loss, damage, or wrongful disposition of **military** property § 37; Waste and destruction of property § 37 — vandalism of **military** and private property — multiple offenses for sentencing purposes....

355. U.S. v. Manginell

U.S. Air Force Court of Military Review. | March 14, 1991 | 32 M.J. 891 | 1991 WL 78445

Accused, airman first class, was convicted by general court-martial convened at Norton Air Force Base, California, Michael A. Kilroy, J., of looting during **military** expedition in Panama against hostile forces loyal to General Manuel Noriega. He appealed. The United States Air Force Court of **Military** Review held that conviction for looting did not...

... The prosecution convinced the **military** judge to depart from the Air Force's usual reliance on DA Pam 27–9, **Military** Judges' Benchbook....

... **Research** reveals few cases under those articles....

356. Metric Systems Corp. v. U.S.

United States Court of Federal Claims. | November 13, 1998 | 42 Fed.Cl. 306 | 1998 WL 800042

GOVERNMENT CONTRACTS - Bidding. government adequately explained decision to award sole-source contract.

... RTS SPO **research** efforts included advanced threat feasibility studies, exploration of joint initiatives with other **military** services, evaluation of existing equipment/systems, and informal market surveys with industry....

... It specifically states that “ **research** efforts included advanced threat feasibility studies, exploration of joint initiatives with other **military** services, evaluation of existing equipment/systems, and informal market surveys with industry.” 32...

357. United States v. Gallardo

U.S. Navy-Marine Corps Court of Criminal Appeals. | September 29, 2016 | Not Reported in M.J. Rptr. | 2016 WL 5462969

A panel of members with enlisted representation, sitting as a general court-martial, convicted the appellant, contrary to his plea, of one specification of sexual assault of a child in violation of Article 120b, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §920b (2012). He was acquitted of a second specification of sexual assault...

...The **military** judge made additional findings of fact, summarizing the psychologist's testimony as follows: “[S]cientific **research** and data establish that children, especially those of tender years, are highly susceptible to suggestibility....

...To find that the **military** judge abused his discretion by denying trial defense counsel the assistance of this expert psychologist, we must conclude that the **military** judge relied on a misstatement of the law or a clearly erroneous finding of fact....

358. Chapman v. Westinghouse Elec. Corp.

United States Court of Appeals, Ninth Circuit. | August 14, 1990 | 911 F.2d 267 | 1990 WL 115508

Navy enlisted man injured in collapse of deck at government-owned nuclear reactor facility while he was on duty brought diversity suit under state tort law against private corporation which operated the facility. Summary judgment on ground of federal preemption was granted to the corporation by the United States District Court for the...

...[5] The **military** contractor defense is an outgrowth of the discretionary function exception to the Federal Tort Claims Act...
... Atmospheric Testing did hold that a similar suit against a private contractor involved in nuclear arms **research** was barred...

359. **Starrett v. Lockheed Martin Corporation**

United States District Court, N.D. Texas, Dallas Division. | March 09, 2018 | Not Reported in Fed. Supp. | 2018 WL 1399177

Before the Court in this pro se civil rights action are three motions to dismiss filed by: (1) Defendant Lockheed Martin Corporation ("Lockheed") (ECF No. 17); (2) Defendants United States Army, United States Army Special Operations Command, United States Army Civil Affairs & Psychological Operations Command, United States Army Reserve...

...By his Complaint, which is 149 pages long, Plaintiff asserts 73 distinct causes of action based on allegations that Defendants conspired to forcefully use him as a test subject for **military** exercises and mind experiments...
...Plaintiff was told by his remote harassers that Defendant US Army had been performing **military** surveillance of Plaintiff's goings for months as he was a target for Defendant US Department of Defense's sanctioned "Jade Helm 15" exercises....

360. **In re 3M Combat Arms Earplug Products Liability Litigation**

United States District Court, N.D. Florida, Pensacola Division. | October 24, 2022 | Slip Copy | 2022 WL 14049611

This Order resolves Plaintiffs' omnibus motion to exclude expert testimony and opinions, in whole or in part, under Federal Rule of Evidence 702 and Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579 (1993) for the Wave 1 cases, see ECF No. 3319. Dr. James Crawford is a board-certified otolaryngologist and neurotologist. He previously served as a...

...However, evidence or argument about **military** rates of hearing loss and average hearing thresholds of **military** veterans, or measurements of a particular plaintiff's hearing loss against the "average" **military** data, is irrelevant, unhelpful, misleading, and substantially more prejudicial than probative...
...The fact that Dr. Bertelson never personally served in the **military** and has not routinely treated current or former servicemembers does not detract from his qualifications to opine on TBIs in the **military** blast context, so long as his opinions are limited to the pathophysiological mechanisms underlying TBI-induced auditory symptoms and he does not attempt to speak with personal knowledge or authority on the **military** experience. 17...

361. **In re Agent Orange Product Liability Litigation**

United States District Court, E.D. New York. | September 25, 1984 | 597 F.Supp. 740

Class action was commenced charging the United States government and a major portion of the chemical industry with deaths and dreadful injuries to tens of thousands of Vietnam veterans who came in contact with herbicides used in the war in Southeast Asia. Upon motion for approval of settlement agreement, the District Court, Weinstein, Chief...

... The situation here is thus distinguishable from almost all other recent cases applying a government contract defense in that the product was neither one with a primarily **military** application, see, e.g., McKay v. Rockwell International Corp., 704 F.2d 444 (9th Cir.), cert. denied, 464 U.S. 1043, 104 S.Ct. 711, 79 L.Ed.2d 175 (1983) (ejection system for **military** aircraft);

Whitaker v. Harvell-Kilgore Corp., 418 F.2d 1010 (5th Cir.1969) (hand grenade), nor a civilian product specifically modified for use by the **military** with the injury resulting from the modification....

...Another speaker, a veteran from Illinois, testified that those in active service in the **military** will not seek treatment at **military** hospitals for illnesses they believe are related to exposure to Agent Orange because they fear their **military** careers will be jeopardized: Many of the individuals who have requested medical attention who are on active duty or with reserve contingent from active duty are now being told they may not continue to act or function in the same capacity as they have before # [These are people who claim] Agent Orange exposure, post-traumatic distress disorder #...

362. U.S. v. True

U.S. Navy-Marine Corps Court of Military Review. | June 23, 1989 | 28 M.J. 1057 | 1989 WL 90431

Accused, a construction electrician constructionman recruit, United States Navy, was charged with serious drug offenses. The general court-martial, J. Peter Clum, J., abated proceedings after concluding that alternative experts proffered by prosecution did not possess adequate qualifications. The United States Navy-Marine Corps...

... The United States Court of **Military** Appeals then held that service personnel are entitled, as a matter of **military** due process, to investigative or other expert assistance, when necessary for an adequate defense....

... On return, the United States Navy-Marine Corps Court of **Military** Review, Byrne, C.J., held that only in the very unusual circumstance that the government, with its own resources, cannot provide **military** investigative services sufficient to enable accused to adequately prepare for trial will Government be required to fund private investigative assistant....

363. B. & K. Instruments, Inc. v. U.S.

United States Customs Court | May 22, 1979 | Not Reported in F.Supp. | 82 Cust.Ct. 219

Instruments and parts Certain sound level meters and octave filter sets were appraised on the basis of foreign value, as defined in section 402a(c), Tariff Act of 1930, as amended, predicated upon the Customs' finding that the articles came within the final list designation "Instruments and parts, laboratory, sound measuring." Plaintiff claims the...

...The ultimate purchasers of both the imported and domestic instruments were industry, government, the **military**, educational and **research** institutions, and acoustical consultants....

...During the relevant time period Mr. Sperry said he had worked for the Illinois Institute of Technology, **Research** Institute, a contract **research** laboratory involved in ultrasonic and psychoacoustics work but mostly noise control; General Electric; and the Federal Aviation Administration....

364. Abou-el-Seoud v. United States

United States Court of Federal Claims. | February 28, 2018 | 136 Fed.Cl. 537 | 2018 WL 1081381

LABOR AND EMPLOYMENT — Public Employment. Federal government did not waive affirmative defense that federal employee's position was exempt from overtime pay under Fair Labor Standards Act.

...(i)as a civilian in the **military** departments #...

...Despite this evidence, Plaintiff insists that these duties simply were " **research**[ing], collect[ing,] and analyz[ing] CRST impacts on # [the Army Corps]....

365. Dahl v. Secretary of U.S. Navy

United States District Court, E.D. California. | August 30, 1993 | 830 F.Supp. 1319 | 1993 WL 328364

Enlistee brought action against Navy, alleging that Navy's homosexual exclusion policy violated his right to equal protection and free speech. On cross motions for summary judgment, the District Court, Milton L. Schwartz, J., held that: (1) Navy's homosexual exclusion policy violated equal protection; (2) homosexuals are not...

...many who advocate lifting the ban on homosexuals in the **military** blithely say we can overcome all of the problems # by ordering # **military** leaders at all levels to "institute training for all personnel on the acceptance of homosexuals #," even when a large number of the leaders and troops have clearly stated that "they oppose allowing homosexuals in the **military**" and "believe gays serving openly in the **military** would be very disruptive to discipline."...

...Defendants note that deference to the **military's** judgment is particularly important in this case because the homosexual exclusion policy "is based upon a series of carefully considered, professional **[m]ilitary** judgments and almost 50 years of experience by a succession of civilian and **[m]ilitary** leaders." ...



366. Maryland Shall Issue, Inc. v. Montgomery County, Maryland

United States District Court, D. Maryland. | July 06, 2023 | --- F.Supp.3d ---- | 2023 WL 4373260

Plaintiffs Maryland Shall Issue, Inc. ("MSI"), Engage Armament, LLC, I.C.E. Firearms & Defensive Training, LLC, and eight individuals ("the Individual Plaintiffs") have filed suit against Defendant Montgomery County, Maryland ("the County") challenging recent amendments to Chapter 57 of the Montgomery County Code...

...Moreover, specifically as to Montgomery County, most of the hospitals in the County are also involved in teaching or clinical **research** that constitutes educational or scientific activities, including the National Institutes of Health Clinical Center, which conducts clinical **research**, see Welcome from the Clinical Center, NIH Clinical Center, <https://clinicalcenter.nih.gov/welcome.html> (last visited June 27, 2023); Suburban Hospital, which is a member of Johns Hopkins Medicine and has a "vibrant and growing **research** program," see **Research** and Discovery at Suburban Hospital, Johns Hopkins Medicine, https://www.hopkinsmedicine.org/suburban_hospital/research...

...Lastly, the Court-notes that some of the hospitals in Montgomery County, such as Walter Reed National **Military** Medical Center and the National Institutes of Health Clinical Center, are public facilities located in government buildings and therefore also qualify as "sensitive places."...

367. In re 3M Combat Arms Earplug Products Liability Litigation

United States District Court, N.D. Florida, Pensacola Division. | June 03, 2021 | Slip Copy | 2021 WL 2605911

This matter is before the Court on Defendants' Motion to Compel and Trial Brief Regarding Dr. Mark Packer's PCAST Presentation and Related Documents, ECF No. 127. More specifically, Defendants seek production of a presentation made by Dr. Packer to the President's Counsel of Advisors on Science and Technology ("PCAST"), as well as the...

...These documents are highly probative of what the **military** knew or believed about the CAEv2, and such evidence is relevant to Defendants' claims that the **military** conducted its own **research** on the CAEv2 and was aware of issues or problems associated with it...

...See Joint Pretrial Stip., ECF No. 99 at 4-6 (For example, Defendants' statement of the case includes claims that the Army "knew that the CAEv2 was a 'one-size-fits-most' product that would not work for about 20% of soldiers and that the **military** "knew that folding back the flanges would allow some individuals to obtain a better fit.")....

368. U.S. v. Moss

U.S. Navy-Marine Corps Court of Criminal Appeals. | September 18, 2002 | Not Reported in M.J. | 2002 WL 31098489

MILITARY LAW - Sentencing. Evidence in aggravation was admissible to show accused's lack of remorse.

...Neither side could cite any pertinent authority, so the **military** judge called a recess to allow for additional **research**...

...Without explanation, the **military** judge overruled the objection....

369. **United States v. Battles**

U.S. Army Court of Criminal Appeals. | May 31, 2017 | Not Reported in M.J. | 2017 WL 2377767

A panel with enlisted representation, sitting as a general court-martial, convicted appellant, contrary to his pleas, of sexual assault in violation of Article 120, Uniform Code of **Military** Justice, 10 U.S.C. §920 (2012) [hereinafter UCMJ]. Appellant also pleaded guilty to attempted use and attempted distribution of...

...The **military** judge's instruction mirrored the **Military** Judges' Benchbook and the statutory language of Article 120....

...and legally insufficient to sustain appellant's conviction for sexual assault; (2) the **military** judge abused his discretion when he denied the defense motion to admit evidence under **Military** Rule of Evidence [hereinafter Mil. R. Evid.] 412; (3) the inaccurate "one drink means a female cannot consent to sex standard espoused in SHARP [Sexual Harassment/Assault Response and Prevention] training" and...

370. **Nartron Corp. v. U.S.**

United States Court of Claims. | May 27, 1977 | 1977 WL 22874 | 202 U.S.P.Q. 457

Plaintiff brings suit under 28 U.S.C. §1498 alleging the United States' infringement of certain patent rights that plaintiff asserts as licensee of Meridian Corporation. Defendant moves to dismiss or for summary judgment. In 1973, plaintiff purchased from Meridian the tools and equipment needed to produce and manufacture Meridian's patented...

...These products are adaptable to both **military** and nonmilitary uses, but the sales agreement described plaintiff's license only in terms of the products' **military** part numbers....

...There is no dispute that plaintiff's rights extend only to applying the patents to **military** uses....

371. **Smith v. Wilkie**

United States Court of Appeals for Veterans Claims. | June 20, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 2528188

Self-represented appellant JoAnn Russ Smith is the surviving spouse of veteran Howard K. Smith, who served in the United States Army from March 1968 to October 1969, including service in Thailand. In this appeal, which is timely and over which the Court has jurisdiction, she challenges a March 1, 2018, Board of Veterans' Appeals decision that...

...This provision also states that herbicide exposure may be conceded for a veteran who served at a U.S. Army base in Thailand during the Vietnam era 13 when the veteran alleges that duties placed him or her at or near the base perimeter, provided that the veteran was a **military** police unit member or had a **military** police occupational specialty. 14...

...The Board found "no evidence that the [v]eteran's duties during service brought him to the perimeters of **military** bases." 18...

372. **Doe 2 v. Shanahan**

United States Court of Appeals, District of Columbia Circuit. | March 08, 2019 | 917 F.3d 694 | 2019 WL 1086495

“[T]he passage of time frequently brings about changed circumstances — changes in the nature of the underlying problem, changes in governing law or its interpretation by the courts, and new policy insights — that warrant reexamination of the original judgment.” *Horne v. Flores*, 557 U.S. 433, 448, 129 S.Ct. 2579, 174 L.Ed.2d...

...Let's assume (against reason) that plaintiffs are right—that **military** officers will so over-zealously implement an implied instruction (i.e., “that Plaintiffs’ service is harmful to the **military**”), that these obsessive followers of “**military** hierarchy,” id., will completely overlook an explicit instruction to the contrary (i.e., respect the **military’s** “commitment to these Service members,” DoD Report 43, J.A. 311)...

...Rostker, 453 U.S. at 67, 101 S.Ct. 2646; see, e.g., U.S. Const. art. II, §1, cl. 1. This includes deference to the judgments of **military** officials—not because of their expertise—but because “the **military** authorities have been charged by the” constitutionally responsible branches—that is, “the Executive and Legislative Branches”— “with carrying out our Nation’s **military** policy.”...

373. United States v. 400 Acres of Land, more or less situate in Lincoln County Nevada

United States District Court, D. Nevada. | October 24, 2017 | Not Reported in Fed. Supp. | 2017 WL 4797517

In this eminent domain action, the Court has found that the United States' taking of property (“the Property”) for the purpose of operating the Nevada Test and Training Range (“NTTR”), a **military** test and training facility at Nellis Air Force Base, is for a congressionally authorized public use. (ECF No. 111 at 1.)...

...Empirical **research** (as opposed to legal **research**) would reveal whether and to what degree a given property is unlike any other property....

...Legal **research** (as opposed to empirical **research**) could uncover analogous situations in which courts determined just compensation by a method other than fair market value....

374. Morocco v. Wilkie

United States Court of Appeals for Veterans Claims. | March 25, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 1452062

Appellant Adeline Morocco, mother of veteran Thomas J. Cray, appeals through counsel a February 8, 2019, Board of Veterans' Appeals (Board) decision that denied service connection for her son's glioblastoma (GBM), entitlement to a temporary total disability evaluation pursuant to 38 C.F.R. § 4.30 for convalescence, and entitlement to special...

...Mr. Cray submitted the **research** report in its entirety in September 2017....

...She then indicated that current **research** does not suggest that exposure to Agent Orange causes brain cancer....

375. U.S. v. St Jean

U.S. Air Force Court of Criminal Appeals. | February 28, 1995 | Not Reported in M.J. | 1995 WL 106960

In a non-capital case, First Lieutenant St Jean was convicted by general court-martial, contrary to his pleas, of the premeditated murder of his wife, Patricia. Article 118(1), UCMJ, 10 U.S.C. § 918(1). Per Article 118(4), UCMJ, 10 U.S.C. § 918(4), the members sentenced him to life imprisonment, as well as accessory penalties, all of which the...

... He maintains that the **military** judge abused his discretion in admitting Mr. Hammerele's testimony because “[t]he inherent unreliability of the latex heads, particularly their failure to approximate actual conditions of the human head, shows the **military** judge's disregard of the law and evidence in this case.” ...

... The **military** judge responded: Well, you be more specific with me...

 **376. U.S. v. Abrams**

U.S. Navy–Marine Corps Court of Criminal Appeals. | April 13, 1998 | Not Reported in M.J. | 1998 WL 238601

We have examined the record of trial, the assignments of error, and the Government's response. We conclude that the findings and sentence are correct in law and fact and that no error materially prejudicial to the substantial rights of the appellant was committed. Appellant was tried by a general court-martial composed of a **military** judge alone on...

...A **military** judge must make a clear record of every significant in camera activity (other than legal **research**) adequate to assure that decisions remain reviewable on appeal...

...Despite whatever impediments appellant might have faced owing to the declination of the **military** judge to give him access to her **military** records, trial defense counsel thoroughly and effectively cross-examined Seaman P. Id. at 297–323....

 **377. United States v. Asgari**

United States District Court, N.D. Ohio. | April 03, 2018 | Not Reported in Fed. Supp. | 2018 WL 1602338

A grand jury indicted Defendant Sirous Asgari for theft of trade secrets, wire fraud, and visa fraud. Asgari moves to suppress evidence collected from two search warrants that had allowed the government to search and seize his emails. For the following reasons, the Court GRANTS Asgari's motion to suppress. The government requested and...

...There is no indication in the affidavit that this collaborative **research** would benefit Case Western or that Case Western would pay Asgari to perform this **research**....

...Agent Boggs knew that Asgari's only connection to this **research** paper was that both Asgari and the student who wrote the paper performed **research** at Sharif. 70...

378. Soriano v. Hosken

U. S. Court of Military Appeals. | September 22, 1980 | 9 M.J. 221

Accused facing special court-martial at the United States Naval Station, Subic Bay, Republic of the Philippines, petitioned for extraordinary relief requesting an order directing the **military** judge to reverse his pretrial ruling that a Philippine attorney was not qualified to act as civilian counsel for the accused at the court-martial. The Court...

...The Court of **Military** Appeals, Fletcher, J., held that, while a member of a local bar in a foreign country may be qualified to represent a **military** accused at a court-martial, whether such a lawyer was qualified to act as civilian counsel was a question within the discretion of the **military** judge....

...Even if such authority does exist in an American court, it is expressly disallowed to a court-martial or a **military** judge by **military** law....

 **379. Fisher v. Halliburton**

United States District Court, S.D. Texas, Houston Division. | July 01, 2005 | 390 F.Supp.2d 610 | 2005 WL 1562411

LABOR AND EMPLOYMENT - Workers' Compensation. Allegations that government contractor intended to harm its employees fell within exception to Defense Base Act.

...The selection by the U.S. Armed Forces of the “appropriate design for **military** equipment” is a “discretionary function within the meaning of [the FTCA's exception, 28 U.S.C. §2680(a) that] often involves not merely engineering analysis but judgment as to the balancing of many technical, **military**, and even social considerations, including specifically the trade-off between greater safety and greater combat effectiveness.” ...

...Claims against government contractor alleging that employees of contractor were used to drive **military**-style camouflage tankers with no armored plating as a decoy convoy during delivery of fuel in war zone and that decoy convoy was attacked by anti-American forces were not barred by combatant activities exception to government's waiver of sovereign immunity in Federal Tort Claims Act (FTCA), since claims did not involve any allegation that contractor supplied equipment, defective or otherwise, to **military**. 28 U.S.C.A. §2680(j)....

380. N.A.A.C.P. v. A.A. Arms Inc.

United States District Court, E.D. New York. | May 08, 2003 | Not Reported in F.Supp.2d | 2003 WL 21135579

Motions were heard on Wednesday, May 7, 2003, at 8:45 a.m. The following rulings were made for the reasons stated orally on the record at the hearing. Fabbrica d'Armi Pietro Beretta S.p.A.'s (“Pietro Beretta”) proposed order to seal certain trial exhibits relating to Pietro Beretta S.p.A. or to Beretta U.S.A. Corp., Court Exhibit 3 of 5/7/03, is...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

381. Wickliffe v. U.S.

United States Court of Federal Claims. | September 26, 2007 | Not Reported in Fed.Cl. | 2007 WL 5173587

By the Order, filed July 16, 2007, plaintiff's application for a writ of mandamus was dismissed, and as this was the only relief sought, the litigation was terminated. By motion, filed August 14, 2007, plaintiff seeks reconsideration of the July 16, 2007 Order. On September 13, 2007, defendant filed its response to plaintiff's motion for...

...While a **military** disability pay claim usually first accrues with a final **military** administrative decision on the matter, the veteran's knowledge of the existence and extent of his condition may accrue the claim at an earlier date in the absence of such a **military** decision....

...If plaintiff is attempting to assert a **military** pay claim based on a statute which could mandate the payment of money, such as for **military** disability pay pursuant to 10 U.S.C. § 1201, he has not pleaded a prior administrative decision by the **military** on the claim which is, with limited exceptions, a necessary prerequisite for consideration of the matter by this court....

382. N.A.A.C.P. v. A.A. Arms Inc.

United States District Court, E.D. New York. | May 08, 2003 | Not Reported in F.Supp.2d | 2003 WL 21135581

Motions were heard on May 8, 2003 before the jury was brought in for the remaining summations. The following rulings were made for the reasons stated orally on the record at the hearing. The jury charge has been corrected and distributed to the parties. The parties' continuing exceptions are noted and overruled. Counsel on behalf of defendants...

...Renzulli, Piscioti & Renzulli, LLP, New York, NY, By: John F. Renzulli, Leonard S. Rosenbaum, for Defendants Arms Technology, Inc.; Beemiller, Inc. d/b/a Hi-Point Firearms; Bersa S.A.; Browning Arms Co.; Century International Arms, Inc.; Eagle Imports, Inc.; European American Armory Corp.; Glock G.m.b.H (Glock Ges.m.b.H.); Glock, Inc.; Haskell Co. (Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec

CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli...

383. National Ass'n for the Advancement of Colored People v. A.A. Arms Inc.

United States District Court, E.D. New York. | March 31, 2003 | Not Reported in F.Supp.2d | 2003 WL 1701101

This court heard in limine motions this morning, March 31, 2003, prior to the commencement of opening arguments in this action. Some of the below rulings are repetitive of rulings already made and issued by the court, but the issues were raised before the court again this morning. For the reasons stated on the record today, based on oral argument,...

...Renzulli, Pisciotto & Renzulli, LLP, by John F. Renzulli, Leonard S. Rosenbaum, New York, NY, for Defendants Arms Technology, Inc.; Beemiller, Inc. d/b/a Hi-Point Firearms; Bersa S.A.; Browning Arms Co.; Century International Arms, Inc.; Eagle (Glock Ges.m.b.H.); Glock, Inc.; Haskell Co. (Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)...

384. Totten v. U.S.

United States Court of Appeals, Sixth Circuit. | December 09, 1986 | 806 F.2d 698

Spouse brought wrongful death action under Federal Tort Claims Act arising out of death of employee of defense contractor while engaged in postaccident cleanup operation after missile test failure. The United States District Court for the Eastern District of Tennessee, 618 F.Supp. 951, Thomas Gray Hull, Chief Judge, granted summary judgment...

... The document says that all **military** departments and agencies are to develop "system safety programs" for all phases of a weapon system's "life cycle," including **research** and development, test and evaluation, and production....

...Air Force **Military** Standard 1574 was not offered in evidence....

385. Libby v. Webber Hosp. Ass'n

United States District Court, D. Maine. | December 31, 2013 | Not Reported in F.Supp.2d | 2013 WL 6889556

Plaintiff Diana Libby filed a single-count complaint alleging that her employer, defendant Webber Hospital Association, d/b/a Southern Maine Medical Center ("SMMC"), discriminated against her in violation of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), 38 U.S.C. § 4311(a), by failing to...

...However, section 811 does state that "the intent of this subchapter [Leave Relating to Reserve Training or **Military** Service] is to minimize the disruption to the lives of persons performing service in the National Guard or the Reserves of the United States Armed Forces as well as to their employers, their fellow employees and their communities by providing for the prompt reemployment of these persons upon their satisfactory completion of **military** service and to prohibit discrimination against these persons because of their **military** service."...

...During the interview she was asked, "You often need time off for the **military**, sometimes two or three weeks even, how can you prevent your **military** service from affecting your schedule?"...

386. U.S. v. Lee

U.S. Court of Military Appeals. | March 02, 1988 | 25 M.J. 457 | 1988 WL 15161

Accused, a Specialist Four in the United States Army, was convicted by general court-martial, Seoul, Korea, Robert Bogan, J., of violating regulation by transferring duty-free goods to unauthorized persons and failing to show continued possession or lawful disposition of duty-free goods or controlled items. The United States Army Court of **Military**...

...These aspects of **military** life do not, of course, render entirely nugatory in the **military** context the guarantees of the First Amendment....

... The **military** need not encourage debate or tolerate protest to the extent that such tolerance is required of the civilian state by the First Amendment; to accomplish its mission the **military** must foster instinctive obedience, unity, commitment, and esprit de corps....

387. Koons v. C. I. R.

Tax Court of the United States. | March 31, 1961 | 35 T.C. 1092 | 1961 WL 1278

Petitioner, John F. Koons, purchased and undeveloped invention during the taxable year 1955 for \$5,000 and paid \$45,000 to a **research** laboratory for its services in perfection the invention into a patentable and commercial product. In 1958 letters patent were issued to petitioner covering said invention. Virtually all contacts by the laboratory...

...In 1955, petitioner was contacted by a representative of **Research** Laboratories of Colorado, Inc. (hereinafter sometimes called **Research** Laboratories), a group of chemists, physicists, and scientists doing various types of **research** and discovery, to solicit his financial assistance in the further development of a titanium subdioxide rectifier....

...It is our view that section 174(a)(1) applies to expenditures for **research** and experimentation in connection with an existing business to which such **research** and development is proximately related, such as the development or improvement of its existing products or services, or the development of new products and services in connection with such trade or business....

388. U.S. v. Schelin

U. S. Air Force Court of Military Review. | October 09, 1981 | 12 M.J. 575

Accused was convicted by special court-martial, Daniel L. Hawkey, J., of absence without leave, wrongful disposition of **military** property, and concealing stolen property, and she appealed. The Air Force Court of **Military** Review, Kastl, J., held that: (1) retail merchandise of the Army and Air Force Exchange Service is not "**military** property"...

... Having been intended for **military** members, it was proper for the accused to admit, and for the trial judge to find, that it was furnished and intended for the **military** service and was therefore **military** property....

...When the Uniform Code of **Military** Justice was adopted, it used the term "**military** property" in Article 108....

389. U.S. v. Coleman

U.S. Army Court of Criminal Appeals. | February 02, 2005 | Not Reported in M.J. | 2005 WL 6524675

A **military** judge sitting as a special court-martial convicted appellant, pursuant to his pleas, of failure to go to appointed place of duty (four specifications), absence without leave (AWOL), sale of **military** property of the United States (two specifications), and larceny (two specifications), in violation of Articles 86, 108, and 121, Uniform...

...Our superior court, in United States v. Perron, 58 M.J. 78, 81–82 (C.A.A.F.2003), reaffirmed the commitment of the **military** justice system to a careful, thorough providence inquiry stating: The **military** justice system imposes even stricter standards on **military** judges with regards to guilty pleas than those imposed on federal civilian judges....

...A **military** judge sitting as a special court-martial convicted appellant, pursuant to his pleas, of failure to go to appointed place of duty (four specifications), absence without leave (AWOL), sale of **military** property of the United States (two specifications), and larceny (two specifications), in violation of Articles 86, 108, and 121, Uniform Code of **Military** Justice, 10 U.S.C. §§ 886, 908, and 921 [hereinafter UCMJ]....

 **390. Davis v. Latschar**

United States Court of Appeals, District of Columbia Circuit. | February 22, 2000 | 202 F.3d 359 | 2000 WL 126771

ENVIRONMENTAL LAW - Impact Statements. District court's alleged failure to recognize that SEIS was requested was harmless error.

...See Draft General Management Plan and Environmental Impact Statement for Gettysburg National **Military** Park (“Draft GMP”), Plaintiffs' Exh. E at 7; see also An Act to Establish a National **Military** Park at Gettysburg, Pennsylvania, §3, 28 Stat. 651 (1895) (codified as amended at 16 U.S.C. §430g) (The Superintendent of the park shall “ascertain and definitely mark the lines of battle of all troops engaged in the battle of Gettysburg”)....

...The National Park Service (the “Park Service”) seeks to reinstate its deer management program for Gettysburg National **Military** Park (“Gettysburg”) and Eisenhower National Historic Site (“Eisenhower”)....

391. Sprague Elec. Co. v. C.I.R.

Tax Court of the United States. | September 19, 1961 | 36 T.C. 1043 | 1961 WL 1359

Petitioner has been an electronic components manufacturer since about 1926. During the years 1941 through 1945 it primarily manufactured condensers, resistors, and filters. Held, on the record presented petitioner has shown that some part of the income received from these items can be attributed to **research** and development in prior years within the...

...To each **researcher's** total hours of **research** on each item, Robinson then applied the hourly wage rate for that person in 1938 to arrive at the cost of **research** labor for each item....

...The same standards should apply to the wartime **research** as to the prewar **research** expenditures....

392. Minicozzi v. Department of Defense- Joint Chiefs of Staff, U.S. Army Intelligence, F.B.I.

United States District Court, E.D. Pennsylvania. | March 17, 1995 | Not Reported in F.Supp. | 1995 WL 116656

Before the Court is Plaintiff's Motion to Proceed In Forma Pauperis. While the answers to the Plaintiff's statement in support of his request of proceed in forma pauperis are somewhat inconsistent in that he claims that he has no checking account but that he receives interest from a checking account, I will accept the statement as indicating that...

...I am a private citizen—not a member of the **Military**, the F.B.I. or any other part of the Government....

...At the same time, the Department of Defense and the F.B.I. have illegally stopped the development of my career in **Research** and Medicine and have severely restricted my income so that I am now destitute....

 **393. Roe v. Department of Defense**

United States Court of Appeals, Fourth Circuit. | January 10, 2020 | 947 F.3d 207 | 2020 WL 110826

MILITARY LAW — Personnel. District Court did not abuse its discretion by issuing preliminary injunction preventing discharge of servicemembers with HIV under its policy.

...Moreover, the **military's** own **research** undermines the Government's purported concern...

...And the record and the **military's** own **research** support the conclusion of the **military**-official amici—including former Secretaries of the Army, Air Force, and Navy, a former Assistant Secretary of Defense, and a former Director of Health and Safety for the Coast Guard—that “there is no legitimate reason to deny HIV positive service members the opportunity to deploy.”...

394. United States v. Baker

U.S. Navy-Marine Corps Court of Criminal Appeals. | February 28, 2014 | Not Reported in M.J. Rptr. | 2014 WL 794584

A **military** judge sitting as a special court-martial convicted the appellant, pursuant to his pleas, of one specification of unauthorized absence terminated by apprehension, two specifications of violation of a lawful general order by using and possessing designer drugs, and one specification of marijuana possession, in violation of Articles 86, 92,...

...When accepting a waiver of the accused's right to challenge the **military** judge, the **military** judge must determine that the waiver is both knowing and voluntary....

...Under these circumstances, even if trial defense counsel had raised a challenge to the **military** judge, the **military** judge would still have been well within her discretion to refuse to recuse herself....

395. In re 3M Combat Arms Earplug Products Liability Litigation

United States District Court, N.D. Florida, Pensacola Division. | March 07, 2021 | Slip Copy | 2021 WL 848074

This Order addresses the following key motions in limine for the upcoming bellwether trial, beginning March 29, 2021: Defendants' VI—Evidence of Previous Litigation and XVI—Evidence Related to 3M's Discontinuation and Lack of Recall of CAEv2; and Plaintiffs' C—Generalized Evidence Unconnected to Plaintiffs and...

...2. Evidence or argument of **military** violation of **military** rules, regulations, or standards...

...Second, Plaintiffs move to exclude Defendants' general **military** culture experts' testimony about other instances of **military** non-compliance based on their personal experiences....

396. Vallier v. Jet Propulsion Laboratory

United States District Court, C.D. California, Western Division. | August 02, 2000 | 120 F.Supp.2d 887 | 2000 WL 1196063

GOVERNMENT CONTRACTS - Contractor's Liability. University that operated federal **research** and development center was not “government employee.”

...JPL is a **research** and development facility located on 176 acres in Pasadena, California....

...Id. By 1957, the Board was made up of eight **military** and six JPL personnel....

397. Schairer v. C. I. R.

Tax Court of the United States. | September 30, 1947 | 9 T.C. 549 | 1947 WL 69

During the taxable year 1943 petitioner's employer directed petitioner to move his residence nearer to his place of employment so as to be subject to call at all times. The employer promised petitioner that if in so doing he had to sell his home at a loss he would be reimbursed for the loss. Petitioner sold his home to a third party...

... In 1941 and the following war years, RCA was extensively engaged in important **military research** for the United States....
...As vice president of RCA in charge of its **research** and patent work, petitioner was responsible for the planning, direction, and execution of its **research** work which was conducted in radio, electronics, and allied branches of science....

398. **Starrett v. Lockheed Martin Corporation**

United States District Court, N.D. Texas, Dallas Division. | March 09, 2018 | Not Reported in Fed. Supp. | 2018 WL 10345320

Before the Court are Plaintiff William Henry Starrett, Jr.'s Motion to Compel Discovery Responses from Defendants (ECF No. 80) and four separate motions filed by various defendants seeking a stay of discovery and/or a protective order in this pro se civil rights case: (1) an Emergency Motion to Stay Discovery (ECF No. 62), filed by Defendant Texas...

...rights case: (1) an Emergency Motion to Stay Discovery (ECF No. 62), filed by Defendant Texas **Military** Department; (2) an Emergency Motion to Quash Plaintiff's Discovery Requests and Stay Discovery (ECF No. 67), filed by Defendants Defense Advanced **Research** Project Agency, National Nuclear Security Administration, United States Army Civil Affairs & Psychological Operations Command, United States...

...Daniel Laurence Abrahamson, Matthew Allen Deal, Office of the Attorney General of Texas, Austin, TX, for Defendant Texas **Military** Department....

399. **United States v. Shih**

United States Court of Appeals, Ninth Circuit. | July 18, 2023 | --- F.4th ---- | 2023 WL 4568337

CRIMINAL JUSTICE — Computer Crimes. Continuing EARs after expiration of EAA through executive order which declared national emergency under IEEPA did not violate nondelegation doctrine.

...Shih also requested instructions defining “fundamental **research**” as including “[r]esearch conducted by scientists, or students at a university, a Federal agency, or a business entity,” and “technology” as “technical data that may take the form of models and/or engineering designs.”...

...The district court limited Mattis's testimony about the Chinese **military** in general, and Shih's own documents identified AVIC 607, his other customers, and the **military** applications of MMICs....

400. **U.S. v. Airman First Class Seymour**

U.S. Air Force Court of Criminal Appeals. | October 19, 1994 | Not Reported in M.J. | 1994 WL 589619

A **military** judge sitting as a general court-martial convicted appellant of using marijuana and cocaine, and wrongfully appropriating another airman's compact disc player. Articles 112a and 121, UCMJ, 10 U.S.C. §§ 912a and 921. The judge sentenced appellant to a bad-conduct discharge, 9 months confinement, forfeiture of \$500 pay per month for 9...

...A **military** judge sitting as a general court-martial convicted appellant of using marijuana and cocaine, and wrongfully appropriating another airman's compact disc player....

... In our **research**, we have not found one published case where the issue involved the failure to serve “new matter” favorable to the defense....

401. **Stalling v. McDonough**

United States Court of Veterans Appeals. | July 26, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 2948922

The appellant, Alvin Stalling, appeals through counsel a September 10, 2020, Board of Veterans' Appeals (Board) decision that denied entitlement to an effective date earlier than May 13, 2020, for the grant of service connection for other specified trauma and stress related disorder (claimed as post-traumatic stress disorder (PTSD)),...

...An April 2008 RO report found the "information required to verify the stressful events described by the veteran insufficient to send to JSRRC [Joint Services Records **Research** Center] and/or insufficient to **research** the case."...

...The examiner noted the appellant's reported "fear of death while incarcerated at a **military** jail."...

402. **City of Colton v. American Promotional Events, Inc.**

United States District Court, C.D. California, Western Division. | August 26, 2011 | Not Reported in Fed. Supp. | 2011 WL 13224073

The Motion to Compel Production of Documents in the instant case is directed to the Special Master in the case, City of Colton v. American Promotional Events, Inc., et al., and Consolidated Actions CV 09–01864 PSG (SSx) in accordance with The Order Re Re–Designation of Venetta S. Tassopoulos, Magistrate Judge, (Ret.), as Special Master....

...The language in the SAIC report quoted above makes clear that the Department of Defense **research** into **military** munitions would apply to all sites where a release of perchlorate may have occurred....

...War II. The SAIC report stated in relevant part, "The Department of Defense has initiated **research** into the chemical composition of **military** munitions used in World War II. When completed, the finding will be applicable to any site where there is a potential perchlorate release from **military** munitions."...

403. **Creaghan v. Austin**

United States District Court, District of Columbia. | May 26, 2022 | 605 F.Supp.3d 151 | 2022 WL 1685006

CIVIL RIGHTS — Injunction. Servicemember was unlikely to succeed on merits of challenge to denial of request for religious exemption from COVID-19 vaccination requirement.

...In consideration of this precedent, and in light of RFRA's legislative history indicating that Congress did not intend RFRA to "adversely impair the ability of the U.S. **military** to maintain good order, discipline, and security," S. Rep. No. 103-111 at 12, the Court joined at least two other district courts in concluding that the **military's** scientific determinations are due at least some weight in judicial review of a **military** RFRA claim....

...As the Court explained, "context is important" and the **military** situation is unique given the long line of Supreme Court precedent cautioning against intervention in **military** affairs....

404. **Campbell v. Wood**

United States Court of Appeals, Ninth Circuit. | February 08, 1994 | 18 F.3d 662 | 1994 WL 33393

Defendant was convicted of three counts of first-degree murder and was sentenced to death. The Washington Supreme Court, 103 Wash.2d 1, 691 P.2d 929, affirmed. After denial of his previous petition, defendant filed second petition for writ of habeas corpus. The United States District Court for the Western District of...

... Superintendent Wood explained that, although she had no idea how the **military** execution manual was prepared—or even whether the **military** had ever hanged anybody according to the procedures in the manual (it had not)—she relied on the manual "[b]ecause it came from the **military**." ...

...Leaving aside the fact that **military** procedures are hardly known for their accuracy or humanity, and leaving aside the fact that Superintendent Wood has no idea how or even whether the **military** personnel who put together the execution manual

sought to minimize the risk of decapitation, the state ought to have been particularly wary of blindly adopting the **military** execution manual's procedures for hanging....

405. Lockheed Martin Corp. v. U.S.

United States Court of Appeals, Federal Circuit. | April 26, 2000 | 210 F.3d 1366 | 2000 WL 486216

TAXATION - Income. Government contractor was entitled to tax credit for **research** expenses.

... If a taxpayer performing **research** retains no substantial rights in **research** under the agreement providing for the **research**, the **research** is treated as fully funded #, and no expenses paid or incurred by the taxpayer in performing the **research** are qualified **research** expenses....

...Section 44F defines "qualified **research**" as follows: Qualified **research** For purposes of this section the term 'qualified **research**' has the same meaning as the term **research** or experimental has under section 174, except that such term shall not include— (1)qualified **research** conducted outside the United States, (2)qualified **research** in the social sciences or humanities, and (3)qualified **research** to the extent funded by any grant, contract, or otherwise by another person (or any governmental entity)....

406. United States v. Gardner

U.S. Air Force Court of Criminal Appeals. | November 16, 2021 | Not Reported in M.J. Rptr. | 2021 WL 5346638

A general court-martial composed of a **military** judge alone convicted Appellant, contrary to his pleas, of one specification of sexual abuse of a child in violation of Article 120b, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. § 920b. The **military** judge sentenced Appellant to a dishonorable discharge, confinement for two years, reduction...

...A general court-martial composed of a **military** judge alone convicted Appellant, contrary to his pleas, of one specification of sexual abuse of a child in violation of Article 120b, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. § 920b. 1...

...**Military** judges are presumed to know the law, and nothing in the record indicates to us the **military** judge misunderstood his responsibility to determine whether or not Appellant was guilty without relying on the opinions of others as to this ultimate issue....

407. Electronic Privacy Information Center v. Department of Justice

United States District Court, District of Columbia. | August 15, 2018 | 320 F.Supp.3d 110 | 2018 WL 3910831

GOVERNMENT — Records. Department of Justice had authority to invoke presidential communications privilege in withholding information under FOIA exemption.

...[25][26] EPIC also argues that the Department's withholding of consultant **research** unjustifiably treats **research** prepared by outside consultants as intra-agency records subject to Exemption 5. Id. at 16-17....

...Holdings: The District Court, Trevor N. McFadden, J., held that: (1) as a matter of first impression in the District of Columbia Circuit, Department had authority to invoke presidential communications privilege as basis for withholding under FOIA exemption covering civil discovery privileges; (2) Department properly invoked deliberative process privilege in withholding factual contents of **research** and briefing materials; and (3) **research** by outside consultants fell within scope of consultant corollary, and thus Department properly invoked deliberative process privilege in withholding consultants' **research**....

408. Robinson v. United States

United States District Court, N.D. Georgia, Atlanta Division. | May 24, 2023 | Slip Copy | 2023 WL 4401471

Before the Court are Defendant FedEx Office and Print Services, Inc. (“FedEx Office and Print”), and FedEx (collectively, “FedEx”)’s Motion to Dismiss [Doc. 5], FedEx’s Motion to Unseal [Doc. 13], and Plaintiff’s Verified Emergency Motion/Filing Petition for Temporary Restraining Order and/or Preliminary Injunction...

...The Plaintiff and her family were illegally and unconstitutionally subjected to Illegal Human **Research**/Human Experimentation on American soil....

...Illegal Human **Research**/Human Experimentation subjects are threaten, harassed, assaulted, stalked, poisoned, to inflict maximum torturous pain, and are illegally and unconstitutionally subjected to attempted assassinations repeatedly desperately by U.S. Governments rogue employee’s to continue to cover up their crimes against innocent Plaintiffs whom are seeking legal civil lawsuits against The United States Government....

409. **Collins v. CSA, Ltd.**

United States District Court, N.D. Texas, Dallas Division. | March 27, 2012 | Not Reported in F.Supp.2d | 2012 WL 1059025

Before the court is the motion of the defendant CSA, Ltd. (“CSA”) to dismiss one of the plaintiff’s claims against it (docket entry 29). For the following reasons, the motion is granted. The plaintiff Slyvesta Collins (“Collins”), an African–American, worked as an employee for CSA in pest management on United States...

...As discussed supra, Section 1981 only refers to United States states and territories, with no mention possessions or **military** bases....

...The plaintiff Slyvesta Collins (“Collins”), an African–American, worked as an employee for CSA in pest management on United States **military** bases in Kuwait....

410. **United States v. McDaniel**

U.S. Air Force Court of Criminal Appeals. | July 08, 2020 | 80 M.J. 555 | 2020 WL 3865865

MILITARY LAW — Sex Offenses. Internet-based exchange of indecent language was not protected by the First Amendment and did not fall within any due process liberty interest.

...Citing precedent from the United States Court of **Military** Appeals and several decisions of this court, 6 the **military** judge concluded that “it is settled that indecent language privately communicated even between consenting adults is not constitutionally protected.”...

...The Fifth Amendment 7 Due Process Clause provides equivalent protections in the **military** justice system....

411. **Simplex, Inc. v. Global Source One Intern., Inc.**

United States District Court, C.D. Illinois. | September 23, 2013 | Not Reported in F.Supp.2d | 2013 WL 5348566

This cause is before the Court on Plaintiff’s Motion for Default Judgment against Defendant Global Source One International, Inc. [33]. The Motion is GRANTED IN PART and DENIED IN PART. Global Source One International, Inc. is a corporation and not an infant, incompetent person, or current member of the **military** service. Global Source One...

...This total reflects a deduction of (1) \$76.52 for Westlaw **research** because such **research** is more properly sought as part of the attorney’s fees award; see Haroco, Inc. v. American Nat’l Bank & Trust Co. of Chicago, 38 F.3d 1429, 1440 (7th Cir.1994); and (2) the \$60 charge for service related solely to Defendant American Guard Services, Inc....

...Global Source One International, Inc. is a corporation and not an infant, incompetent person, or current member of the **military** service....

412. **Nelson v. F. Hoffmann-La Roche, Inc.**

United States District Court, N.D. California. | November 28, 2022 | --- F.Supp.3d ---- | 2022 WL 17259056

PRODUCTS LIABILITY — Jurisdiction. Political question doctrine did not bar retired **military** officer's medical monitoring action against antimalarial drug manufacturers, although case involved **military's** decision to prescribe the drug.

...**Researchers** affiliated with the Walter Reed Army Institute of **Research** reported the initial synthesis of Mefloquine in the late 1960's....

...Government contractor defense did not apply to retired **military** officer's claims against manufacturers of brand-name antimalarial drug for negligent failure to warn and strict liability failure to warn, arising from neuropsychiatric side effects sustained as a result of taking generic version of antimalarial drug while deployed in Afghanistan, as manufacturers approved the labeling and packaging for the drugs without involvement from the **military**, and manufacturers, and not the **military**, were responsible for the specifications of the label....

413. **Palmer v. Shinseki**

United States Court of Appeals for Veterans Claims. | October 31, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 5142680

Veteran Lee H. Palmer, Jr., appeals, through counsel, a July 14, 2010, decision of the Board of Veterans' Appeals (Board) that denied entitlement to service connection for tinnitus. Record (R.) at 3–8. Mr. Palmer argues that the Board erred by not complying with an October 2009 remand order. He also contends that the Board failed to provide an...

...The medical examiner provided citations to medical **research** supporting her opinion that Mr. Palmer's hearing loss is more appropriately attributable to his age rather than **military** service....

...The medical examiner used Mr. Palmer's own statements, evidence from his claims file, and relevant medical **research** to support he conclusion....

414. **U.S. v. Stipe**

U.S. Army Court of Military Review. | August 30, 1973 | 1973 WL 14829 | 47 C.M.R. 743

General Court-Martial Convened by Headquarters US Army School/Training Center and Fort Gordon, Fort Gordon, Georgia 30905 (M. C. Wright II, **Military** Judge). Sentence adjudged 9 March 1972. Approved sentence: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for 34 months, and reduction to the grade of private...

...The **military** judge afforded the appellant the proper remedy for this complaint by allowing him to challenge the selection process, and we conclude that the **military** judge properly denied the challenge....

...The **military** judge denied the challenge....

415. **Ragard v. U.S.**

United States Court of Federal Claims. | March 31, 2005 | Not Reported in Fed.Cl. | 2005 WL 6112643

On October 14, 1997, a United States Park Police Officer arrested Plaintiff, a Captain in the United States Army, in Rock Creek Park, located in the District of Columbia ("D.C."). See Compl. ¶ 5. Plaintiff was arrested for engaging in lewd acts, in violation of D.C.Code § 22-1312(a). Id. Thereafter, an Assistant Corporation Counsel in the Office of...

...The record evidences that the **military** trial court gave fair consideration to each of Plaintiff's arguments....

...A unique aspect of the **military** justice system is the post-trial review by the Convening Authority....

416. **United States v. Murray**

U.S. Army Court of Criminal Appeals. | July 22, 2014 | Not Reported in M.J. Rptr. | 2014 WL 7358179

An officer panel sitting as a general court-martial convicted appellant, contrary to his pleas, of rape of a person under the age of 12 in violation of Article 120, Uniform Code of **Military** Justice [hereinafter UCMJ], 10 U.S.C. § 920 (2000). The convening authority approved the adjudged sentence of a dismissal, confinement for eight...

...The **military** judge provided an explanation to cover 37 days of that delay....

...On appeal, appellant argues the **military** judge abused his discretion when he denied appellant's request for Dr. PE as an expert consultant....

417. **United States v. Upton**

U.S. Army Court of Criminal Appeals. | December 13, 2022 | Not Reported in M.J. Rptr. | 2022 WL 17684886

Appellant's guilty plea to a specification of possessing child pornography with an intent to distribute and a separate specification of distributing the identical child pornography, at the same locations and dates, was factually inseparable and "facially duplicative," requiring the dismissal of Specification 2 of The Charge. We address...

...The **military** judge sentenced appellant to a bad conduct discharge, confinement for twenty-one months, and reduction to Private E-1....

...The stipulation of fact and appellant's providence inquiry colloquy with the **military** judge established, however, that the underlying pornographic child videos and images charged for both specifications were identical....

418. **Davis v. Marsh**

United States Court of Appeals, Ninth Circuit. | June 12, 1989 | 876 F.2d 1446 | 1989 WL 61337

Former member of the Army brought suit against the Secretary of the Army and other Army officials seeking a declaratory judgment voiding a court martial, damages, and an order enjoining **military** officers from future sexual harassment. The United States District Court for the Northern District of California, Eugene F. Lynch, J., dismissed...

...Davis, represented by two appointed **military** attorneys who had not been involved in the court-martial, raised only one issue on appeal to the Court of **Military** Review: She claimed that the **military** judge had erred by failing to explain the **military** legal concept of "divestiture" to a member of the court-martial....

... **Military** prisoners must exhaust **military** remedies before seeking relief in federal court....

419. **Eakin v. U.S. Dept. of Defense**

United States District Court, W.D. Texas, San Antonio Division. | November 28, 2011 | Not Reported in F.Supp.2d | 2011 WL 5925570

TO: Honorable Fred Biery Chief United States District Judge This report and recommendation addresses the pending motions for summary judgment, motion to strike affidavit, and motion to strike response. I have

authority to enter this report and recommendation under 28 U.S.C. § 636(b) and the district court's order referring all pretrial matters to...

...Eakin's interest flowed from his hobby of **researching** his family's history....

...Previously, Eakin developed an interest in identifying unidentified remains of American **military** service members who died during World War II....

420. Halpern v. U.S.

United States District Court S.D. New York. | April 19, 1957 | 151 F.Supp. 183 | 113 U.S.P.Q. 328

Applicant for patent brought action against the United States under the Inventive Secrecy Act to recover compensation for damage caused by order of secrecy entered by the United States in a patent application, and for compensation for use of the invention by the United States. The United States made a motion to dismiss without prejudice, or to stay...

...And an affidavit by the Director of the Patents Legal Division, Office of Naval **Research**, Department of the Navy, states that the plaintiff's patent application still bears a **military** security classification of 'confidential' and that 'the Secrecy Order cannot be rescinded or modified at this time to permit a determination by a competent court of the rights of (the plaintiff) without possible prejudice to the national security.'...

...But the plaintiff concedes that his suit involves **military** and naval secrets and that such matters are not to be made public....

421. In re Agent Orange Product Liability Litigation

United States Court of Appeals, Second Circuit. | February 22, 2008 | 517 F.3d 76 | 2008 WL 465659

GOVERNMENT CONTRACTS - Contractor's Liability. Manufacturers informed government of known dangers that would have had impact on discretionary decision regarding toxicity.

...The Bionetics Study—a government-sponsored **research** project that included **research** into the health effects of 2, 4, 5-T—also began in 1963....

...A **military** contractor's contractual obligations are incorporated into a discretionary, safety-related **military** procurement decision by the United States government, and thus are protected under the government contractor defense even if contrary to the requirements of state law....

422. N.A.A.C.P. v. A.A. Arms Inc.

United States District Court, E.D. New York. | March 12, 2003 | 215 F.R.D. 58 | 2003 WL 1104932

The National Association for the Advancement of Colored People ("NAACP") is suing on behalf of itself and its New York members, in effect as a quasi private Attorney General. The theory of the case—public nuisance—is similar to one that is pending in the New York state courts brought by the Attorney General of the State of New York. People of the...

...Renzulli, Leonard S. Rosenbaum, for Defendants Arms Technology, Inc.; Beemiller, Inc. d/b/a Hi-Point Firearms; Bersa S.A.; Browning Arms Co.; Century International Arms, Inc.; Eagle Imports, Inc.; European American Armory Corp.; Glock G.m.b.H (Glock Ges.m.b.H.); Glock, Inc.; Haskell Co. (Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc....

423. Kennedy v. Mendoza-Martinez

Supreme Court of the United States | February 18, 1963 | 372 U.S. 144 | 83 S.Ct. 554

Actions for declaratory judgments that plaintiffs were citizens of the United States. A three-judge United States District Court for the District of Columbia, 187 F.Supp. 683, entered a judgment in favor of plaintiff in one of the cases, and the Attorney General appealed. The United States District Court for the Southern District of California,...

...It further provides that any alien who is subject to **military** service under the terms of the Selective Service Act, and who left this country to avoid **military** service, shall thereafter be forever barred from admission to the United States....

...A presumption that one is remaining abroad with a purpose of avoiding **military** service, arising from continued sojourn abroad in the face of an uncontroverted call to **military** duty, certainly bears no resemblance whatever to the presumption found wanting in Tot....

424. U.S. v. Meyers

U.S. Army Court of Military Review. | March 26, 1986 | 21 M.J. 1007

Accused, private first class, United States Army, was convicted by D. Morgan, J., of two specifications of wrongfully distributing hashish and one specification of wrongfully possessing hashish with intent to distribute, and he appealed. The United States Army Court of **Military** Review, Carmichael, J., held that: (1) accused's profit motive did not...

... Such a test, if one in fact has been fashioned by the Court of **Military** Appeals, would appear to be unique to the **military**....

... Neither Russell nor any other (non- **military**) federal case disclosed by our **research** supports the proposition that a defendant's profit motive, in and of itself, prevents him from raising and possibly prevailing on a claim of entrapment....

425. Kunz v. Evansville Surgical Associates, Inc.

United States District Court, S.D. Indiana, Evansville Division. | June 23, 2016 | Not Reported in Fed. Supp. | 2016 WL 10520291

This medical malpractice case arises from complications Rita Kunz suffered after undergoing a right thoracotomy and resection of esophageal diverticula. Roger S. Shinnerl, M.D. performed the surgery on Mrs. Kunz in September 2011. Plaintiffs, Mrs. Kunz and her husband, Herman Kunz, allege that Defendants, Dr. Shinnerl and Evansville Surgical...

...Accordingly, Defendants may present evidence of Dr. Shinnerl's **military** service....

...Defendants object to exclusion of Dr. Shinnerl's background and experience as a surgeon in the **military**....

426. Grumman Corp. v. LTV Corp.

United States District Court, E. D. New York. | October 14, 1981 | 527 F.Supp. 86 | Fed. Sec. L. Rep. P 98,319

Corporation brought action to enjoin, inter alia, its acquisition by an indirect wholly owned subsidiary of another corporation. The plaintiff moved for a preliminary injunction. The District Court, Mishler, J., held that: (1) evidence established that the proposed merger might tend to substantially lessen competition in carrier-based aircraft...

...In order to sell new tactical **military** aircraft to the Government, a prime contractor would have to expend great financial sums of money over a period of many years (for purposes of **research** and development) as a preliminary step to entering a competition for a **military** contract....

...Because the market for new tactical **military** aircraft had been so speculative (Vought did not foresee any new competition until the mid-1980s or later), Vought decided in 1977 to direct its **research** and development efforts away from aircraft programs into the field of missiles....

427. Lee v. Virginia State Board of Elections

United States District Court, E.D. Virginia. | May 19, 2016 | 188 F.Supp.3d 577 | 2016 WL 2946181

GOVERNMENT — Elections. Virginia voter identification statute requiring photo identification did not violate vote-denial prohibition in Section 2 of Voting Rights Act.

...He also utilized several assumptions, including his belief that anyone who lived on a **military** reservation had an acceptable **military** photo identification card....

...When Dr. Rodden used a more inclusive measure of identification, which encompassed individuals residing on **military** bases who probably have a form of **military** identification or those meeting his criteria for a probable student, the rates of non-possession dropped significantly....

428. In re Cincinnati Radiation Litigation

United States District Court, S.D. Ohio, Western Division. | January 11, 1995 | 874 F.Supp. 796 | 1995 WL 21570



Cancer patient whom government and university physicians allegedly subjected to radiation experiments under guise that they were receiving cancer treatment sued physicians employed by Department of Defense, physicians employed by city university, city, and university, seeking recovery under §§1983 and 1985(3), alleging that...

...(2)There were no universal standards of **research** ethics....

... As Justice O'Connor indicated in her dissent from United States v. Stanley, 483 U.S. 669, 107 S.Ct. 3054, 97 L.Ed.2d 550 (1987), [t]he United States **military** played an instrumental role in the criminal prosecution of Nazi officials who experimented with human beings during the Second World War # and the standards that the Nuremberg **Military** Tribunals developed to judge the behavior of the defendants stated that the voluntary consent of the human subject is absolutely essential # to satisfy moral, ethical, and legal concepts #...

429. Military Toxics Project v. E.P.A.

United States Court of Appeals, District of Columbia Circuit. | June 30, 1998 | 146 F.3d 948 | 1998 WL 343438

Coalition of citizens' groups filed action challenging Environmental Protection Agency's (EPA) promulgation of **military** munitions rule under Resource Conservation and Recovery Act (RCRA). The Court of Appeals, Ginsburg, Circuit Judge, held that: (1) association of chemical manufacturers had standing to intervene; (2) RCRA did not unambiguously...

...The Court of Appeals, Ginsburg, Circuit Judge, held that: (1) association of chemical manufacturers had standing to intervene; (2) RCRA did not unambiguously require all **military** munitions to be subject to stringent hazardous waste regulation so as to preclude EPA's contrary interpretation in its **military** munitions rule; (3) portion of **military** munitions rule deeming spent or fired **military** munitions as result of their intended use as not falling within regulatory definition of solid waste subject to stringent hazardous waste regulations under RCRA was not arbitrary or capricious; and (4) **military** munitions rule did not violate RCRA, and was not arbitrary or capricious, by granting conditional exemption from stringent hazardous waste regulation for nonchemical **military**...

... In this case all parties agree that the CMA has standing because some of its members produce **military** munitions and operate **military** firing ranges regulated under the **Military** Munitions Rule....

430. Minnesota Public Interest Research Group (MPIRG) v. Selective Service System

United States Court of Appeals, Eighth Circuit. | November 05, 1984 | 747 F.2d 1204 | 21 Ed. Law Rep. 460

Public interest organization brought action to enjoin enforcement of provision of the Department of Defense authorization act requiring that persons subject thereto file statement of compliance with their educational institution prior to receiving financial assistance. The United States District Court for the District of Minnesota, Donald P. Alsop,...

...New York Public Interest **Research** Group, New York City, amicus curiae for appellant....

...Issue as to whether plaintiff had standing to challenge statute requiring persons subject to the draft to file statement of compliance with their educational institution prior to receiving financial assistance was rendered moot by virtue of Supreme Court decision upholding constitutionality of the statute. **Military** Selective Service Act, §12, as amended, 50 U.S.C.A.App. §462....

431. Snow v. C. I. R.

Supreme Court of the United States | May 13, 1974 | 416 U.S. 500 | 94 S.Ct. 1876

Taxpayers were disallowed an income tax deduction for their distributive share of a partnership which had engaged in **research** and experimentation. The Tax Court, 58 T.C. 585, found for the Commissioner of Internal Revenue, and taxpayers appealed. The Court of Appeals, 482 F.2d 1029, affirmed. On certiorari, the Supreme Court, Mr. Justice Douglas,...

...Treasury Regulation s 1.174—2(a)(2) provides: ‘The provisions of this section apply not only to costs paid or incurred by the taxpayer for **research** or experimentation undertaken directly by him but also to expenditures paid or incurred for **research** or experimentation carried on in his behalf by another person or organization (such as . . . (an) engineering company, or similar contractor) . . .’...

...Very often, under present law small businesses which are developing new products and do not have established **research** departments are not allowed to deduct these expenses despite the fact that their large and well-established competitors can obtain the deduction . . . This provision will greatly stimulate the search for new products and new inventions upon which the future economic and **military** strength of our Nation depends....

432. Jobe v. National Transportation Safety Board

United States District Court, E.D. Louisiana. | August 29, 2019 | Slip Copy | 2019 WL 13222971

Before the Court are Plaintiff's Motion to Compel Defendant's Proper Responses to Plaintiff's First Requests for Admissions and for Sanctions [Doc. #26] and Plaintiff's Motion to Compel Compliance with This Court's July 1, 2019 Order and for Sanctions. [Doc. #30]. The motions are opposed. [Doc. #35, #36]. Having reviewed the motions and the case...

...Schrecker v. Dep't of Justice, 217 F. Supp. 2d 29, 35 (D.D.C. 2002) (‘Discovery in FOIA is rare and should be denied where an agency's declarations are reasonably detailed, submitted in good faith and the court is satisfied that no factual dispute remains.’), aff'd, 349 F.3d 657 (D.C. Cir. 2003); **Military** Audit Project v. Casey, 656 F.2d 724, 751-52 (D.C. Cir. 1981) (holding that discovery is not warranted ‘when it appears that discovery would only # afford [the plaintiff] an opportunity to pursue a bare hope of falling upon something that might impugn the affidavits.’)...

...E.g., Pub. Citizen Health **Research** Group, 997 F. Supp. at 72....

433. **Duka v. United States**

United States District Court, D. New Jersey. | September 30, 2015 | Not Reported in Fed. Supp. | 2015 WL 5768786

Petitioners Dritan Duka, Shain Duka and Eljvir Duka (collectively referred to as the “Dukas” in this Opinion), seek relief through counsel under 28 U.S.C. § 2255 from their federal convictions and sentences. The Dukas were convicted after a jury trial (along with their coconspirators Mohamed Shnewer and Serdar Tatar) of...

...where they again engaged in shooting practice; they discussed plans to attack the United States **military**; they conducted **research** and surveillance on various potential targets for such an attack in New Jersey, Pennsylvania, and Delaware; and they procured a map of the United States Army Base at Fort Dix to use in planning and coordinating such an attack...

...Relevant to this Opinion, the Dukas were charged with: (1) conspiracy to murder members of the United States **military** in violation of 18 U.S.C. §§ 1114 & 1117 (“Count I”); (2) attempt to murder members of the United States **military** in violation of 18 U.S.C. § 1114 (“Count II”); (3) possession or attempted possession of firearms in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A) and 924(c)(1)(B)(ii) (“Count III”); and (4) possession of firearms by an illegal alien in violation of 18 U.S.C. § 922(g)(5) (“Count VII”)....

434. **Pascascio v. Fischer**

U.S. Army Court of Military Review. | March 31, 1992 | 34 M.J. 996 | 1992 WL 64486

Accused petitioned for extraordinary relief to secure writ of mandamus requiring **military** judge to dismiss charges on speedy trial grounds. The United States Army Court of **Military** Review, Werner, J., held that denial of motion to dismiss did not usurp judicial power, constitute recurring erroneous practice, or abridge right not to be tried and,...

...4 July: Petitioner was released to **military** authorities and confined in a **military** confinement facility....

... Murray, wherein the Court of **Military** Appeals first enunciated the principle, involved a challenge to **military** jurisdiction, not the right to a speedy trial....

435. **Coffey v. McDonough**

United States Court of Appeals for Veterans Claims. | May 16, 2023 | Not Reported in Vet. App. Rptr. | 2023 WL 3477717

The appellant, Randy M. Coffey, appeals a March 11, 2022, Board of Veterans’ Appeals (Board) decision that denied his claim for service connection for bilateral hearing loss. Record (R.) at 5-12. This appeal is timely, and the Court has jurisdiction pursuant to 38 U.S.C. § 7252(a) to review the Board's decision. Single-judge disposition...

...Due to the lack of hearing loss at separation from **military** service, the veteran's report of hearing loss onset as 15 years ago, and veteran's noisy 37[-]year occupational history in an auto mechanic shop[,] it is LESS likely than not that veteran's current hearing loss is due to **military** service 43 years ago....

...His **military** occupational specialty was aviation structural mechanic....

436. **United States v. Schelmetty**

U.S. Army Court of Criminal Appeals. | June 30, 2017 | Not Reported in M.J. | 2017 WL 2839630

In this appeal we address whether the **military** judge abused his discretion in limiting the introduction of post-assault sexual behavior evidence by the alleged victim, T.J. What is unusual about this case, and what makes

appellant's position on appeal difficult, is that the defense never filed a motion under **Military** Rule of Evidence [hereinafter...

...By holding the moving party to the strictures of the rule, either by requiring briefing by the parties or by providing himself time to **research** the issue, the **military** judge may have avoided this error....

...The specificity required by the motion ensures that the **military** judge knows exactly what the moving party is requesting and why. Additionally, the motion is not merely the means of providing information to the **military** judge....

437. Wright v. Fred Hutchinson Cancer Research Center

United States District Court, W.D. Washington, At Seattle. | August 08, 2002 | 269 F.Supp.2d 1286 | 2002 WL 32124953

HEALTH - Drugs. Failure to obtain informed consent did not violate due process.

...[5][6] Plaintiffs assert that they are third-party beneficiaries to a contract between the Hutch and the Department of Health and Human Services in which the Hutch agreed to follow certain guidelines for the ethical conduct of **research** involving human subjects, to abide by all federal regulatory requirements for such **research**, and to present all such **research** to an Institutional Review Board for approval....

...Representatives of deceased participants in human **research** initiated action against cancer **research** center, alleging violations of federal regulations, breaches of assurance agreement between center and Department of Health and Human Services, and violations of due process....

438. U. S. v. Newbill

U. S. Air Force Court of Military Review. | September 20, 1977 | 4 M.J. 541

Accused, an airman first class in the United States Air Force, was convicted by special court-martial convened at Royal Air Force, Alconbury, England, Francis S. Moran, Jr., J., of five offenses of forgery and one offense of unauthorized absence and he appealed. The Air Force Court of **Military** Review, Buehler, Senior Judge, held that: (1) it was...

...The **military** judge found that the accused did not have a UIF....

...The Air Force has implemented this provision in Air Force Manual 111-1, **Military** Justice Guide, paragraph 5-13a, 2 July 1973....

439. Log Cabin Republicans v. United States

United States District Court, C.D. California. | July 01, 2010 | Not Reported in Fed. Supp. | 2010 WL 11520571

Defendants United States of America and Secretary of Defense Robert Gates ("Defendants") filed three Motions in Limine on June 18, 2010: "To Exclude Expert Testimony," "To Exclude Certain of Plaintiff's Proposed Exhibits," and "To Exclude Lay Witness Testimony." Plaintiff Log Cabin Republicans...

...All have demonstrated their expertise through **research**, publication, experience, employment—including **military** or government service —, or some combination of these....

...It cites Goldman v. Weinberger, 475 U.S. 503 (1986), in support of this contention, but in that case, expert testimony on the desirability of religious exceptions to the **military** dress code....

440. Caudillo v. Shinseki

United States Court of Appeals for Veterans Claims. | October 06, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 4597437

The appellant, Robert D. Caudillo, through counsel, appeals a March 25, 2010, Board of Veterans' Appeals (Board) decision that denied his claim for entitlement to service connection for type II diabetes mellitus and remanded seven other claims. Record (R.) at 17–18. Initially, the Court notes that it lacks jurisdiction over the claims that...

...The Bronze Star Medal: is awarded to any person who, while serving in any capacity in or with the Army of the United States after 6 December 1941, distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with **military** operations against an armed enemy; or while engaged in **military** operations involving conflict with an opposing armed force in which the United States is not a belligerent party...

...The appellant's assertions that he went ashore in Vietnam are contradicted by his service records and by the ship histories provided by the U.S. Armed Services Center for Unit Records **Research** (CURR) independently of the accuracy of the appellant's statements regarding the "Bronze Star."...

441. Henderson v. Shinseki

United States Court of Appeals for Veterans Claims. | May 03, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 1653985

The appellant, William Henderson, Jr., through counsel, appeals a January 4, 2010, Board of Veterans' Appeals (Board) decision that denied the appellant entitlement to service connection for diabetes mellitus with peripheral neuropathy of the extremities, to include as secondary to exposure to Agent Orange. Record (R.) at 3–12. Single-judge...

...The unit history provided by the JSRRC and DOD guidelines indicated that there was no evidence that the 4th Finance Section or 503rd Battalion **Military** Police had exposure to herbicides....

...However, the Board noted that the unit history provided by the Joint Services Records **Research** Center (JSRRC) stated that the appellant was assigned to Camp Page, which was 9 miles from the DMZ, and not to Camp Red Cloud....

442. U.S. v. Steagall

U.S. Army Court of Criminal Appeals. | July 30, 2004 | Not Reported in M.J. | 2004 WL 5866351

A **military** judge sitting as a general court-martial convicted appellant, pursuant to his pleas, of dereliction of duty, false official statement, marijuana use (two specifications), cocaine use, larceny, and disorderly conduct, in violation of Articles 92, 107, 112a, 121, and 134, Uniform Code of **Military** Justice, 10 U.S.C. §§ 892, 907, 912a, 921,....

...Our superior court, in United States v. Perron, 58 M.J. 78, 81–82 (C . A.A.F.2003), reaffirmed the commitment of the **military** justice system to a careful, thorough providence inquiry stating: The **military** justice system imposes even stricter standards on **military** judges with regards to guilty pleas than those imposed on federal civilian judges....

...A **military** judge sitting as a general court-martial convicted appellant, pursuant to his pleas, of dereliction of duty, false official statement, marijuana use (two specifications), cocaine use, larceny, and disorderly conduct, in violation of Articles 92, 107, 112a, 121, and 134, Uniform Code of **Military** Justice, 10 U.S.C. §§ 892, 907, 912a, 921, and 934 [hereinafter UCMJ]....

443. Miller v. Chicago Public Library

United States District Court, N.D. Illinois, Eastern Division. | April 11, 2006 | Not Reported in F.Supp.2d | 2006 WL 1006002

Harry Miller (“Mr. Miller” or “Plaintiff”) has sued the Chicago Public Library (“CPL”), the Chicago Police Department (“CPD”), the Illinois Attorney General, the Federal Bureau of Investigation (“FBI”), and the President of the United States, George W. Bush (collectively “Defendants”) for \$9,000,000. (D.E. 9.) This matter is before the Court for...

...The Chicago and New York City litigations also refer repeatedly to United States involvement in Viet Nam (in this regard, at least some of the filings in the instant case appear to recycle allegations that were at the heart of the New York litigation (see, e.g., D.E. 35 at 2 (Plaintiff’s response to motion to dismiss) (discussing Mr. Miller’s contention that his colleagues in Vietnam had been ordered to “murder investigative reporters attempting to **research** the Kennedy assassination,” and alleging how Mr. Miller “was required to avoid interfering with Army assassins while doing deep penetration reconnaissance of the Cold War”))-although the present complaints and filings reference current and past American **military**...

...(D.E. 9 at 2.) According to Mr. Miller, four uniformed library guards assaulted him and confiscated his **research** notes....

444. **Ventura v. Shinseki**

United States Court of Appeals for Veterans Claims. | September 30, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 4525993

The appellant, Paul T. Ventura, appeals through counsel a November 5, 2009, Board of Veterans’ Appeals (Board) decision that found new and material evidence had been received to reopen a claim for entitlement to service connection for post-traumatic stress disorder (PTSD), but denied the claim on the merits. Record of Proceedings (R.) at 3–9....

...Although Mayhue is not directly on point, the Court’s reasoning is instructive and supports the appellant’s contention that, in this case, VA’s duty to assist may have included conducting a search for the pertinent unit histories and morning reports from the Center for **Research** of Unit Records where the record contains specific information denoting the appellant’s unit assignments, **military** occupation, and dates of deployment to Vietnam....

...His DD Form 214 reflects that his **military** occupational specialty was rifleman and that he received the National Defense Service Medal, the Vietnam Service Medal with one star, and the Vietnam Cross of Gallantry....

445. **Regan v. Starcraft Marine, L.L.C.**

United States District Court, W.D. Louisiana, Lake Charles Division. | April 18, 2006 | Slip Copy | 2006 WL 8460108

Daniel Regan (“Plaintiff”) was seriously injured when he fell from a pontoon boat. The boat, made by Starcraft Marine, L.L.C., was owned by the U. S. Army and had been rented by Staff Sgt. John Vandergriff from an Army-operated marina at the Army Recreation Cove on Toledo Bend Reservoir. Plaintiff and his father filed suit in state...

...See, e.g., 10 U.S.C. § 2683(allowing **military** to relinquish jurisdiction by filing a notice with the governor)....

...Mr. Villalon testifies that he also conducted “further independent **research**” to identify the location of the accident....

446. **Wright v. U.S.**

United States Court of Federal Claims. | August 28, 2002 | 53 Fed.Cl. 466 | 2002 WL 2001281

GOVERNMENT - United States. Statute governing damages for patent infringement by government construed.

...The Court of Federal Claims, 51 Fed.Cl. 638, found the government liable for infringement, and on consideration of damages, the Court, Damich, Chief Judge, held that: (1) royalty base would include only the 18 **research** and development units which contained live detonating cords and a fuze; (2) royalty base would not include cost of 103 live operational units that the government planned to purchase in future after the **research** and development phase; and (3) royalty base would not include costs for **research**, testing, development and exploration....

...In determining damages for government's infringement of patent for detonator net weapon for clearing mines in shallow water, royalty base would not include costs for **research**, testing, development and exploration, where the **research** and development were done by the government and not by the patentee who presented the government with a "paper patent," i.e., one that had not been reduced to practice....

 **447. Greene v. McElroy**

Supreme Court of the United States | June 29, 1959 | 360 U.S. 474 | 79 S.Ct. 1400

Action, against Secretary of Defense and others, for declaration that revocation of government contractor's employee's security clearance was unlawful and void and for order restraining defendants from acting pursuant to it. The United States District Court for the District of Columbia, 150 F.Supp. 958, rendered judgment for defendants and...

...In 1947, the National Security Act, 61 Stat. 495, 5 U.S.C.A. s 171 et seq., effected a reorganization of the **military** departments and placed the Secretary of Defense at the head of the National **Military** Establishment....

...And, in the Annual Report to the President, in 1949, the Secretary, then Louis Johnson, reported that 'Industrial Security.—A program to coordinate and develop uniform practices to protect classified **military** information placed in the hands of industry under procurement and **research** contracts was continued by the Munitions Board....

448. United States v. Dong

United States District Court, D. South Carolina, Charleston Division. | April 27, 2017 | 252 F.Supp.3d 447 | 2017 WL 2062951

CRIMINAL JUSTICE — Forfeitures. Federal grant funds earmarked for **research** but diverted instead into non-allowable expenditures were gross proceeds of defendants' offenses, thus warranting \$3,211,600 money forfeiture judgment.

...[25] The purpose of the PCA "is to uphold the American tradition of restricting **military** intrusions into civilian affairs, except where Congress has recognized a special need for **military** assistance in law enforcement."...

...The purpose of the Posse Comitatus Act is to uphold the American tradition of restricting **military** intrusions into civilian affairs, except where Congress has recognized a special need for **military** assistance in law enforcement. 18 U.S.C.A. § 1385....

 **449. In re Agent Orange Product Liability Litigation**

United States District Court, E.D. New York. | March 10, 2005 | 373 F.Supp.2d 7 | 2005 WL 729177

TORTS - Government Contractors. Chemical companies were not liable to Vietnamese plaintiffs alleging injury from Agent Orange defoliant.

... The United States, one of the world's largest **military** powers, voted against the resolution, as did Australia (a U.S. **military** ally in Vietnam) and Portugal....

... The **military** instituted policies, even if they were not fully complied with, intended to ensure that the herbicides were applied only to targets of **military** significance....

 **450. Revision Military, Inc. v. Balboa Mfg. Co.**

United States District Court, D. Vermont. | August 31, 2011 | Not Reported in F.Supp.2d | 2011 WL 3875624

This matter came before the court on July 20, 2011 for an evidentiary hearing on the motion for a preliminary injunction (Doc. 2) filed by Plaintiffs Revision **Military**, Inc. and Revision **Military**, Ltd. (collectively, "Revision"). Also before the court is the Defendant Balboa Manufacturing Company's d/b/a Bobster Eyewear...

...Revision **Military**, Inc. owns each patent, and Revision **Military**, Ltd. is the exclusive licensee of each patent...

...Approximately ninety-five percent of its ballistic eyewear sales are made to **militaries** around the world through open bid **military** contracts....

451. **Burkett v. Shinseki**

United States Court of Appeals for Veterans Claims. | April 25, 2013 | Not Reported in Vet.App. | 2013 WL 1760348

The appellant, Douglas R. Burkett, appeals through counsel an October 20, 2011, Board of Veterans' Appeals (Board or BVA) decision that denied an effective date earlier than August 15, 2008, for the award of disability compensation for post-traumatic stress disorder (PTSD). Record of Proceedings (R.) at 3–10. This appeal is timely, and the...

...The VA examiner noted that her opinion was based on the appellant's "**military** records, review of [the claims] file, treatment records, clinical evaluation, review of recent **research**, [and Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM–IV)] diagnostic criteria."...

...The RO responded in writing on December 29, 2006, indicating that the RO had photocopied and enclosed the appellant's **military** medical records....

452. **Fletcher v. U.S. Atomic Energy Commission**

United States Court of Appeals District of Columbia Circuit. | June 28, 1951 | 192 F.2d 29 | 89 U.S.App.D.C. 218

Nellie Pauline Fletcher and William Arthur Fletcher, petitioners, filed a petition for review of determination of the United States Atomic Energy Commission, respondent, that petitioners were not entitled to just compensation for alleged use of petitioners' patents by respondents and were not entitled to an award for alleged use of petitioners'...

...In like manner, any patent granted before the enactment of the statute, which conferred any rights with respect to any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy, but not solely useful in such production or utilization for a **military** weapon, was revoked to the extent that such invention or discovery is useful for the production of a **military** weapon....

...Dealing with a third phase of the subject, the Congress gave the Commission broad authority over non- **military** utilization of atomic energy....

453. **Chu v. C.I.R.**

United States Tax Court | July 10, 1972 | 58 T.C. 598 | 1972 WL 2475

Held, assignment of patent application was not productive of ordinary income within the provision of sec. 1239, I.R.C. 1954; such application was not property of a character subject to depreciation within the meaning of sec. 1239(b), whether considered in the light of Estate of William F. Stahl, 52 T.C. 591, or in the light of the reversal of that...

...During this period he also worked at the Radio **Research** Laboratory at Harvard University....

...As a consequence of his **research** achievements, he has been granted over 25 separate patents pertaining to various antennas developed by him....

454. General Dynamics Corp. v. U. S.

United States Court of Claims | June 20, 1973 | 202 Ct.Cl. 347 | 1973 WL 21349

Contracts; cost principles; model in anticipation of Government procurement; cost allocation to overhead selling costs.-In the early 1960's the Defense Department was interested in the development of a light-armed reconnaissance aircraft with short take-off and landing capabilities (STOL), and in December 1963 the Navy issued a request for...

...Nevertheless, plaintiff continued with secret and independent **research** and development to develop an aircraft to meet the requirements of the Government's Request for Proposals, and incurred the costs of independent **research** and development which it now seeks to allocate to other contracts as "costs of selling" its "product."...

...The plaintiff had agreements with the Defense Department for 1964 and 1965 covering the performance, on a cost-reimbursement basis, of **research** and development projects, but the Charger project, having been undertaken by the plaintiff in secret, was not included, of course, among the **research** and development projects that were expressly covered by the 1964 and 1965 agreements between the parties....

455. Capeheart v. Hahs

United States District Court, N.D. Illinois, Eastern Division. | February 14, 2011 | Not Reported in F.Supp.2d | 2011 WL 657848

CIVIL RIGHTS - Free Speech. Professor failed to demonstrate actual success on the merits of her claim that a university denied her a promotion in retaliation for her protesting **military** recruitment on campus and thus was not entitled to a permanent injunction.

...Although her job required her to conduct **research**, her **research** involved the social inequalities faced by Latino inmates, not Latino faculty members....

...In addition to teaching, she is a **researcher** studying social inequality and social change....

456. Okinawa dugong (Dugong Dugon) v. Mattis

United States District Court, N.D. California. | August 01, 2018 | 330 F.Supp.3d 1167 | 2018 WL 3646880

ENVIRONMENTAL LAW — Endangered Species. Department of Defense did not violate National Historic Preservation Act when taking into account effect of construction of base on Okinawa dugong.

...Defendants retained IARII, a private **research** institute, to **research** the cultural significance of the dugong....

...Department of Defense (DOD) did not act unreasonably, so as to violate National Historic Preservation Act (NHPA), by relying on academic experts, rather than consulting with cultural practitioners during process, under NHPA, in which it took into account the effect of construction of a new **military** base in Okinawa, Japan, on the Okinawa dugong, an endangered sea mammal important in Japanese culture; DOD determined its analysis was reliable because it obtained sufficient information on cultural significance from other sources, some of interviewees of private **research** institute retained by government to **research** dugong's significance had spoken directly with cultural practitioners who passed on their views to **research**...

457. Findlay v. Nicholson

United States Court of Appeals for Veterans Claims. | February 13, 2006 | 20 Vet.App. 453 | (Table, Text in WESTLAW), Unpublished Disposition | 2006 WL 954185

Ralph Findlay appeals through counsel a January 5, 2004, Board of Veterans' Appeals (Board) decision in which the Board denied his claim for service connection for post-traumatic stress disorder. The Court has jurisdiction pursuant to 38 U.S.C. §§ 7252(a) and 7266(a) to review the January 2004 Board decision. A single judge may conduct that review....

...He further described those injuries as being suffered by his "best friend in the **military**, Paul."...

...The examiner further concluded that the post-traumatic stress disorder "symptoms are related to the stressor he incurred in the **military**."...

458. **U.S. v. Westmoreland**

U.S. Court of Military Appeals. | September 25, 1990 | 31 M.J. 160 | 1990 WL 137205

Accused, a corporal in the United States Marine Corps, was convicted by general court-martial, R.J. Dove, J., of conspiracy to commit murder and premeditated murder, and the United States Navy-Marine Corps Court of **Military** Review affirmed in unpublished opinion. Further review was sought. The United States Court of **Military** Appeals, Everett, C.J.,...

...This question precipitated several hours of legal **research** by and discussion among counsel and the **military** judge....

... The **military** judge acquiesced....

459. **Cameranesi v. U.S. Dept. of Defense**

United States District Court, N.D. California. | April 22, 2013 | 941 F.Supp.2d 1173 | 2013 WL 1741715

GOVERNMENT - Records. Names and **military** units of WHINSEC students and instructors was not protected from disclosure under FOIA.

...Mr. Riels also refers to "international **military** personnel," but makes no distinction between U.S. and foreign **military** personnel....

...Plaintiffs also assert that this information is relevant to the analysis of whether and to what effect the government is vetting individual officers and noncommissioned officers prior to admitting them to WHINSEC, and monitoring **military** units for human rights certification in accordance with the 1997 Foreign Operations Appropriations Act, which requires that U.S. assistance be denied to **military** "units" if the Secretary of State has credible evidence of human rights abuses by that unit, and successive amendment to the Defense Appropriations Act, extending the same restrictions to training assistance to foreign **military**. 1...

460. **Knighen v. McDonough**

United States Court of Appeals for Veterans Claims. | December 16, 2021 | Not Reported in Vet. App. Rptr. | 2021 WL 5936400

United States Army veteran Rodger T. Knighen appeals, through counsel, a May 19, 2020, Board of Veterans' Appeals (Board) decision denying service connection for general anxiety disorder with persistent depression and dysthymia (psychiatric disability). Appellant argues that the Board failed to ensure that VA satisfied its heightened duty to...

...JSRRC **researches** official **military** unit records and data bases for information which may verify the causal incident described by a Veteran in a disability claim for compensation."....

...Appellant argues that VA erred in its duty to assist, and in concluding that any further attempts to obtain his service records would be futile, because VA did not seek records from the U.S. Army and the Joint Services Records **Research** Center (JSRRC)....

461. U.S. v. Gomez

U. S. Army Court of Military Review. | March 10, 1983 | 15 M.J. 954

Accused was convicted by general court-martial, Colby, J., of premeditated murder and attempted obstruction of justice, and he appealed. The Army Court of **Military** Review, Hansen, C.J., held that: (1) evidence sustained convictions; (2) evidence sustained finding that victim was "dead" before he was removed from the respirator; (3) evidence...

... Moreover no **military** cases have been cited to us nor has our own **research** revealed pertinent **military** authorities....

...[3] We believe the **military** judge correctly guided the evolution of **military** law....

462. Bell v. U.S. Dept. of Defense

United States District Court, D. New Hampshire. | May 07, 1976 | 71 F.R.D. 349

Action was brought under Freedom of Information Act to obtain documents relating to 'ULTRA traffic' during World War II. The District Court for the District of New Hampshire, Bownes, J., held that plaintiff would be given leave to amend complaint; that where documents were allegedly exempt because of their relation to national defense...

...'5. All material for the years 1943-1945 (and before if such material is available) from the Order of Battle Branch of the Intelligence Group, the **Military** Branch of the **Research** Unit and the Reports Unit and its branches [Japanese **Military** Reports Branch, German **Military** Reports Branch, Political and Economic Reports Branch and the Publications Branch] of the **Military** Intelligence Service and/or **Military** Intelligence Division of the War Department, together with certain underlying raw material that went into the production of the daily top secret reports by these units under the name of Magic Summaries....

...In other words, I wish access to all of this cable traffic whether delivered to German **Military** Reports Branch or to others.'...

463. Deering, Milliken & Co. v. Temp-Resisto Corp.

United States Court of Appeals, Second Circuit. | January 22, 1960 | 274 F.2d 626 | 124 U.S.P.Q. 147

Action by plaintiff as assignee of patent to enjoin defendants from infringing patents and defendants counterclaimed for unfair competition. The United States District Court for the Southern District of New York, Archie O. Dawson, J., 160 F.Supp. 463, entered judgment holding patents valid and infringed and defendants appealed. The Court of...

...Around 1943 there was also considerable effort expended in **military research** on the subject of reflecting cloth....

...The Master found that Milium was useful because it displayed a substantially higher reflectivity than ordinary cloth, although well below the minimum set by the **military researchers**....

464. Ward v. West

United States Court of Appeals for Veterans Claims. | August 13, 1999 | 17 Vet.App. 86 | (Table, Text in WESTLAW), Unpublished Disposition | 1999 WL 795316

The appellant appeals a June 16, 1997, decision of the Board of Veterans' Appeals (Board or BVA) denying entitlement to service connection for post-traumatic stress disorder (PTSD). Single-judge disposition is appropriate when, as here, the issue is of relative simplicity and the outcome is not reasonably debatable. See Frankel v. Derwinski, 1...

...However, information concerning Mr. Ward's **military** medical treatment, to include the shrapnel wounds to his left leg and right arm, should be in his Official **Military** Personnel File (OMPF)....

...In order to provide **research** concerning casualties, to include the soldier that Mr. Ward pulled to safety or the soldier that was hit by sniper fire, Mr. Ward must provide more specific information....

465. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 30, 2003 | Not Reported in F.Supp.2d | 2003 WL 2003780

Motions in limine were heard on Wednesday, April 30, 2003, at 9:55 a.m. The following rulings were made for the reasons stated orally on the record at the hearing. Plaintiff objects to two portions of the videotaped deposition of Mr. Paul Jannuzo designated by defendant Glock, Inc. No mention may be made of any municipal guns litigation. See...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

466. N.A.A.C.P. v. A.A. Arms Inc.

United States District Court, E.D. New York. | March 26, 2003 | Not Reported in F.Supp.2d | 2003 WL 1609192

For the reasons stated orally on the record on March 24, 2003: 1. In an effort to minimize juror disruption and proceed with the trial in an expeditious and orderly manner, plaintiff shall provide each defendant with any and all deposition testimony page and line designations on a rolling basis commencing immediately, and all such designations...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

467. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 21, 2003 | Not Reported in F.Supp.2d | 2003 WL 2004531

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions. The District Court, Weinstein, Senior District Judge, held that mistrial was not warranted by...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

468. U.S. v. Fredrichs

U.S. Army Court of Military Review. | December 30, 1974 | 1974 WL 14147 | 49 C.M.R. 765

General Court-Martial Convened by Headquarters, 1st Armored Division, APO New York 09326 (D. R. Hunt, **Military** Judge, alone). Sentence adjudged 22 February 1974. Approved sentence: Confinement at hard labor for 100 days, forfeiture of \$200.00 pay per month for 3 months, and reduction to the grade of Private (E-1) (By GCMO 120, USARB, 19 Jul 74,...

...Holland, to purchase drugs while there for the purpose of sale, transfer, or trafficking.b. The **military** judge was not satisfied that at the time the Government agent approached appellant that the Government had reasonable cause to believe that

appellant was engaged in the sale, transfer, or trafficking of drugs.c. The **military** judge was satisfied beyond a reasonable doubt that the appellant did...

...**Research** conducted by this Court has disclosed no case directly in point...

469. U.S. v. Barclay

U.S. Coast Guard Court of Military Review. | October 15, 1969 | 1969 WL 6426 | 41 C.M.R. 839

Special Court-Martial convened at Office of Commander, Eighth Coast Guard District. Sentence adjudged 3 July 1969.

...Said the Court of **Military** Appeals: "In the light of that statement, we wonder why the board of review affirmed the sentence."...

...He consulted a Navy psychiatrist, who called the ship's commanding officer, and he was sent to Fort Worth Clinical **Research** Center for psychological analysis....

470. Perry v. Wilkie

United States Court of Appeals for Veterans Claims. | July 28, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 4290528

The appellant, Leo W. Perry, through counsel appeals an April 8, 2019, Board of Veterans' Appeals (Board) decision that denied entitlement to benefits for Parkinson's disease, including as due to herbicide exposure. Record (R.) at 4-13. This appeal is timely, and the Court has jurisdiction to review the Board's decision pursuant to 38 U.S.C....

...The VA central office directed the RO to contact the JSRRC "with the [appellant's] **military** unit, location, dates at the location, **military** occupation, and any other relevant facts, as shown by [his] actual **military** records."...

...A VA regional office (RO) denied the appellant's claim in July 2012, finding "no evidence to show exposure to herbicides during **military** service."...

471. Sinatra v. Peake

United States Court of Appeals for Veterans Claims. | July 16, 2008 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2008 WL 2962436

The appellant, Louis Sinatra, Jr. appeals pro se a November 6, 2006, Board of Veterans' Appeals (Board) decision denying his claim for service connection for inclusion body myositis. Record (R.) at 1-9. Single-judge disposition is appropriate. See Frankel v. Derwinski, 1 Vet.App. 23, 25-26 (1990). This appeal is timely, and the Court has...

...R. at 4. In particular, the Board noted that, [i]n March 2004, the Department of Defense # found that after a 'review of both classified and unclassified **military** records, [there was] no indication of Project 112 [a Cold War-era chemical and biological warfare test program] activity involving the veteran's unit or Fort Ord.' VA then sent a request to the Army Medical **Research** and Materiel Command in Frederick, Maryland, but a review of the microfiche at the Medical **Research** Volunteer Records at the U.S. Army Medical **Research** Institute of Chemical Defense found no evidence to show that the veteran was exposed to any chemical weapons during service....

...adapted from the keynote address to the Sixth Annual Scientific Conference of Chemical Defense **Research**, U.S. Army Chemical **Research**, Development and Engineering Center, Edgewood Area, Aberdeen Proving Ground, Maryland, 13-16 November 1990, available at <http://www.fas.harvard.edu./fsp/role.html>. Secretary's Br. at 8, Appendix (App.) A at 5. The article notes, in pertinent part: "Large-scale field..."

472. **U.S. v. Perez**

United States District Court, N.D. California. | October 04, 2006 | Not Reported in F.Supp.2d | 2006 WL 2850018

Before the Court is Defendant's Motion to Dismiss for Lack of Federal Jurisdiction, filed on July 6, 2006. Defendant Perez seeks to dismiss this case on the grounds that the federal government lacks jurisdiction over the Presidio of San Francisco. Having considered the arguments of counsel, the papers submitted, and good cause appearing the Court...

...The **military** quarters have also been deemed historical sites as the Presidio was one of the oldest continuously active **military** installations in the nation....

...Furthermore, independent **research** provides no legislative history from California's 1897 Legislative Act indicating that exclusive jurisdiction would end when the Presidio ceased active **military** operations....

473. **Daniel v. Wilkie**

United States Court of Appeals for Veterans Claims. | August 28, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 5200740

The appellant, Steven E. Daniel, through counsel appeals an April 22, 2019, Board of Veterans' Appeals (Board) decision that denied entitlement to benefits for a low back disability, bilateral knee disabilities, and human immunodeficiency virus (HIV). Record (R.) at 4-15. This appeal is timely, and the Court has jurisdiction to review the Board's...

...The [appellant's] **military** service treatment records do not show any complaints or diagnoses of any back or [bilateral] knee condition during his active duty **military** service....

...The appellant's doctor stated that these conditions "are directly linked to [his] **military** service as a paratrooper."...

474. **Serrano Medina v. U.S.**

United States Court of Appeals, First Circuit. | May 10, 1983 | 709 F.2d 104 | 36 Fed.R.Serv.2d 554

Former civilian **military** base employee brought action against the base commander, the United States, and school system on the base which had formerly employed him seeking reinstatement, back pay, reissue of identification cards, and relief from debarment order. The United States District Court for the District of Puerto Rico, Carmen...

... Frequently, it is the civilian that must yield to the **military**, for "the special character of the **military** requires civilian authorities to accord **military** commanders some flexibility in dealing with matters that affect internal discipline and morale." ...

... The court stated in dictum that "[a]bsent explicit authorization, a **military** commander may not exclude a civilian employee from a **military** installation without a hearing." ...

475. **Hughes v. Frank**

United States District Court, E.D. New York. | June 02, 1976 | 414 F.Supp. 468

County police officer brought suit under Civil Rights Act and the **Military** Selective Service Act, seeking a declaration of the unconstitutionality of county police department rule which, as applied, barred him from membership in a federal **military** reserve organization. On the defense motion to dismiss the complaint for lack of subject matter...

...County police department rule which, as applied, requires a police officer to obtain police commissioner's permission before joining a **military** reserve unit, and which authorizes the commissioner to impose a quota on the number of officers entitled to serve in the **military** reserves at any one time, is not unconstitutional, since, inter alia, the county's interest in maintaining an adequately staffed police force overrides the interest of an individual officer in joining the reserves, since the commissioner's concern over loss of manpower is clearly legitimate, and since the quota system established to deal with that problem is not irrational or arbitrary. 42 U.S.C.A. § 1981 et seq.; **Military**...

...County police officer brought suit under Civil Rights Act and the **Military** Selective Service Act, seeking a declaration of the unconstitutionality of county police department rule which, as applied, barred him from membership in a federal **military** reserve organization....

476. Jones v. Shinseki

United States Court of Appeals for Veterans Claims. | May 20, 2010 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2010 WL 2009080

The appellant, Curtis J. Jones, through counsel, appeals a July 9, 2008, Board of Veterans' Appeals (Board) decision that denied his claims for service connection for post-traumatic stress disorder (PTSD) and depression as secondary to PTSD. Record (R.) at 3. Single-judge disposition is appropriate. See Frankel v. Derwinski, 1 Vet.App. 23,...

...The appellant was further instructed to be "specific" so that VA could thoroughly **research military** records....

...The RO also determined that the information submitted by the appellant was not sufficient to allow local **research** or submission to the U.S. Armed Services Center for Unit Records **Research** and that more information needed to be submitted for the RO to develop the claim....

477. Able v. U.S.

United States District Court, E.D. New York. | March 30, 1995 | 880 F.Supp. 968 | 1995 WL 149460

Six gay or lesbian members of armed forces sued United States and Secretary of Defense, challenging constitutionality of section of National Defense Authorization Act governing **military** service by gays and lesbians, and directives issued under Act. The District Court, 847 F.Supp. 1038, issued preliminary injunctions prohibiting...

...[7][8][9] The court recognizes that the judgments of Congress and the **military** with regard to **military** affairs are entitled to substantial deference, and that courts "lack the competence" to make policy decisions in the **military** context....

...Judgments of Congress and **military** with regard to **military** affairs are entitled to substantial deference....

478. U.S. v. Holmes

U.S. Air Force Board of Review. | November 29, 1954 | 1954 WL 2761 | 18 C.M.R. 599

Sentence adjudged 14 October 1954 by Special Court-Martial convened at Rhein Main Air Base, Germany. Approved sentence: Bad conduct discharge, forfeiture thirty dollars (\$30) per month for three (3) months, and confinement at hard labor for three (3) months.

...Thus, we are confronted squarely with the question (apparently for the first time in the Air Force) of whether or not an allegation of wrongful possession of an incompletely filled out **military** pass, knowing such possession to be unauthorized, sufficiently charges an offense under the Uniform Code of **Military** Justice....

...**Military** personnel § 49 — specifications alleging unauthorized possession of an incompleated pass as stating an offense....

479. Leeson Corp. v. U. S.

United States Court of Claims, Trial Division. | May 01, 1978 | 1978 WL 14862 | 198 U.S.P.Q. 4

The court held in Leeson Corp. v. United States 208 Ct.Cl. 871, 530 F.2d 896 (1976) that certain claims of three patents owned by plaintiff, Leeson Corporation (Leeson), are valid and infringed by defendant, the United States of America (the Government). The case is now before the trial judge for further proceedings under Rule 131(c) to...

...Having demonstrated the advantageous characteristics of its mechanically reconstructible metal/air battery and its potentially superior **military** capabilities, Leeson entered into a contract 3 with the Government to manufacture a **militarized** version of its reconstructible metal/air battery which it had developed for commercial use....

...Concurrently therewith, Leeson decided to concentrate on the **military** market for the batteries and, consequently, to forego further efforts to exploit the non- **military** (civilian or commercial) potential for its unique battery, the essential features of which were the subject of issued patents or pending applications for patents in the United States and abroad....

480. Halpern v. U.S.

United States Court of Appeals Second Circuit. | August 04, 1958 | 258 F.2d 36 | 118 U.S.P.Q. 386

Action by inventor to recover compensation for alleged damages resulting from an order of secrecy involving his application for a patent. From a judgment of the United States District Court for the Southern District of New York, David N. Edelstein, J., 151 F.Supp. 183, dismissing the complaint for lack of jurisdiction, the inventor appealed. The...

...He approached the Office of Scientific and **Research** Development and explained the scientific principles of his invention....

...Appellant, Otto Halpern, alleges that in 1941 he discovered an invention which he realized had important **military** application....

481. McKenney v. McDonough

United States Court of Appeals for Veterans Claims. | November 30, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 17335107

Appellant John L. McKenney, through counsel, appeals a March 11, 2021, Board of Veterans' Appeals (Board) decision that denied service connection for (1) coronary artery disease (CAD); (2) diabetes mellitus, type II (DM); (3) right lower extremity neuropathy; (4) left lower extremity neuropathy; (5) right upper extremity neuropathy; and (6)...

...Id. at § A.4.b. For veterans, like the appellant, who served in Thailand during the Vietnam era, if VA is unable to concede herbicide exposure, VA must either submit a request to the **Military** Records **Research** Center (MRR) for verification of herbicide exposure or refer the case to the RO **research** coordinator to formally find that information sufficient to verify herbicide exposure does not exist....

...In July 2018, Mr. McKenney submitted additional evidence of his **military** duties and proximity to the perimeter of the Ubon RTAFB, including his lay statement, **military** personnel records, aircraft crash report, buddy statements, and photographs labeled as "Ubon RTAFB and perimeter."...

482. National Federation of Federal Employees v. Cheney

United States Court of Appeals, District of Columbia Circuit. | August 29, 1989 | 884 F.2d 603 | 1989 WL 99472

Labor union brought action to enjoin implementation of Army's compulsory drug-testing program for certain civilian employees. The United States District Court for the District of Columbia, 640 F.Supp. 642, Thomas F. Hogan, J., dismissed case on jurisdictional grounds. Appeal was taken. The Court of Appeals, 818 F.2d 935,...

... Pursuant to this command, the Army initiated mandatory toxicological testing of its **military** forces, a program that by 1982 resulted in comprehensive **military** testing....

...Inadequacy of record justified remand on issue of reasonableness of United States Army's drug testing by urinalysis of civilians in Personnel Reliability Program, including nuclear reactor operators, nuclear weapons technicians, chemical ammunition maintenance specialist, quality assurance personnel, material handlers, laboratory workers, intrusion detection system maintenance personnel, secretaries, engineering technicians, **research** biologists, and animal caretakers. U.S.C.A. Const.Amend. 4; **Military** Selective Service Act of 1967, §§101 et seq., 501(a), 85 Stat. 348....

483. Sanchez v. McDonough

United States Court of Appeals for Veterans Claims. | March 31, 2023 | Not Reported in Vet. App. Rptr. | 2023 WL 2734601

Reynaldo S. Sanchez appeals through counsel a September 22, 2021, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for (1) diabetes mellitus, type II (diabetes), to include as due to exposure to herbicides, (2) peripheral neuropathy of the right lower extremity, to include as due to exposure to...

...The Board noted that Mr. Sanchez had submitted copies of online articles titled "Agent Orange on Okinawa – New Evidence" and "Agent Orange on Okinawa," and the Board stated that these articles described the article's author's **research** concerning "evidence he claims supports a finding that U.S. **military** defoliants, including Agent Orange, were present on Okinawa during the 1960s and early 1970s."...

...He further testified that, accordingly to his **research**, those barrels contained herbicides....

484. Haas v. Gutierrez

United States District Court, S.D. New York. | June 26, 2008 | Not Reported in F.Supp.2d | 2008 WL 2566634

In separate actions, three different plaintiffs, who are all represented by the same attorney, commenced individual lawsuits attempting to challenge the investigative findings, of the National Institute of Standards and Technology ("NIST"), as to how and why the World Trade Center buildings collapsed on 9/11. The focus of the NIST investigation was...

...The three related cases that are pending before this Court are: Wood v. Applied **Research** Associates....

...Plaintiffs theorize that what actually occurred was that the Twin Towers disintegrated after being struck by the United States **military's** secret laser-like weaponry....

485. Great American Industries, Inc. v. C. I. R.

Tax Court of the United States. | March 08, 1956 | 25 T.C. 1160 | 1956 WL 814

In 1940, Atlas Corporation owned all the stock of petitioner, which was then operating as an investment company. On December 28, 1940, Atlas caused petitioner to distribute to it certain securities which it wished to retain, leaving petitioner with assets consisting almost entirely of cash and marketable securities in three widely owned companies....

...No backlog of advance **military** orders existed and continuation of V.R.C.'s **military** production could not be counted on because the armed services were improving their equipment, thus continually changing the specifications therefor, and

because the larger rubber companies would, in the event of America's entry in the war, be more intensely in competition with V.R.C. both for **military** orders and the available rubber supply...

...The profits realized in 1939 and 1940 resulted primarily from production for **military** uses not only of Rubatex but of ordinary solid rubber...

486. Piet v. U.S.

United States District Court, S.D. California, Central Division. | September 08, 1959 | 176 F.Supp. 576 | 123 U.S.P.Q. 21

Action by patentee against United States to recover compensation for use of alleged invention. The District Court, Yankwich, J., held that where, prior to application for patent, sales of product covered by patent were made to the United States through prime contractors for incorporation into propulsion system of **military** missiles or rockets, all...

...Where invention more than one year prior to application for patent therefor was sold by inventor to United States government through prime contractors for incorporation in **military** missiles or rockets, all of which were security classified as confidential or higher, and invention had never been available for sale or on sale except to government through such prime contractors for use in classified **military** rockets and missiles, but sale by inventor to prime contractors was unrestricted, there was a 'public use' of invention invalidating patent therefor. 35 U.S.C.A. 102(b)...

...The District Court, Yankwich, J., held that where, prior to application for patent, sales of product covered by patent were made to the United States through prime contractors for incorporation into propulsion system of **military** missiles or rockets, all of which were security classified as confidential or higher, even though invention described in claim had never been available for sale except to government through prime contractors for use in classified **military** rockets and missiles, unrestricted sale without a pledge of secrecy or reservation of any control over subsequent use of device resulted in a public use which invalidated patent...

487. Ellison v. Caddell Const. Co Inc

United States District Court, D. South Carolina, Greenville Division. | November 10, 2010 | Not Reported in F.Supp.2d | 2010 WL 5125338

This matter is before the Court on the defendant's motion to dismiss [Doc. 38]. The plaintiff is proceeding pro se. On August 26, 2010, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir.1975), the plaintiff was advised of the dismissal procedure and the possible consequences if he failed to adequately respond to the motion to dismiss. [Doc....

...Including this circuit court of appeals, the various courts of other jurisdictions have apparently agreed that the DBA affords the sole remedy for employees and contractors working on overseas **military** bases or land used for **military** purposes....

...The DBA affords compensation benefits with "respect to the injury or death of any employee" working on a **military** base or land used for **military** purposes as well as employees engaged in employment under contract with the United States or a contractor of the United States outside the continental United States. 42 U.S.C.A. § 1651(a)...

488. U.S. v. Foster

U.S. Air Force Board of Review. | February 03, 1964 | 1964 WL 5114 | 34 C.M.R. 839

Sentence adjudged 19 September 1963 by Special Court-Martial convened at Goose Air Base, Labrador. Approved sentence: Bad conduct discharge, forfeiture of forty dollars (\$40.00) per month for four (4) months, confinement at hard labor for four (4) months, and reduction to airman basic.

...a commissioned officer may be in the execution of his office without being on duty in the strictly **military** sense when he is engaged in the performance of an act or duty either pertaining to or incident to his office, or legal or appropriate for an officer

of his rank and office to perform and that he is deemed to be in the execution of his office when engaged in any act or service required or...

...Charge II covers the two offenses against the noncommissioned officer, charged in violation of Article 91, Uniform Code of **Military** Justice....

489. Siemens Aktiengesellschaft v. U.S.

United States Claims Court. | August 14, 1992 | 26 Cl.Ct. 980 | 1992 WL 197377

Patent owner for traveling wave tubes used in electron gun on airborne radar brought suit to recover reasonable compensation for government's alleged use of patented invention. Patent owner moved for partial summary judgment. The Claims Court, Smith, C.J., held that: (1) original invention was concealed or suppressed during...

...Inventors' declaration of no prior sale of electron gun used in airborne radar was not relevant to challenge to patent's validity on grounds that previous invention had been publicly disclosed when navy awarded **research** and development contracts based on previous invention since, at time patent application was filed, **research** and development contract did not constitute sale. 35 U.S.C.A. §102(b)....

...Despite contention that government was the relevant public to which invention had to be disclosed, because only uses of invention were **military**-related, sale of electron gun used in airborne radar to Navy was not a public dissemination of invention needed to overcome inference of suppression or concealment; other entities, such as government contractors or those interested in **research** on applications of device might be interested in development of invention. 35 U.S.C.A. §102(g)....

490. Igyarto v. McDonough

United States Court of Appeals for Veterans Claims. | June 30, 2021 | Not Reported in Vet. App. Rptr. | 2021 WL 2672001

Air Force veteran William J. Igyarto appeals, through counsel, an August 6, 2019, Board of Veterans' Appeals (Board) decision that denied service connection for a prostate disability. Because the Board's statement of reasons or bases for that decision is inadequate and the Board failed to address VA's duty to assist, the Court vacates the...

...He included with his statement information from VA regarding Thailand **military** bases and Agent Orange exposure....

...In a July 2018 deferred rating decision, VA referred appellant's case to the appeals **military** records specialist (MRS)....

491. United States v. Obregon

U.S. Air Force Court of Criminal Appeals. | September 06, 2017 | Not Reported in M.J. Rptr. | 2017 WL 4404562

A **military** judge sitting as a general court-martial convicted Appellant, consistent with his pleas and a pretrial agreement (PTA), of four specifications of assault consummated by battery of children under 16 years of age, in violation of Article 128, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §928. The court-martial sentenced...

...We presume that the **military** judge knows and follows the law absent clear evidence to the contrary, and we "presume that the **military** judge is able to distinguish between proper and improper sentencing arguments."...

...A **military** judge sitting as a general court-martial convicted Appellant, consistent with his pleas and a pretrial agreement (PTA), of four specifications of assault consummated by battery of children under 16 years of age, in violation of Article 128, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §928....

492. **Natural Resources Defense Council, Inc. v. Evans**

United States District Court, N.D. California. | August 26, 2003 | 279 F.Supp.2d 1129 | 2003 WL 22025910

ENVIRONMENTAL LAW - Endangered Species. NMFS improperly scoped Navy's peacetime use of low-frequency sonar system.

...) The Defense **Research** Agency Study **researchers** adopted a "safe limit" recommendation for exposure to fish of no more than 150 dB. (AR 2188.) ...

...The Navy did not act on Dr. Ellison's recommendations to address the Defense **Research** Agency Study in the EIS and to conduct further **research** by computer modeling....

493. **American Civil Liberties Union v. Brown**

United States Court of Appeals, Seventh Circuit. | June 07, 1979 | 609 F.2d 277 | 27 Fed.R.Serv.2d 1062

Action was brought seeking to redress government officials' allegedly unconstitutional investigation and intelligence gathering activities aimed at plaintiffs. Officials claimed that certain information and documents sought by plaintiffs were protected by state secrets privilege. The United States District Court for Northern District of Illinois,...

...I concur in those portions of Judge Noland's opinion with respect to the informant's identity and the Counterintelligence **Research** Files System....

...The appellants responded by identifying the Counterintelligence **Research** Files System which indexes on microfilm information relative to intelligence activities all over the world....

494. **U.S. v. Driver**

U.S. Air Force Board of Review. | May 10, 1965 | 1965 WL 4757 | 35 C.M.R. 870

Sentence adjudged 25 September 1964 by General Court-Martial convened at Carswell Air Force Base, Texas. Approved sentence: Bad conduct discharge, total forfeitures, and confinement at hard labor for one (1) year.

...Our **research** has disclosed only one case in which the Court of **Military** Appeals has passed upon the existence in **military** law of the offense allegedly attempted in this case....

...In that case the Court of **Military** Appeals examined the legislative background of the Uniform Code of **Military** Justice and found nothing significant in regard to the congressional intent shown concerning the nature of the offense....

495. **Deese v. Esper**

United States District Court, D. Maryland. | September 02, 2020 | 483 F.Supp.3d 290 | 2020 WL 5230370

ADMINISTRATIVE PRACTICE — Judicial Review. Academy graduates presented justiciable **military** controversy by alleging that their discharge was motivated by discrimination based on HIV status.

...Where a plaintiff has alleged deprivation of a constitutional right, or that **military** has acted in violation of applicable statutes or its own regulations, and the plaintiff has exhausted available intraservice corrective measures, court balances four factors to determine whether **military** controversy is justiciable: (1) nature and strength of the plaintiff's challenge to the **military** determination, (2) potential injury to the plaintiff if review is refused, (3) type and degree of anticipated interference with the **military** function, and (4) the extent to which the exercise of **military** expertise of discretion is involved....

...Allegations of Air Force service member, who was living with human immunodeficiency virus (HIV), that **military** declared him medically unfit for duty, and that statement made by **military** was false, failed to state due process claim based on denial of protected liberty interest, absent allegations that **military** made reason for his discharge public. U.S. Const. Amend. 5....

496. **Brown v. United States , Department of Veterans Affairs**

United States District Court, S.D. Mississippi, Northern Division, Northern Division. | May 07, 2021 | Slip Copy
| 2021 WL 1842136

Plaintiff Jerry Brown seeks a three-year preliminary injunction to temporarily stop the United States Department of Veterans' Affairs Medical Center (VAMC) from closing the G.V. (Sonny) Montgomery Dialysis Clinic. His motion arises out of his negligence and medical-malpractice suit against the VAMC and the United States Department of Veterans'...

...The VA denied this request based on Brown's medical records, explaining there was "no evidence of record" or "available medical and scientific **research**" to show a link between the diagnosis and his **military** service....

...[43] at 4. He asks the Court to prevent the closure for three years "to do **research** of outside clinics" and ensure they are "not overcrowded, meet the health needs of the Plaintiff beyond his dialysis in case of an emergency[,] and to give the CDC time to provide **research** that help[s] the medical world."...

497. **U.S. v. Anderson**

U.S. Air Force Court of Criminal Appeals. | June 07, 2004 | 60 M.J. 548 | 2004 WL 1646732

MILITARY LAW - Sex Offenses. Over broad definitions rendered child pornography guilty pleas improvident.

... The fact that First Amendment protection might extend to our civilian populace for certain conduct does not necessarily mean that such conduct would not be a prosecutable offense under the UCMJ if committed by a **military** member: While the members of the **military** are not excluded from the protection granted by the First Amendment, the different character of the **military** community and of the **military** mission requires a different application of those protections....

...As to Specification 3: ACC: Because the general public people view me as part of the—well, I am part of the **military**, they view the **military** partly in light of my actions....

498. **Sabol v. Nicholson**

United States Court of Appeals for Veterans Claims. | October 11, 2005 | 20 Vet.App. 226 | (Table, Text in WESTLAW), Unpublished Disposition | 2005 WL 3059304

Daniel J. Sabol through counsel appeals a September 13, 2000, decision of the Board of Veterans' Appeals (Board) wherein the Board denied him entitlement to service connection for post-traumatic stress disorder. Record (R.) at 1-21. The Court has jurisdiction pursuant to 38 U.S.C. §§ 7252(a) and 7266(a) to review the September 2000 Board decision....

...Instead, however, the examination reports include little, if any, detail about the sufficiency of alleged stressors and contain no references to the **research** information provided by U.S. Armed Services Center for **Research** of Unit Records, the First Infantry Division Museum, the U.S. Army **Military** History Institute, or the U.S. Army and Joint Services Environmental Support Group....

...The Board also included information received from the U.S. Army **Military** History Institute, which stated that the band arrived in Vietnam on October 8, 1965, and "that on December 19, 1965 [,] the band received 'its battle indoctrination from harassing fire while playing a concert.'..."

499. **Microwave Research Corp. v. Sanders Associates, Inc.**

United States District Court, D. Massachusetts. | June 30, 1986 | 110 F.R.D. 669

In action for misappropriation of trade secrets and confidential information, microwave manufacturer moved for order compelling competitor to produce documents. The District Court, Robert B. Collings, United States

Magistrate, held that manufacturer failed to establish substantial factual basis for its claim of misappropriation of trade...

...In its Complaint (#1–C), the plaintiff (hereinafter, “Microwave”) alleges that it is engaged in “ # the **research**, development, manufacture and sale of state-of-the-art microwave components and subsystems for both **military** and commercial applications”, that the defendant through its Component Products Group (hereinafter “Sanders”) “ # is primarily engaged in the **research**, development, manufacture and sale of state-of-the-art microwave systems, products and components for both **military** and commercial applications”, and that Microwave and Sanders “ # are in direct competition with respect to the development, manufacture and sale of microwave products and components to certain customers.”...

...The question presented by Plaintiff, Microwave **Research** Corporation’s, Motion For An Order Compelling Defendant, Sanders Associates, Inc., To Produce Documents And Things (#67) is in what circumstances can a corporate plaintiff, which alleges misappropriation of trade secrets and confidential information, obtain discovery of trade secrets and confidential information of a corporate defendant in order to discover whether or not any of the corporate plaintiff’s trade secrets have been appropriated and used by the corporate defendant....

500. **Starrett v. Department of Defense**

United States Court of Appeals, Fifth Circuit. | November 29, 2019 | Not Reported in Fed. Rptr. | 2019 WL 8061076

Under 5th Cir. R. 42.3, the appeal is dismissed as of November 29, 2019, for want of prosecution. The appellant failed to timely file record excerpts. The brief also remains insufficient as noted in this court’s letter dated October 30, 2019. If appellant moves to reopen the appeal, both record excerpts and a sufficient brief must accompany any...

...DEPARTMENT OF DEFENSE; United States Special Operations Command; Department of the Army; United States Army Special Operations Command; United States Army Civil Affairs and Psychological Operations Command; United States Army Reserve; Defense Advanced **Research** Projects Agency; United States Department of Energy; National Nuclear Security Administration; Lawrence Livermore National Security, L.L.C.; National Technology & Engineering Solutions of Sandia, L.L.C.; Texas **Military** Department; Lockheed Martin Corporation; United States Department of Justice; Microsoft Corporation, Defendants - Appellees...

501. **Pinnavaia v. U.S. Atty. Gen.**

United States District Court, District of Columbia. | December 05, 2008 | Not Reported in F.Supp.2d | 2008 WL 5110725

This matter is before the Court upon consideration of plaintiff’s application to proceed in forma pauperis and his pro se complaint. The application will be granted, and the complaint will be dismissed. In his complaint, plaintiff explains **research** he and his late father conducted pertaining to the formation of DeBeers Consolidated Mines Ltd.,...

...In his complaint, plaintiff explains **research** he and his late father conducted pertaining to the formation of DeBeers Consolidated Mines Ltd., “coinciding with the birth of Nazi Germany,” and its role in “supplying Chancellor [Adolf] Hitler and the Third-Reich with the one essential and vital ingredient-industrial grade diamonds-for the **military** rebuilding of Germany.”...

502. **U.S. v. Rhule**

U.S. Army Court of Criminal Appeals. | May 19, 2000 | 53 M.J. 647 | 2000 WL 639934

MILITARY LAW - Court-Martial. Sub rosa pretrial agreement did not prejudice accused.

... Although the initial election for trial by **military** judge alone was made pursuant to the pretrial agreement, CPT S believed, based on his discussions about the **military** judge’s reputation with other defense counsel, that trial by **military** judge alone was still the better option....

... The **military** judge then granted the appellant's request for trial by **military** judge alone....

503. **Turnbull v. Shinseki**

United States Court of Appeals for Veterans Claims. | July 27, 2012 | Not Reported in Vet.App. | 2012 WL 3060159

Before the Court is the January 20, 2011, Board of Veterans' Appeals (Board) decision denying the appellant entitlement to service connection for "a respiratory disability other than chronic obstructive pulmonary disease (COPD)/emphysema, to include chronic asthma and pulmonary disease due to asbestos exposure." Record (R.) at 3. This...

...In my **research** I found that COPD and asthma were often confused."...

...In my **research** I found that COPD and asthma were often confused."...

504. **United States v. Holland**

U.S. Army Court of Criminal Appeals. | January 29, 2021 | Not Reported in M.J. Rptr. | 2021 WL 306482

A **military** judge sitting as a special court-martial convicted appellant, consistent with his pleas, of two specifications of wrongfully communicating a threat and one specification of assault consummated by battery, in violation of Articles 115 and 128, Uniform Code of **Military** Justice, 10 U.S.C. §§ 915, 928 (2018) [UCMJ]. The **military**...

...A **military** judge sitting as a special court-martial convicted appellant, consistent with his pleas, of two specifications of wrongfully communicating a threat and one specification of assault consummated by battery, in violation of Articles 115 and 128, Uniform Code of **Military** Justice, 10 U.S.C. §§ 915, 928 (2018) [UCMJ]....

...The **military** judge erred by allowing it....

505. **Johnson v. Southwest Research Institute**

United States District Court, W.D. Texas, San Antonio Division. | September 28, 2016 | 210 F.Supp.3d 863 | 2016 WL 6462415

LABOR AND EMPLOYMENT — Discrimination. Fact issues existed as to whether revocation of employee's access to classified information caused her termination.

...As set forth in the Report and Recommendation, plaintiff began working at Southwest **Research** Institute in April of 2000....

...Plaintiff filed an internal discrimination complaint with Southwest **Research** in June of 2012, and filed an EEOC complaint on August 3, 2012, after receiving no response from her employer....

506. **U.S. v. Merrow**

Court of Military Appeals. | December 06, 1963 | 1963 WL 4754 | 34 C.M.R. 45

On petition of the accused below. CGCM 9901, reported below 32 CMR 739. Affirmed.

...In addition, the ship transported **military** and civilian personnel to and from these bases....

...The primary mission was to provide "logistic support" to the U. S. Antarctic **Research** Program....

507. King v. Trump

United States District Court, S.D. New York. | December 08, 2020 | Slip Copy | 2020 WL 7248820

Plaintiff, currently incarcerated at Green Haven Correctional Facility, brings this pro se action, which is styled as a "Petition To Confirm Final Arbitration Award Pursuant To 9 U.S.C.A. § 9." By order dated December 7, 2020, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, in forma pauperis...

...Recently, through exhaustive study and **research**, I have come upon information and facts relating to and bearing upon alleged matters within and arising from the above referenced alleged civil/commercial/**military**/criminal and other interaction process and procedure matters, the kidnapping of REDACTED FOR SECURITY and the subsequent alleged prosecution, processes and procedures, resulting in the...

508. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | May 01, 2003 | Not Reported in F.Supp.2d | 2003 WL 2004725

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that manufacturer's responses to...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

509. Ray v. Gober

United States Court of Veterans Appeals. | July 16, 1997 | 15 Vet.App. 395 | (Table, Text in WESTLAW), Unpublished Disposition | 1997 WL 423553

The appellant, Jackie L. Ray, appeals a November 29, 1995, decision of the Board of Veterans' Appeals (BVA or Board) that determined that new and material evidence had not been submitted to reopen a claim for service connection for the residuals of an injury to the bladder. Record (R.) at 5–14. This appeal is timely, and the Court has jurisdiction...

... In his decision, dated April 1992, the hearing officer indicated that "[t]he veteran was granted a 60 day delay to do **research** to determine if he could find any records of treatment for a bladder problem during the early 1970's, during or immediately after **military** service....

... At the end of the hearing, the Chairman, who was presiding over the hearing, stated: Mr. Ray, I'm going to give you the opportunity to check with private doctor who saw you immediately after **military** service to see what evidence might be obtainable from that source....

510. U.S. v. Lover

U.S. Navy–Marine Corps Court of Criminal Appeals. | September 11, 1998 | Not Reported in M.J. | 1998 WL 764056

A **military** judge sitting as a general court-martial convicted the appellant, following mixed pleas, of driving a vehicle while impaired by alcohol and involuntary manslaughter, in violation of Articles 111 and 119, Uniform Code of **Military** Justice, 10 U.S.C. §§ 911, 919 (1994) [hereinafter UCMJ]. The appellant was sentenced to a dismissal and...

...A **military** judge sitting as a general court-martial convicted the appellant, following mixed pleas, of driving a vehicle while impaired by alcohol and involuntary manslaughter, in violation of Articles 111 and 119, Uniform Code of **Military** Justice, 10 U.S.C. §§ 911, 919 (1994) [hereinafter UCMJ]....

...The defense did not object to the **military** judge's ruling....

511. Doe 2 v. Mattis

United States District Court, District of Columbia. | November 30, 2018 | 344 F.Supp.3d 16 | 2018 WL 6266119

GLBT — **Military** Service. Government was not likely to succeed on merits of its appeal of order granting transgender individuals' motion for preliminary injunction.

...implementation of Presidential Memorandum prohibiting transgender individuals from serving in **military**, despite Department's contention that injunction forced it to maintain policy of allowing **military** service by transgender 17 individuals that it had determined posed substantial risks and threatened to undermine readiness, disrupt unit cohesion, and impose unreasonable burden on **military** that was...

...Defendants' plan injures Plaintiffs not just by prohibiting their **military** service, but, as importantly, it also injures Plaintiffs by stigmatizing them as an inferior class of service member whose **military** service is not condoned by the **military** and is only begrudgingly permitted by force of court order....

512. Yorns v. Shinseki

United States Court of Appeals for Veterans Claims. | November 30, 2012 | Not Reported in Vet.App. | 2012 WL 5993750

The appellant, Jeffrey B. Yorns, appeals through counsel a September 14, 2011, Board of Veterans' Appeals (Board) decision that denied entitlement to disability compensation for an acquired psychiatric disorder to include a major depressive disorder. Record of Proceedings (R.) at 3–17. This appeal is timely, and the Court has jurisdiction to...

...Basing his conclusion on the appellant's "**military** records, review of [the claims] file, treatment records, clinical evaluation, # recent **research**, [and the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM–IV)]," the clinical psychologist opined that "any acquired psychiatric disorder [was] not caused by or a result of treatment for anxiety in the **military** (April 1980)....

...Instead, the examiner's opinion is narrowly limited to whether the appellant's acquired psychiatric disorder was "caused by or the result of treatment for anxiety in the **military** (April 1980)....

513. United States v. Payton

United States District Court, E.D. Texas, Beaumont Division. | October 15, 2007 | Not Reported in Fed. Supp. | 2007 WL 9723400

The District Court referred this matter to the undersigned United States Magistrate Judge for administration of a guilty plea and allocution under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Magistrates have the statutory authority to conduct a felony guilty plea proceeding as an "additional duty" pursuant to 28 U.S.C....

...The officers recovered the firearm Payton dropped when he got out of the vehicle and identified it as an Israel **Military** Industries, Magnum **Research**, Model Baby Eagle, .45 caliber pistol, bearing serial number 31303397....

...The Israel **Military** Industries .45 caliber pistol was **researched** by a firearm and nexus expert with the Bureau of Alcohol, Tobacco, Firearms and Explosives....

514. Lockheed Martin Corp. v. U.S.

United States Court of Federal Claims. | September 25, 1997 | 39 Fed.Cl. 197 | 1997 WL 629946

TAXATION - Refunds. Taxpayer's failure to include **research** expenses in its administrative refund claim barred it from seeking those expenses in subsequent refund litigation.

...The TAM's conclusion that the **research** was "funded" was based on the IRS's determination that (1) the payment by the government for plaintiff's **research** expenses was not contingent on the success of the **research**, and that (2) plaintiff did not retain "substantial rights" in the **research**....

...(1) **research** expenses incurred by Taxpayer pursuant to fixed price contracts with customers where Taxpayer's right to payment under such contracts is contingent upon the success of the **research** [See IRS Reg. Sec. 1.41-5(d)(1)]; and (2) additional qualifying wages for holiday pay, vacation pay, sick pay, **military** leave and jury duty that were inadvertently not included as part of the W-2 wages of persons performing qualified **research**....

515. Hughes Aircraft Co. v. U. S.

United States Court of Claims. | April 14, 1976 | 209 Ct.Cl. 446 | 534 F.2d 889

Assignee of patent brought action against United States to recover for alleged infringement of patent pursuant to United States participation with the United Kingdom in a joint defense satellite communications program. On motion to dismiss for lack of jurisdiction, the Court of Claims, Cowen, C.J., held that the use and manufacture of the patented...

...Omission from the 1968 Foreign **Military** Sales Act of special patent infringement jurisdictional provision which was contained in predecessor acts did not manifest a congressional intent to eliminate Court of Claims' jurisdiction of such claims arising from the Government's Foreign **Military** Sales Act activities. 28 U.S.C.A. § 1498(a); The Foreign **Military** Sales Act, §§ 1-47 as amended 22 U.S.C.A. §§ 2751 - 2794; Foreign Assistance Act of 1961, § 606 as amended 22 U.S.C.A. § 2356....

...Purpose of provisions in Foreign **Military** Sales Act vesting jurisdiction in the Court of Claims or the appropriate district court over patent infringement claims arising in connection with Government's foreign **military** sales and assistance activities was to remove any doubt that such activities were for the United States within meaning of statute giving Court of Claims jurisdiction over patent infringement claims against the Government generally. 28 U.S.C.A. § 1498(a); The Foreign **Military** Sales Act, §§ 2, 3(a) as amended 22 U.S.C.A. §§ 2752, 2753(a); Foreign Assistance Act of 1961, § 606 as amended 22 U.S.C.A. § 2356...

516. U.S. v. Jones

U.S. Navy-Marine Corps Court of Criminal Appeals. | June 18, 1997 | 46 M.J. 815 | 1997 WL 369562

Accused was convicted by general court-martial, K.R. Vienna, J., of unauthorized absence, missing movement through design, assault, adultery, and drunk and disorderly conduct. The United States Navy-Marine Corps Court of Criminal Appeals, Oliver, J., held that: (1) **military** judge's error in failing to announce findings on charges to which accused...

... The United States Navy-Marine Corps Court of Criminal Appeals, Oliver, J., held that: (1) **military** judge's error in failing to announce findings on charges to which accused had pled guilty and concerning which **military** judge had conducted comprehensive providence inquiry did not entitle accused to relief; (2) **military** judge did not improperly shift to accused burden of establishing his innocence by using phrase "real possibility" of innocence in describing when members should find him not guilty in context of instructing them concerning reasonable doubt; and (3) **military** judge did not abuse his discretion in denying challenges for cause of two members who revealed that each of their spouses had been victims of rape....

... In Smart, the Court of **Military** Appeals held that the **military** judge had abused his discretion in denying a challenge....

517. U.S. v. Brown

U.S. Army Board of Review. | October 16, 1956 | 1956 WL 4809 | 22 C.M.R. 471

Sentence adjudged 13 April 1956. Approved sentence: Dishonorable discharge, total forfeiture and confinement for six months.

...Even with this precautionary measure (of having the defense counsel present and concurring in the procedure), the Court of **Military** Appeals did not expressly favor such pre-trial hearings, in the absence of “an orderly fashion under the provisions of Article 36(a), Uniform Code of **Military** Justice . . .”

...Paragraph 5, Department of the Army Pamphlet No. 27-9, dated August 1954, “ **Military** Justice Handbook” provides that the staff judge advocate or counsel may pin-point the legal questions involved to give the law officer an opportunity to conduct his own **research**, but the merits of the case will not be mentioned....

518. **Larson v. Department of State**

United States District Court, District of Columbia. | August 10, 2005 | Not Reported in F.Supp.2d | 2005 WL 3276303

Seven plaintiffs filed this Freedom of Information Act (“FOIA”) lawsuit in an effort to obtain documents from the defendant agencies regarding various violent acts committed in Guatemala in the 1970s and 1980s. Before the court at this time are two motions for summary judgment filed by the five defendants. Docs. 17 & 33. The plaintiffs have...

...Richardson explains that DIA is a component of the Department of Defense (“DOD”), whose mission is to collect, analyze, and provide intelligence on the **military** capabilities of foreign **military** forces to the Secretary of Defense, the Joint Chiefs of Staff, and the other components of DOD....

...Witnesses reported that eight men in **military** uniforms were responsible for Frank's death....

519. **Vietnam Veterans of America v. Central Intelligence Agency**

United States District Court, N.D. California. | November 12, 2010 | Slip Copy | 2010 WL 11730757

Plaintiffs’ Motion to Compel Production of Documents, Motion to Compel 30(b)(6) Depositions, Motion for Sanctions and Defendants’ Motion for Protective Order Limiting Scope of Discovery came on for hearing before this Court on October 27, 2010. All discovery in this case was referred by the district court (Hon. Claudia Wilken) under 28...

...Although deposition testimony concerning Dr. Hoch and his studies would be relevant, it seems less relevant than other topics because Mr. Blauer was not **military** personnel and the testing was not conducted on a **military** base or conducted by **military** staff....

...However, Mr. Blauer was not in the **military** and not part of the alleged testing at Edgewood Arsenal or other **military** bases....

520. **Geosyntec Consultants, Inc. v. U.S.**

United States District Court, S.D. Florida. | April 17, 2013 | Not Reported in F.Supp.2d | 2013 WL 5328479

THIS CAUSE is before the Court on Plaintiff's Motion for Partial Summary Judgment (DE 39) and Defendant's Motion for Summary Judgment (DE 43). The motions are fully briefed, the Court heard oral argument on December 10, 2012 (DE 54), and the parties have submitted court-ordered supplemental briefing (DE 57 & DE 58). Both motions are ripe for...

...Qualified **research** expenses can be either in-house **research** expenses or contract **research** expenses....

...An expense is paid or incurred for the performance of qualified **research** only to the extent that it is paid or incurred pursuant to an agreement that— (i) Is entered into prior to the performance of the qualified **research**, (ii) Provides that **research**

be performed on behalf of the taxpayer, and (iii) Requires the taxpayer to bear the expense even if the **research** is not successful....

521. Helm v. McDonald

United States Court of Appeals for Veterans Claims. | October 28, 2015 | Not Reported in Vet.App. | 2015 WL 6604575

John M. Helm appeals through counsel a May 21, 2014, Board of Veterans' Appeals (Board) decision that denied entitlement to VA compensation for bilateral hearing loss and tinnitus. This appeal is timely and the Court has jurisdiction to review the Board's decision pursuant to 38 U.S.C. §§ 7252(a) and 7266(a). Single-judge disposition is appropriate...

...In June 2012, a private audiologist opined that, based on Mr. Helm's **military** history, medical history, and lay statements, it was more likely than not that his hearing loss and tinnitus were related to his **military** service....

...Mr. Helm also reported that could not remember having any hearing disturbances during **military** service....

522. U.S. v. Robertson

U.S. Navy–Marine Corps Court of Criminal Appeals. | October 18, 2002 | Not Reported in M.J. | 2002 WL 31357001

A **military** judge, sitting as a special court-martial, convicted Appellant, consistent with his pleas, of several offenses under Articles 86, 91, 107, and 123a, Uniform Code of **Military** Justice, 10 U.S.C. §§ 886, 891, 907, and 923a. Appellant's sentence included a bad-conduct discharge and confinement for 105 days. On 13 September 2001, the...

...The **military** judge's inquiry, in relevant part, consisted of the following:...

...MJ: Did the order relate to a specific **military** duty for you?...

523. U.S. v. Rivera

U.S. Army Court of Military Review. | May 19, 1988 | 26 M.J. 638 | 1988 WL 52223

Accused, a colonel in the United States Army, was convicted by general court-martial at the United States Army Engineers Center and Fort Belvoir, E.S. Adamkewicz, J., of sodomy, adultery, indecent acts with another, conduct unbecoming an officer, and use of expired Drug Enforcement Agency number, pursuant to his pleas, and he appealed. The United...

... Almost all of the **research** in the area had been done by Dr. Bouhoutsos and one of her associates....

... Accordingly, we conclude that the **military** judge abused his discretion in allowing Dr. Bouhoutsos' testimony about the therapist-patient sex syndrome....

524. Ahjam v. Obama

United States District Court, District of Columbia. | April 08, 2014 | 37 F.Supp.3d 273 | 2014 WL 1399021

MILITARY LAW — Enemy Combatants. Guantanamo Bay detainee lacked Article III standing to seek declaratory judgment that National Defense Authorization Acts were unconstitutional.

...The precedent in this Circuit is clear: **military** detention is not punishment....

... **Military** detention of enemy combatants is a traditional, lawful, and essential aspect of successfully waging war #...

525. U. S. v. McCue

U. S. Air Force Court of Military Review. | March 25, 1977 | 3 M.J. 509

Accused, an Air Force sergeant, was convicted in a special court-martial, Edward L. Kohler, J., of wrongful sale of marijuana, wrongful use of marijuana, wrongful possession of marijuana and wrongful distribution of phenobarbital. Accused appealed. The Air Force Court of **Military** Review, Buehler, Senior Judge, held that it is within **military**...

...Moreover, our **research** has not disclosed any **military** case in which this issue is discussed....

...The Air Force Court of **Military** Review, Buehler, Senior Judge, held that it is within **military** judge's sound discretion as to whether an accomplice instruction should be given for a defense witness; that where evidence as to whether a defense witness was in fact an accomplice was controverted, the **military** judge erred in failing to furnish a definition of the word "accomplice" and in failing to advise the court that, before applying the cautionary instruction to the defense witness' testimony, it must first find that he was an accomplice; and that where government witnesses were clearly accomplices, it was incumbent upon the **military**...

526. U.S. v. Rose

U.S. Air Force Court of Criminal Appeals. | February 12, 2009 | 67 M.J. 630 | 2009 WL 367686

MILITARY LAW - Counsel. Defense counsel's erroneous advice concerning sex offender registration constituted ineffective representation

...At the DuBay hearing, the appellant indicated that he had been represented by another **military** defense counsel prior to his representation by Mr. C and Capt L. Upon the objection of the appellant, the **military** judge prohibited the government from questioning the appellant concerning what, if any, advice he had received from his prior counsel on sex offender registration and prohibited the government from calling the prior counsel as a witness for that purpose....

...That response, under oath, to an open ended question by the **military** judge, speaks volumes....

527. Valois v. Commandant, USDB-Fort Leavenworth

United States District Court, D. Kansas. | October 07, 2015 | Not Reported in F.Supp.3d | 2015 WL 5837658

This matter is presently before the Court on David A. Valois' pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. # 1). In his petition, Valois challenges the amount of good conduct time ("GCT") credit that will be administratively deducted from his sentence. The issues have been fully briefed and the Court...

...Congress has empowered the **military** Secretaries to establish **military** correctional facilities for confinement of those who violate the UCMJ....

...First, he contends that Congress has authorized the Secretary of each **military** service group to establish **military** correctional facilities and provide regulations for their operation....

528. U.S. v. Henson

U.S. Army Court of Military Review. | April 29, 1985 | 20 M.J. 620

Accused, master sergeant, United States Army was convicted at Twenty-Fifth Infantry Division, E.L. Colby, Jr., J., of violating a general lawful regulation. The Judge Advocate General referred the case for review. The United

States Army Court of **Military** Review, Werner, J., held that: (1) the attorney-client privilege was violated when an army...

... Additionally, he employed **military** personnel subject to his **military** supervision in the operation of the business....

... In response to appellant's inquiry, CPT B was compelled to **research** the question....

529. **Medrano v. Elmer's Painting and Remodeling, Inc.**

United States District Court, D. Maryland. | August 02, 2017 | Not Reported in Fed. Supp. | 2017 WL 3276052

This Report and Recommendation addresses Plaintiffs Griselda Medrano and Oscar Ivan Ravelo Ramirez's (hereinafter "Plaintiffs") Motion for Entry of Default Judgment, filed on November 29, 2016. ECF No. 7. Defendants Elmer's Painting and Remodeling, Inc. and Elmer Melgar (hereinafter "Defendants") have not filed a response...

...Additionally, when a defendant is an individual, the plaintiff must certify or declare to be true under penalty of perjury whether the defendant is in **military** service. 50 U.S.C. app. §521(b)(1) ("In any action or proceeding covered by this section, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—(A) stating whether or not the defendant is in **military** service and showing necessary facts to support the affidavit; or (B) if the plaintiff is unable to determine whether or not the defendant is in **military** service, stating that the plaintiff is unable to determine whether or not the defendant is in **military**...")

...Plaintiffs' counsel affirmed under the penalties of perjury, as true to the best of her knowledge, information, and belief, "[**r**esearch through the Defense Manpower Data Center and the Service Members Civil Relief Act verifies that [Elmer Melgar] is not in the **military**."...

530. **U. S. v. Freeman**

U. S. Army Court of Military Review. | September 28, 1981 | 12 M.J. 542

Accused, a private, U. S. Army, was convicted by a special court-martial, C. C. Jacobsen, J., of unlawful entry, larceny, wrongful appropriation, and wrongfully possessing and using marijuana. Accused appealed. The Army Court of **Military** Review, Fulton, Senior Judge, held that when new members are required to be added to a court-martial during a...

...So far as disclosed by the briefs of the parties and our own **research**, this is a case of first impression, the facts of which are as follows: The **military** judge accepted appellant's pleas of guilty to all charges....

... Of course, "DC" is defense counsel; "MJ" is **military** judge....

531. **Maqaleh v. Hagel**

United States Court of Appeals, District of Columbia Circuit. | December 24, 2013 | 738 F.3d 312 | 2013 WL 6767861

CRIMINAL JUSTICE - Habeas Corpus. **Military** Commissions Act did not effect unconstitutional suspension of writ of habeas corpus.

... The United States convened its own **military** commissions in Germany and also participated in the International **Military** Tribunal (IMT), an international body convened by agreement among the Allied Powers....

... Allowing prisoners previously declared by the U.S. **military** to be enemy combatants to force **military** commanders into civilian court may give our allies reason to doubt the authority of, and promises made by, those commanders....

532. **Saint-Gobain Ceramics & Plastics, Inc. v. Il-VI Inc.**

United States District Court, C.D. California. | March 26, 2019 | 369 F.Supp.3d 963 | 2019 WL 1406955

PATENTS — Science and Technology. Infringement action brought by owner of patents relating to single crystal sapphire sheets was barred by government contractor immunity.

...Raymond, 1986 WL 488, at *3. The BAE Systems court added, “encouraging **research** and development to be used in government **military** operations was the most basic purpose of §1498.”...

...At oral argument, defendants stressed that they **researched** and developed a process to grow sapphire sheets for the government, and that all of their **research** activities were related to fulfilling the same window panel contracts they had already executed with Lockheed....

533. **U.S. v. Elsevier**

U.S. Navy—Marine Corps Court of Criminal Appeals. | February 19, 2002 | Not Reported in M.J. | 2002 WL 243445

A general court-martial composed of officer members convicted the appellant, contrary to his plea, of committing an indecent act upon a child, in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C. § 934. The court members sentenced him to confinement for 6 months, reduction to pay grade E–1, and a bad-conduct discharge. The...

...The court noted that “[i]n **military** practice, **military** judges have authority to reconsider and reverse their rulings at any time before the record is authenticated.”...

...The **military** judge highlighted an exhibit that stated that the “topic of confession evidence has been largely overlooked by the scientific community, and further **research** is needed to build useful empirical foundations.”...

534. **Smith v. Department of Air Force**

United States Court of Appeals, Federal Circuit. | January 13, 2016 | 638 Fed.Appx. 992 | 2016 WL 145967

LABOR AND EMPLOYMENT - Public Employment. Furlough of Air Force civilian employee for six days in response to sequestration was reasonable.

...only discussed shortage of funds in operations and maintenance funds, but he was paid out of **research** and development funds; it was reasonable for DOD to consider its budget holistically when faced with sequestration, rather than isolating components of a **military** department, Congress did approve DOD's request to reprogram funds, agency-wide furlough of civilian employees was necessary to promote...

...Thus, as explained in NFFE, it was reasonable for the DOD to consider its budget holistically when faced with sequestration, rather than isolating components—or, as here, accounts—of a **military** department....

535. **Garza v. U.S.**

United States Court of Appeals, Fifth Circuit. | February 17, 1987 | 809 F.2d 1170

Child who was injured by explosive device which was stolen from **military** base brought negligence action against Government. The United States District Court for the Northern District of Texas, Halbert O. Woodward, Chief Judge, entered judgment in favor of child, and Government appealed. The Court of Appeals, Politz, Circuit Judge,...

... Here, the explosive devices were used in a **military** exercise and left on a **military** reservation far removed from the nearest residence, and many miles from the nearest population centers....

...United States was negligent in permitting explosive devices used in **military** training exercise to be left openly on grounds of **military** base and failing to properly police and clean up training area after maneuver was over so that any unexploded missiles or ammunition could be removed, in view of high degree of care required of one who deals with explosives under Texas law. 28 U.S.C.A. §§1346(b), 2671, 2674....

536. United States v. Criswell

U.S. Court of Appeals for the Armed Forces. | November 16, 2018 | 78 M.J. 136 | 2018 WL 6047700

MILITARY LAW — Evidence. **Military** judge's conclusions with regard to victim's identification of her assailant supported denial of motion to suppress in-court identification.

...In light of the muddled record of what the **military** judge meant when he referenced "all the surrounding circumstances," and in light of the **military** judge's failure to consider highly relevant factors in evaluating the strength of the out-of-court identification, I conclude that there is an insufficient basis to conclude the **military** judge conducted the required totality of the circumstances analysis in this case....

...The **military** judge did not have the luxury of engaging in extensive **research** and analysis before reaching his conclusion....

537. United States v. Hutchinson

U.S. Navy-Marine Corps Court of Criminal Appeals. | March 04, 2015 | Not Reported in M.J. Rptr. | 2015 WL 993337

A general court-martial consisting of officer and enlisted members convicted the appellant, contrary to his pleas, of one specification of rape in violation of Article 120, Uniform Code of **Military** Justice, 10 U.S.C. §920. The members sentenced the appellant to confinement for 3 months and a bad-conduct discharge. The...

...In this case we find that the **military** judge properly limited Dr. Tambling's testimony, that she did not exceed those limits while testifying, and that the **military** judge did not abuse his discretion in admitting this evidence....

...13 The **military** judge denied the defense's motion. 14...

538. Moll v. Commissioner of Internal Revenue

United States Tax Court | February 02, 1972 | 57 T.C. 579 | 1972 WL 2531

Petitioner, who was a senior medical student at the Medical College of Virginia, for the first 6 months of 1969 and an intern at Wilford Hall, U.S. Air Force Medical Center, the last 6 months of 1969, while serving all year on active **military** duty as a commissioned officer of the Air Force, received payments from the Air Force totaling \$7,329.03 in...

...Upon graduation from medical school petitioner was required to accept reappointment as first lieutenant in the Reserve of the Air Force Medical Corps, and when he accepted the **military** internship he remained on active **military** service with the temporary grade of captain....

...Despite the suggested distinction, we view the entire program of senior medical student and **military** internship as a 'package deal' wherein petitioner received **military** pay for the entire period in return for his promise to serve a specified number of years in the Air Force....

539. Ide v. C. I. R.

Tax Court of the United States. | July 05, 1963 | 40 T.C. 721 | 1963 WL 1571

Held, certain payments of educational expenses made by the U.S. Navy Department constitute a scholarship and, therefore, are not to be taken into account in computing the total support of the beneficiary of them for the purpose of determining whether he is a dependent as defined in section 152, I.R.C. 1954.

...However, amounts paid or allowed to, or on behalf of, an individual to enable him to pursue studies or **research** are considered to be amounts received as a scholarship or fellowship grant for the purpose of section 117 if the primary purpose of the studies or **research** is to further the education and training of the recipient in his individual capacity and the amount provided by the grantor for such purpose does not represent compensation or payment for the services described in subparagraph (1) of this paragraph....

...(2) Any amount paid or allowed to, or on behalf of, an individual to enable him to pursue studies or **research** primarily for the benefit of the grantor....

540. Witt v. U.S. Dept. of Air Force

United States District Court, W.D. Washington, at Tacoma. | September 24, 2010 | 739 F.Supp.2d 1308 | 2010 WL 3732189

MILITARY LAW - Personnel. Application of "Don't Ask, Don't Tell" policy to Air Force reservist nurse violated reservist's substantive due process rights.

...(8) **Military** life is fundamentally different from civilian life in that— (A)(A) the extraordinary responsibilities of the armed forces, the unique conditions of **military** service, and the critical role of unit cohesion, require that the **military** community, while subject to civilian control, exist as a specialized society; and (B)the **military** society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society....

...The possibility of such push back is off-set by the known negative impact of DADT upon the **military**: the loss of highly skilled and trained **military** personnel once they have been outed and the concomitant assault on unit morale and cohesion caused by their extraction from the **military**....

541. U.S. v. Thompson

U.S. Navy Court of Military Review. | August 13, 1971 | 1971 WL 12619 | 44 C.M.R. 732

Sentence adjudged 14 September 1970. Review pursuant to Article 66(c), UCMJ of General Court-Martial convened by Commanding General, Headquarters Marine Corps Base, Quantico, Virginia.

...Our **research** of **military** law has failed to reveal a case defining corroboration under the accomplice rule....

...We believe, however, the following cited Circuit Court of Appeals' case states the law which, in the absence of **military** case law or regulation to the contrary, should be followed in **military** courts....

542. U.S. v. Chaney

U.S. Air Force Court of Criminal Appeals. | September 29, 2006 | Not Reported in M.J. | 2006 WL 2843492

The appellant was convicted, in accordance with his pleas, of one specification of wrongful use of methamphetamines on divers occasions, one specification of wrongful use of cocaine, one specification of wrongful use of methylenedioxyamphetamine, and one specification of absence without leave (AWOL) terminated by apprehension, in violation of...

...Based upon these inputs and his own **research**, the **military** judge concluded the providency inquiry into the AWOL specification satisfied the requirements of United States v. Care, 18 U.S.C.M.A. 535, 541, 40 C.M.R. 247, 1969 WL 6059 (C.M.A.1969), and the appellant's guilty plea to AWOL was provident....

...The appellant contends on appeal that the **military** judge erred in not awarding him additional credit...

543. U.S. v. Banks

U.S. Court of Military Appeals. | September 30, 1992 | 36 M.J. 150 | 1992 WL 358876

Accused was convicted by general court-martial, Andrew J. Chwalibog, J., of rape and sodomy of seven-year-old stepdaughter. The United States Army Court of **Military** Review affirmed. Review was granted. The United States Court of **Military** Appeals, Wiss, J., held that erroneous admission of profile evidence offered by trial counsel was reversible...

...The **military** judge fully understood that profile evidence is inadmissible...

...The **military** judge then inquired, “[T]his child abuse accommodation syndrome #...

544. Kamen v. American Tel. & Tel. Co.

United States Court of Appeals, Second Circuit. | May 23, 1986 | 791 F.2d 1006 | 1986 WL 1371012

Employee who was hypersensitive to tobacco smoke brought Rehabilitation Act complaint against employer. Employer moved to dismiss complaint and for sanctions. The United States District Court, Southern District of New York, Gerard L. Goettel, J., granted employer's motions, and employee appealed. The Court of Appeals, Oakes,...

... Counsel stated that his client had advised him that GCC was divided into two parts, **military** and non-**military**, the former of which was involved in **research** and development of **military** communications equipment...

...The affidavit of Daniel Rizzi, Esq., states in pertinent part that in addition to doing legal **research**:

545. Lewis v. U.S. Army

United States District Court, E.D. Pennsylvania. | September 27, 1988 | 697 F.Supp. 1385 | 1988 WL 109626

Female who was denied enlistment into Army because she possessed only GED brought suit challenging Army's policy of accepting men, but not women, who possessed GEDs. Army moved for summary judgment. The District Court, Newcomer, J., held that: (1) dispute was ripe for summary judgment; (2) policy would be sustained if...

...[4] My **research** has not disclosed, and the parties have not called to my attention, delineation by the Third Circuit of a specific standard of review for **military** affairs cases...

...In deciding the matter before me, I am mindful of the Third Circuit's advisory regarding the general “lack of competence on the part of the courts in regulating **military** affairs,” and that when reviewing **military** affairs, judicial intervention “should only be undertaken with care and circumspection.” ...

546. U.S. v. Gipson

U.S. Court of Military Appeals. | July 13, 1987 | 24 M.J. 246 | 56 USLW 2130

Accused was convicted of three specifications each of possession, transfer and sale of lysergic acid diethylamide and sentenced, inter alia, to bad-conduct discharge. The United States Navy-Marine Corps Court of **Military** Review affirmed. Review was granted. The United States Court of **Military** Appeals, Cox, J., held that, depending on competence of...

...Exceptions are made for conflicts with the federal Constitution, the Uniform Code of **Military** Justice, other Acts of Congress, the **Military** Rules of Evidence, and the remainder of the Manual for Courts-Martial...

...While polygraph evidence relates to credibility of specific statement, it is not “character evidence,” for purpose of **military** rules of evidence limiting circumstances in which such evidence may be introduced. **Military** Rules of Evid., Rule 608(a)(2), (b)....

 **547. Angle v. U.S.**

United States District Court, D. New Jersey. | June 18, 2013 | Not Reported in F.Supp.2d | 2013 WL 3087095

This matter comes before the Court by way of a motion to dismiss Plaintiffs' Second Amended Complaint (“SAC”) pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (CM/ECF No. 18) by Defendant United States of America (“Defendant” or the “Government”). The Court held oral argument on May 29, 2013....

...The facility contains the headquarters of the U.S. Army Armament **Research** Development and Engineering Center (“ARDEC”), which Plaintiffs maintain is the “Army's primary **research** and development arm for armament and munitions systems.”...

...General Phillips allegedly gave Cassandra **military** coins....

 **548. Sisson v. U.S.**

United States District Court, D. Arizona, Tucson Division. | March 18, 1986 | 630 F.Supp. 1026

Air Force master sergeant brought action challenging constitutionality of air force regulations on commercial solicitation. On cross motions for summary judgment, the District Court, Marquez, J., held that: (1) District Court had jurisdiction over the action under statute; (2) regulation prohibiting one-to-one solicitation of...

... The court is mindful of the great deference that must be provided to **military** regulations concerning activities of **military** personnel....

... Although these cases were collateral attacks on **military** court-martials, they sought judicial intervention other than for the correction of **military** records....

549. Jordan v. Lemaster

United States District Court, E.D. Kentucky, Northern Division., Ashland. | June 16, 2023 | Slip Copy | 2023 WL 4052485

Decker Jordan is an inmate confined at the federal prison in Ashland, Kentucky. Jordan has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. See DE 1 (Petition). The Court must screen the petition pursuant to 28 U.S.C. § 2243. See *Pillow v. Burton*, 852 F. App'x 986, 989 (6th Cir. 2021). Jordan's custody...

...That coverage predictably extends to active-duty **military** personnel, but further applies to an assortment of other categories, including some retired members of the **military**, certain prisoners of war, and identified categories of federal employees working with the **military**....

...Although Article 58(a) expressly permits confinement of **military** members outside of **military** custody prior to the execution of a discharge, the execution of such a discharge severs not only their status as members of the armed forces, but also, unlike members serving confinement in **military** custody, ends their being subject to the code....

 **550. U. S. v. Fimmano**

U. S. Court of Military Appeals. | January 21, 1980 | 8 M.J. 197

Accused private, United States Army, was convicted by general court-martial of possession of heroin, and he appealed. The United States Army Court of **Military** Review affirmed, and review was granted. The Court of

Military Appeals, Perry, J., held that, with respect to searches conducted after the date of publication of the instant opinion, Fourth...

...Compare U.S.Const. Amend. IV With amend. V. And none of the cases and the same may be said of the dissent suggests anything about the realities of **military** life and of the **military** mission which makes it impracticable for a commanding officer, a **military** judge, or a **military** magistrate to utilize the ten or twenty seconds necessary to place the applicant for the authorization under oath....

...Paragraph 152, Manual for Courts-Martial, United States, 1969 (Revised edition) provides, Inter alia, that: (a legal search is a) search of any of the following three kinds which has been authorized upon probable cause by a commanding officer, including an officer in charge, having control over the place where the property or person searched is situated or found or, if that place is not under **military** control, having control over persons subject to **military** law or the law of war in that place: (1) A search of property owned, used, or occupied by, or in the possession of, a person subject to **military** law or the law of war, the property being situated in a **military**...

551. J & L Management Corp. v. New Era Builders, Inc.

United States District Court, N.D. Ohio. | June 17, 2009 | Not Reported in F.Supp.2d | 2009 WL 1707886

Plaintiff J & L Management Corporation (“J & L”) moves this Court to remand this action to state court saying that removal was improper because this case does not involve a federal question. [Doc. 17, 18–1;] 28 U.S.C. 1441(b) (allowing removal for claims involving a federal question). Defendant New Era Builders, Inc. (“New Era”) opposes remand...

...New Era has submitted evidence to show that the federal government has accepted exclusive jurisdiction over the Glenn **Research** Center: the official deed covering the Glenn **Research** Center, and two letters from federal government officials to the Ohio governor....

...Based on this evidence, it appears that the Glenn **Research** Center is a federal enclave....

552. Washington University v. Catalona

United States District Court, E.D. Missouri, Eastern Division. | March 31, 2006 | 437 F.Supp.2d 985 | 2006 WL 1899289

EDUCATION - Property and Contracts. Tissue samples were not transferable to medical **researcher's** new university.

...Accordingly, the Court finds that 1) defendants; i.e. Dr. William Catalona and the eight (8) **research** participants who are parties to this action, have failed to demonstrate that they are entitled to any injunctive relief; 2) that plaintiff Washington University owns all biological materials, including but not limited to blood, tissue, and DNA samples, in the GU Repository; 3) that neither Dr...

...(7)An explanation of whom to contact for answers to pertinent questions about the **research** and **research** subjects' rights, and whom to contact in the event of a **research**-related injury to the subject; and...

553. U.S. v. Sauer

U. S. Court of Military Appeals. | March 14, 1983 | 15 M.J. 113

Accused, a mess management specialist seaman apprentice, United States Navy, was convicted by a general court-martial of possession, transfer, and sale of drugs on four separate occasions. The Navy-Marine Corps Court of **Military** Review, 11 M.J. 872, modified and affirmed. Review was granted. The Court of **Military** Appeals, Everett, C.J., held that:...

...The derogatory marks for this period are 2.8 in “Professional Performance” and “ **Military** Appearance” and 2.0 in “Adaptability” and “ **Military** Behavior.” ...

...The Court of **Military** Review held that it was error for the **military** judge to elicit this information from appellant during the sentencing portion of this court-martial...

554. U.S. v. Davis

U.S. Army Court of Military Review. | May 29, 1986 | 22 M.J. 651

Accused, a Specialist 5, United States Army, was convicted by general court-martial, 1st Armored Division, J.E. Noble, J., of three parallel sets of specifications alleging possession and distribution of marijuana, and he appealed. The United States Army Court of **Military** Review, Wold, Senior Judge, held that: (1) accused failed to preserve issue...

... While we are inclined to the view that only the first of these elements is required to preserve an issue under **Military** Rule of Evidence 103(a)(2), see Analysis, **Military** Rule of Evidence 103(a), the information contained in the second and third elements is often necessary to insure that the full effect of an error can be discerned and remedied on appeal...

... Compare United States v. Piatt, 17 M.J. 442 (CMA 1984) (in prosecution of drill instructor for various assault offenses, accused should have been allowed to present evidence of his good character as a drill instructor where the charges had arisen in the context of his performance as a drill instructor; this specific trait of **military** character was clearly relevant to his intent to commit the charged offenses), and United States v. Lutz, 18 M.J. 763 (CGCMR 1984) (evidence of accused's good **military** character was not pertinent to determining guilt of offenses involving child abuse), with Clemons, supra, (character for lawfulness was a "pertinent trait of character of the accused"...

555. U.S. v. Dancy

U.S. Court of Military Appeals. | September 27, 1993 | 38 M.J. 1 | 1993 WL 389430

Accused was convicted by general court-martial, Peter K. Solecki, J., of maltreating, indecently assaulting, and wrongfully having sexual relations with subordinate. The United States Navy-Marine Corps Court of **Military** Review affirmed. Review was granted. The United States Court of **Military** Appeals, Wiss, J., held that: (1) government should have...

... The United States Court of **Military** Appeals, Wiss, J., held that: (1) government should have disclosed to accused prior to trial letter written by accused that was relevant to rebut his defense that he had only professional relationship with subordinate, and (2) **military** judge was justified in refusing to grant mistrial based on nondisclosure....

... The United States Court of **Military** Appeals conducts a hearing such as this outside its permanent courthouse in Washington, D.C., as part of its "Project Outreach," a public awareness project which demonstrates not only the operation of a Federal appellate court but also the quality and effectiveness of the criminal justice system of our Armed Services and the Uniform Code of **Military** Justice (Arts. 1-146, 10 USC §§801 - 946, respectively)....

556. National Ass'n. For Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 21, 2003 | Not Reported in F.Supp.2d | 2003 WL 2004530

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that defendants would be allowed...

...Renzulli, Piscioti & Renzulli, LLP, New York, NY, By: John F. Renzulli, Leonard S. Rosenbaum, for Defendants Arms Technology, Inc.; Beemiller, Inc. d/b/a Hi-Point Firearms; Bersa S.A.; Browning Arms Co.; Century International Arms, Inc.; Eagle Imports, Inc.; European American Armory Corp.; Glock G.m.b.H (Glock Ges.m.b.H.); Glock, Inc.; Haskell Co. (Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec

CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli...

557. **Starrett v. U.S. Department of Defense**

United States District Court, N.D. Texas, Dallas Division. | October 30, 2018 | Not Reported in Fed. Supp.
| 2018 WL 6069969

By Special Order No. 3-251, this pro se case was automatically referred for full case management. Based on the relevant filings and applicable law, the case should be DISMISSED sua sponte under Fed. R. Civ. P. 12(b) (6) for failure to state a claim upon which relief may be granted. On October 25, 2018, William Henry Starrett, Jr. (Plaintiff) filed...

...He alleges that he has been "remotely involved in training, operations, **research**, and development" without his knowledge or consent....

...In his complaint, Plaintiff asserts 73 specific causes of action based on allegations that Defendants conspired to forcefully use him as a test subject for **military** exercises and mind experiments....

558. **Apperson v. Wilkie**

United States Court of Appeals for Veterans Claims. | July 24, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 4250494

Army veteran William J. Apperson appeals through counsel a January 17, 2019, Board of Veterans' Appeals decision denying service connection for coronary artery disease, including as due to herbicide exposure. Record (R.) at 5. The appeal is timely, the Court has jurisdiction to review the Board decision, and a single-judge disposition is...

...In June 2016, VA requested that Mr. Apperson provide specific details regarding his herbicide exposure in Thailand because, as a machinist, his **military** occupational skill was not one where VA could concede exposure....

...Mr. Apperson argues that the Board rejected his statements that his duties routinely took him to Korat RTAFB perimeter solely because of the absence of corroborating evidence in his **military** personnel and service treatment records....

559. **Gabriel v. McDonough**

United States Court of Appeals for Veterans Claims. | September 29, 2022 | Not Reported in Vet. App. Rptr.
| 2022 WL 4547458

Self-represented petitioner Lucy B. Gabriel, surviving spouse of Air Force veteran Bobby L. Gabriel, petitioned for extraordinary relief in the nature of a writ of mandamus. In the petition, Ms. Gabriel contended that VA unreasonably delayed processing her claim following a March 31, 2021, decision from this Court. We asked the Secretary to respond...

...On February 10, 2022, VA submitted a request to the VA **Military** Records **Research** Center (MRR) to verify the Veteran's reports of exposure to herbicide agents in Okinawa....

...In its remand order, the Board asked the regional office (RO) to obtain a 2017 VA Agent Orange newsletter; verify the veteran's reports of exposure to herbicides at an air force base in Okinawa, Japan; find whether the veteran was in a group of individuals who worked on aircraft known to have sprayed herbicides; and secure a copy of a 1971 U.S. Army report addressing the historical, logistical, political and technical aspects of the **military's** herbicide and defoliant programs....

560. **U.S. v. Ward**

U. S. Army Court of Military Review. | November 23, 1982 | 14 M.J. 950

Accused pled guilty before L. D. Galehouse, J., to charge of unlawfully opening mail matter, and appeal was taken. The Army Court of **Military** Review, Fulton, Senior Judge, held that accused could not be exculpated from charge. Affirmed.

... It's based upon **research** in the area, but that is not a defense to this charge....

... The Army Court of **Military** Review, Fulton, Senior Judge, held that accused could not be exculpated from charge....

561. Oglesby v. U.S. Dept. of Army

United States Court of Appeals, District of Columbia Circuit. | December 04, 1990 | 920 F.2d 57 | 1990 WL 191407

Writer brought action against Department of the Army, Department of State, Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), National Archives and Records Administration (NARA), and the National Security Agency (NSA) seeking information under the Freedom of Information Act (FOIA) relating to German general who served as...

... NARA's **military** headquarters and **military** field office responded separately to the request: the **military** headquarters responded on October 1, 1985, and the **military** field office responded on November 14, 1985....

...NARA's **military** field office responded on November 14, 1985, releasing one index card of information, but withholding three other index cards pursuant to exemption 1, 5 U.S.C. §552(b)(1)....

562. U.S. v. Miller

U.S. Court of Appeals for the Armed Forces. | June 11, 2003 | 58 M.J. 266 | 2003 WL 21354867

MILITARY LAW - Sentencing. **Military** judge erred in not giving pretrial confinement instruction during sentencing.

...While discussing sentencing instructions the **military** judge stated that he would give "the standard sentencing instructions contained in the **Military** Judge's Benchbook[.]" At that point there was no specific discussion of an instruction on pretrial confinement as a sentencing factor or an instruction on pretrial confinement credit....

... The United States Court of Appeals for the Armed Forces, Erdmann, J., held that: (1) where an accused has served pretrial confinement, the **military** judge must instruct the members that the pretrial confinement is a factor to consider in fashioning an appropriate sentence; (2) **military** judge's failure to give such instruction was error; but (3) error was harmless....

563. U.S. v. Keyser

U.S. Air Force Court of Criminal Appeals. | November 28, 2001 | Not Reported in M.J. | 2001 WL 1525272

Appellant was convicted, pursuant to his plea, of receiving child pornography through interstate commerce in violation of 18 U.S.C. § 2252A(a)(2)(A) and Article 134, UCMJ, 10 U.S.C. § 934. He was sentenced to a bad-conduct discharge, confinement for 8 months, reduction to E-1, and forfeiture of all pay and allowances. The appellant argues that: 1)...

...The appellant now alleges that the **military** judge did not elicit sufficient facts to establish that appellant received images through interstate commerce in violation of 18 U.S.C. § 2252A(a)(2)(A)....

...Appellant takes issue with the fact that the **military** judge did not define "interstate or foreign commerce" and argues that it is possible that the images he allegedly received only traveled in intrastate commerce....

564. **United States v. Skaggs**

U.S. Army Court of Criminal Appeals. | September 29, 2016 | Not Reported in M.J. Rptr. | 2016 WL 5831569

A panel consisting of officer and enlisted members sitting as a general court-martial convicted appellant, contrary to his pleas, of one specification of failure to obey a lawful order, one specification of rape of a child under the age of 12 years, two specifications of sexual abuse of a child under the age of 12 years, one specification of...

...The **military** judge heard the government's argument and recessed the court to **research** the issue....

...We find the error to be plain, obvious, and substantial as illustrated by evidence reasonably raising the issue, the agreement between counsel and the **military** judge that a voluntary intoxication instruction was applicable to the Article 120(b) offenses of Charge I, and the **military** judge's efforts to remedy the error after the panel announced findings....

565. **United States v. Filmore**

U.S. Army Court of Criminal Appeals. | February 14, 2023 | Not Reported in M.J. Rptr. | 2023 WL 2034644

An enlisted panel sitting as a general court-martial convicted appellant, contrary to his pleas, of one specification of sexual assault, in violation of Article 120, Uniform Code of **Military** Justice. 10 U.S.C. § 920 (2019) (UCMJ). The panel sentenced appellant to reduction to the grade of E-1, confinement for six years, and a dishonorable...

...In *United States v. Tyler*, the Court of Appeals for the Armed Forces (CAAF) held that although a victim's unsworn victim statement is not subject to the **Military** Rules of Evidence, the **military** judge still has an obligation to ensure that it comports with the requirements of the applicable Rules for Courts-Martial (R.C.M.)....

...My **military** career was forcibly taken away from me....

566. **Fisher v. U.S.**

United States Court of Federal Claims. | July 28, 2006 | 72 Fed.Cl. 88 | 2006 WL 2179299

MILITARY LAW - Personnel. Substantial evidence supported decision of AFBCMR denying disability retirement.

... At the time of this evaluation, plaintiff was no longer serving as a flight surgeon, but in a medical **research** position as Chief, Clinical Sciences **Research** Support Branch....

... While "grade" and "rank" are clearly defined in title 10 of the United States Code §1201(b)(7-8), the title pertaining to **military** matters, we have not been able to locate a general definition for the term "office" in a **military** statute....

567. **Hobbs v. U.S., Atomic Energy Commission**

United States Court of Appeals, Fifth Circuit. | October 28, 1971 | 451 F.2d 849 | 171 U.S.P.Q. 713

Action for review of denial of compensation, allegedly due patentee, by patent compensation board of Atomic Energy Commission, affirmed by Commission. The Court of Appeals reversed and remanded, 376 F.2d 488. On remand, the Board again denied compensation and the Commission adopted the opinion of the Board. Patentee appealed. The Court of Appeals,...

...Their work was not "**research**"

...To us, "**research**" implies more than work....



568. Santucci v. Commandant, United States Disciplinary Barracks

United States Court of Appeals, Tenth Circuit. | April 25, 2023 | 66 F.4th 844 | 2023 WL 3070683

MILITARY LAW — Habeas Corpus. **Military** prisoner was not entitled to merits review of his claim that trial judge violated due process by failing to properly instruct jury.

...(emphasis added)); accord Calley, 519 F.2d at 199 (concluding “from an extensive **research** of the case law” that the satisfaction of the “four principal” factors, which Dodson later adopted, is “necessary” for the “federal courts to review [on the merits] **military** convictions of a habeas petition” (emphasis added)); Fletcher v. Outlaw, 578 F.3d 274, 278 (5th Cir. 2009) (noting that “review of a **military** conviction is appropriate only if [the] four [Calley] conditions are met” (emphasis added)); see also Khan v. Hart, 943 F.2d 1261, 1263 (10th Cir. 1991) (finding all four factors satisfied where the petitioner raised a non-delegation doctrine question that did not turn on disputed facts, lacked any special **military**...

...As necessary condition for full merits review of **military** conviction by federal habeas court, petitioner must demonstrate that resolution of each of following factors weighs in his favor: (1) asserted error must be of substantial constitutional dimension; (2) issue must be one of law rather than of disputed fact already determined by **military** tribunals; (3) **military** considerations may warrant different treatment of constitutional claims; and (4) **military** courts must give adequate consideration to issues involved and apply proper legal standards; when all four factors weigh in petitioner’s favor, full merits review is both necessary and appropriate. 28 U.S.C.A. § 2241...

569. Montecalvo v. Commissioner of Social Security

United States Court of Appeals, Sixth Circuit. | July 13, 2017 | 695 Fed.Appx. 124 | 2017 WL 2983032

SOCIAL SECURITY — Disability Benefits. Disability claimant’s ability to exercise three to four hours per day was not consistent with his claim of disabling chronic fatigue syndrome (CFS).

...Plaintiff claims that the following evidence requires the remand: (1) a January 20, 2015 Baylor University study finding a link between Gulf War illness and gene markers, (2) a September 22, 2014 **Research** Advisory Committee report on Gulf War Veterans’ Illness study, entitled “Health of Gulf War Veterans: **Research** Update and Recommendations,” (3) an affidavit from Plaintiff about his **military** service, and (4) medical records dated 1992 to 1999 allegedly maintained by Plaintiff’s employer, Delphi Packard Electric....

...He also failed to explain how the **Research** Advisory Committee study bears on his disability claim....

570. Freeman v. Stuart

U.S. Navy-Marine Corps Court of Military Review. | July 11, 1991 | 33 M.J. 659 | 1991 WL 149980

Accused, a private (E–1) in the United States Marine Corps, petitioned for extraordinary relief. The United States Navy-Marine Corps Court of **Military** Review, Orr, J., held that: (1) Manual of the Medical Department, United States Navy, did not prohibit involuntary administration of antipsychotic medication to render accused...

...At a conference requested by the petitioner’s defense counsel under Rule for Courts–Martial (R.C.M.) 802 and held on 29 January 1991, the **military** judge asked the trial and defense counsel to **research** a variety of issues concerning the status of the petitioner and the **military** judge’s authority to resolve other issues in the case....

... Nevertheless, the **military** judge declined to issue such an order and, on 21 February 1991, indicated that he lacked the authority to hold a hearing under Article 39(a), Uniform Code of **Military** Justice (UCMJ), in the involuntary absence of the petitioner or to act on various motions filed by the defense counsel....

571. Klick v. Asbestos Corporation, Ltd.

United States District Court, D. New Jersey. | July 15, 2021 | Slip Copy | 2021 WL 2982195

This matter comes before the Court upon Defendant Pneumo Abex LLC's, successor in interest to Abex Corporation, ("Abex" or "Defendant") Motion to Dismiss for Lack of Personal Jurisdiction. (ECF No. 37.) Plaintiffs Paul Klick III ("Mr. Klick") and Julie Klick (collectively, "Plaintiffs") opposed (ECF...

...And, Plaintiffs offer only deposition testimony from another case, in which an Abex representative averred that Abex had a "corporate **research** center in Mahwah, New Jersey."...

...In response, Plaintiffs argue that Abex owned and operated a **research** and development facility in Mahwah, New Jersey during the relevant time and that this presence establishes specific personal jurisdiction....

572. **Greenway v. U. S.**

United States Court of Claims | April 15, 1966 | 175 Ct.Cl. 350 | 1966 WL 8864

Civilian pay; dismissal; probationary employee in excepted position; departmental regulations.-Plaintiff, a law clerk-interpreter employed by the Air Force at its base in Madrid, Spain, sues to recover the back pay of his position from which he claims he was dismissed in a manner which was procedurally defective and arbitrary and capricious,...

...6. Works closely with both **military** and civilian members of the Staff Judge Advocate staff, has personal contacts with ranking officials and Spanish civilian and **military** organizations, with private individuals who are citizens of foreign nations in Spain and with **military** and civilian personnel who are citizens of the United States....

...These functions include advice to the Commander on all matters relating to **Military** Justice, **Military** Affairs, Claims and allied legal matters....

573. **U.S.V. Garrison**

U.S. Army Board of Review. | January 22, 1954 | 1954 WL 2143 | 14 C.M.R. 359

Sentence adjudged 2 July 1953. Approved sentence: Dishonorable discharge, total forfeiture and confinement for five years.

...Although our **research** discloses no indication that the construction of the word "duty" in the article is limited to assigned **military** duties, it hardly seems possible that the Congress intended to include within the proscription of the Article 92(3) a failure to perform voluntarily assumed, after-hours duty, of an employment nature....

...Upon trial by general court-martial accused pleaded not guilty to, and was found guilty of two specifications alleging dereliction of duty under Article 92, Uniform Code of **Military** Justice, one specification alleging the making of false official statements under Article 107, Uniform Code of **Military** Justice, and five specifications alleging larceny under Article 121....

574. **Webb v. Wilkie**

United States Court of Appeals for Veterans Claims. | September 25, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 4655933

U.S. Army veteran Charley Webb served honorably from August 1981 to August 1984. He alleges that he experiences nightmares related to a live fire exercise and a gas chamber drill during service. He also reports an incident of **military** sexual trauma (MST). Since service he has been treated for psychiatric conditions including PTSD. He now appeals a...

...He also reports an incident of **military** sexual trauma (MST)....

...Moreover, it does not address the possible availability of further testing or current **research** that would enable the examiner to render the requested opinion. 13...

575. U.S. v. Stewart

U.S. Court of Military Appeals. | September 28, 1989 | 29 M.J. 92 | 1989 WL 105133

Accused, sergeant, United States Army, was convicted by general court-martial, John F. Naughton, J., of aggravated assault, absence without leave, and failure to repair. Accused appealed. The United States Army Court of **Military** Review reduced period of forfeitures to two years and otherwise approved findings and sentence. Petition for review was...

... The testimony of Major Bell was merely a summary of the recent **research** on AIDS, **research** which is far from complete....

... And in fact, the **researchers** at Walter Reed, Dr. Redfeld and Tramount, Army **researchers**, believe that it's just a matter of time, that it could be 90 percent or more that will actually develop AIDS....

576. Reiffen v. U.S.

United States Court of Claims. | May 12, 1967 | 180 Ct.Cl. 296 | 376 F.2d 883

Action for refund of income taxes. The Court of Claims held that **research** laboratory's payments and allowances to taxpayer to enable him to pursue studies and **research** at university with which laboratory was connected were not a scholarship or fellowship grant and were not excludable from gross income. Petition dismissed.

...Evidence in action for refund of income taxes established that **research** laboratory's payments to taxpayer while he was full time graduate student under **research** laboratory's Staff Associate Program were not compensation for past, present or future employment services, but were made to taxpayer to enable him to pursue studies and **research** primarily for benefit of **research** laboratory. 26 U.S.C.A. (I.R.C.1954) § 117....

...7. Communications **research** is directed toward the central problem of providing long distance, reliable **military** communications....

577. Williams v. Boeing Military Aircraft Co., Inc.

United States District Court, D. Kansas. | May 29, 1991 | Not Reported in F.Supp. | 1991 WL 97592

This matter is now before the court on plaintiffs' motion to reconsider this court's April 24, 1991 memorandum and order granting summary judgment against plaintiffs' claims of prima facie tort and the tort of duress. Plaintiffs assert that the order applied an incorrect and prohibited standard for determining whether there was a genuine issue of...

...After considering the respective parties' briefs and conducting its own **research**, the court finds that oral arguments would not be helpful....

...The defendant, Boeing **Military** Aircraft Co., Inc., initially contends that the court should not consider this motion to reconsider because it was untimely filed....

578. Daily Journal

January 16, 1990 | 30 M.J. 28 | 1990 WL 10090525

No. 53816/AR. U.S. v. John L. McIntosh. CMR 446638. On consideration of the petition for grant of review of the decision of the United States Army Court of **Military** Review, it is ordered that said petition is hereby granted and that the decision of the United States Army Court of **Military** Review, 29 MJ 639 is affirmed. [See also ORDERS GRANTING...

... On consideration of the petition for grant of review of the decision of the United States Army Court of **Military** Review, it is ordered that said petition is hereby granted and that the decision of the United States Army Court of **Military** Review, 29 MJ 639 is affirmed....

... Upon consideration of the Special Master's Final Report in the case of The United States Navy–Marine Corps Court of **Military** Review v. Carlucci, 26 MJ 328 (CMA 1988); and upon consideration of the report of the Inspector General; and in light of the Special Master's determination that there is no evidence to support allegations that any member, commissioner, or staff employee of the United States Navy–Marine Corps Court of **Military** Review received a bribe, or engaged in any unlawful, unprofessional or unethical conduct regarding the court-martial of Dr. Donal Billig (26 MJ 744 (NMCMR 1988)), we hold that no just cause exists to investigate formally the members, commissioners, or other employees of said court....

579. U.S. v. Holt

U.S. Army Court of Military Review. | April 09, 1986 | 22 M.J. 553

Accused sergeant, United States Army, was convicted by general court-martial, A.J. Chwalibog, J., of wrongful distribution of methamphetamine and using provoking words, and he appealed. The United States Army Court of **Military** Review, Kennett, J., held that trial counsel was not precluded from referring, during his sentencing argument, to...

...Tried by a **military** judge sitting as a general court-martial, appellant was convicted, pursuant to his pleas, of wrongful distribution of methamphetamine and using provoking words in violation of Articles 112a and 117, Uniform Code of **Military** Justice [hereinafter cited as UCMJ], 10 U.S.C. §§912a and 917 (1982 and Supp. I 1983), respectively....

...Here, the sentencing authority, the **military** judge, had heard the providence inquiry....

580. U.S. v. McCastle

U.S. Court of Appeals for the Armed Forces. | March 01, 1996 | 43 M.J. 438 | 1996 WL 86416

Accused was convicted by special court-martial, James J. Bloomers, J., of wrongful use of cocaine. The United States Air Force Court of **Military** Review affirmed, 40 M.J. 763. Review was granted. The United States Court of Appeals for the Armed Forces, Gierke, J., held that counsel was not shown to be ineffective for failing to move to suppress...

...A **military** judge sitting as a special court-martial at Robins Air Force Base, Georgia, convicted appellant, contrary to his pleas, of wrongful use of cocaine, in violation of Article 112a, Uniform Code of **Military** Justice, 10 USC §912a....

... The Court of **Military** Review* affirmed the findings and sentence....

581. Lovallo v. Froehlke

United States District Court, W.D. New York. | June 20, 1972 | 346 F.Supp. 1037

Serviceman sought relief by way of mandamus, habeas corpus, preliminary and permanent injunction, and declaratory judgment with respect to order that he return to active duty. On motion of both sides for summary judgment, the District Court, Curtin, J., held, inter alia, that where district court granted habeas corpus petition of serviceman seeking...

...Paragraph 5-12 directs the Adjutant General, when he has been informed of the discharge or release of an individual from the Army by court order, to “take appropriate action to direct the discharge, release from active **military** service, or release from **military** control of the individual concerned.”...

...The officer upon whom such an order or writ is served will report immediately to The Judge Advocate General, as directed in MCM 1951, paragraph 217, and AR 27-5, and will notify The Adjutant General, Department of the Army, ATTN: AGPO-SS,

Washington, D.C., who will take appropriate action to direct the discharge, release from active **military** service, or release from **military** control of the individual concerned....

582. Leonard v. U.S.

United States District Court D. Wyoming. | May 13, 1955 | 131 F.Supp. 694

Actions against United States under Federal Tort Claims Act. The actions were consolidated for trial. The case was submitted on trial briefs after trial, and the District Court, Kennedy, J., held that a sergeant who was associated with an R.O.T.C. unit of a state university and who at time of the accident in question was returning in a government...

...The trial briefs of counsel are very generous in their scope and show diligence in the matter of **research**....

...'Acting within the scope of his office or employment', in the case of a member of the **military** or naval forces of the United States, means acting in line of duty.'...

583. United Technologies Corp. v. U.S.

United States Court of Appeals, Federal Circuit. | October 01, 1987 | 830 F.2d 1121 | 34 Cont.Cas.Fed. (CCH) P 75,369

Government contractor requested inclusion of foreign **military** sales factor on contract for sale of F-16 aircraft engines to certain European Participating Governments. The Armed Services Board of Contract Appeals denied request. On appeal, the Court of Appeals, Newman, Circuit Judge, held that Board properly concluded that revised defense...

...(a)The Contractor agrees that it shall not require a foreign **military** sales factor to be applied to any foreign **military** sale now or in the future of the F100 engines # for use in support of either the F-15 or F-16 Weapon Systems, unless such a factor is provided for or permitted in the agreement between the U.S. and foreign Governments....

...Armed Services Board of Contract Appeals properly denied government contractor's request, made during negotiation and in reliance on revised defense acquisition regulation, to charge certain independent **research** and development and bid and proposal costs in excess of negotiated ceiling therefor as foreign **military** sales factor contract for sale of F-16 aircraft engines to certain European Participating Governments; Board's decision was based on application of government-to-government agreements and correctly did not give savings clause evidentiary weight. Contract Disputes Act of 1978, §10(b), 41 U.S.C.A. §609(b)....

584. Vietnam Ass'n for Victims of Agent Orange v. Dow Chemical Co.

United States Court of Appeals, Second Circuit. | February 22, 2008 | 517 F.3d 104 | 2008 WL 465825

INTERNATIONAL LAW - Jurisdiction. Court lacked jurisdiction under Alien Tort Statute to consider Vietnamese nationals' Agent Orange claims.

...Admiral Lemos also stressed that the **military** had instituted policies intended to ensure that the herbicides were applied only to targets of **military** significance....

...Plaintiffs alleged in their September 14, 2004 Amended Complaint that the United States **military's** use of Agent Orange violated international, domestic, and Vietnamese law and that Defendants either aided and abetted these violations or committed independent violations by fulfilling the **military's** demand for herbicides....

585. McCray v. McDonough

United States Court of Appeals for Veterans Claims. | July 15, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 2785942

The appellant, Leonard McCray, through counsel filed a Notice of Appeal (NOA) from the March 31, 2020, denial by the Chairman of the Board of Veterans' Appeals (Board) of a motion for reconsideration of a July 2, 2014, Board decision. The Court construes the appellant's NOA as also appealing the July 2014 Board decision. See *Losh v. Brown*, 6...

...This location was not near any U.S. **military** installation....

...Specifically, the location identified was the Pranburi **Military** Reservation associated with the Replacement Training Center of the Royal Thai Army....

586. **Falcon v. McDonald**

United States Court of Appeals for Veterans Claims. | November 13, 2014 | Not Reported in Vet.App. | 2014 WL 5860672

Emmett E. Falcon challenges through counsel a June 20, 2013, decision of the Board of Veterans' Appeals (Board) that, inter alia, denied entitlement to service connection for a cardiovascular disorder, to include hypertension. The appellant contends that the Board erred by prematurely finding that he was not presumptively exposed to herbicides in...

...As an initial matter, the Court notes that the appellant has made no explicit argument as to how he is prejudiced by the Board's allegedly erroneous finding that VA satisfied its duty to assist without making efforts to obtain relevant **military** travel orders from the DFAS that arguably would show his presence in Vietnam during active **military** service....

...He added that, based on his years of **researching** the routes that passengers took to get to Thailand, the appellant's account "sounds most improbable" and "not at all plausible."...

587. **Young v. Shulkin**

United States Court of Appeals for Veterans Claims. | December 15, 2017 | Not Reported in Vet. App. Rptr. | 2017 WL 6398397

The appellant, Mark Young, is the fiduciary for veteran Darrel E. Young. Record (R.) at 4836. On behalf of the veteran, Mr. Young appeals, through counsel, a May 6, 2016, Board of Veterans' Appeals (Board) decision in which the Board (1) denied the veteran entitlement to disability benefits for type II diabetes mellitus (diabetes), on a direct...

...Therefore, in light of *Gagne*, remand is warranted for the Board to consider and address whether VA's statutory duty to assist requires in this case a **research** request (or multiple requests) to the JSRRC....

...The compensation service directed that ROs forward further requests for information to the Joint Services Records **Research** Center (JSRRC), "unless the claim is inherently incredible, clearly lacks merit, or there is no reasonable possibility that further VA assistance would substantiate the claim."...

588. **U.S. v. Hilton**

U.S. Air Force Court of Military Review. | January 24, 1990 | 29 M.J. 1036 | 1990 WL 7258

Accused, a staff sergeant in the United States Air Force, was convicted by special court martial convened at Clark Air Base, Republic of the Philippines, Gilbert J. Regan, J., of failure to show possession or authorized disposition of tax exempt property when directed to do so and he appealed. The United States Air Force Court of **Military** Review,...

...Our **research** also revealed a recent unpublished decision by the Navy-Marine Corps Court of **Military** Review which we find analogous to this issue....

...One basis of the Court of **Military** Appeals' decision to remand this case for a second time was "the finding of fact by the Court of **Military** Review that appellant was a suspect." ...

589. Rogow v. U S

United States District Court S.D. New York. | May 25, 1959 | 173 F.Supp. 547

Action by the widow of a free lance writer pursuant to the Federal Tort Claims Act to recover for his wrongful death in the crash of an air force plane on which he was passenger. The United States District Court for the Southern District of New York, Irving R. Kaufman, J., held that the release executed by the decedent was not a bar to recovery for...

...The transportation authorization (Defendant's Exhibit V) issued for Mr. Rogow's trip shows that the fatal flight was treated as one of a series of flights in **military** aircraft made for the benefit of the **military** service....

...'1. You are authorized to travel on or about 12 September 1955 by **military** aircraft from Mitchel Air Force Base, New York to Wright-Patterson Air Force Base, Ohio; Scott Air Force Base, Illinois and Chanute Air Force Base, Illinois and such local flights in the vicinity of each base as might be necessary to accomplish **research** for a Recruiting Documentary Film script, and return to Mitchel Air Force Base, New York on or about 1 October 1955....

590. Miller v. Diamond Shamrock Co.

United States Court of Appeals, Fifth Circuit. | October 30, 2001 | 275 F.3d 414 | 2001 WL 1556994

PRODUCTS LIABILITY - Government Contractors. Agent Orange claims were barred by **military** contractor defense.

...Id. Imposing liability on **military** contractors for latent defects would make them very reluctant to provide equipment that has not been fully tested even where the **military** has determined that delay would compromise **military** imperatives....

...Knowledge of the **military** is knowledge of the government for purposes of the **military** contractor defense....

591. Cheyenne Arapaho Tribes of Oklahoma v. U.S.

United States Court of Appeals, District of Columbia Circuit. | March 17, 2009 | 558 F.3d 592 | 2009 WL 692118

NATIVE AMERICANS - Discovery. District court did not abuse its discretion in denying tribes' request for jurisdictional discovery in quiet title action.

...In action brought by Indian tribes to quiet title to land originally designated as part of reservation and later set apart as **military** installation, claiming tribes had reversionary interest that would vest if land was used for anything other than **military** purposes, district court did not abuse its discretion in denying tribes' request for jurisdictional discovery to oppose dismissal on ground that claim was barred by Quiet Title Act's statute of limitations, though tribes identified documents suggesting army intended to continue using land for **military** purposes; tribes had prior notice that land was not being used exclusively for **military**...

... Any additional information or documentation regarding partial **military** uses, or suggestion that the land might be used for future **military** purposes, would not change the court's jurisdictional analysis....

592. Knisley v. U.S.

United States District Court, S.D. Ohio, Western Division. | April 01, 1993 | 817 F.Supp. 680 | 1993 WL 104930

Former spouse of Air Force master sergeant brought action under Federal Tort Claims Act to recover for alleged legal malpractice by **military** counsel in negotiating separation agreement on her behalf. The United States moved to dismiss. The District Court, Merz, United States Magistrate Judge, held that: (1) claims grounded...

... The District Court, Merz, United States Magistrate Judge, held that: (1) claims grounded solely on negligence of **military** counsel in Belgium were barred under foreign country exception to federal subject matter jurisdiction under the Act; (2) former spouse failed to establish that **military** counsel actually committed malpractice without evidence regarding how he was unqualified, incompetent, or less than zealous in his representation; (3) former spouse failed to establish standard of care from which Army allegedly deviated in its training, supervision, and equipping of **military** counsel, as required to succeed on "headquarters" claim; and (4) claim for inadequate training, supervision, and equipping of **military**...

... That three-month duration course involved all aspects of **military** law, criminal law, evidence, law of war, domestic relations law, government contract law, international law, law of **military** installations and claims....

593. Greene v. Wilson

United States District Court District of Columbia. | March 29, 1957 | 150 F.Supp. 958

Action by one who had been dismissed from position of vice-president and general manager of government contractor because assistant secretary of navy had designated him, in communication with employer, as one who was not to have access to security information, for mandatory injunction and declaratory judgment directed toward nullification of...

...'The contractor shall exclude (this does not imply the dismissal or separation of any employee) from any part of its plants, factories or sites at which work for any **military** department is being performed, any person or persons whom the Secretary of the **military** department concerned or his duly authorized representative, in the interest of security, may designate in writing.'...

...Where contract between United States and defense contractor required contractor to cooperate with reference to security controls, and government's security manual provided that contractors exclude from plants where work for **military** was performed any person whom secretary of **military** department designated in writing, though manual stated that employee should not be dismissed, assistant secretary of navy's communication to contractor so designating its vice-president resulting in his dismissal afforded such individual no legal right against government or its officers....

594. N.A.A.C.P. v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 11, 2003 | Not Reported in F.Supp.2d | 2003 WL 2003776

Motions in limine were heard on Thursday, April 10, 2003, at 8:30 a.m. The following rulings were made for the reasons stated orally on the record at the hearing. If plaintiff wishes all of defendants' documents in electronic form, it may take up the matter with Magistrate Judge Pollak. This court will not order parties to turn over electronic...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

595. N.A.A.C.P. v. A.A. Arms, Inc.

United States District Court, E.D. New York. | March 12, 2003 | 215 F.R.D. 56 | 2003 WL 1089800

TORTS - Public Nuisance. Summary judgment precluded in public nuisance suit against gun manufacturers.

...Renzulli, Piscioti & Renzulli, LLP, New York City, by John F. Renzulli, Leonard S. Rosenbaum, for Defendants Arms Technology, Inc.; Beemiller, Inc. d/b/a Hi-Point Firearms; Bersa S.A.; Browning Arms Co.; Century International Arms, Inc.; Eagle Imports, Inc.; European American Armory Corp.; Glock G.m.b.H (Glock Ges.m.b.H.); Glock, Inc.; Haskell Co. (Haskell

Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel–Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para–Ordnance, Inc....

596. U.S. v. Browning

U.S. Court of Military Appeals. | September 27, 1989 | 29 M.J. 174 | 1989 WL 110538

The accused, captain, United States Air Force, was convicted by Donald E. Weir, J. The United States Air Force Court of **Military** Review affirmed. Review was granted. The United States Court of **Military** Appeals, Cox, J., held that admission of certified true copies of uniform traffic tickets, which accused received in South Carolina, as evidence of...

... We, therefore, uphold the decision of the Court of **Military** Review....

... Likewise, defense counsel made no effort to convince the **military** judge that the documents were inadmissible under South Carolina law....

597. U.S. v. Caldwell

U.S. Court of Military Appeals. | December 05, 1983 | 17 M.J. 8

Accused, airman, United States Air Force, was convicted by general court-martial of “willfully and maliciously” setting fire to an inhabited dwelling at an air force base, and he appealed. The Air Force Court of **Military** Review affirmed. Review was granted. The Court of **Military** Appeals, Everett, C.J., held that the accused's plea of guilty to a...

...Appellant's answers led the **military** judge to declare a recess so that he could “do a bit of **research** on this.” ...

... Our examination of legislative intent in light of the common-law history of arson and the pre-Code **military** treatment of the offense convinced us that Congress meant for arson—both simple and aggravated—to be a general-intent offense....

598. U.S. v. Legaspi

U.S. Air Force Court of Criminal Appeals. | March 23, 1995 | Not Reported in M.J. | 1995 WL 146508

Pursuant to his pleas, appellant was convicted by general court-martial of larceny, wrongful appropriation, false official statements, obstruction of justice, willful dereliction of duty, and attempted absence without leave. Articles 121, 107, 134, 92, and 80, UCMJ. He was sentenced to a bad-conduct discharge, confinement for 1 year, a \$1,200.00...

... Neither appellate defense nor government counsel have invited our attention to a case directly on point, and our own **research** also has failed to unearth a case whereby one was prosecuted for AWOL on the basis of fraudulently obtained leave....

... At trial, the **military** judge expressed concern over how element 2 was satisfied, but accepted appellant's admission that he sent the false message and then commenced to concentrate on whether appellant had crossed the line from preparation to an actual overt act....

599. Al Bahlul v. U.S.

United States Court of Appeals, District of Columbia Circuit. | July 14, 2014 | 767 F.3d 1 | 2014 WL 3437485

CRIMINAL JUSTICE - Terrorism. MCA unambiguously authorized defendant's prosecution based on conduct that occurred before enactment.

...First, **military** commissions may try ordinary crimes— e.g., manslaughter or robbery—and violations of **military** orders committed by both soldiers and civilians in territories under U.S. **military** government....

...As of 2001, at the time of Bahlul's conduct, Section 821 provided as follows: The provisions of this chapter conferring jurisdiction upon courts-martial do not deprive **military** commissions, provost courts, or other **military** tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by **military** commissions, provost courts, or other **military** tribunals....

600. U.S. v. Keaton

U.S. Court of Military Appeals. | August 15, 1969 | 1969 WL 6045 | 40 C.M.R. 212

On petition of the accused below. CM 419011, reported below at 40 CMR 458. Reversed.

...A majority of the Court agreed that: “ **Military** control can be exercised directly by **military** personnel, or, for certain purposes, indirectly, by civilian officials acting for and on behalf of the Armed Forces, Reid v Covert, 351 US 487, 100 L Ed 1352, 76 S Ct 880 (1956), rehearing granted on another ground 352 US 813, 1 L Ed 2d 92, 77 S Ct 123. . . . A detention effected in accordance with such a notice is a detention on behalf of the **military** and under the authority granted by Congress for that purpose.”...

...In so holding, the board of review emphasized that there is a sensitivity concerning jurisdiction between the **military** and civil community and that armed robbery is a serious offense judged by any standard, but absence without leave is a minor **military** offense....

601. Breeze Corporations, Inc. v. C.I.R.

Tax Court of the United States. | March 08, 1951 | 16 T.C. 587 | 1951 WL 112

The petitioner filed claim for relief as to excess profits taxes under section 721(a)(2)(C) of the Internal Revenue Code, on the ground that income for 1941 was abnormal in amount. Held, claim denied for the reason that the claimed net abnormal income for 1941 was the result of increased physical volume of sales due to increased demand, and...

... The products were **military** products and designed for use by the **military** forces, whether in war or in preparation for defense or war....

... Many examples of **research** and development are no doubt unsuccessful, creating no demand for the product....

602. Hanna v. Secretary of U.S. Army

United States District Court, D. Massachusetts. | October 06, 2006 | Not Reported in F.Supp.2d | 2006 WL 2925268

Captain Mary Hanna (“Hanna”) brings this petition for writ of habeas corpus against the Secretary of the United States Army (“the Secretary,” “Army” or “Respondents”), asking this Court to overturn the Army's denial of her application to be discharged as a conscientious objector. The case was brought...

...Colonel Wismer took the words of this priest, coupled apparently with his own **research**, to conclude that rather than opposing **military** service, the Coptic Church “endorses **military** service through the example of their Saints and religious leaders.”...

...The chaplain stated that Hager mentioned only walking away from a rewarding **military** career opportunity as evidence of the depth of his beliefs, when in fact Hager also mentioned his anxiety over abandoning his family tradition of **military** service, and, as here, his willingness to reimburse the **military** for the money spent on his education....

603. **Smith v. Shinseki**

United States Court of Appeals for Veterans Claims. | June 03, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 2173672

The appellant, Walter J. Smith, appeals through counsel a January 14, 2010, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for bilateral hearing loss and Meniere's disease. Record of Proceedings (R.) at 3–22. The Board also determined that new and material evidence had not been received to reopen a...

...The Board reviewed Dr. Bien's examination report as well as the treatment record provided by the Boys Town National **Research** Hospital, and noted that both Dr. Bien and the Boys Town National **Research** Hospital showed no diagnosis for Meniere's disease....

...On April 18, 2007, the appellant underwent a “vestibular/balance evaluation” at Boys Town National **Research** Hospital, which included VNG testing....

604. **U.S. v. Foster**

U.S. Navy–Marine Corps Court of Criminal Appeals. | October 18, 2005 | Not Reported in M.J. | 2005 WL 2704961

A general court-martial comprised of officer and enlisted members convicted the appellant, contrary to his pleas, of indecent acts with a child and communicating a threat, in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C. § 934. The appellant was sentenced to a dishonorable discharge, forfeiture of all pay and allowances,...

...Finally, the **military** judge instructed the members on their sole responsibility to determine facts as well as to “disregard any comment or statements made by [the **military** judge] or any question asked of a witness by [the **military** judge] during the course of the trial that might seem to indicate to [them] an opinion on [his] part as to the credibility of any witness, the plausibility or validity of the facts or theories testified to by any witness, or whether the accused is guilty or not guilty #...

...Id. Lastly, defense counsel's failure to challenge the **military** judge's impartiality at trial “may permit an inference that the defense believed the **military** judge remained impartial.”...

605. **U.S. v. Duvall**

U.S. Air Force Court of Criminal Appeals. | April 12, 1996 | 44 M.J. 501 | 1996 WL 180853

Accused was convicted by a general court-martial, Robert E. Kaszczuk, J., of use of marijuana. The Air Force Court of Criminal Appeals, Morgan, J., held that: (1) confession was voluntary; (2) confession was corroborated; and (3) rule requiring that confession be corroborated did not require that corroborative statement be independently admissible....

...Careful **research** into governing precedent in **military** practice persuades us that this is an issue of first impression....

...The drafters of the analysis of the **Military** Rules of Evidence acknowledged that Mil. R. Evid. 104(a) might “substantially change **military** practice.” ...

606. **Lisdahl v. Mayo Foundation for Medical Educ. and Research**

United States District Court, D. Minnesota. | February 01, 2010 | 698 F.Supp.2d 1081 | 2010 WL 1140714

VETERANS - Preference. Former employee failed to demonstrate violation of Uniformed Services Employment and Reemployment Rights Act.

...Lisdahl flatly denied that Haffield informed him that the National Registry had a **military** liaison for those in the **military** services....

...Again, those recollections appear to relate to a somewhat distant time, given Stauber's retirement from **military** service well before Lisdahl went on **Military** Leave....

607. **Starrett v. Lockheed Martin Corporation**

United States District Court, N.D. Texas, Dallas Division. | February 06, 2018 | Slip Copy | 2018 WL 10344810

Plaintiff William Henry Starrett, Jr.'s ("Starrett's") February 6, 2018 motion for a temporary restraining order ("TRO") is denied. "To obtain a temporary restraining order, an applicant must show entitlement to a preliminary injunction." Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Wright, 1993 WL 13044458, at...

...Daniel Laurence Abrahamson, Matthew Allen Deal, Office of the Attorney General of Texas, Austin, TX, for Defendant Texas **Military** Department....

...Brian Walters Stoltz, U.S. Attorney's Office, Dallas, TX, for Defendants US Army Civil Affairs & Psychological Operations Command, US Army Reserve Command, US Army, US Army Special Operations Command, US Department of Defense, Defense Advanced **Research** Project Agency, National Nuclear Security Administration, US Department of Energy, US Special Operations Command....

608. **Jacobs-Cardenas-Johnson v. City of Washington**

United States District Court, District of Columbia. | November 14, 2008 | 587 F.Supp.2d 113 | 2008 WL 4921276

LITIGATION - Dismissal. Complaint was dismissed pursuant to statute requiring dismissal of frivolous in forma pauperis complaints.

... She also requests the Court to "produce and schedule for [her], by Law" an appointment for the U.S. **Military** Pentagon Court....

...(Compl. at 2.) 1 It further states that "an Egyptian Doctor that was here # was indeed attempting to force me to become his own Blood and Brain **research**." ...

609. **Starrett v. Lockheed Martin Corporation**

United States District Court, N.D. Texas, Dallas Division. | July 24, 2017 | Not Reported in Fed. Supp. | 2017 WL 11492766

Plaintiff William Henry Starrett, Jr.'s ("Starrett's") July 24, 2017 emergency motion for a temporary restraining order ("TRO") is denied. "To obtain a temporary restraining order, an applicant must show entitlement to a preliminary injunction." Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Wright, 1993 WL...

...Daniel Laurence Abrahamson, Matthew Allen Deal, Office of the Attorney General of Texas, Austin, TX, for Defendant Texas **Military** Department....

...Brian Walters Stoltz, U.S. Attorney's Office, Dallas, TX, for Defendants US Army Civil Affairs & Psychological Operations Command, US Army Reserve Command, US Army, US Army Special Operations Command, US Department of Defense, Defense Advanced **Research** Project Agency, National Nuclear Security Administration, US Department of Energy, US Special Operations Command....

610. **Chavez v. Carranza**

United States District Court, W.D. Tennessee, Western Division. | August 15, 2006 | Not Reported in F.Supp.2d | 2006 WL 2434934

Before the Court is Defendant's Motion for Judgment Notwithstanding the Verdict, New Trial, and/or Remittitur, filed February 1, 2006. Plaintiffs Santos, Calderon, Revelo, and Alvarado responded in opposition on February 17, 2006, and Defendant filed a reply on March 15, 2006. For the reasons set forth below, Defendant's motion is DENIED....

...Plaintiffs also called Professor Terry Lynn Karl, an expert in the political history of El Salvador and the role of the **military** within the Salvadoran government, and Professor Jose Luis Garcia, a retired colonel in the Argentinian **military** who testified as an expert on the Salvadoran **military** structure and the obligations of a **military** commander....

...Defendant also objects to Professor Karl's testimony on **military** procedures and command responsibility "because she never served in any **military** organization and did not have **military** training or education #...

611. In re Thanner

United States District Court, D. Colorado. | January 20, 1966 | 253 F.Supp. 283

Proceeding on petition of Switzerland national for naturalization. The District Court, Arraj, Chief Judge, held that permanent resident alien, who was relieved from **military** service by his own voluntary request until reclassification afforded him continued immunity from draft, and whose request for **military** exemption was made with full...

...Record in proceeding for naturalization established that request of alien-petitioner for **military** exemption was freely and voluntarily made and failed to support claim that request was made due to threats of alien's wife to return to Switzerland if alien entered **military** service. Universal **Military** Training and Service Act, § 4(a), 50 U.S.C.A. App. § 454(a); Immigration and Nationality Act, §§ 315, 319(a), 50 U.S.C.A. App. §§ 1426, 1430(a)....

...Permanent resident alien, who was relieved from **military** service by his own voluntary request until reclassification afforded him continued immunity from draft, and whose request for **military** exemption was made with full understanding that he would not thereafter be eligible for citizenship, was not thereafter eligible for citizenship. U.S.C.A.Const. art. 1, § 8, cl. 3; Immigration and Nationality Act, §§ 315, 319(a), 50 U.S.C.A. App. §§ 1426, 1430(a); Universal **Military** Training and Service Act, § 4(a), 50 U.S.C.A. App. § 454(a)....

612. Lips v. Commandant, USDB

United States District Court, D. Kansas. | October 26, 1992 | Not Reported in F.Supp. | 1992 WL 331334

This matter comes before the court on the motion of respondent for an order staying the judgment entered in this habeas corpus action during the pendency of the appeal. The order of this court, issued on July 31, 1992, granted petitioner's application for habeas corpus relief and directed respondent to retry petitioner within 120 days or to grant...

... The court's own **research** has produced no authority directly on point....

... The test for whether one is amenable to court-martial jurisdiction is one of **military** status....

613. U.S. v. O'Neal

U.S. Air Force Board of Review. | October 01, 1959 | 1959 WL 3560 | 28 C.M.R. 834

Sentence adjudged 11 June 1959 by General Court-Martial convened at Tyndall Air Force Base, Florida. Approved sentence: Bad conduct discharge, forfeiture of fifty dollars (\$50) per month for twelve (12) months, confinement at hard labor for twelve (12) months and reduction to grade of Basic Airman.

...Our **research** has revealed no **military** cases closely related to the problem of whether the accused could be required to hand over the money and records in the safe, but a substantial body of Federal cases does bear on the question....

...Evidence § 133 — application of UCMJ, Art 31 to nonverbal acts — acts required by **military** duty...

614. **U.S. v. Woodson**

U.S. Coast Guard Court of Criminal Appeals. | February 04, 2000 | 52 M.J. 688 | 2000 WL 132695

MILITARY LAW - Larceny. Plea of guilty to larceny was provident.

... The **military** judge requested counsel to present argument addressing this situation....

...Appellant was tried by a special court-martial before a **military** judge sitting without members....

615. **U.S. v. Collier**

U.S. Army Court of Military Review. | November 30, 1973 | 1973 WL 14915 | 48 C.M.R. 112

General Court-Martial Convened by Headquarters, U. S. Army Air Defense Center and Fort Bliss, Texas (J. A. Hagan, **Military** Judge, alone). Sentence adjudged 22 December 1972. Approved sentence: Bad-conduct discharge, confinement at hard labor for nine months, forfeiture of \$248.00 pay per month for nine months, and reduction to the grade of Private...

...**Research** of **military** cases failed to reveal any prior holdings on the narrow issue of whether the making of a false report of a crime to the **military** police is within the purview of Article 107....

...[2] After carefully examining the federal decisions on the limited issue now under review and considering the **military** aspects of the issue, we have determined that Article 107 should be construed as being sufficiently broad to encompass the making of a false report of a crime to a **military** investigative agency....

616. **Petition of Chrambach**

United States District Court, D. Maryland. | June 28, 1972 | 346 F.Supp. 362

Proceedings on application for naturalization. The District Court, Frank A. Kaufman, J., held that where alien-registrant's alien exemption from **military** service was nullified by 1951 amendment to Selective Service Act but alien-registrant's IV-C classification was not changed until May 20, 1953 when alien-registrant requested exemption as...

...Where alien-registrant's exemption from **military** service was nullified by 1951 amendment to Selective Service Act but alien-registrant's IV-classification was not changed until May 20, 1953 when alien-registrant requested exemption as "treaty alien" pursuant to treaty which was entered into between United States and Germany on December 8, 1923 and which contained provision exempting resident German aliens from **military** service, and, on June 2, 1953 United States notified Germany that it would no longer recognize **military** exemption contained in treaty, registrant who became over the age of liability for **military** service on November 18, 1954 had not been relieved of **military**...

...The District Court, Frank A. Kaufman, J., held that where alien-registrant's alien exemption from **military** service was nullified by 1951 amendment to Selective Service Act but alien-registrant's IV-C classification was not changed until May 20, 1953 when alien-registrant requested exemption as "treaty alien" pursuant to treaty which was entered into between United States and Germany on December 8, 1923 and which contained provision exempting resident German aliens from **military** service, and, on June 2, 1953 the United States notified Germany that it would no longer recognize **military** exemption contained in treaty, registrant who became over the age of liability for **military**...

617. **Minnesota Public Interest Research Group (MPIRG) v. Selective Service System**

United States District Court, D. Minnesota. | January 24, 1983 | 557 F.Supp. 925

College student-directed nonprofit corporation brought action challenging section of Department of Defense Authorization Act. On defendants' motion for judgment on the pleadings, the District Court, Alsop, J., held that college student-directed nonprofit corporation lacked standing to bring action to enjoin enforcement of section of...

...enforcement of **military** selective service act...

... Its purposes, however, are not solely limited to **research** and debate on issues that affect students as students....

618. Robertson-Armstrong v. Robinson Helicopter Company, Inc.

United States District Court, E.D. Pennsylvania. | November 19, 2015 | Not Reported in Fed. Supp. | 2015 WL 7307233

Plaintiff Julia Robertson-Armstrong ("Robertson-Armstrong") was severely injured on July 20, 2011 when a helicopter in which she was a passenger crashed in New Jersey. She has sued Robinson Helicopter Company, Inc. ("Robinson"), the manufacturer of the helicopter, as well as Nassau Helicopters, Inc. ("Nassau"),...

...From 1991 until 1998 he was employed by the Biomechanics **Research** Division of the National Highway Traffic Safety Administration ("NHTSA"), where he conducted **research** on vehicle crashworthiness and evaluated the effectiveness of various safety systems....

...There, he spent 16 years in a managerial role, overseeing **research** on topics which included "the design, fabrication, testing and evaluation of human surrogates and occupant protection systems for a wide range of vehicles including automobiles, trains, helicopters and **military** ground vehicles."...

619. United States v. Sims

United States District Court, N.D. Florida, Pensacola Division. | January 04, 2018 | Not Reported in Fed. Supp. | 2018 WL 1372361

This matter is before the court upon John Norman Sims' "Motion under 28 U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (ECF No. 212). The Government responded (ECF No. 228, 229), and Sims filed a reply (ECF No. 236). The case was referred to the undersigned for the issuance of all...

...When asked if he did any **research** at the time he wrote the letter, or whether someone else had, Van Camp said yes, and that he had looked at the statute but he could not say whether he did any more **research** than that (ECF No. 250 at 192)....

...**Military** courts which have considered this issue have reached the same conclusion....

620. Punnett v. U.S.

United States District Court, E.D. Pennsylvania. | October 25, 1984 | 602 F.Supp. 530

After remand, 621 F.2d 578, of suit seeking order compelling Government to inform United States servicemen who participated in nuclear testing of resultant health risks, defendants' moved to dismiss or stay action. The District Court, Ditter, J., held that: (1) exhaustion doctrine applied, and (2) plaintiffs failed to establish...

... Nothing indicates the DNA would refuse to distribute a warning satisfactory to plaintiffs if either plaintiffs' **research** shows such a warning is proper or if further **research** evidences the soundness of plaintiffs' position....

... It would not be the decision of a jurist who was uninvolved in the underlying scientific **research**....

621. U.S. v. Moravec

U.S. Navy–Marine Corps Court of Criminal Appeals. | November 20, 2002 | Not Reported in M.J. | 2002 WL 31656114

A general court-martial, composed of officer and enlisted members, tried Appellant on various dates in late 1998. Following mixed pleas, the court convicted Appellant of the attempted use and attempted distribution of anabolic steroids, and the possession, importation, and distribution of anabolic steroids, in violation of Articles 80 and 112a,...

...The **military** judge focused the subsequent argument and based his decision on R.C.M. 914, the **military** equivalent of the Jencks Act....

...In response to questions from the **military** judge, Major Jackson stated that he was the sole **military** counsel detailed to the case....

 **622. Whitley v. U.S.**

United States Court of Appeals, Eleventh Circuit. | March 26, 1999 | 170 F.3d 1061 | 1999 WL 166593

Parents and estate of foreign serviceman sued United States under the Federal Tort Claims Act (FTCA) claiming serviceman's death in vehicle accident was proximately caused by negligence of United States soldier in driving van provided by Army to transport foreign rugby team to and from civilian rugby match. Following bench trial, the United States...

...The Regimental Council is comprised of **military** and non-**military** individuals; it is not part of the British Army command structure....

... Significant to the Parker court's conclusion that the serviceman was not acting incident to service when he was injured was that he "was not directly subject to **military** control; he was not under the compulsion of **military** orders; he was not performing any **military** mission." ...

 **623. N.A.A.C.P. v. A.A. Arms, Inc.**

United States District Court, E.D. New York. | April 04, 2003 | Not Reported in F.Supp.2d | 2003 WL 2003750

Motions in limine were heard on Wednesday, April 2, 2003, at 8:30 a.m. The following rulings were made for the reasons stated orally on the record at that hearing. Parties were requested to brief the issue of the admissibility of plaintiff's written expert reports by this court in its order of April 1, 2003. This issue involves two separate...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

624. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 09, 2003 | Not Reported in F.Supp.2d | 2003 WL 2003793

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that: (1) monthly field report of...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)...

625. U.S. v. Lindell

U.S. Air Force Court of Military Review. | June 20, 1990 | Not Reported in M.J. | 1990 WL 96277

In a well-**researched** brief, appellate defense counsel argue that Staff Sergeant Lindell's court-martial was improperly convened because the commander, Colonel C, was merely a de facto convening authority due to an erroneous assumption of command. After considering the briefs of counsel and the excellent findings of the **military** judge, we are...

...Our **research** has not disclosed a reported case where a **military** appellate court has held that operation of a vehicle while intoxicated, in and of itself, constitutes a "culpably negligent" act....

...Thus "culpable negligence" is defined under **military** law....

626. U.S. v. Hazard

U.S. Air Force Court of Criminal Appeals. | April 17, 1997 | Not Reported in M.J. | 1997 WL 203622

The appellant pled guilty to three specifications of adultery with three female enlisted members. Additionally, members convicted him, contrary to his pleas, of stealing basic allowance for quarters (BAQ) payments at the dependent rate for a three year period (totaling about \$8500) and of signing a false official record which certified he was...

... We view the issue much the same way, and on this record we decline to embark upon an examination of the boundaries of **Military** Rule of Evidence 510, Waiver of Privilege by Voluntary Disclosure....

...After inviting both sides to **research** the issue, with both sides declining, the judge ruled that by testifying that he went to the "legal office" and was told New Mexico had a one year residency requirement, the appellant had waived the privilege as to any attorney he saw there on the general matter....

627. U.S. v. Autrey

U.S. Army Court of Military Review. | July 31, 1985 | 20 M.J. 912

Accused, first lieutenant, United States army, was convicted by general court-martial, G.F. Jacob, J., of attempted larceny, larceny, filing a false claim, conduct unbecoming an officer, and making a false statement, and he appealed. The United States Army Court of **Military** Review, Pauley, J., held that selection process for court members resulted...

...Indeed, the **military** judge, after receiving evidence, hearing the witnesses and counsels' arguments on this matter, found that the convening authority, aware of his option to use other officers, felt that using officers of the grade of majors and above was a classification reasonably calculated to obtain members as required by the Uniform Code of **Military** Justice....

... It is likely that many would have had **military** legal experience to include duty as a court member....

628. Comegys v. Valley Forge Military Academy & College

United States District Court, E.D. Pennsylvania. | August 10, 2022 | Slip Copy | 2022 WL 3229329

This matter arises out of disciplinary action taken by Defendant Valley Forge **Military** Academy and College (“Defendant” or “Valley Forge”) against Cadet K.F., son of Plaintiff Shantelle Comegys (“Comegys”), based on K.F.’s alleged involvement in an assault of another cadet. In the complaint, Comegys, acting...

...The court distinguished The Citadel from **military** service academies and instead analogized The Citadel's **military** model to “what many private secondary schools do: using a **military** model as a basis for instilling discipline and providing leadership training.”...

...Although Comegys's sole argument in support of state action is based on federal funding, and not Valley Forge's **military** environment, this Court notes that in *Mentavlos v. Anderson*, the United States Court of Appeals for the Fourth Circuit (the “Fourth Circuit”) held that “**military**-type training of non-enlisted students” at the Citadel, a state-supported “senior **military** college,” was not an exclusive state function. 249 F.3d 301, 316 (4th Cir. 2001)....

629. **Hightower v. Valley Forge Military Academy & College**

United States District Court, E.D. Pennsylvania. | August 10, 2022 | Slip Copy | 2022 WL 3229323

This matter arises out of disciplinary action taken by Defendant Valley Forge **Military** Academy and College (“Defendant” or “Valley Forge”) against Cadet R.S., son of Plaintiff Marshelle Hightower (“Hightower”), based on R.S.’s alleged involvement in an assault of another cadet. In the complaint, Hightower,...

...The court distinguished The Citadel from **military** service academies and instead analogized The Citadel's **military** model to “what many private secondary schools do: using a **military** model as a basis for instilling discipline and providing leadership training.”...

...Although Hightower's sole argument in support of state action is based on federal funding, and not Valley Forge's **military** environment, this Court notes that in *Mentavlos v. Anderson*, the United States Court of Appeals for the Fourth Circuit (the “Fourth Circuit”) held that “**military**-type training of non-enlisted students” at the Citadel, a state-supported “senior **military** college,” was not an exclusive state function. 249 F.3d 301, 316 (4th Cir. 2001)....

630. **Morgan v. Valley Forge Military Academy & College**

United States District Court, E.D. Pennsylvania. | August 10, 2022 | Slip Copy | 2022 WL 3229322

This matter arises out of disciplinary action taken by Defendant Valley Forge **Military** Academy and College (“Defendant” or “Valley Forge”) against Cadet T.M., son of Plaintiff Ricole Morgan (“Morgan”), based on T.M.’s alleged involvement in an assault of another cadet. In the complaint, Morgan, acting...

...The court distinguished The Citadel from **military** service academies and instead analogized The Citadel's **military** model to “what many private secondary schools do: using a **military** model as a basis for instilling discipline and providing leadership training.”...

...Although Morgan's sole argument in support of state action is based on federal funding, and not Valley Forge's **military** environment, this Court notes that in *Mentavlos v. Anderson*, the United States Court of Appeals for the Fourth Circuit (the “Fourth Circuit”) held that “**military**-type training of non-enlisted students” at the Citadel, a state-supported “senior **military** college,” was not an exclusive state function. 249 F.3d 301, 316 (4th Cir. 2001)....

631. **Purple Heart Patient Center, Inc. v. Military Order of the Purple Heart of the United States of America, Inc.**

United States District Court, N.D. California. | February 11, 2014 | Not Reported in Fed. Supp. | 2014 WL 572366

In this declaratory judgment action for alleged trademark infringement, defendants move for judgment on the pleadings pursuant to FRCP 12(c). For the reasons stated below, the motion is Denied. In 1782, George

Washington created the Badge of **Military** Merit. It was succeeded by the Order of the Purple Heart in 1932, a medal awarded to...

...Defendant **Military** Order of the Purple Heart Service Foundation, Inc. ("Service Foundation") raises money for the **Military** Order....

...Defendant **Military** Order of the Purple Heart of the United States of America, Inc. (" **Military** Order") was chartered by Congress in 1958 and is composed of recipients of the Purple Heart medal....

632. U.S. v. Potter

U.S. Army Court of Criminal Appeals. | November 08, 2012 | Not Reported in M.J. | 2012 WL 5553237

A **military** judge, sitting as a general court-martial, convicted appellant, pursuant to his pleas, of absencing himself from his unit, failing to go to his appointed place of duty (two specifications), missing movement by design, failing to obey a lawful order, and wrongful use of marijuana (two specifications), in violation of Articles 86, 87, 92,...

...The only witness the trial counsel called pertaining to the contested wrongful use of marijuana charge was an officer whose duty position was Chief of **Research** and Development at the Fort Meade FTDTL. Based on the witness's experience and background, the **military** judge recognized him as an expert in the field of forensic toxicology and drug testing, without any objection from defense counsel....

...A **military** judge, sitting as a general court-martial, convicted appellant, pursuant to his pleas, of absencing himself from his unit, failing to go to his appointed place of duty (two specifications), missing movement by design, failing to obey a lawful order, and wrongful use of marijuana (two specifications), in violation of Articles 86, 87, 92, and 112a, Uniform Code of **Military** Justice, 10 U.S.C. §§ 886, 887, 892, and 912a (2008) [hereinafter UCMJ]....

633. U.S. v. Watkins

U. S. Army Court of Military Review. | October 18, 1982 | 14 M.J. 803

Accused, specialist five, United States Army, was convicted by special court-martial at HQ, 3d Infantry Division, W. D. Hall, III, J., of wrongfully possessing, transferring and selling hashish and resisting apprehension, and he appealed. The Army Court of **Military** Review, O'Donnell, Senior Judge, held that: (1) although the evidence established...

... To insure that this does not occur, the Court of **Military** Appeals directed a procedure whereby the **military** judge must satisfy himself that the accused is pleading guilty with full knowledge of its meaning and effect....

... The stipulation provides pertinently: "After being told he was under apprehension by **Military** Policeman Campbell and during the process of the apprehension, the accused grabbed his field jacket, turned sharply away and had to be physically restrained by the **military** police." ...

634. U.S. v. Kilbourne

U.S. Air Force Court of Military Review. | September 13, 1990 | 31 M.J. 731 | 1990 WL 143041

Accused, an airman basic in the United States Air Force, was convicted by general court-martial convened at Lowry Air Force Base, Colorado, Robert N. Spencer, J., of wrongful use and distribution of lysergic acid diethylamide (LSD) and conspiracy to commit offense of perjury, and she appealed. The United States Air Force Court of **Military** Review,...

... We urge **military** judges, trial counsel, and court reporters to handle this problem....

... The **military** judge cautioned that any comment on an accused's silence was improper....

635. U.S. v. Kaspers

U.S. Court of Appeals for the Armed Forces. | September 23, 1997 | 47 M.J. 176 | 1997 WL 690679

Accused was convicted by general court-martial, Patrick K. Hargus, J., of conspiracy to commit premeditated murder, premeditated murder, adultery, and obstruction of justice. The United States Army Court of Criminal Appeals affirmed. Review was granted. The United States Court of Appeals for the Armed Forces, Howard, District Judge, sitting by...

... The **military** judge has broad discretion to protect the rights of the **military** accused....

...**Military** judge considers admissibility of challenged expert evidence on case-by-case basis. **Military** Rules of Evid., Rule 702....

636. Larsen v. McDonough

United States Court of Appeals for Veterans Claims. | September 19, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 4299858

The appellant, David A. Larsen, appeals through counsel an October 14, 2020, Board of Veterans' Appeals (Board) decision that denied service connection for diabetes mellitus type II and peripheral neuropathy as secondary to diabetes. Record of Proceedings (R.) at 5-12. Single-judge disposition is appropriate. See Frankel v. Derwinski, 1...

...Additionally, the Board noted that Mr. Larsen was determined by the Department of **Military** Affairs to be ineligible to wear or receive the Vietnam Service Medal and the Armed Forces Expeditionary Medal, based upon his **military** service....

...R. at 9. It also noted that the record of proceedings contained "a formal finding for lack of information required to corroborate herbicide agents exposure," because the information required was "not sufficient to send to the U.S. Army and Joint Services **Research** Center (JSRRC)" or "to allow for a meaningful **research** of Marine Corps or National Archives and Records Administration (NARA) records."...

637. U.S. v. Delgado

U.S. Navy–Marine Corps Court of Criminal Appeals. | May 08, 2009 | Not Reported in M.J. | 2009 WL 1289995

A general court-martial, composed of officer members convicted the appellant, contrary to his pleas, of one specification of involuntary manslaughter, in violation of Article 119, Uniform Code of **Military** Justice, 10 U.S.C. § 919. The appellant was sentenced to confinement for 45 months and a dishonorable discharge. The convening authority...

..."A **military** judge abuses his discretion when his findings of fact are clearly erroneous, the court's decision is influenced by an erroneous view of the law, or the **military** judge's decision on the issue at hand is outside the range of choices reasonably arising from the applicable facts and law."...

...We review a **military** judge's decision regarding expert witnesses for abuse of discretion....

638. Touchstone Research Group LLC v. United States

United States District Court, S.D. New York. | October 03, 2019 | Not Reported in Fed. Supp. | 2019 WL 4889281

Plaintiffs Touchstone **Research** Group LLC (“Touchstone”) and “John Does 1-50 and Jane Does 1-50” brought this action, primarily alleging violations of the Privacy Act of 1974 (the “Privacy Act”), 5 U.S.C. § 552a, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 et seq., against...

...(Id.). According to Touchstone, because of this service, some “private employers,” including “overseas **military** contractors,” (all unnamed) require veteran applicants to retrieve their **military** records through Touchstone....

...Touchstone, a company that obtains veterans' **military** records from government records facilities for a fee, alleges that Defendants have violated the Privacy Act and the APA by refusing to provide Touchstone with their customers' **military** records or delaying Touchstone's records requests....

639. Khalsa v. Weinberger

United States Court of Appeals, Ninth Circuit. | May 07, 1985 | 759 F.2d 1411

Member of the Sikh religion brought action against the Army for refusing to process his enlistment application because he could not comply with army appearance regulations. The United States District Court for the Central District of California, Malcolm M. Lucas, dismissed the suit for lack of subject-matter jurisdiction, and plaintiff...

... He is not free to join the **military** if he cannot comply with **military** rules....

...Although appellant cites no authority to support the application of Rostker in cases involving the reviewability of **military** regulations, our **research** has uncovered one relevant case....

640. In re Agent Orange Product Liability Litigation

United States District Court, E.D. New York. | June 29, 1983 | 98 F.R.D. 522

In the “Agent Orange” products liability litigation, defendants sought to compel production of government documents. The District Court, George C. Pratt, Circuit Judge, sitting by designation, adopted the opinion of the magistrate and held that: (1) where the government conducted thorough searches for certain documents, the government would not be...

...2.All documents that refer or relate to **research**, development, testing, evaluation, toxicity, or use of herbicides for **military** purposes, including but not limited to 2,4,5–trichlorophenoxyacetic acid, or an ester, amine, salt, or other form thereof including Agents Orange, Pink, Purple, and Green....

...Defendants' Motion for an Order to Compel Production of National Cancer Institute/Bionetics **Research** Laboratories, Inc. Documents requests production of all documents relevant to the Agent Orange litigation which relate to the contract between the National Cancer Institute (“NCI”) and Bionetics **Research** Laboratories (“Bionetics”)....

641. Laird v. Tatum

Supreme Court of the United States | June 26, 1972 | 408 U.S. 1 | 92 S.Ct. 2318

Action was brought for declaratory judgment that Army's surveillance of ‘lawful and peaceful civilian political activity’ was unconstitutional and for injunction forbidding such surveillance. The United States District Court for the District of Columbia denied relief, and plaintiffs appealed. The United States Court of Appeals for the...

...Two statutes, passed as a result of Reconstruction Era **military** abuses, prohibit **military** interference in civilian elections:...

...The **military**, though important to us, is subservient and restricted purely to **military** missions....

642. Hale v. Federal Communication Commission

United States District Court, N.D. Oklahoma. | June 22, 2017 | Not Reported in Fed. Supp. | 2017 WL 2702251

Before the Court is plaintiff's Complaint (Doc. 1). Plaintiff, proceeding pro se, filed this action on April 27, 2015, seeking damages and injunctive relief. For the reasons discussed herein, plaintiff's Complaint shall be dismissed. The Complaint lists as defendants the Federal Communications Commission ("FCC"), Broadcasting Satellite...

...Billions of dollars are spent each year in **military** and medical **research** to refined [sic] their capabilities in these areas as documented in the National Nanotechnology Initiative Supplement to the President's 2015 Budget, National Science and Technology Council, Subcommittee on Nanoscale Science, Engineering and Technology, March 2014, Washington, DC. This is only the beginning of waking up to the Big Nano World and how it will impact your life for either the good or the bad...

...First, the Complaint alleges that the FCC is a "United States **military** base" and "radio transmitter" (Doc. 1 at 1), but contains no allegations of any wrongful conduct by the FCC that would allow plaintiff relief under federal law....

643. Landry v. Shinseki

United States Court of Appeals for Veterans Claims. | May 23, 2013 | Not Reported in Vet.App. | 2013 WL 2285543

The appellant, Eugene Landry, appeals pro se a January 27, 2012, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for right ear hearing loss, to include as residual to an in-service head injury. Record (R.) at 2–17. The appellant contends that the Board erred when it found no nexus between his present...

...On remand, the RO requested additional information from the Joint Services Records **Research** Center (JSRRC), which concluded in December 2010 that there was insufficient information to facilitate further meaningful **research**....

...The **military** separation exam noted a normal whispered voice test....

644. Totten v. U.S.

United States District Court, E.D. Tennessee, Winchester Division. | September 11, 1985 | 618 F.Supp. 951

Wrongful death action was brought under Federal Tort Claims Act arising out of death of employee of government contractor while engaged in postaccident cleanup operation following MX2 rocket test failure. On Government's motion for summary judgment, the District Court, Hull, J., held that discretionary function exception precluded...

...Plaintiff's expert Hyla S. Napadensky, Director of **Research** Explosion Science and Engineering, IIT **Research** Institute, Chicago, Illinois, has testified by deposition that the preliminary hazard analysis was not properly performed and failed to follow the specifications of **military** standard MIL–STD 882A (hazard analysis)....

...[3][4] In the case at issue, it appears that Aerojet prepared a plan for the removal of the rocket propellant which did not have the requisite hazard analysis and did not comply with **military** safety regulations....

645. U.S. v. Gochenour

U.S. Air Force Court of Military Review. | October 24, 1973 | 1973 WL 14885 | 47 C.M.R. 979

Sentence adjudged 11 January 1973 by GCM convened at Davis-Monthan Air Force Base, Arizona. **Military** Judge: Karl W. Stephens. Approved sentence: Bad conduct discharge, forfeiture of one hundred seventy-eight

dollars (\$178.00) per month for twelve (12) months, confinement at hard labor for one (1) year, and reduction to airman basic.

...Our **research** has disclosed only one case where the precise question posed by this record has been presented to the Court of **Military** Appeals, that being United States v Masemer, supra....

...Finding no binding precedent in our **military** jurisprudence, we then considered cases decided by the United States Circuit Courts of Appeals....

646. F.R. as Next Friend of A.R. v. Albuquerque Public Schools

United States District Court, D. New Mexico. | April 25, 2005 | Not Reported in Fed. Supp. | 2005 WL 8164029

THIS MATTER is before the Court on an application for approval of a settlement between the plaintiff Fabian Rodriguez as father and next friend of his minor daughter, Amber Rodriguez ("Amber"), and Defendants Albuquerque Public Schools ("APS"), Albuquerque Public School Board of Education ("Board of Education"),...

...Her intent was to enter the **military** service but due to an unrelated medical question her enlistment had been delayed....

...He believed that a structured settlement would provide protection for the settlement funds and preserve the funds for Amber's later use upon discharge from the **military**....

647. Megill v. Worthington Pump, Inc.

United States District Court, D. Delaware. | March 26, 1999 | Not Reported in F.Supp.2d | 1999 WL 191565

Plaintiffs David E. Megill and Jenny Lee W. Megill brought suit against numerous defendants in the Superior Court of the State of Delaware in and for New Castle County. In their complaint, it is alleged that plaintiff David E. Megill was exposed to asbestos and asbestos-containing products and that plaintiffs were injured thereby. The complaint...

...members and members of the general public of the risks of asbestos;1(c) Failed to adequately test, **research** and investigate asbestos and/or its effects prior to sale, as to use, and/or exposure of the plaintiff and others similarly situated;1(d) Failed to adequately package, distribute and use asbestos in a manner which would minimize the escape of asbestos fibers therefore adding to the exposure...

...Similarly, there is no evidence of record that Worthington's commercial products (which comport with commercial specifications) in any way deviated from the products sold to the Navy (which comported with **military** specifications)....

648. Sundbakken v. Shinseki

United States Court of Appeals for Veterans Claims. | March 25, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 1086586

Dale Sundbakken appeals through counsel an August 1, 2008, Board of Veterans' Appeals (Board) decision that denied entitlement to VA benefits for a low back disorder; shell fragment wounds to the right foot, face, and buttocks; peripheral neuropathy; post-traumatic stress disorder; a psychiatric disorder other than post-traumatic stress disorder; a...

...In March and April of 1997, Mr. Sundbakken again reviewed his records in the regional office's **Research** Room, unsupervised....

...An internal VA memorandum noted that Mr. Sundbakken had reviewed his records in the regional office's **Research** Room, unsupervised, in October and December 1996....

649. Lewis v. U.S. Navy

United States District Court, D. South Carolina, Greenwood Division. | July 14, 1994 | 865 F.Supp. 294 | 1994 WL 482637

Veteran and his wife brought action for damages against United States for failing to warn him of long-term health effects of his exposure to mustard gas during World War II after his discharge from United States Navy in 1963. The District Court, George Ross Anderson, Jr., J., held that: (1) veteran's claim was barred by Feres...

...14. Therefore, war-related **research** programs were established under President Roosevelt's White House Office of Scientific **Research** and Development, and secret testing of protective clothing, ointments, and gas masks were undertaken....

...3. Plaintiffs' claims arise out of plaintiff James Lewis' participation in **military** tests conducted during World War Two....

650. United States v. Nordin

U.S. Army Court of Criminal Appeals. | July 03, 2013 | Not Reported in M.J. Rptr. | 2013 WL 3376824

A general court-martial composed of officer and enlisted members convicted appellant, contrary to his pleas, of one specification of rape in violation of Article 120(a), Uniform Code of **Military** Justice [hereinafter UCMJ], 10 U.S.C. § 920(a) (2000 & Supp. V 2005), amended by 10 U.S.C. § 920 (2012), two specifications of sodomy in...

...In conducting our review we have considered the issues directed for review by our superior court, appellant's original assignments of error, appellate briefs concerning these assignments of error, the record of trial, affidavits to include those submitted by appellant's civilian and **military** defense counsel, the record of the DuBay hearing, the **military** judge's findings that resulted from this session, and further appellate briefs addressing the issues for consideration that were associated with the remand of this case from CAAF....

...Appellant was represented by both a **military** and civilian defense counsel....

651. Romero-Barcelo v. Brown

United States District Court, D. Puerto Rico. | September 17, 1979 | 478 F.Supp. 646 | 13 ERC 2105

Action was brought seeking to enjoin the United States Navy from using any portion of lands it owned on an island in the Commonwealth of Puerto Rico and the waters surrounding the island for the purpose of carrying out naval training operations. The District Court, Torruella, J., held that even though United States Department of Navy was in...

...United States Navy's discharge of ordnance in waters off island in Commonwealth of Puerto Rico as well as related activities during course of **military** operations did not constitute "dumping" within meaning of Marine Protection, **Research** and Sanctuaries Act so as to require a permit from Environmental Protection Agency. Marine Protection, **Research**, and Sanctuaries Act of 1972, § 2 et seq., 33 U.S.C.A. § 1401 et seq....

...Direct observation of the Cayo Conejo group during both periods of **military** activity and otherwise, showed no noticeable reaction by pelicans during **military** operations....

652. Leonard v. Shulkin

United States Court of Appeals for Veterans Claims. | July 20, 2017 | Not Reported in Vet.App. | 2017 WL 3082051

Veteran Lowell D. Leonard appeals through counsel a December 22, 2016, Board of Veterans' Appeals (Board) decision denying service connection for lung cancer, claimed as due to exposure to herbicides. Record (R.) at 2–23. Single-judge disposition is appropriate in this case. See Frankel v. Derwinski, 1 Vet.App. 23, 25–26 (1990). This...

...As the Board noted earlier in its decision, after being informed by JSRRC and the Air Force that flight manifests were not maintained and that available unit histories did not mention the departure or arrival of individual unit members or aircraft flight paths, R. at 680, 703, and that Continental Airlines did not maintain flight records for more than seven years, R. at 1031, Mr. Leonard obtained from an archivist at the Air Force Historical **Research** Agency historical maps of the **Military** Airlift Command's Pacific routes from the Vietnam era and **Military** Airlift Command Routes flown by private carriers showing routing through Vietnam to Thailand, R. at 13...

...Moreover, although not documentary in nature, Mr. Leonard also submitted various lay statements corroborating his assertions of setting foot in Vietnam either in transit to and from Thailand or during the course of his duties as an Air Passenger Specialist, including (1) a November 2003 letter from a retired Air Force General stating that, based on his experience, "it was common for **military** aircraft flying to and from airbases in Thailand to land at Ton Son Nhut [Air Base] and other Vietnam airbases," R. at 12–13; (2) an October 2003 email from an Air Force Historical **Research** Agency archivist indicating that "[a]s a general rule, **military** cargo aircraft #...

653. United States v. Worsham

U.S. Army Court of Criminal Appeals. | September 04, 2020 | Not Reported in M.J. Rptr. | 2020 WL 5372274

Appellant asserts the **military** judge, sitting as a general court-martial, abandoned his impartial judicial role when he recalled two witnesses and called an additional witness in the midst of deliberations. Appellant also claims his defense counsel were ineffective by failing to object to this decision by the **military** judge and in failing to object...

...**Military** Rule of Evidence 614 does not limit the **military** judge as to the number or type of questions, nor does it restrict the **military** judge "from asking questions which might adversely affect one party or another."...

...Here, we again do not find the **military** judge's action in calling witnesses during the deliberations, the manner in which the **military** judge questioned those witnesses, or the questions themselves risks undermining the public's confidence in the **military** justice system....

654. U.S. v. City of Philadelphia

United States Court of Appeals, Third Circuit. | August 01, 1986 | 798 F.2d 81 | 41 Fair Empl.Prac.Cas. (BNA) 751

Law school and Judge Advocate General Corps of the United States brought action challenging order of city commission on human relations, prohibiting law school from allowing **military** to use its placement facilities based on **military's** policy of refusing to accept homosexuals as members of the armed forces. The United States District Court...

...Finally, while we agree with the A.C.L.U., the Task Force, and Lambda, that, under the DDA Act of 1973 and its predecessor legislation, each college and university retained the "absolute right to determine whether it desires to have any association with the **military** forces of its country, and this includes the right to determine whether it desires to permit **military** recruiters # on its campus," H.R.Rep. No. 92–1149, at 79–80, we do not believe that this detracts from our conclusions that Congress considers on-campus recruiting to be an integral part of its **military** recruiting policy, and that the Order significantly impairs the **military's**...

...District court did not abuse its discretion in restraining commission on human relations from adjudicating any complaint or taking any adverse action under city ordinance, against any person, corporation, association or group based on the commission's objection to the policy of United States in discriminating on the basis of sexual orientation in its **military** recruitment efforts, based on finding that legislation authorizing **military's** recruitment efforts preempted commission's order prohibiting law school from allowing **military** to use its placement facilities to recruit on campus....

655. Pedotti v. Grand Lodge of State of New York

United States District Court, S.D. New York. | September 27, 2022 | Slip Copy | 2022 WL 4485340

Plaintiff, who is appearing pro se, filed this complaint alleging that she is “being Remotely Morphed and Disfigured” into “a Masculine and Americanized version of” herself in “A Non-Consensual Human Experiment that is Attacking [her] HUMAN LIFE in every regard.” (ECF No. 1 at 3.) By order dated September 8,...

...Brooklyn Masonic Temple; Mount Sinai All Subsidiaries and **Research** Organizations, etc., Defendants...

...GRAND LODGE OF the STATE OF NEW YORK; Joseph Passaretti Project Chairman; Ted Harrison Committee Chairman Masonic Fraternity; RW Bruce Testut Chairman Masonic Brotherhood Fund; Audit Committee; Necrology Committee; Technology Committee; William J. Thomas of the Masonic Blood and Organ Donor Program Committee; **Military** Outreach Program; Aurora Grata-Day Star Lodge No. 647 Community Organization; Chancellor Robert R. Levine Library and Museum In New York; The Brotherhood Fund of Grand Lodge of the State of New York; Dr. William Alexander Berk MD of Mt. Sinai Beth Israel Manhattan; Masonic Medical **Research** Institute (MMRI) New York, New York; BKPD in Kings County; Anthony Damo aka Anthony Dano; Damo Construction Jamaica, New York...

656. O'Shea v. Asbestos Corporation, Ltd

United States District Court, D. North Dakota. | December 13, 2019 | Slip Copy | 2019 WL 12345572

The two cases captioned above present the same issue: whether removal to this court, based on a government contractor defense, was proper in light of plaintiffs' waivers of certain claims against the removing defendant. A split exists among court decisions as to whether motions to remand are case-dispositive, resulting in disagreement about the...

...Some deponents testified the **military** specified a higher asbestos content in insulation for **military** projects than for civilian work....

...Plaintiff hereby waives any claims against defendant [] relating to or arising out of plaintiff's asbestos exposure at **military** and federal government jobsites or from U.S. **military** vessels or equipment....

657. Watson v. Shinseki

United States Court of Appeals for Veterans Claims. | March 05, 2014 | Not Reported in Vet.App. | 2014 WL 840095

Bryon D. Watson appeals through counsel a January 13, 2012, Board of Veterans' Appeals (Board) decision that denied entitlement to VA disability benefits for post-traumatic stress disorder. Mr. Watson's Notice of Appeal was timely, and the Court has jurisdiction to review the Board decision pursuant to 38 U.S.C. § 7252(a). Neither party...

...The regional office also noted that Mr. Watson had been asked to, but did not, provide information regarding his unit of assignment at the time of his claimed stressors (i.e., company, battery, division), stating that this information was necessary to permit the U.S. Army Joint Services Records **Research** Center to perform a search of **military** archived records, including daily staff journals, operation reports, combat after-action reports, and similar records, all of which are archived based on unit of assignment....

...Therefore, according to official **military** personnel records, [Mr. Watson] was not serving in Vietnam as alleged....

658. American Friends Service Committee v. Department of Defense through Defense Logistics Agency

United States Court of Appeals, Third Circuit. | October 19, 1987 | 831 F.2d 441 | 1987 WL 1653674

Appeal was taken from order of the United States District Court for the Eastern District of Pennsylvania, Donald W. VanArtsdalen, J., which entered judgment in favor of Department of Defense and Freedom of Information Act action. The Court of Appeals, Becker, Circuit Judge, held that: (1) government could assert national security...

... TABs, which are published biweekly, contain the titles of **research** reports prepared for DoD by DoD scientists, engineers and contractors....

...[2] DoD's concern here is that, by looking at all of the TAB entries, a person could draw useful inferences about the direction of U.S. **research** into weapons or defensive technologies....

659. **Harvey v. Shulkin**

United States Court of Appeals for Veterans Claims. | February 07, 2018 | 30 Vet.App. 10 | 2018 WL 736003

VETERANS — Disability Benefits. Advocate who was both licensed attorney and medical doctor did not provide medical opinion that Board of Veterans' Appeals was required to consider.

...The Mysliwiec article indicated that “the preponderance of **research** on sleep disorders in **military** personnel was limited by the use of data from subjective assessment tools or examination of specific diagnoses.”...

...The Mysliwiec study itself consisted of a retrospective review of the electronic medical records of 761 **military** personnel referred for a sleep medicine evaluation at a major **military** medical treatment facility in the Pacific Northwest in 2010....

660. **Bluth v. Islamic Republic of Iran**

United States District Court, District of Columbia. | August 25, 2016 | 203 F.Supp.3d 1 | 2016 WL 4491760

INTERNATIONAL LAW — Terrorism. Iranian defendants fell under Foreign Sovereign Immunities Act's “terrorism exception” to sovereign immunity.

...Within Hamas, the Izz a-Din al-Qassam Brigades form the **military** wing that carries out acts of violence against both **military** and civilian targets, including suicide as well as other types of bombings, use of Qassam rockets, 4 mortar fire, and shootings....

...The “social” wing of Hamas indoctrinates, recruits, and supplies funding for the **military** wing....

661. **Davis v. Latschar**

United States District Court, District of Columbia. | December 31, 1998 | 83 F.Supp.2d 1 | 1998 WL 968474

Action was brought to enjoin National Park Service program for conducting controlled harvest of deer at national **military** park and national historical site. After Park Service suspended program, it moved for order to reinstate program. The District Court, Paul L. Friedman, J., held that: (1) finding that overpopulation of deer was detrimental to...

...See Draft General Management Plan and Environmental Impact Statement for Gettysburg National **Military** Park (“Draft GMP”), Plaintiffs' Exh. E at 7; see also An Act to Establish a National **Military** Park at Gettysburg, Pennsylvania, §3, 28 Stat. 651 (1895) (codified as amended at 16 U.S.C. §430g) (The Superintendent of the park shall “ascertain and definitely mark the lines of battle of all troops engaged in the battle of Gettysburg”)....

...Action was brought to enjoin National Park Service program for conducting controlled harvest of deer at national **military** park and national historical site....

662. **Garmon v. West**

United States Court of Veterans Appeals. | March 05, 1998 | 16 Vet.App. 41 | (Table, Text in WESTLAW), Unpublished Disposition | 1998 WL 99206

The appellant, Bruce W. Garmon, appeals a December 1996 decision of the Board of Veterans' Appeals (BVA or Board) which determined that the appellant was not entitled to service connection for an acquired psychiatric

condition which preexisted service. The Court has jurisdiction of the case under 38 U.S.C. § 7252(a). For the following reasons, the...

... Since it is well documented in the [research](#) on mental illness that stress is a leading contributing factor in exacerbating symptoms of schizo[-] affective disorder, it is likely that the demands of [military](#) service contributed to Mr. Garmon's mental deterioration after his discharge from the [military](#)...

... Since it is well documented in the studies of mental illness that stress is a leading contributing factor in worsening the symptoms of schizo[-] affective disorder, it is almost certain that the demands of [military](#) service contributed to Mr. Garmon's mental deterioration after his discharge from the [military](#)...

663. [McHenry v. West](#)

United States Court of Appeals, for Veterans Claims. | May 25, 2000 | 17 Vet.App. 358 | (Table, Text in WESTLAW), Unpublished Disposition | 2000 WL 990259

The appellant appeals a June 25, 1998, decision of the Board of Veterans' Appeals (Board or BVA) denying service connection for post-traumatic stress disorder (PTSD) for lack of a verified stressor. The veteran filed a brief and the Secretary filed a motion for remand. Both parties agree that remand is appropriate. This appeal is timely, and the...

...At least one of the diagnoses established a causal nexus between the veteran's diagnosis of PTSD and his [military](#) service....

...The RO, however, never made any attempt to contact the United States Armed Services Center for [Research](#) of Unit Records (USASCRUR) to corroborate the veteran's other claimed stressors....

664. [Cartwright v. U.S.](#)

United States Court of Claims | December 01, 1872 | 8 Ct.Cl. 465 | 1872 WL 5788

The claimant, in January, 1863, resides at Alexandria, De Kalb County, Tenn. During that month he buys cotton in Georgia. At the time of the purchase that part of Georgia is within the Confederate lines, and his residence is in a district not permanently occupied by the Union forces but raided over by both belligerents and occasionally occupied by...

...It follows, therefore, as a necessary logical consequence, that the rights of the claimant in respect to commercial intercourse were not changed until the country where he resided was so permanently and completely occupied and controlled by the United States [military](#) as to draw after it the full measure of protection to his person and property, consistent with a necessary subjection to [military](#) government....

...Being such, it draws after it the full measure of protection to persons and property consistent with a necessary subjection to [military](#) government....

665. [Snyder v. U S](#)

United States District Court E. D. New York. | December 10, 1956 | 20 F.R.D. 7

Proceedings on plaintiffs' motion to strike out answer, and for incidental relief, upon ground that defendant failed to produce hearing records of Aircraft Accident Board and record of repairs, inspections and maintenance of airplanes alleged to have caused damage to plaintiffs. The District Court, Bruchhausen, J., held that the rule against...

...1. The rule granting the privilege to the Government to decline disclosure of [military](#) secrets....

...The substance thereof was that all documents containing **military** secrets were privileged and that the Court would examine the documents and determine whether the claim of privilege was properly founded....

666. In re Lerocque

United States Bankruptcy Court, D. New Hampshire. | January 21, 1994 | 164 B.R. 4 | 1994 WL 58444

SETTLEMENTS. portion of net proceeds of settlement attributable to lost future earnings was not excluded from property of Chapter 7 estate.

... The **military** plan differs from other pension plans in that it is non-contributory, is entirely taxable, and is subject to garnishment and attachment....

...The Court stated: "The **military** retirement benefits in the case at bar are paid monthly on the contingency that the debtor is alive on the first day of each month...."

667. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 07, 2003 | Not Reported in F.Supp.2d | 2003 WL 2003788

Civil rights organization brought public nuisance action against firearm manufacturers and distributors. Defendants filed motion in limine. The District Court, Weinstein, J., held that: (1) expert opinion testimony was admissible on efficacy of federal and state firearm laws and regulations in preventing diversion of handguns to criminals, and (2)...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

668. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 04, 2003 | Not Reported in F.Supp.2d | 2003 WL 2003773

Civil rights organization brought public nuisance action against firearm manufacturers and distributors. Parties filed motions in limine. The District Court, Weinstein, J., held that: (1) straw purchase videotapes were admissible, and (2) correspondence between defendants and Bureau of Alcohol, Tobacco, and Firearms was admissible. Ordered...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

669. U.S. v. Ward

U.S. Air Force Court of Military Review. | October 19, 1989 | 29 M.J. 678 | 1989 WL 130987

Accused, airman, United States Air Force, was convicted by general court-martial, Michael B. McShane, J. The United States Air Force Court of **Military** Review held that failure of no-carbon-required paper to comply with requirement for permanent record justified decision to return record to convening authority so that record of trial and certificate...

...Accordingly, the record of trial is returned to the Judge Advocate General for return to the convening authority where a record of trial, and certificate of correction, can be prepared and forwarded to the **military** judge for authentication....

... The United States Air Force Court of **Military** Review held that failure of no-carbon-required paper to comply with requirement for permanent record justified decision to return record to convening authority so that record of trial and certificate of correction could be prepared....

670. **Davis v. United States**

United States District Court, S.D. Texas, Houston Division. | November 16, 2017 | Not Reported in Fed. Supp. | 2017 WL 8889883

Pending before the Court are Petitioner Michelle H. Davis's Motion Under 28 U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Criminal Document No. 271) and the United States' Motion for Summary Judgment and Response to Motion Under 28 U.S.C. §2255 (Criminal Document No. 281)....

...St. Julian's memorandum also urged the Court to consider Davis's family ties and **military** service record in reaching its sentencing conclusion....

...Davis contends St. Julian was ineffective for failing to raise Davis's family ties and responsibilities and Davis's **military** service at the sentencing phase....

671. **Atilano v. Nicholson**

United States Court of Appeals for Veterans Claims. | August 31, 2007 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2007 WL 2937749

Jesus G. Atilano appeals through counsel a June 24, 2005, Board of Veterans' Appeals (Board) decision denying entitlement to service connection for post-traumatic stress disorder. The Court has jurisdiction pursuant to 38 U.S.C. §§ 7252(a) and 7266(a) to review the June 2005 Board decision, and a single judge may conduct that review. See Frankel v....

...In December 1998, the regional office received a response, stating that the U.S. Army **Military** History Institute, through which the U.S. Armed Service Center for **Research** of Unit Records coordinated its search for Mr. Atilano's records, "does not maintain records submitted by the 578th Engineering Company [] during 1965."...

...In June 1998, the regional office sent a letter to the U.S. Armed Service Center for **Research** of Unit Records, listing Mr. Atilano's dates of **military** service, dates of service in Vietnam, and the events he described as having experienced while serving in Vietnam, and requesting verification of those events....

672. **Shepard v. Shinseki**

United States Court of Appeals for Veterans Claims. | March 25, 2013 | Not Reported in Vet.App. | 2013 WL 1195260

U.S. Navy veteran Robert A. Shepard appeals through counsel from a September 7, 2011, Board of Veterans' Appeals (Board) decision that denied an effective date earlier than December 6, 1999, for a grant of disability benefits for post-traumatic stress disorder (PTSD). For the reasons stated below, the Court will reverse the September 2011 Board...

...Service connection for [PTSD] has been established as directly related to **military** service."...

...In February 1981, a regional office (RO) decision appeared to acknowledge in-service symptoms and a "submarine incident," but denied the claim, stating that "available facts do not provide a basis for weaving a web of association between the **military** incident and the current condition."...

 **673. Greenberg v. C. I. R.**

Tax Court of the United States. | February 24, 1966 | 45 T.C. 480 | 1966 WL 1310

Held, the expenses of a psychiatrist for psychoanalytic training were not deductible under circumstances which cannot be distinguished from the circumstances present in Arnold Namrow, 33 T.C. 419(1959), affd. 288 F.2d 648, and Grant Gilmore, 38 T.C. 765.

...He works half time at the Boston Veterans' Administration Hospital teaching medical students, residents, social work students, and doing **research**....

...(a) Expenditures made by a taxpayer for his education are deductible if they are for education (including **research** activities) undertaken primarily for the purpose of:...

674. United States v. Sosa

U.S. Army Court of Criminal Appeals. | October 28, 2016 | Not Reported in M.J. Rptr. | 2016 WL 6407355

A general court-martial composed of officer and enlisted members convicted appellant, contrary to his pleas, of two specifications of willful disobedience of a superior commissioned officer and one specification of aggravated assault, in violation of Articles 90 and 128, Uniform Code of **Military** Justice, 10 U.S.C. §§890, 928 (2012)...

...Citing **Military** Rule of Evidence [hereinafter Mil. R. Evid.] 402, the **military** judge summarily denied the defense motion; he also ruled under Mil. R. Evid. 412 that, if government counsel presented evidence of SPC SS's HIV-positive status, 2 defense counsel could present evidence regarding his sexual activity with another partner, MB, in order to show appellant was not the source of SPC SS's virus....

...Regarding aggravated assault, the **military** judge said, inter alia:...

 **675. Richenberg v. Perry**

United States Court of Appeals, Eighth Circuit. | October 03, 1996 | 97 F.3d 256 | 1996 WL 560208

Servicemember sought review of determination of Secretary of the Air Force discharging him under **military's** "Don't Ask, Don't Tell" policy toward homosexuals. The United States District Court for the District of Nebraska, Lyle E. Strom, J., 909 F.Supp. 1303, entered summary judgment upholding discharge decision, and...

...(8) **Military** life is fundamentally different from civilian life in that— (A)the extraordinary responsibilities of the armed forces, the unique conditions of **military** service, and the critical role of unit cohesion, require that the **military** community, while subject to civilian control, exist as a specialized society; and (B)the **military** society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society....

...Applying rational basis review, the district court held that the exclusion of those with a propensity or intent to engage in homosexual acts furthers the legitimate government purpose of protecting "unit cohesion, morale, good order and discipline and **military** readiness"; that the **military** can rationally infer such propensity or intent from a servicemember's declaration of homosexuality; and therefore that the "rebuttable presumption is a rational means of furthering the **military's** legitimate purpose." ...

 **676. Taylor v. McDonough**

United States Court of Appeals, Federal Circuit. | June 30, 2021 | 3 F.4th 1351 | 2021 WL 2672307



VETERANS — Disability Benefits. Equity required that veteran receive earlier effective date for benefits for PTSD arising out of his participation in a chemical **research** program.

...In addition to requiring consent of the soldier volunteers, AR 70–25 established the Army's "[d]uty to warn," specifically, that "Commanders # ensure that **research** volunteers are adequately informed concerning the risks involved with their participation" and "provide them with any newly acquired information that may affect their well-being when that information becomes available # even after the individual volunteer has completed his or her participation in **research**," Vietnam Veterans of Am. v. Cent. Intel....

...Vietnam Veterans I, 2013 WL 6092031, at *6. The memorandum noted that "[s]uch oaths or other non-disclosure requirements have reportedly inhibited veterans from discussing health concerns with their doctors or seeking compensation from the [VA] for potential service-related disabilities," and provided that, "[t]o assist veterans seeking care for health concerns related to their **military** service, chemical or biological agent **research** volunteers are hereby released from non-disclosure restrictions, including secrecy oaths, which may have been placed on them."...

677. U.S. v. Phillips

U.S. Army Court of Military Review. | April 29, 1993 | 37 M.J. 532 | 1993 WL 142031

Accused was convicted in general court-martial, H. Green, J.W. Hewitt, Jr., JJ., of four specifications of making and uttering worthless checks by dishonorably failing to maintain sufficient funds and two specifications of dishonorable failure to pay just debt. The United States Army Court of **Military** Review, De Giulio, Senior Judge, held that: (1)...

...**Military** judge did not abuse his discretion in denying request for continuance on the eve of trial for civilian counsel to prepare for trial, based on conclusion that accused's intent was to avoid trial, particularly since detailed **military** counsel ably represented accused; individual **military** counsel from another installation had been requested and approved, **military** judge had granted accused's...

... The United States Army Court of **Military** Review, De Giulio, Senior Judge, held that: (1) **military** judge did not err by refusing to grant civilian defense counsel's request for continuance and not honoring accused's request that her individual **military** counsel be discharged and by insisting trial proceed after ascertaining civilian defense counsel's previous commitment to appear in civilian court, and (2) trial defense counsel was not ineffective on sentencing for her argument to members that confinement, if adjudged, "not be more than at the most two years."...

678. Heinrich ex rel. Heinrich v. Sweet

United States District Court, D. Massachusetts. | August 16, 1999 | 62 F.Supp.2d 282 | 1999 WL 643359

Family members of deceased patients brought action based on allegations that various doctors, institutions, and the United States government conspired to conduct extensive, unproven, and dangerous medical experiments on over 140 terminally ill patients, without their knowledge or consent. The District Court, 49 F.Supp.2d 27, granted in part and...

...Private **research** group which conducted dangerous and unproven medical experiments on terminally ill patients was government actor for purposes of Bivens claims brought by patients' survivors, where **research** group was created for purpose of entering into partnership with Atomic Energy Commission (AEC), which owned all land, buildings and improvements used by **research** group, **research** group was obligated to operate for benefit of AEC, and AEC controlled all of group's expenditures, approved all **research** projects, and was entitled to seek patents on and derive all income from intellectual property derived from **research**...

...Private **research** group which was created for purpose of entering into partnership with Atomic Energy Commission, and which conducted dangerous and unproven medical experiments on terminally ill patients, was not independent contractor for purposes of Federal Tort Claims Act, but entity acting on behalf of government, where Atomic Energy Commission controlled almost every aspect of **research** group's work at government facility, including expenses, **research** goals, and output, and regular supervision and inspection involved the substance of **research** group's work, not just its compliance with contract terms. 28 U.S.C.A. §2671...

679. Estate of Anita McCormick Blaine, Deceased, Anne Blaine Harrison and Richard Bentley, Executors, Petitioners v. Commissioner of Internal Revenue, Respondent

Tax Court of the United States. | September 20, 1954 | 22 T.C. 1195 | 1954 WL 21

Held, the Foundation for World Government was not organized and operated exclusively for educational purposes within the meaning of sections 23(o)(2) and 1004(a)(2)(B) of the Internal Revenue Code of 1939; accordingly, the gifts in controversy are not deductible in computing income or gift taxes.

...to world government organizations, have on the whole not brought positive results;Grants made for **research** into concrete problems, particularly the economic problems, which must be attacked if a good world government is to be established, seems a more promising means of carrying out the Foundation's purposes;The trustees therefore adopt as their formal policy: to foster, guide, and finance study...

...It will require **research** on two levels....

 **680. Vietnam Veterans of America v. C.I.A.**

United States District Court, S.D. Ohio, Eastern Division. | October 06, 2011 | Not Reported in F.Supp.2d | 2011 WL 4714000

On June 22, 2011, the Court held a hearing on the pending discovery motions, including Plaintiffs' Motion to Compel Battelle Memorial Institute to Produce Documents in Response to Subpoena (ECF No. 1); Battelle Memorial Institute's ("Battelle") Motion Quash (ECF No. 12); and Battelle's Motion to Quash Deposition Subpoenas, or in the Alternative, to...

...It's no secret that Battelle has a wealth of experience in performing **research** relating in some fashion to **military** affairs, chemical agents, biological agents....

...The first of these documents is a report entitled "The Medical Laboratories of the Army Chemical Corps and Their **Research** Activities."...

681. Anderson v. Bolster

United States District Court, E.D. Virginia, Alexandria Division. | March 04, 2020 | Not Reported in Fed. Supp. | 2020 WL 1056504

Federal inmate Joshua Anderson seeks a writ of habeas corpus to correct perceived errors plaguing his **military** court-martial convictions and his subsequent appeals in the **military** court system. See 28 U.S.C. § 2241. Respondent filed a motion to dismiss the petition [Dkt. No. 6] which petitioner has opposed, first through a memorandum that...

...Petitioner counters, highlighting that the Felder court deemed the **military** judge's failure to conduct a full inquiry improper and upheld the conviction only because Felder's "defense counsel informed the **military** judge on the record that [Felder] had not been punished in any way cognizable under Article 13;" Felder therefore had not been prejudiced by the **military** judge's improper inquiry....

...(1) the asserted error is of substantial constitutional dimension; (2) the issue is one of law rather than of disputed fact already determined by the **military** tribunal; (3) there are no **military** considerations that warrant different treatment of constitutional claims; and (4) the **military** courts failed to give adequate consideration to the issues involved or failed to apply proper legal standards....

 **682. Overland Corp. v. C. I. R.**

Tax Court of the United States. | April 09, 1964 | 42 T.C. 26 | 1964 WL 1182

1. Held, petitioner, a manufacturer of automobiles, did not realize net abnormal income within the meaning of section 721(a)(2)(C), I.R.C. 1939, during its fiscal years ended September 30, 1942 to 1945, inclusive, which is attributable to other years by reason of its engineering work performed in connection with the production of the 1/4-ton...

...Conversion of the **military** jeep for civilian use required the elimination of **military** characteristics such as **military**-type wheels, tool holders, water resistance, and the adjustment to the generator for running under water....

...The respondent has taken the position that the jeep did not result from petitioner's '**research**, or development' within the meaning of section 721(a)(2) (C); and further, that even if it did so result, such **research** did not extend over a period of more than 12 months; and finally, assuming that petitioner's **research** extended over a period of more than 12 months, the respondent contends that the abnormal earnings resulting from the sales of the jeep during the period September 30, 1942, through September 30, 1945, were attributable to factors other than **research** or development....

683. Haas v. Peake

United States Court of Appeals, Federal Circuit. | May 08, 2008 | 525 F.3d 1168 | 2008 WL 1970074

VETERANS - Disability Benefits. Disabled veteran who served on ship and never set foot on Vietnam landmass was not entitled to presumptive service connection.

...The impact of Agent Orange on humans has subsequently been the subject of much **research** and controversy....

...The comment was based on the assertion that U.S. **military** personnel had been exposed to herbicides while serving in those locations....

684. U.S. v. Newak

U. S. Air Force Court of Military Review. | December 14, 1982 | 15 M.J. 541

Accused, a second lieutenant, United States Air Force, was convicted by general court-martial, Robert H. Leonard, J., sitting alone, of wrongfully using, possessing and transferring marijuana, attempting to wrongfully possess and transfer substance believed to be amphetamines, sodomy and conduct unbecoming an officer, and she appealed. The Air...

... **Military** institutions are necessarily far more authoritarian; **military** decisions cannot be made by vote of the interested participants # [T]he existence of the two systems [**military** and civilian does not] mean that constitutional safeguards # have no application at all within the **military** sphere....

...In Smith v. Whitney, supra, Justice Gray acknowledged that the logical conclusion stemming from the "customary **military** law" concept which the Court had introduced in Dynes and Martin, both, supra, is that Article III court judges are less competent than **military** officers, themselves, to judge matters relating to such unwritten **military** law or usage: Of questions, not depending upon the construction of the statutes, but upon unwritten **military** law or usage within the jurisdiction of courts-martial, **military** or naval officers, from their training and experience in the service, are more competent judges than the courts of common law....

685. Wallace v. Chappell

United States Court of Appeals, Ninth Circuit. | November 02, 1981 | 661 F.2d 729 | 1981 WL 815065

Navy enlisted men brought race discrimination action against superior officers. The United States District Court for the Southern District of California, Leland C. Nielsen, J., entered judgment, and the enlisted men appealed. The Court of Appeals, Fletcher, Circuit Judge, held that: (1) enlisted men's allegations of racial discrimination in duty...

...If **military** personnel plaintiff pursuing constitutional claim allegedly arising from internal **military** decision establishes both violation of “recognized” constitutional right and exhaustion of available intraservice remedies, district court must weigh four factors to determine whether review of the decision should be granted: nature and strength of plaintiff's claim; potential injury to plaintiff if review is refused; extent of interference with **military** functions; extent to which **military** discretion or expertise is involved....

...The district court held that **military** officials are absolutely immune from liability for money damages for acts committed incident to **military** service....

686. U.S. v. Cordes

U.S. Navy Court of Military Review. | September 26, 1972 | 1972 WL 14494 | 46 C.M.R. 760

Sentence adjudged 12 November 1971. Review pursuant to Article 66(c), UCMJ of special Court-Martial convened by Commanding Officer, Headquarters and Headquarters Squadron, Marine Corps Air Station, Marine Corps Base, Quantico, Virginia.

...However, my **research** does not reveal an instance in which the U.S. Court of **Military** Appeals has ruled squarely on the issue presented by appellant....

...The **military** judge stated that he would recommend to the convening authority that he suspend the punitive discharge....

687. Galko v. Ashcroft

United States Court of Appeals, Seventh Circuit. | August 31, 2004 | 114 Fed.Appx. 206 | 2004 WL 2030083

IMMIGRATION - Asylum. One inconsistency in alien's testimony was not enough to deny motion to reconsider denial of asylum.

...The **military** arm of Ukrainian National Assembly party—the Ukrainian National Self-Defense Organization—known for its anti-Semitic beliefs, tried to stop Sledopyt's activities....

... Her application maintains that after her arrest by a **military** squad, she was placed in a cell at the city Board of Internal Affairs....

688. Welch v. McDonough

United States Court of Appeals for Veterans Claims. | July 23, 2021 | Not Reported in Vet. App. Rptr. | 2021 WL 3116177

Air Force veteran Mark W. Welch appeals, through counsel, a May 26, 2020, Board of Veterans' Appeals decision denying service connection for bilateral hearing loss and tinnitus. The appeal is timely; the Court has jurisdiction to review the Board decision; and single-judge disposition is appropriate. See 38 U.S.C. §§ 7252(a),...

...During service, he worked on a flight line, and he had “noise exposure caused by **military** service.”...

...Based on this rationale, it is less likely # that the tinnitus is the result of **military** noise exposure....

689. U.S. v. Akbar

U.S. Court of Appeals for the Armed Forces. | August 19, 2015 | 74 M.J. 364 | 2015 WL 4937495

MILITARY LAW - Homicide. Trial defense counsel was not ineffective in submitting entirety of accused's diary.

...In his reply brief, Appellant notes two other differences between the **military** and civilian systems: (1) the **military** system did not allow him to be tried by a **military** judge alone; and (2) the **military** system only provided one peremptory challenge instead of the twenty permitted in the civilian system....

... See Dwight H. Sullivan, Killing Time: Two Decades of **Military** Capital Litigation, 189 Mil. L.Rev. 1, 47–48 (2006) (“The paucity of **military** death penalty referrals, combined with the diversity of experience that is required of a successful **military** attorney, leaves the **military’s** legal corps unable to develop the skills and experience necessary to represent both sides properly.”...

690. VFA, Inc. v. United States

United States Court of Federal Claims. | October 21, 2014 | 118 Fed.Cl. 735 | 2014 WL 5462563

GOVERNMENT CONTRACTS — Bidding. Agency was not required to use procurement process to standardize its own software, in-house.

...VFA essentially is protesting the exchange of funds among various **military** departments, known as **Military** Interdepartmental Purchase Requests (“MIPRs”)....

...A comparable insourcing decision was made in Santa Barbara Applied **Research**, and this Court found jurisdiction there as well....

691. Lillie v. Shinseki

United States Court of Appeals for Veterans Claims. | April 09, 2013 | Not Reported in Vet.App. | 2013 WL 1412337

Terrie L. Lillie appeals through counsel a September 29, 2011, Board of Veterans' Appeals (Board) decision denying entitlement to VA benefits for right ear hearing loss. Mr. Lillie's Notice of Appeal was timely, and the Court has jurisdiction to review the Board decision pursuant to 38 U.S.C. § 7252(a). Neither party requested oral argument,...

...Therefore, if hearing is normal upon discharge, there is no evidence of hearing damage due to **military** noise exposure....

...In August 2011, another VA audiologist provided an addendum to the July 2011 report, stating that Mr. Lillie's “[c]urrent neuro-sensory hearing loss is NOT due to **military** acoustical trauma.”...

692. Bersani v. McDonough

United States Court of Appeals for Veterans Claims. | August 08, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 3152349

Appellant Luigi C. Bersani served the Nation honorably in the U.S. Army from December 1967 to December 1970, including service in the Republic of Vietnam. In this appeal, which is timely and over which the Court has jurisdiction, he contests a May 18, 2021, Board of Veterans’ Appeals decision that denied service connection for bilateral...

...The Board explains that appellant's **military** occupational specialty was light weapons infantryman....

...Later in its decision, the Board also referenced the IOM study and found it more probative than **research** presented during an informal hearing presentation. 11...

693. Miller v. United States Army

United States District Court, D. Kansas. | January 31, 2022 | Slip Copy | 2022 WL 278762

This matter is a petition for a writ of habeas corpus filed under 28 U.S.C. § 2241. Petitioner is confined at the Joint Regional Correctional Facility at Fort Leavenworth, Kansas. Petitioner challenges his 2019 conviction

by general court-martial. The Court denies the Petition, finding that Petitioner has failed to show he raised his claims...

...Chapman v. United States, 75 M.J. 598, 601 (A.F. Ct. Crim. App. Feb. 18, 2016) (setting forth the **military** court's two-tier approach to evaluate claims raised via a writ of coram nobis); see also Piotrowski v. Commandant, No. 08-3143-RDR, 2009 WL 5171780, at *13 (D. Kan. Dec. 22, 2009) (finding that the more difficult question of whether or not **military** appellate courts can retain or assert...

...The Supreme Court has explained that “[**military**] law, like state law, is a jurisprudence which exists separate from the law which governs in our federal judicial establishment,” and “Congress has taken great care both to define the rights of those subject to **military** law, and provide a complete system of review within the **military** system to secure those rights.”...

694. U.S. v. Taylor

United States District Court, D. Maryland. | July 31, 2006 | 441 F.Supp.2d 747 | 2006 WL 2129766

CRIMINAL JUSTICE - Driving After Revocation. Roads on a gated **military** installation were subject to a Maryland statute prohibiting driving with a suspended license.

...APG, a gated **military** installation, meets this definition....

... All civilian employees and 25 to 30 percent of **military** personnel live outside APG and commute onto the facility daily....

695. U.S. v. Smith

United States District Court, D. Maine. | July 30, 1985 | 614 F.Supp. 454

Defendants, who were members of the armed forces who were charged with violating state criminal statutes within federal enclave of naval air station, filed motions to dismiss the charges. The District Court, Gene Carter, J., held that: (1) informations based on Assimilative Crimes Act, charging members of armed forces with operating...

... The Court stated that the defendant's construction of the ACA would produce a result inconsistent, first, with “well-established doctrine # that district courts have at least concurrent jurisdiction with **military** courts over offenses committed by **military** personnel,” and, second, “with the modern trend toward trying **military** personnel before district courts where the offense is essentially civilian in nature.” ...

...The Government has cited two regulatory schemes which purport to apply state traffic laws to civilians and **military** personnel on federal **military** installations....

696. Song v. Landers

United States District Court, D. Oregon, Portland Division. | May 02, 2023 | Slip Copy | 2023 WL 4535179

On March 20, 2023, the court granted pro se plaintiff Eugenia Song's application to proceed in forma pauperis (“IFP”) and directed her to file an Amended Complaint that stated a claim for relief and met federal court jurisdictional requirements. See Order, ECF 5. Plaintiff filed an Amended Complaint (ECF 9); however, it failed to state...

...Id. at 2. Plaintiff alleges that, in 2019, she “was advised of possible existence of a **military** weapon-grade intelligence tool used for psychology **research**, which was implemented about eight (8) months post-separation from the College.”...

...Plaintiff asserts only vague and confusing allegations as to how and when defendants “colluded” to use **military** technology to access her electronic communications....

697. **United States v. Yazzie**

United States District Court, D. New Mexico. | September 17, 2012 | Not Reported in Fed. Supp. | 2012 WL 13076228

THIS MATTER comes before the Court on the United States' Motion to Exclude Expert Testimony of Richard Leo, Ph.D. (doc. 104), filed July 31, 2012. Having considered the parties' submissions, and the arguments and evidence from the hearing on this matter held before the Court on August 30, 2012, the Court finds that the motion is well taken and,...

...He also teaches and lectures on the subjects of his **research**, and has been qualified as an expert witness 247 times in state, federal, and **military** courts....

...He has conducted extensive empirical **research** on "police interrogation practices, Miranda requirements, the psychology of interrogations and confessions, psychological coercion, police-induced false confessions, and wrongful convictions," has written five books and numerous peer-reviewed articles based on this **research**, and received numerous awards....

698. **Security USA Services, LLC v. Invariant Corporation**

United States District Court, D. New Mexico. | December 15, 2021 | Slip Copy | 2021 WL 5919130

THIS MATTER is before the Court on Plaintiff's Motion to Compel and Memorandum in Support, filed October 29, 2021. (Docs. 64 and 65). Defendants filed a response to the Motion to Compel on November 12, 2021, and Plaintiff filed a reply on December 1, 2021. (Docs. 70 and 76). Having reviewed the parties' briefing, the record of the case, and...

...(Doc. 65) at 7. Plaintiff argues that "[c]omplete copies of all Defendants' manuals, training materials and guidelines, marketing materials, sales to the **military**, joint program statements, policies, protocols, and/or procedures concerning or relating to the Defendants working with the **military** to offer proof of concept from 2011 should be discoverable."...

...Defendants explain these documents would include **research** and development documents that are irrelevant to the trademark dispute as well as documents containing trade secrets....

699. **Vieques Conservation and Historical Trust v. Bush**

United States District Court, D. Puerto Rico. | April 25, 2001 | 140 F.Supp.2d 127 | 2001 WL 432368

MILITARY LAW - Training Exercises. Injunction against **military** exercises was not warranted by unproven allegations of risks to health and environment.

...[5] Lastly, Plaintiffs have failed to persuade the Court on the issue of whether **military** exercises will lead to an ecological disaster....

... As described by the Portuguese **researchers**, a unifying basis for the multiple manifestations of vibroacoustic disease cannot be readily identified....

700. **Karnoski v. Trump**

United States District Court, W.D. Washington, at Seattle. | December 11, 2017 | Not Reported in Fed. Supp. | 2017 WL 6311305

THIS MATTER comes before the Court on Plaintiffs Ryan Karnoski, et al.'s Motion for Preliminary Injunction (Dkt. No. 32) and Defendants Donald J. Trump, et al.'s Motion to Dismiss (Dkt. No. 69). Plaintiffs challenge the constitutionality of Defendant President Donald J. Trump's Presidential Memorandum excluding transgender...

...Plaintiffs include transgender individuals currently serving in the **military** and seeking to join the **military**; the Human Rights Campaign, the Gender Justice League, and the American **Military** Partner Association; and the State of Washington....

...Indeed, "all of the reasons proffered by the President for excluding transgender individuals from the **military** [are] not merely unsupported, but [are] actually contradicted by the studies, conclusions, and judgment of the **military** itself."...

701. **N.A.A.C.P. v. A.A. Arms, Inc.**

United States District Court, E.D. New York. | April 02, 2003 | Not Reported in F.Supp.2d | 2003 WL 2003730

Defendants' general objections 1 through 8 to plaintiff's final exhibit list were heard on Tuesday, April 1, 2003, at 8:30 a.m. The following rulings were made for the reasons stated orally on the record at that hearing. Defendants' general objection 1 to documents reflecting lobbying activities and strategy, specifically plaintiff's exhibits...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

702. **N.A.A.C.P. v. A.A. Arms Inc.**

United States District Court, E.D. New York. | May 05, 2003 | Not Reported in F.Supp.2d | 2003 WL 21135563

Motions in limine were heard on Friday, May 2, 2003, at 8:00 a.m. The following rulings were made for the reasons stated orally on the record at the hearing. Defendant Smith & Wesson Corp. ("Smith & Wesson") withdraws its motion to enter an indexed notebook of its exhibits into evidence. If any other defendants still wish to move prepared exhibit...

...Plaintiff's objection to defendants' exhibit 615, the set of best practices for survey and public opinion **research** from the website of the American Association for Public Opinion **Research**, is sustained....

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

703. **Miller v. Shinseki**

United States Court of Appeals for Veterans Claims. | August 08, 2012 | Not Reported in Vet.App. | 2012 WL 3198561

The appellant, William L. Miller, through counsel, appeals an April 22, 2011, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for tinnitus, bilateral hearing loss, sleep apnea, hypertension, hyperplasia of the prostate and kidney and bladder conditions as secondary to a prostate condition, and a bilateral...

...His **military** occupational specialty was aircraft maintenance helper....

...Therefore, it is my opinion that the current bilateral [hearing loss] and tinnitus are less likely as not, caused by, aggravated by or the result of **military** noise exposure....

704. **White v. Shinseki**

United States Court of Appeals for Veterans Claims. | March 09, 2012 | Not Reported in Vet.App. | 2012 WL 753644

Veteran Ralph E. White appeals through counsel that part of a January 28, 2010, decision of the Board of Veterans' Appeals (Board) that denied benefits for diabetes mellitus secondary to Agent Orange exposure in

Korea because the evidence did not demonstrate in-service Agent Orange exposure. Mr. White argues that the Board failed to recognize (1)...

...The Secretary correctly notes that the DoD responded to a request for information, and that a VA **military** records specialist also submitted pertinent evidence; however, these references do not refute the fact that the record is, at best, unclear as to whether (1) the VA **military** records specialist's submission was the required C & P Service response and (2) the DoD's inventory of herbicide operations was consulted, or that any request was sent to the JSRRC. Moreover, although the Secretary contends that it is presumed that the Government officials reviewing Mr. White's claim properly discharged their official duties to follow the M21-1MR, see *Miley v. Principi*, 366 F.3d 1343, 1347 (Fed.Cir.2004)...

...As Mr. White notes, the record of proceedings does not reflect that VA personnel contacted the Compensation and Pension (C & P) Service, the Department of Defense's (DoD's) inventory of herbicide operations, or the U.S. Army & Joint Services Records **Research** Center (JSRRC) for further evidence pursuant to steps four, five and six. 1...

705. **Liles v. U.S.**

United States District Court E.D. North Carolina, Wilson Division. | July 08, 1957 | 153 F.Supp. 54

Action for recovery on National Service Life Insurance policy on which government denied liability on ground that deceased was a deserter from army at time of death. The District Court, Gilliam, J., held that evidence failed to disclose that government, whose only proof of desertion was morning report listing deceased as a deserter, sustained...

...Interpretation of Uniform Code of **Military** Justice by the President and the **military** authority is entitled to great weight. 10 U.S.C.A. §§ 836, 885(a)(1)....

...Title 50 U.S.C.A. § 611 (now Title 10 U.S.C. § 836) empowered the President to prescribe rules 'including modes of proof' in cases under the uniform Code of **Military** Justice, and the interpretation of the code by the President and the **military** is entitled to great weight....

706. **National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.**

United States District Court, E.D. New York. | April 15, 2003 | Not Reported in F.Supp.2d | 2003 WL 2004527

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that: (1) written expert reports...

...Renzulli, Piscioti & Renzulli, LLP, New York, NY, by John F. Renzulli, Leonard S. Rosenbaum, for Defendants Arms Technology, Inc.; Beemiller, Inc. d/b/a Hi-Point Firearms; Bersa S.A.; Browning Arms Co.; Century International Arms, Inc.; Eagle Imports, Inc.; European American Armory Corp.; Glock G.m.b.H (Glock Ges.m.b.H.); Glock, Inc.; Haskell Co. (Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli...

707. **Winders v. McDonough**

United States Court of Appeals for Veterans Claims. | January 20, 2023 | Not Reported in Vet. App. Rptr. | 2023 WL 334252

Robert L. Winders appeals through counsel a September 28, 2021, Board of Veterans' Appeals (Board) decision that denied him VA benefits for tinnitus and emphysema. This appeal is timely, and the Court has jurisdiction to review the Board's decision pursuant to 38 U.S.C. §§ 7252(a) and 7266(a). Single-judge disposition is appropriate...

...Further, Mr. Winders acknowledges that the medical **research** he submitted was submitted after the examination....

...Mr. Winders disagreed with that decision and submitted arguments and medical **research** articles to support his claims....

708. U.S. v. Barfield

U.S. Court of Military Appeals. | June 01, 1973 | 1973 WL 14509 | 46 C.M.R. 321

On petition of the accused below. CM 428401, not reported below. Reversed.

...The offer of proof established Dr. Gould's expertise as a psychiatrist and his **research** into the recidivism of sexual offenders like the accused....

...The decision of the U. S. Army Court of **Military** Review is reversed and the record of trial is returned to the Judge Advocate General of the Army....

709. U. S. v. Stewart

U. S. Air Force Court of Military Review. | December 05, 1975 | 1 M.J. 750

Accused, a United States air force academy cadet, was convicted, consistent with his pleas of guilty, of 11 specifications of larceny and six of forgery by general court-martial, Russell A. Stanley, J., sitting alone, and he appealed. The Air Force Court of **Military** Review, Herman, J., held that: (1) fact that false writing took place off-base...

...[5] In his next assignment of error, trial defense counsel raises a question of first impression to this, and, our **research** reveals, apparently, to all other United States **military** appellate courts....

...This Court, in a memorandum opinion, recently upheld **military** jurisdiction in a very similar forgery case, United States v. Uhlman, No. S24164, 1 M.J. 419 (A.F.C.M.R.1975), and the United States Court of **Military** Appeals, upon petition by the accused, granted review on this issue on 21 August 1975....

710. U. S. v. Barton

U. S. Court of Military Appeals. | October 30, 1978 | 6 M.J. 16

The accused, a yeoman third class and a seaman recruit in the United States Coast Guard, were tried by general court-martial and received sentences which mandated review before the United States Coast Guard Court of **Military** Review. The Court of **Military** Review, 2 M.J. 1125, refused to review the proceeding because videotapes of the trials were...

...Article 54(a), Uniform Code of **Military** Justice, 10 U.S.C. s 854(a), provides for a "record of the proceedings" as to general courts-martial....

...Appellants were tried by general courts-martial and received sentences which mandated review before the United States Coast Guard Court of **Military** Review....

711. Daily Journal

November 29, 1990 | 32 M.J. 229 | 1990 WL 10090483

Prior to calling the docket for the afternoon hearings this date, the Honorable Eugene R. Sullivan, Chief Judge, noted for the record that the Court would entertain a special motion. CHIEF JUDGE SULLIVAN: Before we begin our arguments this afternoon, we are going to have a special motion honoring Mr. Alfred C. Proulx, the first Clerk of this Court....

... He was administratively tasked with nurturing a new **military** justice system within a **military** and civilian environment which might be best described as unreceptive....

...On behalf of the Judges and Staff of the United States Court of **Military** Appeals I move that the Court order a plaque to be placed outside the Clerk's Office honoring Mr. Alfred C. Proulx, the first Clerk of the United States Court of **Military** Appeals...

712. US Trinity Defense, LLC v. DTV Arms, LLC

United States District Court, E.D. Texas, Tyler Division. | March 07, 2023 | Slip Copy | 2023 WL 3681686

This is a breach of contract and trade secrets case. Defendants seek a preliminary injunction enjoining (1) Plaintiff Charles Kirksey, a former business partner, from competing with them and (2) both Plaintiffs from misappropriating their trade secrets. Docket No. 12. Also before the Court is Plaintiffs' motion to strike Kristopher Paulson's...

...2. Paulson also stated that it takes [Redacted] to **research** and develop DTV Arms' products...

...Defendant DTV Arms, LLC is a Tennessee-based federal firearms dealer that develops, manufactures, and sells M134 miniguns, their parts, and accessories largely for **military** use....

713. Francesco Parisi Fwdg. Corp. v. U.S.

United States Customs Court, Second Division. | March 04, 1969 | 62 Cust.Ct. 207 | 296 F.Supp. 315

Protest proceeding in which the United States Customs Court, Rao, C.J., held that despite protestor's testimony as to a number of uses for device, stereocomparator used to determine mathematical coordinates of points on two dimensional surfaces, and, as such, used in photogrammetric surveying was properly classified by collector as a surveying...

...Aside from the instant importation for the use of Ohio State University stereocomparators have been sold to the National **Research** Council of Canada, the Fort Belvoir **Research** and Development Laboratories, the Rome Air Development Command **Research** Laboratories, Navy **Research** Laboratories and the Central Intelligence Agency...

...Mr. Friedman holds a degree of Bachelor of Science in chemical engineering from George Washington University and, prior to his association with O.M.I., worked as a civilian for the U.S. Corp. of Engineers as Chief of **Research** Photogrammetry for the Engineer **Research** and Development Laboratories in Fort Belvoir, Virginia...

714. Exxon Mobil Corp. v. Fenelon

United States Court of Appeals, Sixth Circuit. | July 30, 2003 | 76 Fed.Appx. 581 | 2003 WL 21782623

COMMERCIAL LAW - Interest. Joint motion to remove case from active docket operated as standstill agreement under Texas law.

... The evidence upon which a reasonable jury could have, and indeed did, so find includes, but is not limited to: testimony that no criminal or civil actions had been brought against ComAlloy for the challenged actions; testimony that **military** specifications accounted for only .5% of ComAlloy's total sales; the fact that Exxon introduced only one **military** certification, the Regal Plastics certification, in the relevant time period; and Dr. Fenelon's testimony indicating that five of the seven tests had actually been performed in the Regal Plastics certification....

...Exxon introduced a list of approximately 150 ComAlloy certifications related to **military** specifications....

715. Wincharger Corp. v. Rinco, Inc.

United States Court of Customs and Patent Appeals. | January 12, 1962 | 49 C.C.P.A. 849 | 297 F.2d 261

Proceeding on application for registration of a trademark. From a decision of the Trademark Trial and Appeal Board, Opposition, No. 38,617 dismissing the opposition, the opposer appealed. The Court of Customs

and Patent Appeals, Martin, J., held that power supply equipment such as motors, generators and the like manufactured by opposer and...

...These products are precision measuring and testing equipment designed for **research** and development use in aircraft designing and in electronic, physics, or medical laboratories....

...'Applicant, formerly known as **Research** Instruments Corporation, has, since February, 1957, manufactured and sold under the mark 'RINCO' precision electronic instruments, namely, potentiometers, rheostats, voltage dividers, and impedance bridges....

716. Lockheed Aircraft Corp. v. U.S.

United States Court of Claims. | March 23, 1977 | 213 Ct.Cl. 395 | 553 F.2d 69

Action was brought by patent holder against United States claiming damages for infringement. The Court of Claims in a per curiam opinion adopted, with modifications, opinion of Colaianni, Trial Judge, holding that claims 1, 2, 4, 5 and 7 to 10 of patent No.3,001,191 relating to airborne radar system for detecting the height, range and relative...

... **Military** Operations **Research** evaluation of each antenna radome configuration as to probability of detection with varying targets and studies of operational altitudes, speeds, etc., of the search airplane....

... Phase I in pertinent part reads as follows: (a)The Contractor shall conduct preliminary design studies and **military** operations **research** evaluations of various radome-antenna configurations of AEW/CIC/DEW aircraft, including all pertinent independent and related aspects of radar and airplane performance, and including design and operations considerations for APS-45 Height Finding....

717. U.S. v. Bresnahan

U.S. Court of Appeals for the Armed Forces. | September 30, 2005 | 62 M.J. 137 | 2005 WL 2452550

MILITARY LAW - Confession. Accused's confession was voluntary.

... Just as we hold that the **military** judge did not abuse his discretion by denying the request, we would also conclude that the **military** judge would not have abused his discretion had he granted the request....

... See United States v. Gore, 60 M.J. 178, 187 (C.A.A.F.2004) (noting that a **military** judge will be reversed for an abuse of discretion only " if the **military** judge's findings of fact are clearly erroneous or if his decision is influenced by an erroneous view of the law.' ...

718. U.S. v. Straight

U.S. Court of Appeals for the Armed Forces. | August 01, 1995 | 42 M.J. 244 | 1995 WL 450289

Accused was convicted by general court-martial, Richard M. Mollison, J., of attempted murder, violating a lawful general regulation, rape, wrongful appropriation of an automobile, four specifications of forcible sodomy, assault and battery, kidnapping, two specifications of indecent assault, and communicating a threat. The United States Navy-Marine...

...Court of **Military** Review is not required to specifically write on each assignment of error....

...We note that appellant complains that the Court of **Military** Review "summarily" affirmed the capital referral....

719. Muse v. U.S.

United States Claims Court. | October 19, 1990 | 21 Cl.Ct. 592 | 1990 WL 162340

Officer in Judge Advocate General (JAG) Corps who had been involuntarily discharged from active duty when he was twice passed over for promotion brought suit against United States, challenging accuracy of Officer Evaluation Report (OER) contained in his personnel record. On parties' cross motions for summary judgment, the Claims Court,...

... 10 U.S.C. §1552(a) (1988) provides in pertinent part as follows: The Secretary of a **military** department, under procedures established by him and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that **military** department, may correct any **military** record of that department when he considers it necessary to correct an error or remove an injustice #...

...[Part IVa] 2, 7: Officer's knowledge of **military** criminal law and procedure is deficient; his ability to gather relevant facts and **research** the law is substandard....

720. Minneapolis Firefighters' Relief Association v. Medtronic, Inc.

United States District Court, D. Minnesota. | November 03, 2010 | Not Reported in Fed. Supp. | 2010 WL 11470364

This matter is before the Court, Chief Magistrate Judge Arthur J. Boylan, on Plaintiffs' Motion to Compel Defendants to Produce Documents [Docket No. 125]. A hearing was held on the motion on October 14, 2010. Ramzi Abadou, Karl L. Cambrone, Erik D. Peterson, and Salvatore J. Graziano appeared on behalf of Plaintiffs. Patrick S. Williams and Emily...

...Document Request No. 2: All documents that have been or will be produced to the Office of United States Senator Charles Grassley or any other members or committees of the United States Senate related to: (1) any investigation of Medtronic's promotional and marketing practices, including the promotion and marketing of INFUSE; (2) financial ties between Medtronic and physicians, surgeons or other medical professionals and institutions who use INFUSE; (3) communications regarding INFUSE and Medtronic's clinical **research** projects with the U.S. **military**; and (4) compensation paid to physicians, surgeons or other medical professionals and institutions working for the U.S. **military**...

...Document Request No. 3: All documents that have been or will be produced in the United States Army's investigation relating to studies of INFUSE conducted at U.S. **military** hospitals or clinics (e.g., Walter Reed Army Medical Center), including all discovery requests issued by the U.S. Army and any transcript(s) of any interview or deposition of any Medtronic employee....

721. Rhodes v. Target Corporation

United States District Court, M.D. Florida, Jacksonville Division. | February 26, 2016 | 313 F.R.D. 656 | 2016 WL 761108

LITIGATION — Parties. Severance of terminated employees' USERRA claims against their former employer was warranted.

...Based on the close proximity between each Plaintiffs' requests for, or taking of, **military** leave and his or her termination, each Plaintiff believes Defendant unlawfully terminated him or her because of the Plaintiff's **military** status and service....

...On February 27, 2015, Rhodes met with her supervisor—Scott Owens, the general manager—and informed him that “she would be required to attend **military** training pursuant to her Air Force Reserves service and therefore would be needing to take **military** leave for approximately one month in April[] 2015.”...

722. Daily Journal

August 16, 1991 | 34 M.J. 9 | 1991 WL 11255746

No. 66344/NA. U.S. v. Richard L. Lubitz. CMR 89–3935. On consideration of the petition for grant of review of the decision of the United States Navy–Marine Corps Court of **Military** Review, it is ordered that said petition is

hereby granted on the following issues specified by the Court: I. Whether the Court of **Military** Review properly affirmed...

... For instance, appellate defense counsel—after being granted five enlargements of time either “to **research** potential assignments of error” (four enlargements) or “[t]o complete the brief on entrapment and other potential issues” (last enlargement)—submitted the case to the Court of **Military** Review with a summary assignment of error urging reversal on the ground that appellant was entrapped....

... NIS, however, insisted that he develop a **military** suspect in return for their assistance....

723. U.S. v. Schroder

U.S. Army Court of Military Review. | May 23, 1973 | 1973 WL 14751 | 47 C.M.R. 430

General Court-Martial Convened by Headquarters, United States Army Forces, **Military** Region 2, APO San Francisco 96318 (T. J. Nichols, **Military** Judge, alone). Sentence adjudged 17 November 1971 Approved sentence: Dishonorable discharge, confinement at hard labor for one year, forfeiture of all pay and allowances, and reduction to the grade of...

...In the case sub judice, the issue was presented to the **military** judge as the fact-finder and he resolved the issue against the appellant....

...Although the heading of the promulgating general court-martial order bears the Headquarters, Second Regional Assistance Group, United States Army Forces, **Military** Region 2, designation, this is not controlling....

724. U.S. v. Burt

U.S. Air Force Court of Military Review. | April 21, 1972 | 1972 WL 14244 | 45 C.M.R. 557

Sentence adjudged 30 October 1971 by GCM convened at Westover Air Force Base, Massachusetts. **Military** Judge: Thomas J. Connolly. Approved sentence: Dishonorable discharge, confinement at hard labor for five (5) years, and reduction to airman basic.

...Review § 37 — discretionary authority of Court of **Military** Review to dismiss duplicating charges....

...Review § 37 — discretionary authority of Court of **Military** Review to dismiss duplicating charges....

725. Universal Cable Productions, LLC v. Atlantic Specialty Insurance Company

United States Court of Appeals, Ninth Circuit. | July 12, 2019 | 929 F.3d 1143 | 2019 WL 3049034

INSURANCE — Property. Terrorism by violent organization could not be defined as “warlike action by a **military** force” by “government, sovereign, or other authority.”

...As noted by the Congressional **Research** Service, Hamas has a vested interest in separating its **military** and political factions. 2010 CRS Hamas Report at 18....

...2. Warlike action by a **military** force, including action in hindering or defending against an actual or expected attack, by any government, sovereign, or other authority using **military** personnel or other agents; or...

726. Houck v. Heaton

United States Court of Appeals, Tenth Circuit. | April 30, 2013 | 515 Fed.Appx. 725 | 2013 WL 1800007

Everett Houck lost his home to foreclosure and began a series of lawsuits against members of the Oklahoma judiciary involved in that process. In this case, Houck has now extended his efforts to members of the federal

judiciary as well. As relevant to this action, Houck filed a one-page pro se complaint against U.S. District Court Judge Joseph...

... After **research** I have found that there are a great many judicial complaints filed against judgments for reason similar to mine....

... Houck v. Ball, No. 12–6301, 2013 WL 541074, at *1 (10th Cir. Feb.14, 2013) (citing Robinson v. Overseas **Military** Sales Corp., 21 F.3d 502, 511 (2d Cir.1994)); see also Henry v. Albuquerque Police Dep't, 49 Fed.Appx. 272, 273 (10th Cir.2002) (“claims arising under 18 U.S.C. §§241 and 242 # do not provide for a private civil cause of action”)....

727. **Starrett v. Lockheed Martin Corporation**

United States District Court, N.D. Texas, Dallas Division. | March 19, 2018 | Not Reported in Fed. Supp. | 2018 WL 1383398

After making an independent review of the pleadings, files, and records in this case, the March 9, 2018 findings, conclusions, and recommendation of the magistrate judge, and plaintiff's March 13, 2018 objections, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and...

...Accordingly, the following motions are granted: the June 2, 2017 motion to dismiss of defendant Lockheed Martin Corporation; the June 12, 2017 motion to dismiss of defendants United States Army, United States Army Special Operations Command, United States Army Civil Affairs & Psychological Operations Command, United States Army Reserve Command, United States Special Operations Command, United States Department of Defense, Defense Advanced **Research** Project Agency, United States Department of Energy, and National Nuclear Security Administration; and the August 23, 2018 motion to dismiss of defendant Texas **Military** Department....

728. **Lockheed Martin Corporation v. United States**

United States Court of Federal Claims. | February 05, 2016 | Not Reported in Fed.CI. | 2016 WL 462865

Pending before the court is plaintiff's unopposed motion to permanently seal the transcript of the hearing held on January 20, 2016, ECF No. 44, which hearing addressed plaintiff's motion for a preliminary injunction of the procurement award challenged in this bid protest. The court applies and adheres to the strong presumption of public access to...

...By rule, the court conducts public proceedings and provides public access to judicial records, with narrow and specifically tailored exceptions to protect, as is pertinent here, “trade secret or other confidential **research**, development, or commercial information.” ...

...This hearing transcript contains extensive information about nascent **military** technology and competitively sensitive data pertinent to offers in the procurement, which would be difficult if not impossible to redact in a way that would leave meaningful excerpts available to the public....

729. **Daily Journal**

November 05, 1996 | 46 M.J. 180 | 46 M.J. 179

No. 96–0156/NA. U.S. v. John D. Bond. CCA 94–1042. No. 96–0229/NA. U.S. v. Lynn A. Shaffer. CCA 94–1137. No. 96–0220/AF. U.S. v. Kurt G. Schelkle. CCA 31105. No. 96–0292/AF. U.S. v. Kelly L. Zamberlan. CCA S28915. No. 97–0139/AR. U.S. v. Jose A. Robles. CCA 9600187. No. 97–0140/AR. U.S. v. Douglas A. Richmond. CCA 9501484. No. 64926/AR. U.S. v....

... On further consideration of the pending Motion for Leave to Withdraw filed by appellant's counsel Captain Beth G. Pacella, in which Captain Pacella urges in support of her motion her release from active duty and placement in the Individual Ready Reserves, her lack of **research** and preparation facilities, and her need to devote time to finding new employment;...

...It finally appearing, then, that both Captain Tall and Captain Pacella—neither of whom has been released by this Court from continued representation of appellant—have continued **military** affiliation; it is ordered that the Judge Advocate General of the Army show cause on or before the 15th day of November, 1996, why Captains Tall and Pacella should not continue to be made available to represent appellant in further proceedings in this Court...

730. Local 3-689, Oil, Chemical & Atomic Intern. Union v. Martin Marietta Energy Systems, Inc.

United States Court of Appeals, Sixth Circuit. | February 26, 1996 | 77 F.3d 131 | 1996 WL 78127

Union representing workers at uranium facility sued employer-operator and United States Department of Energy (DOE), which owned plant, alleging violations of Energy Policy Act of 1992 and of National Labor Relations Act (NLRA). The United States District Court for the Southern District of Ohio, Sandra S. Beckwith, J., dismissed for failure...

... Effective on October 24, 1992, and for 6 years thereafter, use of the Reserve shall be restricted to **military** purposes and government **research**....

... Title X of the Energy Act provided in part for the establishment of a National Strategic Uranium Reserve, restricting certain reserves of uranium for **military** purposes and government **research** until 1998....

731. Sack v. Peake

United States Court of Appeals for Veterans Claims. | July 31, 2008 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2008 WL 3263052

Veteran Gerald G. Sack appeals, through counsel, a December 18, 2006, Board of Veterans' Appeals (Board) decision that denied, inter alia, VA service connection for post-traumatic stress disorder (PTSD). Record (R.) at 1-22. Mr. Sack does not dispute the Board's denials of service connection for a back disability and of an initial disability rating...

...In February 2006, the RO issued a Supplemental Statement of the Case (SSOC) noting that it had undertaken Internet **research** in response to Mr. Sack's January 2006 submission of information and that that **research** showed that "there was a VP-4 squadron, but no VP[-]48 squadron," and the VP-4 squadron "histories do[] not show that VP-4 was deployed to Iwakuni during the time frame [he] stated."...

...That same month, the RO received from Mr. Sack Internet materials describing a U.S. **military** plane crash in Iwakuni, Japan....

732. Orange County Water District v. 3M Company

United States District Court, C.D. California. | July 19, 2021 | Slip Copy | 2021 WL 3032714

Before the Court is Plaintiffs' motion to remand. Dkt. 39. The Court finds that the motion is suitable for disposition without oral argument. See L.R. 7-15. For the below reasons, the motion is GRANTED. Plaintiffs argue that removal was ascertainable from Plaintiffs' initial and amended complaints because, although the complaints do not...

...Those are the three same **military** installations identified in 3M's notice of removal....

...Here, the complaints do not allege any connection between PFAS and **military** installations....

733. Steffan v. Perry

United States Court of Appeals, District of Columbia Circuit. | November 22, 1994 | 41 F.3d 677 | 1994 WL 652249

Homosexual Naval midshipman brought action challenging Naval Academy regulations and Department of Defense (DOD) Directives prohibiting homosexuals from attending Academy or serving in Navy. The United States District Court for the District of Columbia, Oliver Gasch, Senior District Judge, 780 F.Supp. 1, ruled that regulations did not...

...Particularly in light of this change in the **military's** stance toward homosexuality per se—which we must assume represents the result of the **military's** best reasoning and experience 15—we can only be stunned by the court's attempt to justify as rational a conflation of conduct and orientation that it attributes to the **military**, but that the **military** may never have endorsed and has now explicitly forsworn....

...[10] Because removing from the **military** all those who admit to being homosexual furthers the **military's** concededly legitimate purpose of excluding from service those who engage in homosexual conduct, Steffan's argument at bottom must be based on the notion that the classification drawn by the **military** is impermissibly over-inclusive—that the **military** may not presume that all admitted homosexuals will engage in homosexual conduct because some homosexuals would not...

734. **American Legion v. Derwinski**

United States District Court, District of Columbia. | July 19, 1993 | 827 F.Supp. 805 | 1993 WL 283334

Veterans sought review of Department of Veterans Affairs decision to end study concerning long-term effects of exposure to Agent Orange. On VA's motion for summary judgment, the District Court, Stanley S. Harris, J., held that: (1) fact issue precluded determination that Congress had ratified VA action, but (2) decision to end study...

...Subsequently, the AOWG Science panel concluded that an exposure study based on **military** records alone was not scientifically valid....

... However, in concluding against sole reliance on the **military** records, the CDC considered the results of the June 1986 Subpanel report....

735. **United States v. Bunton**

U.S. Navy-Marine Corps Court of Criminal Appeals. | June 30, 2022 | 82 M.J. 752 | 2022 WL 2541832

MILITARY LAW — Witnesses. Error in denying accused's request for expert witness on memory was not harmless beyond a reasonable doubt, in proceeding on sexual assault.

...In the motion, CDC reiterated the timeline of her representation and her scheduling conflicts, then raised a new argument: that the **military** judge erred in only granting a partial continuance because prior criticism of **military** defense counsel by the **military** judge required increased diligence on the part of CDC. Specifically, CDC referred to two emails between the **military** judge and the parties on 2 and 3 July 2020....

...The **military** judge reasoned that the emails cited by CDC ignored the over 20 motions filed by **military** defense counsel in support of their client and emphasized that Appellant's **military** counsel had been “aggressively and affirmatively filing motions on behalf of their client's defense.” 37...

736. **Bohrer v. Shulkin**

United States Court of Appeals for Veterans Claims. | May 15, 2017 | Not Reported in Vet.App. | 2017 WL 2062306

Appellant Raynona Bohrer, surviving spouse of the veteran, Marvin J. Bohrer, through counsel appeals a June 10, 2015, Board of Veterans' Appeals (Board) decision that denied disability compensation claims for diabetes mellitus and hypertension, a disability rating in excess of 30% for chondromalacia and osteoarthritis of the right knee prior to...

...The RO subsequently determined that information required to corroborate the veteran's claim of exposure to Agent Orange is insufficient to send to the Joint Services Records **Research** Center (JSRRC) and insufficient to allow for “meaningful **research**” of Marine Corps or National Archives and Records Administration (NARA) records....

...As a result, the RO concluded that “any further **research**, even with a specific 60 [-]day time frame, would be futile.”...

737. Dreifuerst v. Clinton

United States District Court, E.D. Wisconsin. | March 14, 2019 | Not Reported in Fed. Supp. | 2019 WL 1200004

In 2018, the plaintiff, representing herself, filed two lawsuits in this court, suing a total of ninety-two defendants. The court dismissed the first complaint as frivolous. Dreifuerst v. Obama, et al., Case No. 18-cv-428 (E.D. Wis.). This case suffers from the same defects. The plaintiff filed this complaint on March 19, 2018, suing President...

...He authorized the Navy Blue Angels against the plaintiff; instructed President Carter to kick the plaintiff out of Denton, Texas; used police blocks and **military** personnel on both sides of the road to block the plaintiff; forced her into homelessness; used **military** psychological torture on the plaintiff; threatened to close Tecumseh Products; authorized action taken against the plaintiff's son and went after the plaintiff's daughter; used water resources to control the Bush family in Texas; divided people with racial tensions; created an unsafe environments for professions; extorted **research** and may have authorized Princess Diana's death....

...He (Clinton) used the **military**, intelligence, police and other governmental federal agents (agencies) as well as influential democrats to build up the democrats, as well as his cronies, power base by extortion, [**research** done by me # as included in this claim] bombings, assassinations, [Kohler threat; OK City bombing; Removal of Tecumseh Products from WI; New York Twin Towers threat; Pentagon threat; Princess Diana threat], organized acts of crime that was played out by the defendants that I am including....

738. Universal Cable Productions LLC v. Atlantic Specialty Insurance Co.

United States District Court, C.D. California. | October 06, 2017 | 278 F.Supp.3d 1165 | 2017 WL 4676587

INSURANCE — Property. Events causing relocation of insured's television production constituted “war” within meaning of production insurance policy's war exclusion.

...See **Military**, Merriam–Webster's Collegiate Dictionary (10th ed. 2001) (defining “ **military**,” when used as an adjective, as, among other things, “of or relating to soldiers, arms, or war” or “of or relating to armed forces”); **Military**, Merriam–Webster, <https://www.merriam-webster.com/dictionary/military> (last accessed October 5, 2017) (same); **Military**, Black's Law Dictionary (9th ed. 2009) (“[o]f, relating to, or involving the armed forces” or “[o]f, relating to, or involving war”); **Military**...

...” And because the Exclusion contemplates an “other authority[’s]” “warlike action” using “other agents”—which are distinguished from “ **military** personnel”—the Policy does not require that **military** force have been used by a formal **military**....

739. U.S. v. Willingham

U.S. Air Force Board of Review. | July 29, 1955 | 1955 WL 3614 | 20 C.M.R. 575

Sentence adjudged 6 May 1955 by Special Court-Martial convened at Elmendorf Air Force Base, Alaska. Approved sentence: Bad conduct discharge (suspended), forfeiture of \$40.00 per month for six (6) months and confinement at hard labor for six (6) months.

...Our **research** has failed to reveal any case in which the legal sufficiency of a specification similar to that under consideration has been judicially appraised since the advent of the Uniform Code of **Military** Justice. 2...

...The decision of the Court of **Military** Appeals has not as yet been announced....

740. U. S. v. Reed

U.S. Coast Guard Court of Military Review. | March 13, 1978 | 4 M.J. 869

Accused seaman apprentice was convicted by special court-martial, Frank R. Grundman, on review, the Coast Guard Court of **Military** Review, Maguire, J., held that: (1) where commander authorized to convene general courts-martial had taken action on posttrial review as convening authority, with approved sentence including a bad conduct discharge,...

...He then forwarded the record of trial to the Chief Counsel (JAG) "for review by a Court of **Military** Review in accordance with Article 65(b), Uniform Code of **Military** Justice....

...Because the Court of **Military** Appeals set aside the original convening authority's action, the Commander, Third Coast Guard District, to whom the record was referred to carry out the order of the Court of **Military** Appeals, had to take convening authority action....

741. Holmes v. California Army Nat. Guard

United States Court of Appeals, Ninth Circuit. | September 05, 1997 | 124 F.3d 1126 | 1997 WL 545865

Discharged members of armed services brought separate actions challenging **military's** "don't ask/don't tell" policy regarding homosexuals. The United States District Court for the Northern District of California, Sandra B. Armstrong, J., 920 F.Supp. 1510, entered summary judgment in favor of first member. The United...

... When it enacted the policy, Congress made a series of legislative findings, including the following: (1) that **military** life is fundamentally different from civilian life in that **military** society is characterized by numerous restrictions on personal behavior that would not be acceptable in civilian society, 10 U.S.C. §654(a)(8)(B); (2) that standards of conduct for members of the armed forces must apply at all times to members whether on or off base and whether on or off duty, id. §654(a)(10); (3) that the potential duties of the armed forces make it necessary for members of the armed forces to accept involuntarily living conditions characterized by forced intimacy with little or no privacy, id....

... Although Watson presented a statement contending that he did not commit homosexual acts on base, on duty, or with other **military** personnel, neither Watson nor Holmes offered any evidence regarding off base, off duty activity, even though **military** regulations still reach the off base and off duty activities of **military** personnel....

742. U.S. v. Bowie

U.S. Air Force Board of Review. | January 10, 1964 | 1964 WL 5110 | 34 C.M.R. 808

Sentence adjudged 3 August 1963 by General Court-Martial convened at Ernest Harmon Air Force Base, Newfoundland. Approved sentence: Bad conduct discharge and confinement at hard labor for one (1) year.

...Our **research** of the various statutes and Air Force regulations convinces us that the following portion of an opinion of The Judge Advocate General of the Air Force correctly reflects the status of accused here: "The **military** status, if any, of individuals whose names have been placed on the Temporary Disability Retired List is dependent upon their **military** status at the time of such placement....

...•••••"ARTICLE VII "1. Subject to the provisions of this Article, "(a) the **military** authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the **military** law of that State."...

743. U.S. v. Ridley

U.S. Court of Military Appeals. | April 14, 1986 | 22 M.J. 43

Accused, a technical sergeant, United States Air Force, was convicted by special court-martial, pursuant to his pleas, of possessing and using marijuana and soliciting in order to distribute it, and he appealed. The United

States Court of **Military** Review, 18 M.J. 806, set aside findings and sentence because accuser had outranked convening...

...Attachment to host unit for **military** justice purposes does not automatically divest tenant unit of all its power to administer **military** justice; commander of host unit and commander of tenant unit have concurrent jurisdiction as to nonjudicial punishment. UCMJ, Art. 15, 10 U.S.C.A. §815; AFR 11-4....

...The accused, who was assigned to the Air Force Office of Scientific **Research** (AFOSR), was charged by his commander, Colonel James E. Baker, with possessing and using marihuana and soliciting another to distribute it, in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C. §934....

744. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 24, 2003 | Not Reported in F.Supp.2d | 2003 WL 2005190

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that (1) any party moving for...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

745. Breckinridge v. Rumsfeld

United States Court of Appeals, Sixth Circuit. | July 09, 1976 | 537 F.2d 864 | 1976 WL 474889

Complainants brought action challenging Army's decision to close **military** base. The District Court, Bernard T. Moynahan, Jr., Chief Judge, issued preliminary order enjoining closing prior to filing of environmental impact statement, and government appealed. The Court of Appeals, Harry Phillips, Chief Judge, held that closing of base did not affect...

...Complainants brought action challenging Army's decision to close **military** base....

...Where Army determined to close **military** base, action would eliminate 18 **military** and 2,630 civilian jobs, and no permanent commitment of national resources and no degradation of traditional environmental asset was involved, but rather, only short term personal inconveniences and short term economic disruptions, such action did not affect "human environment" within meaning of National Environmental Policy Act, and thus no environmental impact statement was required. National Environmental Policy Act of 1969, §§ 2 et seq., 102, 42 U.S.C.A. §§ 4321 et seq., 4332....

746. U.S. v. Faulk

U.S. Army Court of Military Review. | December 21, 1973 | 1973 WL 14929 | 48 C.M.R. 185

Special Court-Martial Convened by Headquarters, The Support Troops, United States Army Vietnam, APO San Francisco 96375 (L. J. Sandell, **Military** Judge, alone). Sentence adjudged 10 February 1973. Approved sentence: Bad-conduct discharge, confinement at hard labor for three months, forfeiture of \$100.00 per month for three months, and reduction to...

...Our **research** has been equally unsuccessful....

...In my opinion the ruling of the **military** judge was correct....

747. Palantir USG, Inc. v. United States

United States Court of Appeals, Federal Circuit. | September 07, 2018 | 904 F.3d 980 | 2018 WL 4356686

GOVERNMENT CONTRACTS — Bidding. Army's procurement actions were arbitrary, capricious, and in violation of the Federal Acquisition Streamlining Act.

...The Market **Research** Report further stated that, “[b]ased on the Market **Research** to date, the recommended approach” for DCGS-A2 “is a five (5) year Engineering and Manufacturing Development (EMD) effort consisting of two releases.”...

...Conducting market **research** “involves obtaining information specific to the item being acquired” and the regulation explains that the “extent of market **research** will vary, depending on such factors as urgency, estimated dollar value, complexity, and past experience.”...

748. Dreifuierst v. Obama

United States District Court, E.D. Wisconsin. | March 13, 2019 | Not Reported in Fed. Supp. | 2019 WL 1170768

The plaintiff, representing herself, filed a complaint on March 16, 2018, suing President Barack Obama and thirty-nine other defendants, dkt. no. 1, along with a request to proceed without prepaying the filing fee, dkt. No. 2. Three days later, the plaintiff filed “amendments” to the complaint. Dkt. No. 3. On March 21, 2018, the...

...I will list the **research** that Obama wants kickbacks from....

...He used the **military**, intelligence, police and other government resources at Obama's disposal....

749. Douthit v. Wilkie

United States Court of Appeals for Veterans Claims. | September 12, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 4309076

Shawn J. Douthit challenges a September 14, 2017, Board decision denying service connection for a heart disorder, including coronary artery disease, mixed dyslipidemia, and residuals of a myocardial infarction. He argues that the Board failed to provide an adequate statement of reasons or bases for its determination that certain records could not...

...He asserts that the Board should have explained exactly why his **military** records were unavailable....

...This was evident in his medical records from the **military** because it was untreated while on active duty....

750. McQueary v. Laird

United States Court of Appeals, Tenth Circuit. | October 21, 1971 | 449 F.2d 608 | 3 ERC 1184

Suit in the nature of a class action by residents of the Rocky Mountain arsenal area and nearby areas to challenge the storage of chemical and biological warfare agents at such arsenal. The United States District Court for the District of Colorado, Olin Hatfield Chilson, J., granted the government's motion to dismiss, and the residents appealed....

...In its proprietary **military** capacity, the Federal Government has traditionally exercised unfettered control with respect to internal management and operation of federal **military** establishments....

...In its proprietary **military** capacity, federal government has traditionally exercised unfettered control with respect to internal management and operation of federal **military** establishments. 10 U.S.C.A. § 172; 50 U.S.C.A. § 1511 et seq.; U.S.C.A.Const. art. 1, § 8, cl. 17....

751. U.S. v. Hopwood

U.S. Air Force Court of Military Review. | August 02, 1989 | 29 M.J. 530 | 1989 WL 108600

Accused, a technical sergeant in the United States Air Force, was convicted by general court-martial convened at Reese Air Force Base, Texas, Stark O. Sanders, Jr., J., of false official statements and four specifications of forgery, and he appealed. The United States Air Force Court of **Military** Review, Kastl, Senior Judge, held that: (1) making...

... The **military** judge admitted the statement....

... The **military** judge ruled correctly in this matter....

752. U.S. v. Sparks

U.S. Air Force Court of Military Review. | May 23, 1988 | 26 M.J. 676 | 1988 WL 58348

Accused, a technical sergeant in the United States Air Force, was convicted by court-martial, John E. Howell and Harmon O. Massey, Jr., JJ., of use of cocaine. The United States Air Force Court of **Military** Review, Blommers, J., held that accused who had specifically requested former trial counsel's assistance in preparation of defense was not in...

... However, neither appellate counsel's nor our **research** has disclosed a **military** case which dealt with the precise issue we are facing in this case: the continued representation of the appellant by a counsel who had clearly formed an attorney-client relationship for the prosecution....

... In general, these standards are applicable to Air Force **military** justice proceedings....

753. U.S. ex rel. Goulden v. BAE Systems Information and Electronic Systems Integration, Inc.

United States District Court, D. Massachusetts. | August 07, 2014 | Not Reported in F.Supp.3d | 2014 WL 3897645

Relator Timothy Goulden ("relator" or "Goulden") brings this qui tam False Claims Act action against his former employer, BAE Systems Information and Electronic Systems Integration, Inc. ("BAE"), and its parent company, BAE Systems, Inc. His claims relate to the manufacture and testing of thermal weapon sights pursuant to several contracts between...

...First, Table 3.3.6.9.2-1 of the 2007 contract lists different weapons but does not specify that those weapons are considered "**military** standard" or "**military**-spec" by either of the parties....

...According to Goulden, the 2003 contract called for the live fire weapons testing to be performed with "**military** standard and **military**-spec machine guns" being used by soldiers in combat....

754. Sales v. McDonough

United States Court of Appeals for Veterans Claims. | March 24, 2023 | Not Reported in Vet. App. Rptr. | 2023 WL 2622981

Veteran Rick L. Sales appeals through counsel an August 18, 2021, Board of Veterans' Appeals (Board) decision that denied entitlement to a 100% disability evaluation for post-traumatic stress disorder (PTSD) prior to July 17, 2015. Record (R.) at 5-15. For the reasons that follow, the Court will modify the August 2021 Board decision to...

...Instead, Mr. Sales focuses on the six pages of Dr. Hayes's report detailing the veteran's **military** experiences, his use of five psychological tests, and "eight pages of elaborately relayed analysis and specific conclusions based on the information that he had assembled and detailed, all supported with clinical data, technical terminology, and **research** findings."...

...Notably, Dr. Hayes's discussion of Mr. Sales's **military** experiences provides only discussion of the veteran's symptoms during service....

755. Lawson v. Shulkin

United States Court of Appeals for Veterans Claims. | May 10, 2017 | Not Reported in Vet.App. | 2017 WL 1908647

The appellant Dewey W. Lawson, through counsel, appeals the August 21, 2015, decision of the Board of Veterans' Appeals (Board) that denied his claim for disability compensation benefits for type II diabetes mellitus (DM II). The Board remanded the appellant's claims for disability compensation benefits for the residuals of a stroke and coronary...

...The JSRRC based this conclusion on its review of numerous official **military** documents, including ships histories, deck logs, and other sources of information related to Navy ships....

...R. at 6. In an effort to develop the appellant's claim, the Board obtained a copy of the JSRRC memoranda describing its **research** findings regarding Navy ships operating offshore the Republic of Vietnam....

756. Stanley v. Central Intelligence Agency

United States Court of Appeals, Fifth Circuit. Unit B | March 16, 1981 | 639 F.2d 1146 | 1981 WL 779708

Action was brought by former serviceman to recover for injuries allegedly sustained as result of the United States' negligent administration of a chemical warfare experimentation program in which he was a participant. The United States District Court for the Southern District of Florida at West Palm Beach, Charles B. Fulton, J., held that claim was...

...For purposes of determining whether Federal Tort Claims Act action is barred by Feres doctrine, fact that injury occurred on **military** base is strong evidence that plaintiff was engaged in activity incident to service at the time, although this fact alone is not dispositive; court must consider totality of circumstances surrounding injury and distinguish between those cases involving activities arising from life on **military** reservation and those in which presence on base has little to do with soldier's **military** service. 28 U.S.C.A. §§ 1346(b), 2671 et seq....

...On May 17, 1956, the Director of **Research** and Development approved a program for the use of volunteers in psychochemical **research**, including defense against the chemical warfare use of Lysergic Acid Diethylamide....

757. Schlumberger Technology Corp. v. U.S.

United States District Court S.D. Texas, Houston Division. | November 12, 1969 | 305 F.Supp. 1020 | 25 A.F.T.R.2d 70-322

Action by taxpayer to recover federal income taxes and interest paid. The District Court, Singleton, J., held that loans by taxpayer, which was in business providing service and system of detection, measurement, transmission, and analysis of formations and chemistry in the depths of the earth, to corporation primarily engaged in development and...

...Following the war, EMR continued in the measurement business by using SWSC's and its own expertise and **research** to develop telemetry devices and related measurement components for use by **military** and space agencies....

...While SWSC was primarily concerned with measurement below the earth, EMR was primarily concerned with measurement above the earth for use by **military** and space agencies....

758. **Papa v. Shulkin**

United States Court of Appeals for Veterans Claims. | August 31, 2017 | Not Reported in Vet. App. Rptr. | 2017 WL 3751644

The appellant, Thomas J. Papa, through counsel appeals a May 11, 2016, Board of Veterans' Appeals (Board) decision that denied disability compensation for post-traumatic stress disorder (PTSD) and determined that the appellant had withdrawn the issue of entitlement to disability compensation for breathing problems, to include as due to asbestos...

...Dr. Stevens further discussed the methods used by treatment providers to establish a diagnosis and stated that “empirical **research** has shown that the diagnostic judgments of mental health treatment providers can be unreliable.”...

...Regarding the appellant's psychiatric disorders other than PTSD, Dr. Stevens favorably opined that it was at least as likely as not that the appellant's anxiety issues were incurred in or caused by his conceded **military** stressor....

759. **U.S. v. Garcia**

U.S. Army Board of Review. | November 10, 1953 | 1953 WL 2435 | 13 C.M.R. 271

Sentence adjudged 3 November 1952. Approved sentence: Fine of \$500 and confinement for nine months, and to be further confined at hard labor until said fine is so paid, but for not more than four months in addition to nine months hereinbefore adjudged.

...Upon trial by general court-martial the accused pleaded not guilty to in conjunction with two named persons on 16 July 1952 taking by force and violence from the person of Oh Seki Ro Japanese currency of a value of about fifty-six dollars, in violation of the Uniform Code of **Military** Justice, Article 122 (Charge I and its Specification); of in conjunction with two named persons on 16 July 1952 wrongfully appropriating a motor vehicle of a value of more than fifty dollars, the property of the Checker Cab Company, in violation of the Uniform Code of **Military** Justice, Article 121 (Charge II and its Specification); and of on 24 July 1952 escaping from lawful confinement in the Yokohama Central Police Station, in violation of the Uniform Code of **Military**...

...The aforementioned documents, and others, as well as other information resulting from **research** by the board of review under the authority provided for in Rule IX F. 2. of the “Uniform Rules of Procedure for Proceedings in and before Boards of Review” regarding questions of jurisdiction, and the order of the United States Court of **Military** Appeals, all anent the record of trial, contain the following facts pertinent to the jurisdictional questions, which are set out in chronological order for the sake of convenience:...

760. **United States v. Bridges**

U.S. Air Force Court of Criminal Appeals. | October 15, 2013 | Not Reported in M.J. Rptr. | 2013 WL 5878899

At a general court-martial, the appellant was convicted, consistent with his pleas, of aggravated sexual contact with a child under the age of 12; aggravated sexual contact by use of force with a child who had attained the age of 12 but had not yet attained the age of 16; assault consummated by a battery; assault consummated by...

...After the allegations came to the attention of **military** investigators, the appellant was assigned a local **military** defense counsel in August 2010....

...The affidavits of both defense counsel describe the civilian defense counsel “forcefully” telling the appellant he could not lie to the **military** judge, and that he could only plead guilty if he was, in fact, guilty and willing to tell the **military** judge what he had done....

761. **United States v. Small**

U.S. Air Force Court of Criminal Appeals. | March 06, 2018 | Not Reported in M.J. Rptr. | 2018 WL 1635908

A **military** judge found Appellant guilty, in accordance with his pleas, of two specifications of absenting himself from his place of duty, two specifications of failure to go to his place of duty, one specification of dereliction of duty, one specification of making a false official statement, one specification of drunk driving, one specification of...

...Second, Appellant argues that the delay in adding the **military** judge's ruling to the record unfairly limited the time available to the Defense to review, **research**, and analyze the ruling to prepare his appeal....

...The **military** judge rejected this argument, and so do we....

762. Mellen v. Bunting

United States Court of Appeals, Fourth Circuit. | April 28, 2003 | 327 F.3d 355 | 2003 WL 1958708

CIVIL RIGHTS - Religion. Supper prayer at state-operated **military** college violated Establishment Clause.

...Superintendent for state-operated **military** college could reasonably have believed that supper prayer conducted in campus' mess hall was constitutional, given that United States Supreme Court had never addressed constitutionality of state-sponsored prayer in university or **military** college setting, nor considered whether, or to what extent, **military** could incorporate religious practices in its ceremonies, and given that prayer at certain university functions had been approved by Courts of Appeals, and therefore qualified immunity applied to shield superintendent from liability for damages, even though supper prayer violated Establishment Clause. U.S.C.A. Const.Amend. 1....

... In support of his position, the General insists that prayer during **military** ceremonies and before meals is part of the fabric of our society, and that the drafters of the First Amendment did not intend to prohibit prayer before meals at a **military** school....

763. Salim v. Dahlberg

United States District Court, E.D. Virginia, Alexandria Division. | May 18, 2016 | Not Reported in Fed. Supp. | 2016 WL 2930943

Before the Court is plaintiff Mohamed M. Salim's ("Salim" or "plaintiff") Application for Award of Attorney's Fees and Costs, in which he seeks to recover \$407,849 in attorneys' fees for work performed through the trial, plus \$8,575 for the time spent producing the fee application and a total of \$17,162 in costs....

...Review T-Mobile production; **research** therapist/patient privilege; **research** intent requirements for assault & battery...

...Correct sites [sic]; further **research**...

764. United States v. Reynolds

U.S. Navy-Marine Corps Court of Criminal Appeals. | April 27, 2017 | Not Reported in M.J. | 2017 WL 1506062

At an uncontested general court-martial, a **military** judge convicted the appellant of a conspiracy to commit assault, violating a lawful general regulation, and three assault consummated by battery specifications—violations of Articles 81, 92, and 128, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. §§881, 892, and 928...

...Management and Mobilization of Regular and Reserve Retired **Military** Members, 32 C.F.R. §§64.1 – 64.5 (2011), removed by 81 Fed. Reg. 72,523 (20 Oct. 2016) (placing **military** retirees who were "retired for disability" in "Category III," and stating, without exception, that Department of Defense policy is that "**military** retirees be ordered to active duty as needed to perform such duties as the Secretary concerned considers necessary in the interests of national defense")....

...Although the parties did not litigate jurisdiction, the record of trial includes their **research** efforts and extensive discussions about the appellant's retirement status during the **military** judge's repeated analysis of potential punishments—centered on possible forfeitures of pay....

765. Innovative Concepts, Inc. v. Symetrics Industries, Inc.

United States District Court, E.D. Virginia, Alexandria Division. | April 11, 2003 | Not Reported in F.Supp.2d
| 2003 WL 26082736

1. Plaintiff Innovative Concepts, Inc. ("ICI") is a corporation incorporated under the laws of Virginia with its principal place of business at 8200 Greensboro Drive, McLean, Virginia. 2. Defendant Symetrics Industries, LLC ("Symetrics") is a corporation incorporated under the laws of Florida with its principal place of...

...ICI initially sought a restricted rights licenses in the IDM software on the basis that it contributed funds to **research** and development....

...ICI's request for injunctive relief fails to take into account Symetrics continuing non-infringing sales of the software through the Foreign **Military** Sales Program....

766. Swindell v. CACI NSS, Inc.

United States District Court, E.D. North Carolina, Western Division. | September 30, 2020 | Slip Copy | 2020
WL 5824024

On January 29, 2018, Christopher Swindell ("Swindell") filed an amended complaint against CACINSS, Inc. ("CACI") and Quick Services, LLC ("QSL"; collectively, with CACI, "defendants") [D.E. 13]. Swindell alleges four causes of action: (1) racially hostile work environment under Title VII of the Civil...

...Swindell also described a conversation with a **military** member wherein the **military** member and Swindell were discussing crime....

...On April 9, 2015, Swindell overheard a conversation between an 18-year old black **military** member and a GeoOwl employee in which the white GeoOwl employee asked the black **military** member how many people in his family had gone to college....

767. U. S. v. Dupas

U. S. Court of Military Appeals. | August 30, 1982 | 14 M.J. 28

Accused after conviction claimed he had received ineffective assistance of counsel at trial. The Court of **Military** Review denied defense motion to compel trial counsel to answer questions that had been submitted to him by appellate defense counsel, and proceeded to affirm conviction. On petition for review, the United States Court of **Military**...

...Accordingly, the decision of the United States Army Court of **Military** Review is reversed....

...On petition for review, the United States Court of **Military** Appeals, Everett, C. J., held that: (1) when convicted accused claims he was inadequately represented at trial, prosecutor is free to discuss with trial defense counsel steps taken by latter in his defense of the accused, and prosecutor can obtain affidavit from counsel to refute allegations of inadequate representation, but appellate...

768. Intermodal Technologies, Inc. v. Peters

United States District Court, E.D. Michigan, Northern Division. | July 24, 2007 | Not Reported in Fed. Supp.
| 2007 WL 9773743

Plaintiff Intermodal Technologies, Inc. (Intermodal) challenges the decision of the defendants, the Department of Transportation and the National Highway Safety Administration (NHTSA), denying Intermodal's application for an exemption from certain Federal Motor Vehicle Safety Standards promulgated by NHTSA governing antilock brake systems for,...

...For instance, tests at the Aberdeen Proving Ground indicated that a similar product, the BX-100 brake equalizer, was not approved on **military** vehicles # Similarly, tests at Southwest **Research** Institute indicated that vehicles equipped with the petitioner's device needed an average of approximately 0.5 seconds longer to stop because additional time was needed to fill the expansion chamber....

...For instance, tests at the Aberdeen Proving Ground indicated that a similar product, the BX-100 brake equalizer, was not approved on **military** vehicles # Similarly, tests at Southwest **Research** Institute indicated that vehicles equipped with the petitioner's device needed an average of approximately 0.5 seconds longer to stop because additional time was needed to fill the expansion chamber....

769. N.A.A.C.P. v. A.A. Arms Inc.

United States District Court, E.D. New York. | May 07, 2003 | Not Reported in F.Supp.2d | 2003 WL 21135571

Motions in limine were heard on Monday, May 5, 2003, at 8:30 a.m. The following rulings were made for the reasons stated orally on the record at the hearing. Defendants' motion to preclude the rebuttal testimony of plaintiff's expert witness Lucy Allen is denied. Ms. Allen will produce any new computer codes or programs, calculations, or other...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

770. U. S. v. Morrow

U.S. Air Force Court of Military Review. | December 08, 1992 | Not Reported in M.J. | 1992 WL 367882

Contrary to his pleas, a general court-martial with members found appellant guilty of a series of acts of misconduct against a female airman: aggravated assault, assault with a dangerous weapon, simple assault, indecent assault, kidnapping and communication of a threat, in violation of Articles 128 and 134. The approved sentence consists of a...

...Regardless, we find the **military** judge did not abuse his discretion by denying appellant's request to give Mr. Amthauer expert witness status....

...Appellant's first assignment of error is that the **military** judge, over objection, allowed another co-worker of appellant, Sgt Jackson, to testify as to uncharged misconduct....

771. U.S. v. Chapman

U.S. Air Force Board of Review. | March 24, 1954 | 1954 WL 2391 | 15 C.M.R. 755

Sentence adjudged 27 August 1953 by General Court-Martial convened at Hq, 4th Fighter Interceptor Wing, APO 76. Approved sentence: Confinement at hard labor for three (3) months, and forfeiture of twenty dollars (\$20).

...Prior enactments of Congress and Manual provisions pertaining thereto, have retained the common law definition of larceny (MCM, 1921, par 443 (VII), 444 (IX), AW 93, 94; MCM, 1928, par 149g, 150i AW 93, 94; MCM, 1949, par 180g, 181h, AW 93, 94), and, by the decision of the Court of **Military** Appeals in Buck, supra, it is now clear that the same definition obtains under the Uniform Code of **Military** Justice....

...The Board of Review has reviewed such record in accordance with the Uniform Code of **Military** Justice, Article 66....

772. U.S. v. Forrest

U.S. Air Force Board of Review. | September 24, 1958 | 1958 WL 3504 | 26 C.M.R. 931

Sentence adjudged 28 May 1958 by General Court-Martial convened at Bitburg Air Base, Germany. Approved sentence: Dishonorable discharge, total forfeitures and confinement at hard labor for one year and six months.

...Additionally, it is noted that in the Varnadore case the majority of the Court of **Military** Appeals placed some significance in the fact that the trial defense counsel specifically asked that Varnadore be retained in the service and that the data which the trial counsel read from the charge sheet showed that the accused was thirty-four years of age, that he had completed thirteen years of previous **military** service, and that his current tour began in March 1951....

...The first pertinent Court of **Military** Appeals decision is the Varnadore case, supra....

773. Association of New Jersey Rifle & Pistol Clubs, Inc. v. Grewal

United States District Court, D. New Jersey. | September 28, 2018 | Not Reported in Fed. Supp. | 2018 WL 4688345

Presently before the Court is Plaintiffs' Motion for a Preliminary Injunction, (ECF No. 7), seeking to enjoin the enforcement of a recently enacted New Jersey statute, L. 2018, c. 39 §1, which reduces large capacity magazines from fifteen rounds of ammunition to ten. (hereinafter, "Large Capacity Magazine [LCM]" law)....

...Stanton also testified that **military** servicepersons do not receive handgun training, likely because the **military** serves a different role than law enforcement....

...In addition, to the extent Plaintiffs complain of the disparate treatment between retired officers and **military** veterans, there is no evidence to suggest that **military** veterans receive equivalent training....

774. Mishra v. Trani

United States District Court, D. Colorado. | August 13, 2015 | Not Reported in Fed. Supp. | 2015 WL 5562107

Applicant, Bikram Mishra, has filed pro se an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 challenging the validity of his criminal conviction in the District Court of Jefferson County, Colorado. Respondents have filed an Answer (Docket No. 23) and Applicant has filed a Reply (Docket No. 29). Having...

...Applicant asserted in his Opening Brief in the Court of Appeals that counsel was ineffective due to counsel's " **military** deployment to the Middle East" and " **military** obligations." ...

...In this capacity defense counsel was out of the country actually involved in **military** maneuvers which obviously prevented him from devoting his time and efforts to investigation, **research**, and preparation for this trial....

775. Kersavage v. U.S.

United States Court of Federal Claims. | July 24, 1996 | 36 Fed.Cl. 441 | 1996 WL 414292

INTELLECTUAL PROPERTY - Art and Architecture. Patented method of building protective shelters for **military** was not infringed.

... The government finances **research** contracts to earn the benefit of the **research** without paying further royalties to the inventor....

... Under the '057 contract, the **researchers** built and tested one-fifth scale models of **military** bomb shelters using the hyper protective structure system....

776. Doty v. Magnum Research, Inc.

United States District Court, N.D. Ohio, Eastern Division. | December 16, 1997 | 994 F.Supp. 894 | 1997 WL 836573

Products liability action was filed against Israeli firearm manufacturer. After removal, plaintiffs filed motion to confirm service of process, and defendant filed motion to dismiss for lack of in personam jurisdiction. The District Court, Gwin, J., held that: (1) manufacturer was an "agency or instrumentality of a foreign...

...On June 19, 1997 Plaintiffs James and Rebecca Doty filed a motion to confirm service of process on Defendant Israeli **Military** Industries, Ltd....

...Nof also says that Israel **Military** Industries Services U.S.A. Inc. is a Delaware corporation owned by IMI with its principal place of business in Chevy Chase, Maryland....

777. U.S. v. Godshalk

U.S. Air Force Court of Criminal Appeals. | May 09, 1995 | Not Reported in M.J. | 1995 WL 316275

Tried by a **military** judge sitting as a general court-martial, appellant was convicted, pursuant to his pleas, of wrongful appropriation of a government 9mm semi-automatic pistol, ammunition, and a van; aggravated assault on Sergeant (Sgt) H with the pistol; and kidnapping Sgt H. Articles 121, 128, and 134, UCMJ. He was sentenced to a dishonorable...

... During the interim of 4 to 10 June 1992, the defense had more than adequate time to pursue the potential motions and, based on its efforts and **research** to that point, request the **military** judge to reconsider his ruling....

... I did a fair amount of **research** on this issue....

778. InGenesis, Inc. v. U.S.

United States Court of Federal Claims. | March 12, 2012 | 104 Fed.Cl. 43 | 2012 WL 991943

GOVERNMENT CONTRACTS - Bidding. Court could not decide how small was too small, with regard to selection of NAICS code.

...The performance work statement noted that the contract was to support **military** treatment facilities (e.g., **military** hospitals) within the U.S. Army Medical Command as well as other Department of Defense agencies....

...In that report, the contracting officer concluded, "Market **research** indicates that there are numerous large and small businesses that are capable of performance of this acquisition effort and satisfy the agency's requirements that exist for staffing Health Care Providers in **Military** Treatment Facilities." ...

779. U.S. v. 1,078.27 Acres of Land, More or Less, Situated in Galveston County, Tex.

United States Court of Appeals, Fifth Circuit. | July 06, 1971 | 446 F.2d 1030

Action to remove cloud on title. The United States District Court for the Southern District of Texas, James L. Noel, Jr., J., found for United States and defendants appealed. The Court of Appeals, Dyer, Circuit Judge, held that evidence supported finding that United States was owner of tract which was reserved by state at time it confirmed title of...

...Trial judge's engagement in independent **research** did not require reversal of his decision where judge stated that **research** was utilized only when results could appropriately be judicially noticed, reviewing court could rely on experienced trial judge separating wheat from chaff, and court reopened case for further evidence....

...Such **research** was conducted at the Rosenberg Library, Galveston, Texas; the Houston Public Library; the Archives Division of the Texas State Library; files of the Galveston Daily News and Galveston Tribune; Federal Records Center; Barker Texas History Library; University of Texas Library; and the Anthropology Library of the Texas Archeological **Research** Center of the Department of Anthropology of the University of Texas....

780. Foster v. McDonald

United States Court of Appeals for Veterans Claims. | May 31, 2016 | Not Reported in Vet.App. | 2016 WL 3057350

The appellant, Tommie L. Foster, appeals through counsel an April 29, 2015, Board of Veterans' Appeals (Board) decision that denied entitlement to benefits based on service connection for (1) a low back disability and (2) a left knee and leg disability, to include as secondary to a low back disability. Record (R.) at 3–13. The appellant...

...There were not complaints of injury to the cervical spine in the **military** medical record....

...The examiner found that the appellant's lower back disability was less likely than not related to service and provided this rationale: Current **research** supports a genetic etiology of disc degeneration....

781. Able v. U.S.

United States District Court, E.D. New York. | July 02, 1997 | 968 F.Supp. 850 | 1997 WL 369504

Gay and lesbian members of armed forces sued United States and Secretaries of Defense and Transportation, challenging constitutionality of section of National Defense Authorization Act governing **military** service by gays and lesbians, and directives issued under Act. The United States District Court for the Eastern District of New York, 847...

...PX-7, at 5. **Military** officials in the latter four countries reported that “the presence of homosexuals in the **military** is not an issue and has not created problems in the functioning of **military** units” or “adversely affected unit readiness, effectiveness, cohesion, or morale.” ...

...Article 125of the Uniform Code of **Military** Justice (the **Military** Code) makes it a punishable offense for “any person” to engage in “sodomy,” defined as “unnatural carnal copulation with another person of the same or opposite sex or with an animal.” ...

782. Knolls Action Project v. Knolls Atomic Power Laboratory (KAPL)

United States Court of Appeals, Second Circuit. | August 26, 1985 | 771 F.2d 46

Organization of area residents whose purpose was to inform public of dangers of nuclear war brought action for injunctive and declaratory relief against federally-owned nuclear **research** facility which revoked permission given to organization's members to leaflet on its property. The United States District Court for the Northern District of...

...Nuclear **research** facility owned by government could, through content-neutral regulations, exclude unauthorized persons from premises regardless of their desire to engage in expressive activity. U.S.C.A. Const.Amend. 1....

... By contrast, the district court found that “KAPL is a restricted, classified government/private sector venture performing highly sensitive work for the Navy in the field of nuclear **research**....

783. United States v. Hopkins

U.S. Army Court of Criminal Appeals. | June 26, 2017 | Not Reported in M.J. | 2017 WL 2819760

A **military** judge sitting as a general court-martial convicted appellant, contrary to his pleas, of rape of a child, indecent act, sexual assault of a child, sexual abuse of a child (two specifications), wrongfully providing alcohol to a minor, and obstruction of justice in violation of Articles 120, 120b, and 134, Uniform Code of **Military** Justice,...

...The DuBay **military** judge went into exacting detail as to the preparations by Mr. PM and CPT JK, as well as additional people brought onto the case by Mr. PM and CPT JK. The **military** judge found appellant's participation in his defense was "frequent" and "active."...

...Having found ZJEH credible in her testimony regarding Specification 1 of Charge I, which occurred in 2008–2009, the **military** judge presumably found her credible in her description of more recent events that formed the basis of convictions of Specifications 1 and 2 of Charge II, which the **military** judge found to have occurred between 1 December 2012 and 1 January 2013....

784. Davis v. Billington

United States Court of Appeals, District of Columbia Circuit. | June 01, 2012 | 681 F.3d 377 | 2012 WL 1957974

CIVIL RIGHTS - Constitutional Torts. New Bivens remedy would not be implied for discharge of civil-service employee of Library of Congress.

... In December 2008, the Congressional **Research** Service (CRS), the public-policy- **research** arm of Congress and a department of the Library of Congress, hired appellee Davis as Assistant Director of its Foreign Affairs, Defense, and Trade Division subject to a mandatory, one-year probationary period....

... Davis included no disclaimer in the two published pieces, see LCR 2023–3, section 3(B), but neither did he purport to speak, based on his pre-Library employment experience, for anyone other than himself, and the newspapers identified him only as the former chief prosecutor for **military** commissions who had retired from the **military** in 2008....

785. Innovair Aviation, Ltd. v. U.S.

United States Court of Federal Claims. | August 22, 2008 | 83 Fed.Cl. 498 | 2008 WL 4053223

GOVERNMENT - Eminent Domain. Discounted cash flow model was appropriate to measure value of technology licensing agreement.

...In the **military** market, many foreign **militaries** purchase airplanes through the United States' foreign **military** sales program, which under the TLA would count as a BTC sale, not an Innovair sale....

... Therefore, the Court finds there was at least some market for **military** sales but it was not strong....

786. Fresno Rifle and Pistol Club, Inc. v. Van De Kamp

United States Court of Appeals, Ninth Circuit. | May 22, 1992 | 965 F.2d 723 | 1992 WL 106981

Several local, state, and national clubs that sponsored shooting competitions and represented interests of firearm owners, individuals who owned or wished to purchase firearms to use in federal civilian marksmanship program, and gun manufacturers sought declaration that California's Roberti-Roos Assault Weapons Control Act, which proscribed...

...Pursuant to that power, Congress established the CMP in the early 1900s "to create interest in marksmanship training among U.S. men of **military** age." ...

...Because Congress has manifested no intent to preempt state gun-control efforts, and because the AWCA does not interfere with the congressional objective of encouraging civilian marksmanship as preparation for **military** service, the CMP does not preempt the AWCA....

787. **Carlson v. Tactical Energetic Entry Systems, LLC**

United States District Court, W.D. Wisconsin. | June 26, 2015 | Not Reported in F.Supp.3d | 2015 WL 3935805

Plaintiff Todd A. Carlson, a police officer with the City of Superior Police Department, brings claims for negligence and violation of Wisconsin's Safe Place Statute, Wis. Stat. § 101.11, against Tactical Energetic Entry Systems, LLC ("TEES"), and its insurer, Maxum Casualty Insurance Company. In particular, Carlson alleges that...

...From the court's cursory **research**, "[d]oor breaching is a process used by **military**, police, or emergency services to force open closed and/or locked doors....

...Defendant Tactical Energetic Entry Systems, LLC, provides tactical training to law enforcement officers and **military** personnel....

788. **Travers v. Federal Express Corporation**

United States Court of Appeals, Third Circuit. | August 10, 2021 | 8 F.4th 198 | 2021 WL 3504037

LABOR AND EMPLOYMENT — Leaves. "Rights and benefits" that USERRA required employer to provide equally to servicemembers included pay while on **military** leave.

...Judge Shwartz agrees that there are two groups, **military** employees and non- **military** employees, and that USERRA ensures that **military** employees receive the same benefits as similarly situated non- **military** employees but does not see separate groups being created by the language of subsections (A) and (B) themselves....

...FedEx's policy of paying employees on non- **military** leaves but not those on **military** leaves directly disadvantages those who take **military** leave....

789. **United States v. Brown**

United States District Court, M.D. Florida, Tampa Division. | February 02, 2022 | Slip Copy | 2022 WL 309430

Before the Court is Defendant Jeremy Brown's Motion for Reconsideration of Defendant's Motion for Pretrial Release ("Motion for Reconsideration") (Doc. 49) and the United States' response in opposition (Doc. 50). The Court held a hearing on December 14-16, 2021 ("December Evidentiary Hearing"), at which the parties...

...(Id.). Jones, however, denied that Aldridge asked her to do **research** on the agent's spouse. 3...

...During his initial detention hearing, Brown's attorney proffered that Brown "never had one disciplinary proceeding in the **military**." ...

790. **Knight v. State of Ala.**

United States District Court, N.D. Alabama, Southern Division. | December 30, 1991 | 787 F.Supp. 1030 | 1991 WL 286238

The United States brought action to desegregate colleges and universities in Alabama and various persons intervened as plaintiffs. The United States District Court for the Northern District of Alabama, U.W. Clemon, 628

F.Supp. 1137, ordered desegregation and appeal was taken. The Court of Appeals, 828 F.2d 1532, reversed and...

...E.AAMU shall receive a line-item state appropriation for agriculturally related **research** in an amount so that the proportion of state and federal funds allocated to AAMU for agriculturally related **research** shall be the same as the proportion of state and federal **research** funds granted AU...

...AAMU's current role in agricultural **research**, and its funding for agricultural **research**, are a result of initiatives by the federal government (both the executive and legislative branches) after the passage of the Civil Rights Act of 1964 to establish an agricultural **research** role for AAMU and other "1890" institutions....

791. **Armstrong v. Motorola, Inc.**

United States District Court, N.D. Illinois, Eastern Division. | May 14, 1964 | 230 F.Supp. 337 | 141 U.S.P.Q. 862

Action for infringement of three patents. The District Court, Robson, J., held that claims 8, 9 and 10 of patent No. 1,941,066, claims 1 and 2 of patent No. 1,941,069 and claims 1, 2, 4, and 6 of reissue patent No. 21,660 relating to frequency modulation for use in broadcasting were valid and infringed. Judgment accordingly.

...326. During World War II, Major Armstrong was primarily engaged in **research** on behalf of the Armed Forces in connection with a continuous-wave radar system and with various applications of frequency modulation for **military** purposes (Trial Record 773-5)....

...313. In September, 1940, Noble, having become Director of **Research** for Motorola, wrote to Major Armstrong as follows:...

792. **United States v. Hoffmann**

U.S. Army Court of Criminal Appeals. | March 23, 2021 | Not Reported in M.J. Rptr. | 2021 WL 1116950

Appellant claims the **military** judge abused his discretion twice: first, when he admitted a hearsay statement made by a complaining witness as an excited utterance pursuant to **Military** Rule of Evidence [Mil. R. Evid.] 803(2); and second, when he admitted a statement made by a complaining witness as a prior consistent statement pursuant to Mil. R....

...After hearing [redacted] testimony, the **military** judge recessed to conduct **research** and prepare a ruling....

...While the **military** judge's ruling that the 2005 statement was admissible under subpart (i) was accompanied by little reasoning, the entirety of the record provides a more than adequate basis to evaluate the **military** judge's decision concerning [redacted] 2005 statement, since the **military** judge had already made a detailed ruling based on identical grounds when he admitted [redacted] 2010 statement to [redacted] earlier in the trial....

793. **American Auto Logistics, LP v. United States**

United States Court of Federal Claims. | June 24, 2014 | 117 Fed.Cl. 137 | 2014 WL 3821177

GOVERNMENT CONTRACTS — Bidding. Agency could consider past performance of bidder's affiliate in awarding a procurement contract.

...Systems **Research's** response that all of Galaxy's employees were its own employees strongly implies that Galaxy was Systems **Research's** subsidiary corporation....

...As such, the Army could have reasonably concluded that Systems **Research's** proposal demonstrated that Galaxy's resources would affect Systems **Research's** performance on the contract....

794. **Perry v. Ethicon, Inc.**

United States District Court, E.D. Arkansas, Western Division. | November 27, 2006 | Not Reported in F.Supp.2d | 2006 WL 4939798

Pending before the Court is defendant's motion to exclude plaintiff's expert testimony. Defendant EES (defendant or EES) contends that plaintiff's expert Richard J. Poe is not qualified to express the opinions he gave regarding the endocutter. Plaintiff brings this action alleging that an endoscopic linear cutter (cutter) manufactured by EES...

...He has experience working on designs of bus parts and assemblies, oil field **research** equipment, **military** aircraft, air compressors and industrial pumps, optical encoders and **military** fusing devices, automotive service equipment including tire changer machines, alignment equipment and lifts....

...Daubert's progeny provides additional factors such as: whether the expertise was developed for litigation or naturally flowed from the expert's **research**; whether the proposed expert ruled out other alternative explanations; and whether the proposed expert sufficiently connected the proposed testimony with the facts of the case....

795. **In re 3M Combat Arms Earplug Products Liability Litigation**

United States District Court, N.D. Florida, Pensacola Division. | October 20, 2021 | Slip Copy | 2021 WL 6327373

On August 19, 2021, the Court denied Defendants' motion to reopen discovery to cross-notice a deposition of Retired Colonel Jay A. Vietas in related Minnesota litigation because they failed to demonstrate good cause and excusable neglect for their failure to timely depose Vietas during corporate and government discovery in this MDL, and...

...However, the memorandum's probative value will continue to outweigh any danger of unfair prejudice so long as Defendants maintain the position that they communicated the substance of the Flange Report (i.e., the alleged "problems" with the CAEv2) to the **military** and the **military** knew everything there was to know about the plug and were satisfied with it...

...Indeed, this Court has admitted, many times at Defendants' request, numerous exhibits as public records, including emails with government email addresses, PowerPoint presentations, and **research** studies....

796. **National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.**

United States District Court, E.D. New York. | April 11, 2003 | Not Reported in F.Supp.2d | 2003 WL 2003797

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that: (1) motion to exclude...

...[3][4] North American Arms and Magnum **Research** Inc. ("Magnum") object to plaintiff's designation of pages from their respective websites....

...The agreed stipulations regarding Colt's Manufacturing Co., Inc.'s ("Colt") confidential documents and **military** sales and marketing information may be read to the jury by either counsel for Colt or counsel for plaintiff at the time Colt's file folder is introduced into evidence....

797. **Katz v. Secretary of Health and Human Services**

United States Court of Federal Claims, Office of the Special Masters. | November 30, 2005 | Not Reported in Fed.Cl. | 2005 WL 6117659

On April 23, 2004, Lorie Katz filed a petition for compensation under the National Childhood Vaccine Injury Act ("Vaccine Act"), 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003). The petition alleges that Ms. Katz developed optic neuropathy and its sequela as a result of the hepatitis B vaccination that she...

...As part of his **military** service, he was assigned to the Naval Medical **Research** Institute in Bethesda, Maryland, where he **researched** resistance to infections, particularly in diabetic mice....

...As mentioned above, Dr. Waisbren performed medical **research** while serving in the **military**....

798. **Bellamy v. Froehlke**

United States District Court, W. D. North Carolina, Charlotte Division. | September 15, 1972 | 347 F.Supp. 1241

Application for temporary restraining order against army regulation requiring a "neat and soldierly appearance." The District Court, McMillan, J., held that complaint alleging that, by denying plaintiff reservists right to wear a wig, army regulation requiring a "neat and soldierly appearance" invidiously discriminated between reservists who were...

...The ancient strong man Samson, General George Washington, General Ulysses S. Grant and other **military** personages have managed to ply their **military** genius effectively on time of war, despite the handicap of unshaven face or unshorn locks....

...Plaintiffs allege that the Army has a claim on only a little over 1% of their time outside the time spent in summer camp; that the Army's demand that they not wear wigs when no **military** reason is shown is an unwarranted interference with their life which is essentially civilian and is beyond the scope of the authority of the defendants under the law....

799. **U.S. v. Daniels**

United States Court of Appeals, Fourth Circuit. | January 23, 2008 | 267 Fed.Appx. 228 | 2008 WL 193179

Paul Daniels was stopped by **military** police on Fuller Road as he attempted to drive past Gate No. 1 into the Marine Corps Base at Quantico, Virginia. A magistrate judge found Daniels operated a vehicle on a suspended license, see 18 U.S.C. § 13 (2000), assimilating Va.Code Ann. § 46.2-301 (Michie 2004), and sentenced Daniels to six months'...

...Paul Daniels was stopped by **military** police on Fuller Road as he attempted to drive past Gate No. 1 into the Marine Corps Base at Quantico, Virginia....

...Michael S. Nachmanoff, Federal Public Defender, Todd M. Richman, Assistant Federal Public Defender, Sapna Mirchandani, **Research** and Writing Attorney, Alexandria, Virginia, for Appellant....

800. **Guillot v. Wilkie**

United States Court of Appeals for Veterans Claims. | May 30, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 2291484

The appellant, James A. Guillot, appeals through counsel a January 22, 2018, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for adenocarcinoma of the prostate, stage IV, including as due to herbicide exposure. Record (R.) at 1-14. Single-judge disposition is appropriate. See Frankel v. Derwinski, 1...

...In a May 2016 rating decision, a VA regional office (RO) denied the claim, finding that the appellant's locations of **military** service did not qualify him for presumptive service connection based on exposure to herbicides....

...According to a May 2016 report from the Joint Services Records **Research** Center (JSRRC), a review of the ship's history reflected that, from October 1964 to November 1964, the U.S.S. Ticonderoga "conducted Special Operations [] in the South China Sea, off the coast of the Republic of Vietnam."...

801. **Spencer v. Shinseki**

United States Court of Appeals for Veterans Claims. | February 03, 2014 | Not Reported in Vet.App. | 2014 WL 351719

The appellant, James A. Spencer, served on active duty in the U.S. Army from April 1969 to July 1969. Record (R.) at 474. He appeals, pro se, a November 14, 2012, Board of Veterans' Appeals (Board) decision that denied his claims for entitlement to service connection for (1) diabetes mellitus, to include as due to exposure to herbicides, and (2)...

...Although the appellant appears to generally disagree with the Board's denial of his claims, he presents no specific allegation of error, other than to state that he had an "excellent **military** record," "would have went to Vietnam # if he could have," and is a "soldier" and deserving of benefits....

...Furthermore, the Board denied his diabetes mellitus claim on a direct basis, finding "no evidence of diabetes mellitus during **military** service or within one year of separation from service," 1 and the record was silent for evidence "medical or otherwise" linking the appellant's diabetes mellitus to his period of active service....

802. **Lee v. Mattis**

United States District Court, D. Maryland. | July 17, 2018 | Not Reported in Fed. Supp. | 2018 WL 3439261

Pending in this employment discrimination case is a motion for partial dismissal of the complaint filed by Defendant The Geneva Foundation at WRNMMC ("Geneva"), ECF No. 24, a motion to dismiss the complaint filed by Defendant The Henry M. Jackson Foundation for the Advancement of **Military** Medicine ("HJF"), ECF No. 18,...

...ECF No. 1 at ¶8. On January 15, 2014, Lee was promoted to the position of **Research** Associate, a position she held through her termination on January 28, 2016....

...This Defendant is identified solely as the "Henry Jackson Foundation" in the Complaint, but its full name is the "Henry M. Jackson Foundation for the Advancement of **Military** Medicine."...

803. **Financial Fusion, Inc. v. Ablaise Ltd.**

United States District Court, N.D. California, San Jose Division. | December 18, 2006 | Not Reported in F.Supp.2d | 2006 WL 3734292

On December 12, 2006, the parties appeared before Magistrate Judge Patricia V. Trumbull for hearing on FFI's Motion for Leave to File a Second Amended Complaint. Based on the briefs and arguments presented, IT IS HEREBY ORDERED that FFI's Motion is Granted. Plaintiff Financial Fusion Inc. ("FFI") filed this action seeking declaratory judgment of...

...Exh. B.) (emphasis added) The address for Bank of America's **Military** Bank Website is www.bankofamerica.com/military/....

...Ablaise claims that different websites are involved: www.bankofamerica.com/military/ in this case and allmyaccounts.bankofamerica.com in Yodlee....

804. **Island v. U.S.**

United States Court of Appeals, Eighth Circuit. | October 08, 1991 | 946 F.2d 1335 | 1991 WL 199413

Following conviction for conspiracy to distribute cocaine, motion to vacate was filed. The United States District Court for the District of South Dakota, Richard H. Battey, J., denied motion. Movant appealed. The Court of Appeals, Beam, Circuit Judge, held that: (1) trial court did not “mechanically” impose maximum sentence of imprisonment, and (2)...

...In *Woosley*, the appellant, Robert Woosley, pleaded guilty to refusing induction into the **military** service, in violation of 50 U.S.C.App. §462....

... Second, comments by the district court judge at sentencing suggested that he had a predetermined “policy” of always imposing the maximum sentence on men who refused induction into **military** service....

805. Springfield, Inc. v. Buckles

United States Court of Appeals, District of Columbia Circuit. | June 14, 2002 | 292 F.3d 813 | 2002 WL 1300022

GOVERNMENT - Weapons. Decision to bar importation of rifles containing large, **military** style magazines was not arbitrary and capricious.

...Springfield argues that because §925(d)(3) bars the importation of “surplus **military** firearms” for “sporting purposes,” BATF can grant permits for the importation of **military** firearms which are not “surplus.” ...

... Without supplying any fresh information, Springfield argued that the “ability to accept a large capacity **military** magazine is also the ability to accept a small capacity non-**military** magazine” and that “[s]ome shooting sports require a large capacity magazine and some require a small capacity magazine.”...

806. Oppenheim v. Campbell

United States Court of Appeals, District of Columbia Circuit. | January 09, 1978 | 571 F.2d 660 | 97 L.R.R.M. (BNA) 2996

Retired civil service employee brought action against Civil Service Commission and others challenging Commission's denial of his request for civil service retirement credit for his work at United Nations agency. The United States District Court for the District of Columbia, Thomas A. Flannery, J., granted plaintiff retirement credit, and Commission...

...Appellee, Edward Oppenheim, was drafted into the **military** in August of 1942, and was thereby forced to leave a permanent position in the federal civil service at the Board of Investigation and **Research** (BIR)....

...Where civil service employee was forced to leave permanent position in civil service when he was drafted into the **military**, Civil Service Commission had obligation to rehire that employee when he returned from **military** service, notwithstanding fact that agency in which employee had worked, together with its functions, had been abolished. Selective Training and Service Act of 1940, §§ 8, 8(b)(A), 54 Stat. 885....

807. U.S. v. Christensen

U.S. Air Force Board of Review. | January 23, 1961 | 1961 WL 4505 | 30 C.M.R. 959

Sentence adjudged 14 July 1960 by General Court-Martial convened at Plattsburgh Air Force Base, New York. Approved sentence: Reprimand; forfeiture of \$25 per month for twelve (12) months (commuted from suspension in rank for twelve months).

...In light of the recent pronouncements by the United States Court of **Military** Appeals on this subject no useful purpose would be served in pursuing historical **research** into the statutory evolution of the rules of **military** law governing the power to mitigate or commute sentences. 1...

...3. In accordance with the provisions of Article 69, the Uniform Code of **Military** Justice, the record of trial was examined in the Office of The Judge Advocate General, United States Air Force; and was referred thereafter to a Board of Review for review on 16 November 1960, pursuant to the provisions of Article 66 of the Uniform Code of **Military** Justice....

808. Woods Hole Oceanographic Inst. v. U.S.

United States Court of Appeals, First Circuit. | April 28, 1982 | 677 F.2d 149 | 1983 A.M.C. 2324

Shipowner brought an action against United States Government to recover balance of unpaid charter hire for use of ship. The Government counterclaimed for breach of an implied warranty of seaworthiness. The District Court, A. David Mazzone, J., entered judgment dismissing Government's counterclaim and in favor of shipowner on its claim. The...

...**Military** Sealift Command proposes to use MSC **research** ship contract a proforma of which will be forwarded for your perusal....

...On July 26, 1977 the **Military** Sealift Command ("MSC") of the United States Department of the Navy, being interested in chartering R/V Seaprobe to join other vessels in underwater **research** activities, sent to Woods Hole a telex letter expressing the government's wish to charter Seaprobe for 38 days from August 2, 1977 to September 7, 1977 and inviting Woods Hole to provide its requested daily charter rate....

809. Bernstein v. U.S. Dept. of State

United States District Court, N.D. California. | December 09, 1996 | 945 F.Supp. 1279 | 1996 WL 730283

Mathematician sought declaratory and injunctive relief against enforcement of the Arms Export Control Act (AECA) and the International Traffic in Arms Regulations (ITAR) on the grounds that they were unconstitutional on their face and as applied to mathematician's cryptographic computer source code. On cross-motions for summary judgment,...

... The public domain also includes information available to the public through fundamental **research** at accredited institutions of higher learning: Fundamental **research** is defined to mean basic and applied **research** in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community, as distinguished from **research** the results of which are restricted for proprietary reasons or specific U.S. Government access and dissemination controls....

...For example, fundamental **research** is defined as "basic and applied **research** in science and engineering where the resulting information is ordinarily published and shared broadly within the scientific community"....

810. Gordon v. Resor

United States District Court, S.D. New York. | September 03, 1970 | 323 F.Supp. 268

Action in which doctor, who had been commissioned pursuant to 'Berry Program,' and who filed conscientious objector application 11 days before date he was to report for active duty in army reserve, sought to have defendants enjoined from ordering him to active duty and to have his application processed. On doctor's motion for...

...[1] We are most reluctant to interfere in the workings of the **military**, especially in matters of internal administration of **military** affairs....

...(1) Serving in the active **military** service in their Reserve status; or...

811. United States v. Gerdes

U.S. Air Force Court of Criminal Appeals. | November 14, 2013 | Not Reported in M.J. Rptr. | 2013 WL 6587849

A special court-martial composed of officer members convicted the appellant, contrary to his pleas, of assault consummated by a battery, in violation of Article 128, UCMJ, 10 U.S.C. §928. The court-martial sentenced him to a bad-conduct discharge, confinement for 60 days, forfeiture of \$994.00 pay per month for 2 months, and...

...The **military** judge in this case was seated on a raised platform with a “good view of the member's panel” seated to the front and left of the **military** judge....

...The **military** judge's view of the defense counsel was not obstructed and we do not believe that the **military** judge would have allowed a defense counsel to be asleep when she was addressing either him, his co-counsel, or both counsel....

812. Stanley v. U.S.

United States Court of Appeals, Eleventh Circuit. | April 21, 1986 | 786 F.2d 1490 | 54 USLW 2573

Army veteran sued the United States, various government officials and others to recover for alleged violation of his constitutional rights when he allegedly was surreptitiously administered LSD during experiments for which he had volunteered during **military** service. The District Court dismissed. The Court of Appeals, 639 F.2d 1146, remanded. The...

...The Court cautioned that it was not establishing a per se rule that **military** personnel could never seek redress in civilian courts for constitutional violations suffered in the course of **military** service: This Court has never held, nor do we now hold, that **military** personnel are barred from all redress in civilian courts for constitutional wrongs suffered in the course of **military** service....

...Veterans Benefits Act was not a sufficiently adequate alternative to a Bivens constitutional tort action to bar former serviceman's claim against **military** personnel and civilian officials for injuries allegedly sustained when, unknown to the veteran, he was given lysergic acid diethylamide during his participation in **military** program purportedly designed to develop and test **military** equipment and protective clothing for use during chemical warfare. 38 U.S.C.A. §§101 et seq., 301 – 362....

813. U.S. v. Schwartz

U.S. Navy–Marine Corps Court of Criminal Appeals. | May 20, 2005 | 61 M.J. 567 | 2005 WL 1199044

MILITARY LAW - Disobedience. Order that accused receive anthrax vaccine did not violate right to refuse medical treatment.

...The lawfulness of a **military** order is purely a legal question for the **military** judge to decide at trial....

...To be lawful, a **military** order must: (1) have a valid **military** purpose; and (2) be clear, specific, and narrowly drawn....

814. Aleut League v. Atomic Energy Commission

United States District Court, D. Alaska. | October 08, 1971 | 337 F.Supp. 534

Action to prevent detonation of nuclear device CANNIKIN on Amchitka Island. The District Court, Plummer, Chief Judge, held that the Atomic Energy Commission acted properly within scope of its authority and without abuse of discretion and that the environmental statement was sufficient. Judgment accordingly.

...5. 42 U.S.C.A. § 2121 entitled “Authority of Commission- **Research** and development; production of atomic weapons”, provides: “(a) The Commission is authorized to- (1) conduct experiments and do **research** and development work in the **military** application of atomic energy; and (2) engage in the production of atomic weapons, or atomic weapon parts, except

that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.”...

...3. Executive Order 1733, issued by President Taft in 1913, which designated that part of the Aleutian Chain which includes Amchitka as a wildlife preserve, specifically provided that “The establishment of this reservation shall not interfere with the use of the Islands for . **military** . purposes.”...

815. U.S. v. Baca

U.S. Court of Military Appeals. | September 30, 1988 | 27 M.J. 110 | 1988 WL 100237

Accused, specialist four, United States Army, was convicted by general court-martial, Laurence D. Galehouse, J., of drunk driving and involuntary manslaughter, and he appealed. The United States Army Court of **Military** Review set aside the drunk driving conviction, but otherwise affirmed. Review was granted. The United States Court of **Military**...

...The **military** judge clearly was skeptical....

...Indeed, prior to Deardorff being excluded from the case, the defense had filed a motion to recuse the **military** judge on the ground, among others, that several comments by the **military** judge created the appearance of a hostile attitude toward defense counsel....

816. Peterson v. Islamic Republic of Iran

United States District Court, District of Columbia. | May 30, 2003 | 264 F.Supp.2d 46 | 2003 WL 21251867

INTERNATIONAL LAW - Foreign Sovereigns. Iran was liable for 1983 bombing of Beirut, Lebanon barracks of U.S. Marine peacekeepers.

...[D]uring the, say, late '60s, early '70s, clear up into the '80s, there were state-sponsored training camps involving the use of explosives for political gain, and these training camps used as part of their training, and I have seen materials seized from those that included pages from **military** manuals, U.S. **military** as well as English and French **military** manuals, as part of their training in calculating the explosive charges....

...Dr. Paz is the director of the Project for the **Research** of Islamist Movements and a senior **research** fellow at The International Policy Institute for Counterterrorism, both of which are based in Herzliya, Israel....

817. United States v. Torrance

U.S. Air Force Court of Criminal Appeals. | April 26, 2013 | 72 M.J. 607 | 2013 WL 2255871

MILITARY LAW — Court-Martial. Defense counsel was not ineffective.

...Third, his emotional reaction to the **military** judge's warning that registration was a “possibility” if he pled guilty is not consistent with someone who has been assured such registration will not occur, nor did he tell the **military** judge of any disconnect between his counsel's advice and the **military** judge's statements....

...Upon the direction of the **military** judge, the appellant conferred with both counsel and then, while crying, told the **military** judge “I still intend to plead guilty.” ...

818. Monaco v. U.S.

United States Court of Appeals, Ninth Circuit. | November 09, 1981 | 661 F.2d 129

Claimant brought action against the United States to recover for cancer of the colon resulting from his exposure to radiation while he was on active **military** duty, and his daughter brought action against United States to

recover for permanent injuries induced by birth defect caused by genetic change in her father induced when he was exposed to the...

...Courts have consistently denied claims of former **military** personnel, or of their spouses or children who were never in the **military**....

...Courts have reflected this analysis in several cases rejecting the claims of non- **military** plaintiffs seeking recovery for independent injuries stemming from allegedly negligent acts against **military** personnel....

819. In re Asbestos Litigation

United States District Court, D. Delaware. | September 30, 2009 | 661 F.Supp.2d 451 | 2009 WL 3152366

PRODUCTS LIABILITY - Removal. Removal of state court products liability action under federal officer removal statute was not warranted.

...Plaintiffs submit the affidavit of an asbestos expert, Barry L. Castleman, wherein he avers, in part, that his **research** has revealed “no evidence that the United States **military** required the removal or alteration of such warnings on products sold to the **military**.” ...

...(D.I. 16, ex. 10 at ¶8) Plaintiffs argue that their moving papers detail the **military** specifications that allowed and required Northrop Grumman and Bell to include a warning about asbestos on their products....

820. U.S. v. Mazza

U.S. Navy–Marine Corps Court of Criminal Appeals. | July 17, 2008 | Not Reported in M.J. | 2008 WL 2765036

A general court-martial composed of officer and enlisted members convicted the appellant, contrary to his pleas, of committing indecent acts upon a female under the age of 16, and communicating indecent language to a female under the age of 16, in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C. § 934. The appellant was...

...In an earlier Article 39(a) session, the **military** judge intimated that it might be admissible under **Military** Rule of Evidence 613, Manual for Courts–Martial, United States (2005 ed.) to rehabilitate the witness....

...Wit: And that supports other **research**....

821. U.S. v. Roth

U.S. Court of Appeals for the Armed Forces. | September 30, 1999 | 52 M.J. 187 | 1999 WL 796168

Accused was convicted by general court-martial, Patrick K. Hargus and Debra L. Boudreau, JJ., of two specifications of wrongful disposition of **military** property and conspiracy to sell, larceny of, and attempted sale of **military** property. The United States Army Court of Criminal Appeals affirmed. Review was granted. The...

...Ultimate sanction of excluding witness, for failure to properly sequester witness, should be used ordinarily to punish intentional or willful disobedience of the **military** judge’s sequestration orders. **Military** Rules of Evid., Rule 615....

...Accused was convicted by general court-martial, Patrick K. Hargus and Debra L. Boudreau, JJ., of two specifications of wrongful disposition of **military** property and conspiracy to sell, larceny of, and attempted sale of **military** property....

822. Sigmatech, Inc. v. United States

United States Court of Federal Claims. | November 30, 2018 | 141 Fed.Cl. 284 | 2018 WL 6920166

GOVERNMENT CONTRACTS — Bidding. Army's evaluation of proposals for programmatic support services task order was not based on any unequal treatment of bid protestor and awardee.

...Simply stated, AMCOM SAMD provides management support services based upon "services contracts", providing foreign **military** customers with services; effectively assisting in the management of foreign **military** sales cases and the sustainment of weapons systems....

...Under the May 4, 2017 task order awarded to KBRWyle, KBRWyle will provide Scientific and Technical Information, **research**, and analysis "to develop recommendations to the CH PMO [Cargo Helicopter Project Management Office], FW [Fixed Wing Project Office] and its international partners (through Foreign **Military** Sales (FMS) or Memorandum of Understanding (MOU)) to increase availability, improve reliability, and reduce the support costs for their assigned systems."...

823. **Arocho v. Central States, Southeast and Southwest Areas Pension Fund**

United States District Court, M.D. Florida, Orlando Division. | October 09, 2007 | Not Reported in F.Supp.2d
| 2007 WL 2936216

This case comes before the Court on the following: 1. Defendant's Motion for Summary Judgment (Doc. No. 23, filed May 4, 2007); 2. Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Doc. No. 33, filed June 27, 2007); 3. Defendant's Motion for Leave to File a Reply to Plaintiff's Response to Defendant's Motion for Summary...

...Under the plan, Arocho could also earn "Contributory Service" for years of **military** service if: (1) the **military** service began while he was employed by an employer that was (or became during the period of **military** service) a contributing employer; and (2) he would have earned "Contributory Service" had his employment not been interrupted by service in the **military**....

...Under the plan, an individual may also earn "Contributory Service" for years of service in the **military** if: (1) the **military** service began while the individual worked for an employer that was (or became during the **military** service) a contributory employer; and (2) the individual would have earned "Contributory Service" had his employment not been interrupted by service in the **military**....

824. **Barroll v. U.S.**

United States District Court, D. Maryland. | October 05, 1955 | 135 F.Supp. 441

Owner of house brought action against the United States under the Federal Tort Claims Act for damage to house when firing of cannon during testing operations at government proving grounds allegedly caused plaster in house to fall. The District Court, Thomsen, Chief Judge, held that evidence was insufficient to establish any negligence on part of...

...The using service describes the performance characteristics, technically termed **military** characteristics, of the item it wishes developed, and the Assistant Chief of Ordnance for **Research** and Development devises ways and means of developing something to meet those characteristics....

...The Ordnance Corps does **research** and development work for the Army, and a certain amount of such work for the Navy and the Air Force....

825. **Rolle v. Montgomery**

United States District Court, N.D. Alabama, Northeastern Division. | July 19, 2013 | Not Reported in Fed. Supp.
| 2013 WL 12349544

Plaintiff, Dr. Kevin Rolle, asserts claims for violations of the Racketeer Influenced and Corrupt Organizations Act of 1970, 18 U.S.C. §§1961 et seq. ("RICO"), defamation, negligence, wantonness/recklessness, invasion of privacy/false light, and common law civil conspiracy. The six-count complaint names five individuals...

...The **Research** Institute assists the University to obtain **research** contracts. 11...

...Defendant Tom Bell is a former member of the Board of Trustees, and a current member of the Board of Directors of the **Research** Institute. 15...

826. **Ryanco Sales Co., Inc. v. C. I. R.**

Tax Court of the United States. | December 01, 1961 | T.C. Memo. 1961-327 | 1961 WL 568

Respondent determined deficiencies in petitioner's income tax for the taxable years ended June 30, 1955, and 1956, in the amounts of \$9,127.36 and \$9,706.76, respectively. Petitioner claims an overpayment for the year ended June 30, 1956, based on the carryback of a net operating loss from the year ended June 30, 1959. Each party has conceded...

...After leaving the **military** service, Charles spent further time in **research** in connection with supermarket operations....

...During this time Charles was doing **research** work involving supermarket operations....

827. **Richards v. Canyon County**

United States District Court, D. Idaho. | January 07, 2014 | Not Reported in F.Supp.3d | 2014 WL 51286

Now pending before the Court is Plaintiff James E. Richards's Motion to Certify Class (Dkt.14). Having carefully reviewed the record, heard oral argument, and otherwise being fully advised, the undersigned enters the following Memorandum Decision and Order. Federal law prohibits discrimination based on **military** status and specifically prohibits an...

...Federal law prohibits discrimination based on **military** status and specifically prohibits an employer from requiring any person serving in the uniformed services "to use vacation, annual, or similar leave" during a period of **military** service....

...Hence, according to the County, Richards was ultimately fully compensated for all his vacation leave, either when used in conjunction with **military** leave or when he was paid for all his accrued vacation leave at the end of his employment, regardless of whether he was "required" to use his vacation leave for his periods of **military** service....

828. **U. S. v. Ortiz**

U. S. Army Court of Military Review. | February 12, 1980 | 9 M.J. 523

Accused, a specialist four, United States Army, was convicted by a special court-martial, Patrick P. Brown, J., of possession of heroin and he appealed. The Army Court of **Military** Review, Lewis, J., held that: (1) the Court of **Military** Appeals' decisions in United States v. Porter and United States v. Neutze, that a chain of custody receipt was...

...In light of the current general **military** rule against implied waiver of objection, a **military** judge would automatically proceed to this phase of analysis even in the absence of an objection....

...Contrary to his pleas, the appellant was convicted by a **military** judge sitting as a special court-martial of possession of heroin in violation of Article 134, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. § 934....

829. **U.S. v. Rendon**

United States Court of Appeals, Fourth Circuit. | June 17, 2010 | 607 F.3d 982 | 2010 WL 2406126

CRIMINAL JUSTICE - Searches and Seizures. Search of service member's MP3 player at **military** base, revealing child pornography, was valid **military** inspection.

...Parker, 417 U.S. at 758, 94 S.Ct. 2547; see also United States v. Grisby, 335 F.2d 652, 656 (4th Cir.1964) (“Different standards apply to **military** personnel, but that is not because the Constitution does not reach **military** courts but because **military** personnel are subject to **military** control and to **military** law”)....

...Search of service member's MP3 player at a **military** base, which revealed child pornography, was a valid “**military** inspection,” and thus no reasonable expectation of privacy in its contents was violated; although a purpose of the search was the detection of contraband, and officers conducting the search may have referred to it as an “inventory” of service member's belongings rather than a **military** “inspection,” the search was conducted as part of the regular procedure performed for all entrants into the unit to ensure discipline within the unit and service members' compliance with **military** rules, and the search stayed within the parameters authorized by the commanding officer and defined in **Military**...

830. Nelson v. Shulkin

United States Court of Appeals for Veterans Claims. | August 29, 2017 | Not Reported in Vet. App. Rptr. | 2017 WL 3707934

The appellant, Lonnie D. Nelson, appeals through counsel that part of a June 22, 2016, Board of Veterans' Appeals (Board) decision that denied him entitlement to benefits based on service connection for (1) sleep apnea as secondary to post-traumatic stress disorder (PTSD); (2) erectile dysfunction (ED) as secondary to PTSD; and (2)...

...Therefore[,] the reported tinnitus is less likely as not caused by or a result of **military** noise exposure.”...

...In January 2016 a VA otolaryngologist acknowledged that medical **research** reveals that “tinnitus related to noise exposure hearing loss may [] take years to manifest.”...

831. U.S. v. Smith

United States District Court, E.D. Wisconsin. | October 04, 2010 | Not Reported in F.Supp.2d | 2010 WL 3910321

Defendant Kelly Wayne Smith pleaded guilty to distribution of child pornography, contrary to 18 U.S.C. § 2252A(a)(2)(A), and I ordered a pre-sentence report (“PSR”) in anticipation of sentencing. At the sentencing hearing, without objection I adopted the PSR's advisory guideline calculations: base offense level 22, U.S.S.G. § 2G2.2(a)(2), plus 2...

...Dr. Lodi indicated that, according to the **research**, men who engaged in on-line sexual misbehavior pose a low risk for a contact offense with a child....

...First, after his retirement from the **military**, defendant experienced boredom, perhaps a misidentification of depressed feelings, which caused him to frequent chat rooms as a social outlet....

832. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 30, 2003 | Not Reported in F.Supp.2d | 2003 WL 2004688

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that (1) motion to dismiss, on...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

833. **Morgan v. U.S.**

United States Court of Appeals, Ninth Circuit. | February 07, 2006 | 166 Fed.Appx. 292 | 2006 WL 285986

CIVIL RIGHTS - Constitutional Torts. Civilian air traffic controller impliedly consented to search of his vehicle at entry gate of Air Force base.

... See Morgan, 323 F.3d at 782 ("As the Fourth Circuit noted, the 'circumstances [of a **military** base] combine to puncture any reasonable expectations of privacy for a civilian who enters a closed **military** base.' ...

...[5] Since Morgan failed to submit any affidavits or declarations to contradict the evidence submitted by the defendants, the district court found the following facts to be uncontroverted: (1) at the time of the incident, Edwards AFB was a closed base; (2) Morgan was transferred to the Base in 1998; (3) Morgan regularly commuted to work; (4) Morgan's route to work was dominated by highway signs indicating "Edwards AFB" and "NASA-DRYDEN Flight **Research** Center"; (5) the base property line was marked by fences with steel posts and barbed wire; (6) there were signs on the fences that read: "Warning: U.S. Air Force Installation....

834. **U. S. v. Honeycutt**

U. S. Navy Court of Military Review. | December 21, 1978 | 6 M.J. 751

Accused hull technician fireman (E-3), United States Navy, was found guilty by general court-martial of 12 drug-related offenses involving possession, transfer and sale of marijuana and cocaine, and he appealed. The Navy Court of **Military** Review, Granger, J., held that: (1) even assuming that it was necessary for **military** judge to establish on the...

...He points out that regulations proscribe possession, sale or transfer of marijuana or cocaine "(e)xcept for authorized medicinal purposes," and he argues that, pursuant to the Court of **Military** Appeals' decision in United States v. Verdi, 5 M.J. 330 (C.M.A. 1978), it is necessary for the **military** judge to establish on the record during a plea-providency hearing that this exception is inapplicable....

...The **military** judge properly accepted appellant's pleas of guilty....

835. **U. S. v. Givens**

U.S. Navy-Marine Corps Court of Military Review. | May 21, 1981 | 11 M.J. 694

Accused was convicted by a special court-martial convened by commanding officer, USS McCLOY (FF-1038), pursuant to his pleas, of 14 specifications of extortion, and he appealed. The Navy-Marine Corps Court of **Military** Review, Donovan, J., held that trial judge did not abuse his discretion in refusing to expand his instruction at request of members,...

...As to members questioning for further information, the Court of **Military** Appeals said no further instruction should be given....

...Administrative **research** would also lead inevitably to the possibilities of trends in Naval Clemency and Parole Board relief as to individuals within particular classes of offenders....

836. **Hospital and Physician Publishing, Inc. v. Department of Defense**

United States District Court, S.D. Illinois. | June 22, 1999 | Not Reported in F.Supp.2d | 1999 WL 33582100

Before the Court are the defendants' motion to dismiss or for summary judgment, the plaintiffs' response and cross-motion for summary judgment, the defendants' response, and the plaintiffs' reply. (Docs.10, 13, 14, 17). Also before the Court is the plaintiffs' motion to strike the defendants' motion and the defendants' response. (Docs.12, 19). The...

...Before the **military** could respond again, Stanley filed this lawsuit....

...1 Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, (“FOIA”), Stanley mailed requests on behalf of HPP to several **military** hospitals asking for policy and procedure documents....

837. Mamani v. Berzain

United States District Court, S.D. Florida. | February 26, 2018 | Not Reported in Fed. Supp. | 2018 WL 2980383

THIS CAUSE is before the Court upon Defendants' Amended Motion to Exclude the Bjork-James Database and Opinions [DE 399 in Case No. 07-22459; DE 374 in Case No. 08-21063] (“Motion”). The Court has considered the Motion, Plaintiffs' Response and Defendants' Reply, the parties' related submissions, and the record in these cases, and is...

...It is part of the longer intention of the **research** plan to move a lot of these things from, as they're listed now, reported to investigated or convicted and other things like that, but we have – I have not had the money or the time to either get my [**research** assistant] or a larger team of [**research** assistants] to go through and look for all investigations of everyone in here....

...Those were assigned—sometimes by his **research** assistant acting independently—on a discretionary basis without consistent, defined criteria....

838. Arroyo v. Volvo Group North America, LLC

United States District Court, N.D. Illinois, Eastern Division. | September 30, 2019 | Not Reported in Fed. Supp. | 2019 WL 4749869

Plaintiff LuzMaria Arroyo sued Defendant Volvo Group North America, LLC, d/b/a Volvo Parts North America (“Volvo”) for discrimination under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (“ADA”) and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq....

...[Tr. 600-01.] The parties further stipulated that Plaintiff's PTSD was due to and caused by her **military** service....

...However, Plaintiff's theory of the case is that her **military** service was a motivating factor in her termination....

839. S.E.C. v. Bear, Stearns & Co. Inc.

United States District Court, S.D. New York. | July 25, 2012 | 879 F.Supp.2d 404 | 2012 WL 3031490

SECURITIES REGULATION - Settlements. Securities and Exchange Commission would be required to file accounting of distribution of settlement funds.

...The **Research** Center is intended to be a “clearinghouse” for news and **research** about financial fraud....

...The Conference was designed to share **research** about financial fraud and connect **researchers** with professionals trained in detecting and preventing financial fraud....

840. In re Terrorist Attacks on September 11, 2001

United States District Court, S.D. New York. | December 22, 2011 | Not Reported in Fed. Supp. | 2011 WL 13244047

On September 11, 2001, nineteen (19) members of the al Qaeda terrorist network hijacked four (4) United States passenger airplanes and flew them into the twin towers of the World Trade Center in New York City,

the Pentagon in Arlington, Virginia, and, due to passengers' efforts to foil the hijackers, an open field near Shanksville,...

...23.The IRGC is a **military** force parallel to the regular Iranian **military** and to the formal governmental structure; although it is not subject to supervision by the Iranian parliament, it operates as an agent and instrumentality of the Supreme Leader himself....

...153.The MOIS–IRGC task force devised contingency plans aimed at breaking the backbone of the American economy, crippling or disheartening the United States and its people, and disrupting the American economic, social, **military**, and political order, all without the risk of a head-to-head **military** confrontation, which Iran knew it would lose....

841. Ackerman v. United States

United States Court of Federal Claims. | November 30, 2012 | 107 Fed.Cl. 612 | 2012 WL 6005378

VETERANS — Judgment. Former servicemember was collaterally estopped from relitigating his claim for back pay.

...On August 23, 2012, Plaintiff filed a Reply to the Government's August 7, 2012 Response, agreeing to combine all of his claims and repeating that he was impeded in filing the May 14, 2012 Complaint due to actions by the State of Colorado depriving him of access to **military** law and **military** courts....

...The July 18, 2012 Claim further asserts Plaintiff is owed for four categories of damages: \$150.00 per day for being denied access to **military** law from October 1995 until February 2011; \$300.00 per day in punitive damages for the same violation; attorney's fees of \$90.00 per hour for inadequate access to **military** law during this time; and finally, \$131,230 in punitive damages for the Logan County District Court Clerk's disregard of Plaintiff's Due Process rights....

842. United States v. Watkins

U.S. Court of Appeals for the Armed Forces. | September 02, 2020 | 80 M.J. 253 | 2020 WL 5268259

MILITARY LAW — Counsel. Allegedly opportunistic nature of request to replace defense counsel was insufficient reason for denying it.

...An accused has the right to detailed **military** counsel, **military** counsel of choice if reasonably available and, at his own expense, civilian counsel of choice....

...The **military** judge then asked counsel for both sides if they would like an opportunity to **research** and brief the issue of severing Mr. White....

843. Piotrowski v. Secretary, Dept. of Corrections

United States District Court, M.D. Florida, Tampa Division. | July 30, 2015 | Not Reported in F.Supp.3d | 2015 WL 4605752

Petitioner Joseph F. Piotrowski, an inmate in the Florida Department of Corrections proceeding pro se, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 (Dkt.1). He challenges his convictions entered by the Circuit Court for the Thirteenth Judicial Circuit, Hillsborough County, Florida, in 2003. Respondent filed a response (Dkt.11),...

...Although Piotrowski claims that “this evidence could not have been previously discovered through the exercise of due diligence because [his former wife] and [the **military** prosecutor] concealed the evidence by intentionally hiding it,” he also states that “[t]he Florida prosecutor's case file contains evidence showing that [the **military** prosecutor] provided misinformation to them #...

...Piotrowski does not allege that his **military** sentence was invalid....

844. U.S. v. Garrett

U.S. Court of Military Appeals. | September 08, 1987 | 24 M.J. 413

On remand from the United States Navy-Marine Corps Court of **Military** Review, 16 M.J. 941, accused, a private first class in the United States Marine Corps, was convicted by general court-martial of conspiracy to commit robbery and felony-murder, and he appealed. The United States Navy-Marine Corps Court of **Military** Review affirmed. The United...

... When the **military** judge asked defense counsel if he had any authority to cite in support of his motion, counsel answered that he would need time to **research** the point....

... The convening authority approved these results, and the Court of **Military** Review affirmed....

845. Stevenson v. Wormuth

United States District Court, D. Connecticut. | June 01, 2023 | Slip Copy | 2023 WL 3791721

Plaintiff Mark Stevenson filed suit under the Administrative Procedure Act and the Fifth Amendment Due Process and Equal Protection Clauses of the Constitution challenging Army Board for Correction of Medical Records' ("ABCMR") denial of his application for a discharge upgrade and moved for summary judgment [Doc. # 25] on...

...The first is the Sec'y of Def., Mem. for Secretaries of the **Military** Departments, Supplemental Guidance to **Military** Boards for Correction of **Military** / Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder (Sept. 3, 2014) (the "Hegel Memorandum"), which directed **military** review boards to give "special consideration" to PTSD diagnoses by the VA, and "liberal consideration" to diagnoses of PTSD by civilian providers when adjudicating discharge upgrade applications by veterans with PTSD diagnoses....

...The second memorandum is Sec'y of Def., Mem. for Secretaries of the **Military** Departments, Clarifying Guidance to **Military** Discharge Review Boards And Boards for Correction of **Military** / Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment (Aug. 25, 2017) (the "Kurta Memorandum"), which directs that "[l]iberal consideration # be given to veterans petitioning for discharge relief when the application relief is based in whole or in part on matters relating to mental health conditions, including PTSD, sexual assault; or sexual harassment."...

846. Cason v. U. S.

United States Court of Claims. | June 16, 1972 | 198 Ct.Cl. 650 | 461 F.2d 784

Action by discharged serviceman for **military** pay. On plaintiff's motion for summary judgment and defendant's cross motion for summary judgment, the Court of Claims, Nichols, J., held that where former enlisted man had offered no explanation for delay of one day short of six years prior to bringing suit for recovery of active duty pay for period...

...While it is true that most of our decisions invoking laches are civilian cases, **research** shows that two **military** pay suits were dismissed on the basis of laches....

...Action by discharged serviceman for **military** pay....

847. Lonsberry v. Barnhart

United States District Court, D. Maine. | March 25, 2002 | Not Reported in F.Supp.2d | 2002 WL 449695

This Social Security Disability ("SSD") appeal, arising from the decision of an administrative law judge issued after a second hearing following remand from this court on motion of the commissioner, raises several issues

concerning the evidence of the plaintiff's alleged physical and mental limitations prior to the date in 1988 when she was last...

...The plaintiff offers no authority for the proposition that a **military** disability award is the equivalent of the medical evidence that is required to establish a severe injury at Step 2, and my **research** has located no such authority....

...Itemized Statement at 5, 9. This somewhat cryptic argument is based on an injury to her left ankle sustained by the plaintiff while serving in the **military** before 1983....

848. U.S. v. Maldonado

U.S. Air Force Board of Review. | July 24, 1964 | 1964 WL 5130 | 34 C.M.R. 952

Sentence adjudged 20 February 1964 by General Court-Martial convened at Amarillo Air Force Base, Texas. Approved sentence: Bad conduct discharge, confinement at hard labor for three (3) years, total forfeitures for three (3) years, and reduction to airman basic.

...Our **research**, however, fails to reveal any **military** case holding that one who, by force or fear, effects recaption of money lost by him in an honest gambling game is not guilty of robbery....

...Contrary to his pleas of not guilty, the accused stands convicted by general court-martial of robbery and assault with a dangerous weapon, in violation of Articles 122 and 128, Uniform Code of **Military** Justice....

849. U.S. v. Means

U.S. Army Court of Military Review. | March 29, 1985 | 20 M.J. 522

Accused, private E-1, United States Army, was convicted by court-martial, 9th Infantry Division, G.C.Ryker, of consensual heterosexual sodomy and other indecent, lewd and lascivious conduct. The United States Army Court of **Military** Review, Werner, J., held that: (1) prior instance of rape does not alone have any bearing on a rape victim's...

...Even before implementation of the **Military** Rules of Evidence, **military** appellate courts were not averse to applying a strict waiver rule as a matter of practice....

...Upon inquiry by the **military** judge, the trial counsel conceded that he was not basing his objection strictly on **Military** Rule of Evidence (M.R.E.) 412 since that rule applied only to cases involving nonconsensual sex offenses....

850. United States v. Caporale

U.S. Air Force Court of Criminal Appeals. | December 16, 2013 | 73 M.J. 501 | 73 M.J. 501

MILITARY LAW — Court-Martial. General regulation prohibiting use of “intoxicating substances” was not unconstitutionally vague.

...Sources of “fair notice,” that may foreclose challenge to **military** regulation on vagueness grounds, include federal law, state law, **military** case law, **military** custom and usage, and **military** regulations, along with training and other materials that give context to regulations and explain the differences between permissible and impermissible behavior....

...Sources of “fair notice” include federal law, state law, **military** case law, **military** custom and usage, **military** regulations, along with training and other materials that “give context to regulations and explain the differences between permissible and impermissible behavior.” ...

851. U.S. v. Salyer

U.S. Navy–Marine Corps Court of Criminal Appeals. | October 23, 2012 | Not Reported in M.J. | 2012 WL 5208620

A general court-martial comprised of officer and enlisted members convicted the appellant, contrary to his pleas, of wrongfully possessing child pornography in violation of Article 134, Uniform Code of **Military** Justice, 10 U.S.C. § 934. The appellant was sentenced to confinement for 2 years, forfeiture of all pay and allowances, reduction to pay...

...Id. As the CAAF stated, “our prior cases have addressed only what a **military** judge can do, not what the **military** judge must do, to cure (dissipate the taint of the unlawful command influence) or to remedy the unlawful command influence if the **military** judge determines it cannot be cured.”...

...To the extent that the SJA, a representative of the convening authority, advised the trial counsel in the voir dire assault on the **military** judge and to the extent that his unprofessional behavior as a witness and inflammatory testimony created a bias in the **military** judge, the facts establish clearly that there was unlawful command influence on this court-martial....

 **852. Waverley View Investors, LLC v. U.S.**

United States District Court, D. Maryland. | January 13, 2015 | 79 F.Supp.3d 563 | 2015 WL 163365

GOVERNMENT - Tort Claims. Landowner's claims regarding Army's disposal of chemicals were barred by FTCA's discretionary function exception.

...Case law bolsters the conclusion that the Army retained discretion regarding its disposal of chemical waste in Area B–11; practically all cases considering analogous **military**-caused contamination have held that the DFE applied to past **military** waste disposal decisions. 9...

...The chemicals the Army buried in Area B–11 were “integral tool[s]” in advancing the **military's** mission....

853. Korematsu v. U.S.

United States District Court, N.D. California. | April 19, 1984 | 584 F.Supp. 1406 | 16 Fed. R. Evid. Serv. 1231

American citizen of Japanese ancestry petitioned for writ of coram nobis to vacate his 1942 conviction for being in a place from which all persons of Japanese ancestry were excluded pursuant to a civilian exclusion order. The Government filed cross motion to dismiss the prosecution against petitioner. The District Court, Patel, J.,...

... In general, the Commission concluded that at the time of the issuance of Executive Order 9066 and implementing **military** orders, there was substantial credible evidence from a number of federal civilian and **military** agencies contradicting the report of General DeWitt that **military** necessity justified exclusion and internment of all persons of Japanese ancestry without regard to individual identification of those who may have been potentially disloyal....

... Section 97a made it a misdemeanor for anyone to enter or remain in any restricted **military** zone contrary to the order of a **military** commander....

 **854. Khalsa v. Weinberger**

United States Court of Appeals, Ninth Circuit. | May 07, 1985 | 779 F.2d 1393

Member of Sikh religion brought action against army for refusing to process enlistment application because he could not comply with army appearance regulations. The United States District Court for the Central District of California, Malcolm M. Lucas, J., dismissed suit for lack of subject-matter jurisdiction, and appeal was taken. ...

...Minden test for determining reviewability of **military** decision applies to statutory claims against **military**....

... He is not free to join the **military** if he cannot comply with **military** rules....

855. U.S. v. Will

U.S. Navy–Marine Corps Court of Criminal Appeals. | September 27, 2002 | Not Reported in M.J. | 2002 WL 31175202

A special court-martial composed of officer and enlisted members convicted the appellant, contrary to his pleas, of the use of methamphetamine (two specifications), in violation of Article 112a, Uniform Code of **Military** Justice, 10 U.S.C. § 912a. The court members sentenced him to reduction to pay grade E–1 and a bad-conduct discharge. The...

...Admission of evidence of mass-spectrometry hair analysis in a **military** tribunal has been upheld were the evidence was determined reliable and relevant by the **military** judge after application of the Daubert factors....

...The **military** judge questioned the civilian defense counsel's proffer: "Doesn't law require a showing before an expert witness testify on one of these new novel or soft sciences that the defense put in a proffer of testimony or some **research** to show how reliable this is other than requesting the witness to testify to prove it right then and there on the spot that it's reliable?"...

856. U.S. v. Cockrell

United States Court of Appeals, Fifth Circuit. | December 16, 1983 | 720 F.2d 1423

The United States District Court for the Northern District of Texas at Dallas, Robert M. Hill, J., denied relief in habeas corpus to a federal prisoner. The prisoner appealed. The Court of Appeals, Jerre S. Williams, Circuit Judge, held that: (1) district court's determinations whether counsel's actions were strategic and...

... The magistrate conducted a full evidentiary hearing and outlined the following grounds as the basis for Cockrell's claim: (1)counsel failed to conduct adequate consultation with Cockrell prior to and during the trial and upon the appeal of the conviction; (2)counsel failed to investigate adequately the facts of the case, failed to **research** adequately the applicable law, and failed to prepare adequately for trial and for appeal; (3)counsel failed to consult with or to call any of the petitioner's potential fact and character witnesses; (4)counsel failed to call attention to petitioner's impressive **military** record; and (5)counsel was guilty of conduct which embarrassed the petitioner and rendered his trial unfair....

...Cockrell's claim that his **military** record was not properly brought to light is also unfounded....

857. Naumes v. Department of the Army

United States District Court, District of Columbia. | July 05, 2023 | Slip Copy | 2023 WL 4350786

In February 2019, Sarah Katherine Naumes submitted a Freedom of Information Act request to the Department of the Army, seeking access to the entirety of its Global Assessment Tool (GAT) — a mental-fitness questionnaire for U.S. soldiers — as well as associated documents. The Army disclosed no documents to Naumes over the course of two...

...Id., ¶ 4. Plaintiff further highlights how tools used by the **military** often seep into mainstream society, making rigorous studies and evaluations of **military** tools a task that can have wide-ranging impacts....

...Despite the widespread use of this survey as a mechanism to assess and offer recommendations relating to the psychological well-being of soldiers, **researchers** in 2016 studying the GAT tool authored a report stating that "continued **research** is needed to confirm the validity of the GAT."...

858. N.A.A.C.P. v. A.A. Arms Inc.

United States District Court, E.D. New York. | May 07, 2003 | Not Reported in F.Supp.2d | 2003 WL 21135576

Motions were heard on Tuesday, May 6, 2003. The following rulings were made for the reasons stated orally on the record at the hearing. Plaintiff moves certain exhibits used during the testimony of Dr. Fagan into evidence.

They are marked as Fagan 40, 41, 42, 32, 46, and 47 and are admitted. Plaintiff's exhibit 682, Southern Ohio Guns' responses to...

...Magnum **Research** 26, print outs of the complete website of Magnum **Research** Inc., is admitted under the rule of completeness....

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc.; Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)....

859. Robert v. Austin

United States District Court, D. Colorado. | September 01, 2021 | Slip Copy | 2021 WL 8444665

Before the Court is Plaintiffs' Verified Motion for an Emergency Temporary Restraining Order (ECF No. 7). The Court denies the Motion for the reasons below. To obtain a temporary restraining order ("TRO") or injunctive relief in any other form, a plaintiff must establish "(1) a substantial likelihood of prevailing on the...

...In addition, the public interest in the nation's **military** readiness may well be served by allowing **military** officials who are familiar with the unique challenges posed by the COVID-19 pandemic in a **military** setting to manage those challenges without this Court's intervention....

...See Doe, 297 F. Supp. 2d at 126 ("Courts have traditionally been hesitant to intervene in the conduct of **military** affairs.")....

860. Garamella v. Wilkie

United States Court of Appeals for Veterans Claims. | June 28, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 2656143

U.S. Marine Corps veteran Leonard C. Garamella appeals, pro se, an August 28, 2013, Board of Veterans' Appeals decision that denied him service connection for diabetes mellitus, type II, coronary artery disease, hypertension, and stroke. Record (R.) at 1-32. The appellant argues that lay evidence showed exposure to Agent Orange, and that his VA...

...That same month, AMC requested more information from the Gray **Research** Center regarding the Camp Pendleton Agent Orange allegations, but the **research** center was unable to retrieve the information because AMC failed to provide a date of the alleged incident....

...Regarding the U.S.S Patrick, NARA stated that "the ship was operating as part of **Military** Sealift Command (MSC)," and recommended contacting the MSC's public affairs office, R. at 331, which AMC did the following month....

861. Team Worldwide Corporation v. Academy, Ltd.

United States District Court, E.D. Texas, Marshall Division. | June 04, 2021 | Slip Copy | 2021 WL 8441754

Before the Court is the Motion for Summary Judgment of Invalidity for Lack of Written Description filed by Defendants Academy Ltd. d/b/a Academy Sports + Outdoors; Ace Hardware Corporation; Amazon.com, Inc.; Amazon.com, LLC; Bed Bath & Beyond Inc.; Costco Wholesale Corporation; Dick's Sporting Goods, Inc.; Home Depot Product Authority, LLC; Home...

...Id. Defendants assert that in Atlantic **Research** a patent directed to handguards for **military** rifles included claims covering two species of handguard attachment arrangements: ones with single-attachment and ones with dual-attachment....

...Defendants compare the present dispute to issues in Atlantic **Research** and Ohshiro....

862. U. S. v. Escobar

U. S. Air Force Court of Military Review. | April 24, 1978 | 5 M.J. 593

Accused airman basic, United States Air Force, was convicted by special court-martial, Richard W. Kautt, J., of larceny of a leather jacket, and he appealed. The Air Force Court of **Military** Review, Orser, J., held that under doctrine of continuing larceny, where accused was assisting fellow serviceman move from base to off-base quarters and took a...

...Doctrine of continuing larceny is viable in **military** law for purposes of establishing **military** jurisdiction even though there is no specific provision for the doctrine under the Uniform Code of **Military** Justice. UCMJ, art. 121, 10 U.S.C.A. § 921....

...Our **research** has disclosed no **military** cases that specifically adopt or reject the doctrine, though it is discussed in at least one decision....

863. U.S. v. Stark

U.S. Army Court of Military Review. | September 24, 1984 | 19 M.J. 519

Accused was convicted before J.E. Noble, J., of unpremeditated murder of his wife, and he appealed. The United States Army Court of **Military** Review, Raby, Senior Judge, held that: (1) evidence, which established that accused caused his wife's death by grabbing her by the neck, mouth and nose in a manner which constricted her air supply after...

...Considering the circumstances of this case, we find that the failure of the **military** judge to give a tailored pretrial confinement instruction was not plain error and that the issue was waived by defense counsel's failure to make a timely objection to the **military** judge's instructions at trial....

... The **military** judge denied admission of these tapes because he did not find it essential that the court receive into evidence all **research** and investigative results which formed the basis for Dr. Rollins' expert opinion in order to evaluate the weight to be given that testimony....

864. Stanley Aviation Corp. v. U.S.

United States District Court, D. Colorado. | August 01, 1977 | Not Reported in F.Supp. | 1977 WL 22876

Plaintiff, Stanley Aviation Corporation [Stanley], a New York Corporation, brings this action for breach of contract and unlawful use of trade secrets against the defendants, United States of America, Secretary of Defense, and Secretary of Navy. Stanley seeks damages and injunctive and declaratory relief against the defendants, and requests...

...Stanley further alleges that the Department of the Navy, under the guise of conducting its own **research** and development in this field, made illegal use of Stanley's materials by copying and duplicating Stanley's work in the Navy's **research** and development of similar escape systems for use in Cobra helicopters....

...These systems consist of an assembly kit for attachment to **military** aircraft....

865. Sedivy v. Richardson

United States Court of Appeals, Third Circuit. | September 26, 1973 | 485 F.2d 1115

Action by army sergeant to obtain injunction restraining his trial by court-martial. The United States District Court for the District of New Jersey, Clarkson S. Fisher, J., granted permanent injunction and the Secretary of Defense, Secretary of Army and convening authority appealed. The Court of Appeals, Aldisert, Circuit Judge, held that the...

...The Constitution specifically provides for **military** punishment of **military** related offenses, Article 1, § 8, cl. 14; amend. V.
“.....

...Requiring the District Court to defer to the **military** courts in these circumstances serves the interests of comity, the respondents argue, by aiding the **military** judiciary in its task of maintaining order and discipline in the armed services and by eliminating “needless friction” between the federal civilian and **military** judicial systems....

866. United States v. Paquette

U.S. Air Force Court of Criminal Appeals. | July 16, 2019 | Not Reported in M.J. Rptr. | 2019 WL 3409926

A general court-martial composed of a **military** judge alone convicted Appellant, in accordance with his pleas, of one specification of violating a lawful general order, one specification of fraternization, and one specification of wrongfully endeavoring to impede an investigation, in violation of Articles 92 and 134, Uniform Code of **Military** Justice...

...The **military** judge imposed no confinement on Appellant, but determined the uniquely **military** punishment of a dismissal was appropriate for Appellant's uniquely **military** crimes....

...The **military** judge took a short recess to **research** the issue, and asked the parties to do the same....

867. In re Hawsawi

United States Court of Appeals, District of Columbia Circuit. | April 10, 2020 | 955 F.3d 152 | 2020 WL 1814271

CRIMINAL JUSTICE — Judges. **Military** judge's previous work as counterterrorism prosecutor in the Department of Justice's (DOJ) counterterrorism section did not require recusal.

...See *United States v. Sullivan*, 74 M.J. 448, 455 (C.A.A.F. 2015) (**military** judge's disqualification was not required where “the number and type of contacts that the **military** judge had with the participants in the court-martial appear to simply be a natural consequence of the **military** judge's length of service”); *Henderson v. Dep't of Pub. Safety & Corr.*, 901 F.2d 1288, 1295–96 (5th Cir. 1990) (“[E]ven the most superficial **research** would have put [counsel] on notice” that allegation that judge had “known the opposing counsel since he was a kid and # was friends [with] opposing counsel and opposing counsel's father”...)

...Holdings: The Court of Appeals, Henderson, Circuit Judge, held that: (1) **military** judge's previous work as counterterrorism prosecutor in the Department of Justice's (DOJ) counterterrorism section (CTS) did not require judge to recuse himself; (2) **military** judge's relationship with prosecutor did not require judge to recuse himself; and (3) **military** judge's responses, or failure to respond, to detainees' questioning at recusal hearing did not create the appearance of partiality, as would warrant recusal....

868. Meyers v. United States

United States Court of Federal Claims. | February 24, 2014 | Not Reported in Fed.Cl. | 2014 WL 814643

Pro se litigant Colonel Maurice Maynard Meyers (“Plaintiff”) has filed an Amended Complaint that contains numerous allegations and requests for relief. First, the Amended Complaint alleges that Plaintiff attended a preliminary hearing in the District of Columbia Superior Court where the United States Attorney failed to appear....

...Fifth, the Amended Complaint requests retroactive **military** pay and an update of Plaintiff's **military** records....

... See 37 U.S.C. §204 (defining entitlements for **military** personnel); id. §206 (defining entitlements for **military** reserves)....

869. U.S. v. Com. of Va.

United States Court of Appeals, Fourth Circuit. | January 26, 1995 | 44 F.3d 1229 | 1995 WL 29863

United States sued Commonwealth of Virginia for alleged equal protection violation in maintaining **military** college exclusively for males. The United States District Court for the Western District of Virginia, 766 F.Supp. 1407, entered judgment for Commonwealth. Appeal was taken. The Court of Appeals, 976 F.2d 890, vacated and remanded. On remand,...

...The men-only component would be Virginia **Military** Institute, a justly famous and distinguished state-supported four-year liberal arts college organized and operated since 1839 in the classic “ **military** school” model, featuring a student body now numbering around 1,300 men organized as a quasi- **military** “Corps of Cadets” and a distinctive “adversative” social and educational methodology designed to produce a distinctive type of “citizen-soldier” particularly suited for **military** and civic leadership....

...We must decide now whether the Commonwealth of Virginia's proposal (1) to continue to provide a single-gender **military**-type college education for men at the Virginia **Military** Institute (VMI), (2) to provide, beginning in 1995, a single-gender education with special leadership training for women at Mary Baldwin College, and (3) to continue to provide other forms of college education, including **military** training, for both men and women at other colleges and universities in the state is constitutionally permissible....

870. U.S. v. Frazier

U. S. Army Court of Military Review. | September 29, 1982 | 14 M.J. 773

Accused specialist five, United States Army, was convicted by a general court-martial, R. Bogan, J., of offering violence to superior commissioned officer, behaving with disrespect toward his superior commissioned officer, and willfully disobeying a lawful order of such officer, and he appealed. The Army Court of **Military** Review, Naughton, J., held...

...Prior convictions involving dishonesty or false statement are automatically admissible and there is no requirement that **military** judge conduct balancing test to determine that probative value outweighs prejudicial effect. **Military** Rules of Evid., Rule 609(a)(2)....

...Contrary to his plea, the appellant was convicted by a **military** judge sitting as a general court-martial of offering violence to his superior commissioned officer in violation of Article 90, Uniform Code of **Military** Justice [hereinafter UCMJ], 10 U.S.C. §890 (1976)....

871. North Elec. Co. v. U.S.

United States Court of Claims. | November 09, 1967 | 181 Ct.Cl. 589 | 386 F.2d 845

Patent infringement action. The Court of Claims adopted the trial commissioner's opinion, findings of fact, and recommended conclusions of law to the effect that claims three, four, seven, ten, thirteen, and seventeen of patent No. 2,767,280 relating to electrical relays, were invalid as obvious. Petition dismissed.

...As part of a diversification program, Donovan L. Hall, then in charge of the electromechanical **research** and development for the plaintiff, was assigned the task of developing a relay that would satisfy the **military's** needs....

...6. In 1949 it came to the attention of plaintiff's sales and technical personnel that the Government was having problems with certain relays and in particular that Collins Radio Corporation, in performance of a **military** contract, had need for a special hermetically sealed relay tha that was small in size (1 *X 1 *X 1 3/4) and that would meet rigorous **military** specifications....

872. Stockman v. Trump

United States District Court, C.D. California. | September 18, 2018 | 331 F.Supp.3d 990 | 2018 WL 4474768

GLBT — **Military** Service. Purported loss of unit cohesion from allowing transgender service members who had developed anatomy of their identified gender did not justify ban on **military** service by transgender persons.

...The RAND Report also analyzed the other 18 foreign **militaries** which permit **military** service by transgender individuals, focusing on Australia, Canada, Israel, and the United Kingdom—the four countries “with the most well-developed and publicly available policies on transgender **military** personnel.”...

...Rational-basis review, pursuant to doctrine of **military** deference, was not warranted on Fifth Amendment equal protection, due process, and right to privacy claims and First Amendment retaliation claims challenging new Department of Defense (DoD) policy generally banning **military** service by transgender persons, which was issued pursuant to second Presidential Memorandum that revoked first Presidential Memorandum banning transgender **military** service; although government contended that new policy drew lines based on gender dysphoria, a medical condition, and gender transition, and not on transgender status, diagnosis of gender dysphoria was neither necessary nor sufficient for person to be excluded from **military**...

873. **Wood ex rel. U.S. v. Applied Research Associates, Inc.**

United States District Court, S.D. New York. | June 26, 2008 | Not Reported in F.Supp.2d | 2008 WL 2566728

In separate actions, three different plaintiffs, who are all represented by the same attorney, commenced individual lawsuits attempting to challenge the investigative findings, of the National Institute of Standards and Technology (“NIST”), as to how and why the World Trade Center buildings collapsed on 9/11. The focus of the NIST investigation was...

...Plaintiffs theorize that what actually occurred was that the Twin Towers disintegrated after being struck by the United States **military's** secret laser-like weaponry...

...According to plaintiffs, the evidence demonstrates that the destruction of the World Trade Center Towers was caused by a United States secret **military** “directed energy weapon.” 2...

874. **Arena v. McDonough**

United States Court of Appeals for Veterans Claims. | June 15, 2023 | Not Reported in Vet. App. Rptr. | 2023 WL 4013353

The appellant, Nicholas Arena, through counsel appeals a May 16, 2022, Board of Veterans’ Appeals (Board) decision that denied entitlement to disability compensation for bilateral hearing loss (BHL). Record (R.) at 5-17. The Board also remanded the matters of entitlement to disability compensation for chronic earaches and rheumatoid...

...Later that month, the appellant responded to the SSOC; he included a citation to medical **research** relating to noise exposure in the **military** and its impact on hearing...

...In his NOD, the appellant cited **research** from the Journal of Neuroscience, which he alleged “reported a connection between repeated early acoustic trauma and progressive hearing loss later in life.”...

875. **LTV Aerospace Corp. v. Renegotiation Board**

Tax Court of the United States. | December 16, 1968 | 51 T.C. 369 | 1968 WL 1475

Held: 1. Expenditures for **research** and development, which were made and properly capitalized in prior years and which were allocable to renegotiable business, were costs of renegotiable business in the year the project was abandoned and the expenditures were charged off against income. 2. Under the contractor's qualified profit-sharing plan, the...

...In 1952, Temco incurred **research** and development expenditures in the 'Sunshine Project,' a program to develop a side-by-side **military** trainer for the Air Force, whose interest had shifted from a tandem trainer...

...Seeing a need by the Air Force for a new training aircraft, Temco decided to try to convert a personal airplane built by it for private use, the GC1B Swift, into a tandem **military** trainer, subsequently designated the YT-35 Buckaroo **Military** Trainer...

876. Adams v. Dole

United States Court of Appeals, Fourth Circuit. | March 05, 1991 | Nuclear Reg. Rep. P 20,529 | 927 F.2d 771

Employees of contractor who operated atomic energy facility owned by Department of Energy filed complaints with Department of Labor for retaliatory discharge under the "whistle-blower" provisions of the Energy Reorganization Act. The Department of Labor dismissed complaints for lack of jurisdiction, and employees appealed....

...bring together and direct federal activities relating to **research** and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including but not limited to the Atomic Energy Commission's **military** and production activities and its general basic **research** activities....

...The functions of the Energy **Research** and Development Administration were transferred to the DOE on its creation in 1977 by the Department of Energy Organization Act, 42 U.S.C. §7101 et seq....

877. Smith v. Hosemann

United States District Court, S.D. Mississippi, Jackson Division. | December 30, 2011 | 852 F.Supp.2d 757 | 2011 WL 6950914

GOVERNMENT - Elections. District Court had authority to amend judgment implementing its congressional redistricting plan.

...We note that this Court is not required to assure that the **military** bases and major **research** universities are in separate districts, but may consider this factor in drawing the districts....

...The plan is drawn to continue to assure that the four major **research** universities are in separate districts....

878. United States v. Williams

United States Court of Appeals, Tenth Circuit. | August 20, 2019 | 934 F.3d 1122 | 2019 WL 3917519

CRIMINAL JUSTICE — Fraud. Defendant's false statement to VA review officer about his deployment to Iraq was sufficiently material to support his conviction.

...I needed some kind of **military** record."...

...Williams declined, professing to have lost trust in the **military** and the VA....

879. U.S. v. Castro

U.S. Air Force Board of Review. | August 04, 1959 | 1959 WL 3549 | 28 C.M.R. 760

Sentence adjudged 20 April 1959 by GCM convened at Bitburg Air Base, Germany. Approved sentence: Dishonorable discharge, total forfeitures, and confinement at hard labor for five (5) years. Appearances: Lt. Colonel James L. Kilgore and Lt. Colonel Dwight R. Rowland, appellate counsel for the accused; Colonel John F. Hannigan and Major Fred C....

...The Court of **Military** Appeals has considered the cases of many accused between the ages of seventeen and twenty-two and found no objection to their disposition in accordance with the regular procedures pertaining to other **military** offenders (see e. g., US v Barrow (No. 11,070), 9 USCMA 343, 26 CMR 123)....

...In United States v Garcia (No. 3086), 5 USCMA 88, 17 CMR 88, the Court considered the provisions of 18 USC 3569, which provides for the release from confinement for failure to pay a fine, under certain conditions, of any "poor convict, sentenced for violation of any law of the United States by any court established by enactment of Congress," and expressed its doubt that this statute is applicable in the **military**, citing Winthrop, **Military** Law and Precedents, 2d Edition [1920 Reprint], page 420....

880. U.S. v. Stombaugh

U.S. Navy-Marine Corps Court of Military Review. | March 19, 1993 | 36 M.J. 1180 | 1993 WL 112545

Accused was convicted by general court-martial, Peter J. McLaughlin, J., of rape, burglary, unlawful entry and indecent assault. The United States Navy-Marine Corps Court of **Military** Review, Strickland, Senior Judge, held that: (1) approximately one-year delay from sentencing, in transcribing record of trial and in forwarding it for review...

... In this instance, the **military** judge qualified Dr. Bory as an expert and his expertise was not challenged....

... In addition, he was qualified by the **military** judge as an expert in the area of alcohol and its relation to sleep....

881. U.S. ex rel. Orloff v. Willoughby

United States District Court, W.D. Washington, Northern Division. | January 09, 1952 | 104 F.Supp. 14

Proceedings by the United States of America on the relation of Stanley J. Orloff, a doctor, against Rex E. Willoughby and C. P. Lines for writ of habeas corpus to determine whether relator was lawfully held in the Army in view of the fact that he was not being used in a medical category. The District Court, William J. Lingberg, J., held, inter...

...Purpose of provisions of Universal **Military** Training and Service Act relating to physicians was to encourage and to bring into armed services more doctors. Universal **Military** Training and Service Act, § 4(i) (1), 50 U.S.C.A.Appendix, § 454(i) (1)....

...Provisions of Universal **Military** Training and Service Act relating to physicians do not require that the person, or doctor, drafted under such Act must serve as a doctor. Universal **Military** Training and Service Act, § 4(i) (1), 50 U.S.C.A.Appendix, § 454(i) (1)....

882. Knappman v. West

United States Court of Appeals for Veterans Claims. | May 04, 1999 | 16 Vet.App. 454 | (Table, Text in WESTLAW), Unpublished Disposition | 1999 WL 288409

MEMORANDUM DECISION The veteran served on active duty in the U.S. Army from March 23, 1943, to March 30, 1945. Record (R.) at 35. His induction examination is negative for any respiratory disorder. R. at 11-14. The veteran served as a "Duty Soldier" (R. at 9) and was responsible for "[l]oad[ing] and unload[ing] bombs and ammunition from trucks;...

...(2) Full-body exposure to nitrogen or sulfur mustard or Lewisite during active **military** service together with subsequent development of a chronic form of laryngitis, bronchitis, emphysema, asthma or chronic obstructive pulmonary disease....

...In this case, the Board failed to address the April 24, 1996, letter from the U.S. Air Force Historical **Research** Agency, and thus, did not base its decision on all available evidence presented....

883. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 24, 2003 | Not Reported in F.Supp.2d | 2003 WL 2004532

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that (1) exhibits identifying...

...(Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli S.r.L. (Fratelli Tanfoglio S.n.c.)...

884. **Van Hoedt v. Wheelabrator-Frye, Inc.**

United States District Court; N.D. Indiana, South Bend Division. | August 12, 1975 | Not Reported in F.Supp.
| 1975 WL 1145

This is an action under the **Military** Selective Service Act of 1967, 50 U. S. C. App. § 459(b) (1970), which provides: In the case of any such person who, in order to perform such **[military]** training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate...

...The practical result of this action was to deny plaintiff his opportunity for reemployment with defendant on the basis of his **military** service: had he worked for defendant during the period of his **military** service, his "experience," like his seniority, would have been greater than that of the other three employees who shared his layoff status....

... He worked in that capacity until May 26, 1969, when he left to enter **military** service....

885. **Corrigan v. U.S.**

United States District Court, E.D. Virginia, Alexandria Division. | October 18, 1984 | 595 F.Supp. 1047

Action was brought against United States alleging that agents of United States were negligent in serving alcohol at **military** base club to soldier when he was both under age and obviously intoxicated, and that such negligence was proximate cause of accident in which decedent was killed and his passenger injured. On United States' motion to...

... The base club was a popular place for **military** personnel on weekends, since drinks are sold to them there at a discount price....

...Action was brought against United States alleging that agents of United States were negligent in serving alcohol at **military** base club to soldier when he was both under age and obviously intoxicated, and that such negligence was proximate cause of accident in which decedent was killed and his passenger injured....

886. **Perkins v. Rumsfeld**

United States Court of Appeals, Sixth Circuit. | June 09, 1978 | 577 F.2d 366

Suit was instituted on complaint for injunctive relief to prohibit the Department of Defense and the United States Army from transferring the mission of repairing communications electronics equipment from the Lexington-Bluegrass Army Depot in Lexington, Kentucky, to other facilities in California and Pennsylvania. The United States District Court...

...Additionally, Battelle Columbus Laboratories, a non-governmental **research** institution, studied the potential socio-economic impact of the action in the Lexington area and concluded that only minimal, short-term unemployment would result....

...[2] We are of the opinion that the authority to transfer functions from one **military** establishment to another is vested in the Secretary of Defense by Congress pursuant to 10 U.S.C. s 125....

887. Girardin v. McDonald

United States Court of Appeals for Veterans Claims. | May 26, 2015 | Not Reported in Vet.App. | 2015 WL 3372601

U.S. Marine Corps veteran Richard R. Girardin appeals through counsel from an April 10, 2014, Board of Veterans' Appeals (Board) decision that denied disability compensation for diabetes mellitus and skin cancer because Mr. Girardin was not exposed to herbicides during service. For the following reasons, the Court will set aside the Board's April...

...However, the letter, which also notes that NARA has a small staff and limited **research** ability, provided an assessment of only Agent Orange....

...However, a May 2010 VA Compensation and Pension Bulletin directs VA to "acknowledge herbicide exposure on a facts found or direct basis" when a veteran's **military** occupation shows service near the perimeter of, among others, Udorn Air Base "during the Vietnam era, from February 28, 1961, to May 7, 1975." <http://veteransinfo.tripod.com/candpmay2010.pdf> (last visited May 1, 2015)....

888. Samma v. United States Department of Defense

United States District Court, District of Columbia. | August 25, 2020 | 486 F.Supp.3d 240 | 2020 WL 5016893

IMMIGRATION — Naturalization. DOD service requirements for noncitizen in **military** to obtain honorable service certification to apply for expedited naturalization violated APA.

...See Noncitizens in the U.S. **Military**, Migration Policy Institute Policy Brief (May 2019) (available at <https://www.migrationpolicy.org/research/noncitizens-us-military-national-security-concerns-recruitment-needs>)....

...See <https://www.uscis.gov/military/military-naturalization-statistics>. 6 As of May 2017, the average USCIS processing time for all **military** naturalization applications was approximately four months from start to finish....

889. New York v. U.S.

United States District Court, W.D. New York. | November 22, 2013 | Not Reported in F.Supp.2d | 2013 WL 6175830

The complaint in this action was filed on December 11, 2006, by the State of New York, the Commissioner of the New York State Department of Environmental Conservation ("NYSDEC"), and the New York State Energy **Research** and Development Authority ("NYSERDA") (collectively, "the State" or "plaintiffs"), against the United States of America and the...

...As alleged in the complaint, the spent nuclear fuel came from several sources, including the federal government's defense program "N" reactor in Hanford, WA; **military** installations; commercial reactors; and other facilities under contracts which obligated the federal government to reprocess the spent fuel "in the absence of a commercial reprocessing capability....

...See New York State Energy **Research** and Development Authority v. Nuclear Fuel Services, Inc., 640 F.Supp. 1558, 1560 (W.D.N.Y.1986) (Elfvig, J.) (referencing New York State Energy **Research** and Development Authority v. Nuclear Fuel Services, Inc., Civ. No. 81-CV-18E, and Nuclear Fuel Services Inc. v. New York State Energy **Research** and Development Authority, Civ. No. 81-CV-683E)....

890. R & D Dynamics Corp. v. U.S.

United States Court of Federal Claims. | September 12, 2007 | 80 Fed.Cl. 715 | 2007 WL 5030736

GOVERNMENT CONTRACTS - Bidding. **Research** and development award under Phase II of the SBIR program is not a “procurement.”

...In 1982, Congress established the Small Business Innovation **Research** (SBIR) program to increase small business participation in federal **research** and development grants....

...Background: Small business which submitted unsuccessful proposal for a Phase II **research** and development award under the Small Business Innovation **Research** (SBIR) program filed post-award bid protest against the United States....

891. **Godwin v. Southwest Research Institute**

United States District Court, D. Utah, Northern Division. | January 09, 2006 | Not Reported in F.Supp.2d | 2006 WL 1593917

This matter is before the court on Defendant Southwest **Research** Institute's motion for summary judgment. The court held a hearing on the motions on December 20, 2005. At the hearing, Plaintiff was represented by Philip C. Patterson, and Defendants were represented by Janet Hugie Smith and Robert O. Rice. The court took the motion under advisement....

...Southwest **Research** Institute (“SWRI”) is an independent, non-profit applied science and engineering, **research** and development organization headquartered in San Antonio, Texas....

...This matter is before the court on Defendant Southwest **Research** Institute's motion for summary judgment....

892. **Davis v. C.I.R.**

Tax Court of the United States. | April 30, 1962 | 38 T.C. 175 | 1962 WL 1071

1. Expenses incurred by college professor on European trip undertaken for **research** and study held not deductible as business expenses. Manoel Cardozo, 17 T.C. 3, followed. 2. Expenses of maintaining a study at petitioner's home and depreciation relating thereto held not deductible.

...This expectation was considered to be manifested by such things as the president's request prior to the preparation of his annual report for a report by the faculty with regard to the **research** and writing they had done during the year, the aid which the college gave for attendance at professional meetings where **research** problems were discussed and **research** papers were read, and, lastly, the interest of one's colleagues in his work....

...It was manifested in the aid which the college gives in attendance at professional meetings where **research** problems are discussed and **research** papers are read....

893. **Spells v. Air & Liquid Systems Corporation**

United States District Court, S.D. Illinois. | April 16, 2015 | Not Reported in Fed. Supp. | 2015 WL 1775545

This matter comes before the Court on Defendant Warren Pumps, LLC's (“Warren Pumps”) Motion for Summary Judgment (Doc. 284) and Motion to Strike Exhibits B through K of Plaintiff's Response to Defendant's Motion for Summary Judgment (Doc. 314). For the following reasons, Defendant's motions are DENIED. According to Plaintiff's...

...The **military** records submitted by Plaintiff set forth activities and observations made by **military** personnel in an agency of the United States government who were under a duty to so report....

...According to the affidavit, the **military** records attached as Plaintiff's Exhibits B–K were housed in a government repository open only to **researchers** with approved credentials and must be copied according to government regulations....

894. Harper v. United States

United States District Court, S.D. California. | April 25, 2019 | Not Reported in Fed. Supp. | 2019 WL 1877185

This matter comes before the Court on Defendant's motion to dismiss Plaintiffs' Complaint for lack of subject matter jurisdiction. Plaintiffs filed an opposition to the motion and Defendant filed a reply. For the reasons discussed below, the motion is granted. Plaintiffs Jeffrey Harper and Katherine Harper are taxpayers, and Jeffrey Harper is the...

...Furthermore, Defendant correctly notes that "Plaintiffs' refund claims were based simply on their estimate of how much they increased their **research** activities in the years 2008 and 2010 relative to their estimate of the amount of their **research** activities in the years 1984-1988."...

...(Compl. ¶ 1.) HCC "is a full service design builder and general contractor specializing in **military** design build projects."...

895. Lyon v. McDonald

United States Court of Appeals for Veterans Claims. | September 29, 2015 | Not Reported in Vet.App. | 2015 WL 5691402

The appellant, Kent T. Lyon, Jr., appeals through counsel an April 15, 2014, Board of Veterans' Appeals (Board) decision that denied entitlement to benefits based on service connection for diabetes mellitus type 2 (diabetes), to include as due to exposure to herbicides. Record (R.) at 3–9. The appellant argues that the Board failed to (1)...

...The first memo came from the Joint Services Records **Research** Center (JSRRC) and stated that [i]n the course of its **research** efforts, the JSRRC has reviewed numerous official **military** documents, ships histories, deck logs, and other sources of information related to Navy and Coast Guard ships and the Use of tactical herbicide agents, such as Agent Orange, during the Vietnam Era....

896. Schenuit Rubber Co. v. U.S.

United States District Court D. Maryland. | October 23, 1968 | 293 F.Supp. 280 | 22 A.F.T.R.2d 5794

Taxpayer sought recovery of accumulated earnings taxes and interest. The District Court, Thomsen, C.J., held that where the sum of reasonably anticipated future needs of taxpayer including sums of plant expansion, renegotiation of contracts with government and purchase of a business and funds needed for current working capital exceeded accumulated...

...The **military** market imposed exacting quality control standards....

...Taxpayer's **military** aircraft tire sales fluctuated with the government's needs and procurement policies....

897. U.S. v. Porter

Court of Military Appeals. | January 22, 1960 | 1960 WL 4444 | 28 C.M.R. 394

On certification from The Judge Advocate General of the United States Army and on petition of the accused below. CM 401757, reported below at 28 CMR —. Affirmed.

...Briefly stated, the "support functions shown in figure 1" include the general supervision of the administration of **military** justice, processing of claims, legal assistance functions, and the separation of all **military** personnel except Army hospital patients....

...Thereafter, the Acting The Judge Advocate General of the Army certified the case to this Court for determination of the following issue: "Was the board of review correct in concluding as a matter of law that the applicable maximum punishment

for violating the lawful general order under Charge II (by visiting Mexico without possessing required **military** documents) was that prescribed for a breach of restriction in violation of Article 134, Uniform Code of **Military** Justice?"...

898. Morgan ex rel. U.S. v. Science Applications Intern. Corp.

United States District Court, S.D. New York. | June 26, 2008 | Not Reported in F.Supp.2d | 2008 WL 2566747

In separate actions, three different plaintiffs, who are all represented by the same attorney, commenced individual lawsuits attempting to challenge the investigative findings, of the National Institute of Standards and Technology ("NIST"), as to how and why the World Trade Center buildings collapsed on 9/11. The focus of the NIST investigation was...

...The three related cases that are pending before this Court are: Wood v. Applied **Research** Associates....

...Plaintiffs theorize that what actually occurred was that the Twin Towers disintegrated after being struck by the United States **military's** secret laser-like weaponry....

899. Miller v. Institute for Defense Analyses

United States District Court, D. Colorado. | February 26, 2019 | Not Reported in Fed. Supp. | 2019 WL 937860

This matter comes before the court on Defendant Institute for Defense Analyses' ("Defendant" or "IDA") Motion for Summary Judgment (or "Motion") [#43], filed October 5, 2018. The Motion is before the undersigned pursuant to 28 U.S.C. §636(c), D.C.COLO.LCivR 72.2, Fed. R. Civ. P. 73, and the...

...8. Dr. Jeff Grotte ("Dr. Grotte") supervised IDA's chem-bio **research**, including the ORAP, the 3250 task, and 30 **researchers**, while Dr. Miller "was responsible for and led the day-to-day execution of the ORAP."...

...5. Plaintiff began specializing in "chem-bio" **research**, an area of interest to Dr. Miller since his time with the Air Force Academy, which involved the **research** and analysis of biological and chemical threats, including "black swan" threats (i.e., those people ignore because they are extremely rare)....

900. Grace v. McDonald

United States Court of Appeals for Veterans Claims. | July 29, 2016 | Not Reported in Vet.App. | 2016 WL 4073227

Veteran Thomas Grace appeals through counsel a December 30, 2014, Board of Veterans' Appeals (Board) decision denying service connection for post-traumatic stress disorder (PTSD) and an acquired psychiatric disorder other than PTSD. Record (R.) at 3–20. This appeal is timely and the Court has jurisdiction to review the Board decision pursuant...

...Indeed, it was proposed to acknowledge "the inherently stressful nature of the places, types, and circumstances of service in which fear of hostile **military** or terrorist activities is ongoing"; to reduce "the evidentiary standard of establishing an in-service stressor"; and to "facilitate the timely processing of PTSD claims by simplifying the development and **research** procedures that apply to these claims."...

...The provision is "applicable" when "a stressor claimed by a veteran is related to the veteran's fear of hostile **military** or terrorist activity." 38 C.F.R. § 3.304(f)(3)....

901. Able v. U.S.

United States District Court, E.D. New York. | April 04, 1994 | 847 F.Supp. 1038 | 1994 WL 112117

Six lesbian and gay members of United States Armed Services sued United States and Secretary of Defense, for declaration that National Defense Authorization Act, concerning new policy as to homosexuals, were invalid under First and Fifth Amendments to United States Constitution. Members moved for preliminary injunction. The District...

... See, e.g., Meinhold, 808 F.Supp. at 1457–58 (granting permanent injunction against discharging homosexuals absent conduct interfering with the **military** mission); see also National Defense **Research** Institute, “Sexual Orientation and U.S. **Military** Personnel Policy: Options and Assessment” (RAND, 1993) (report prepared at the direction of the Secretary of Defense)....

...There is a split of authority as to whether the **military's** prior policy, making the status of being a homosexual “incompatible with **military** service,” denied homosexuals equal protection because no similar policy obtained as to heterosexuals....

902. U.S. v. Korda

U.S. Air Force Court of Military Review. | November 20, 1992 | 36 M.J. 578 | 1992 WL 367519

Accused was convicted by a special court-martial convened at Minot Air Force Base, North Dakota, Jeffrey W. Cook, J., of desertion. The United States Air Force Court of **Military** Review, James, J., held that: (1) warrantless entry into accused's apartment was justified by emergency which accused's supervisor believed he was facing because of...

...Entry into accused's apartment by employee of landlord at request of accused's supervisor was search within scope of Fourth Amendment and **Military** Rules of Evidence. U.S.C.A. Const.Amend. 4; **Military** Rules of Evid., Rule 311....

... Our **research** found little more....

903. United States v. Fink

U.S. Navy-Marine Corps Court of Criminal Appeals. | February 06, 2020 | Not Reported in M.J. Rptr. | 2020 WL 582106

Appellant was convicted, pursuant to his pleas, of three specifications of sexual assault of a child and three specifications of sexual abuse of a child in violation of Article 120b, Uniform Code of **Military** Justice (UCMJ), 10 U.S.C. § 920b (2012). Appellant raises three assignments of error: (1) defense counsel was ineffective for erroneously...

...On 6 June 2018, the **military** judge signed the Report of Result of Trial for this case, erroneously indicating that “sex offender notification [is] required” pursuant to Department of Defense Instruction (DODI) 1325.07 (11 Mar 2013) (Administration of **Military** Correctional Facilities and Clemency and Parole Authority)....

...**Military** judges have broad discretion to accept guilty pleas....

904. United States v. Isales

U.S. Army Court of Criminal Appeals. | July 29, 2022 | Not Reported in M.J. Rptr. | 2022 WL 3045794

Appellant now argues, for the first time on appeal, that his defense counsel was ineffective for failing to address the issue that the trial counsel prosecuting appellant's case had previously represented him as his legal assistance attorney. As we find the appellate filings and record as a whole “compellingly demonstrate the...

...A **military** judge sitting as a general court-martial convicted appellant, pursuant to his plea, of two specifications of assault consummated by a battery, one specification of domestic violence, one specification of damaging non- **military** property, and two specifications of violating a lawful general regulation, in violation of Articles 92, 109, 128, and 128b, Uniform Code of **Military** Justice [UCMJ], 10 U.S.C. §§ 892, 909, 928, and 928b....

...Although we find CPT JJ did not act “in any manner to disqualify himself,” we strongly encourage practitioners to notify the **military** judge of any allegations regarding a prior representation of an accused by a trial counsel so the **military** judge can: (1) immediately and fully address the issue on the record with all the parties, to include the accused, and (2) have any documents regarding the issue, such as a memorandum for record, attached as an appellate exhibit....

905. **Manning v. McHugh**

United States District Court, District of Columbia. | January 30, 2014 | Not Reported in Fed. Supp. | 2014 WL 12789614

Presently before the Court are two motions in the above-captioned case: Defendants' [24] Motion to Stay, and Plaintiffs' [30] Cross-Motion for Leave to Conduct Expedited Discovery. Upon consideration of the pleadings, the relevant legal authorities, and the record as a whole, the Court GRANTS Defendants' [24] Motion to Stay. Accordingly, this...

...Such action, which would compromise the impartiality of a **military** tribunal, is known as unlawful command influence, and has been described by **military** courts as the “mortal enemy of **military** justice.”...

...As civilian leaders of the **military**, the Secretary of Defense and the Secretary of the Army are two of the highest-ranking members of the **military** chain of command....

906. **Leibovitch v. Syrian Arab Republic**

United States District Court, N.D. Illinois, Eastern Division. | February 01, 2011 | Not Reported in F.Supp.2d | 2011 WL 444762

INTERNATIONAL LAW - Foreign Sovereigns. The Republic of Iran was not immune to suit under the Foreign Sovereign Immunities Act for the attack on an American citizen.

...Plaintiffs have submitted expert testimony from Patrick Clawson, Ph.D., of the Washington Institute for Near East Policy, and Brigadier General Yosef Kuperwesser, a recently retired career Israeli **military** intelligence officer who at the time of the Terrorist Attack served as the head of the **research** department in Israeli **military** intelligence, concerning the PIJ, Iran's support for terrorism generally, and Iran's provision of material support to the PIJ through MOIS....

...He reviewed the Israeli **Military** Court files (indictments, pleadings, and transcripts) in which the PIJ terrorists who committed the shooting attack on the Leibovitch family were convicted....

907. **U.S. v. Fattahi**

United States District Court, S.D. Florida. | October 29, 2010 | Not Reported in F.Supp.2d | 2010 WL 4624319

On or about June 29, 2010, court-appointed defense counsel Roy J. Kahn (“Counsel”) submitted a voucher application numbered FLS 09 2141 with appended time sheets requesting \$29,974.64 as final payment for attorney's fees and costs pursuant to the Criminal Justice Act (the “CJA”). Counsel also submitted detailed time sheets...

...Counsel also sought compensation for 32.6 hours for “Legal **research** and brief writing” and 44 hours of “Travel time.”...

...Given the serious nature of the charges against Defendant, Counsel incurred a significant amount of time performing legal **research**....

908. **Lucas v. U.S.**

United States Claims Court. | February 14, 1992 | 25 Cl.Ct. 298 | 1992 WL 28263

Winners of competition to design war memorial brought action against Government alleging breach of contract. The Claims Court, Lydon, Senior Judge, held that: (1) although competing in contest and winning same may have served to create contract, contract did not constitute procurement covered by Contract Disputes Act; (2)...

... The primary function of the pleaded contracts between Institut Pasteur and the National Cancer Institute was facilitation of the transfer of **research** materials among scientists engaged in a collaborative **research** effort and not the procurement of property or services....

...Under section 102 of Title 5, the Department of the Army is a "**military** department." ...

909. U.S. v. Wright

Court of Military Appeals. | August 11, 1967 | 1967 WL 4287 | 37 C.M.R. 447

On petition of the accused below. ACM 19630, reported below at 37 CMR 835. Affirmed.

...For thirty-nine years he worked in the **research** department of Bell Laboratories, a **research** and development division of the Bell Telephone Company....

...The witness, Dr. Frank R. Clark, was a senior **research** psychologist at the Stanford **Research** Institute, "working in the problem of speech transmission and voice recordings."...

910. General Research Corp. v. U.S.

United States District Court, E. D. Virginia, Alexandria Division. | June 07, 1982 | 541 F.Supp. 442 | 30 Cont.Cas.Fed. (CCH) P 70,389

Unsuccessful bidder for centralized data-based computer system brought suit against United States seeking injunctive and declaratory relief. Successful bidder intervened as a defendant. The District Court, Richard L. Williams, J., held that Government did not act in bad faith in its dealings with unsuccessful bidder, and even had bidder carried its...

...The Act, which prohibits use of the **military** as a posse comitatus "to execute the laws," does not provide for any civil remedies....

...1 The Army's **Military** Personnel Center ("MILPERCEN") intends to use PERDDIMS, which will be a centralized database computer system, to distribute and assign **military** personnel to its bases....

911. Battle v. Wilkie

United States Court of Appeals for Veterans Claims. | October 26, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 6265869

Appellant James Battle served the Nation honorably in the United States Navy from June 18, 1997, to October 17, 2001 ("first period of service"); and with other than honorable service from October 18, 2001, to March 29, 2007 ("second period of service"). He appeals a July 9, 2019, Board of Veterans' Appeals decision that...

...The Board had no obligation to explain why it relied on the August 2013 **research** protocol because, for one, the **research** protocol was competent medical evidence, even if VA did not request it; and for another, the Board relied on the protocol merely for its note of appellant's self-report....

...Additionally, appellant asserts that the Board's statement of reasons or bases was inadequate in three respects: the Board failed to explain "its reliance on the August 2013 **research** protocol, which it misrepresented to be an examination" 21; "why it narrowly read the **research** technician's report" 22; and "why it did not afford appellant an adequate exam." 23...

912. **Williams v. Shulkin**

United States Court of Appeals for Veterans Claims. | March 13, 2017 | Not Reported in Vet. App. Rptr. | 2017 WL 958597

The appellant, Garfield H. Williams, through counsel, appeals a September 16, 2015, Board of Veterans' Appeals (Board) decision in which the Board denied his claims for service connection for prostate cancer and diabetes mellitus, type II, to include as due to herbicide exposure. Record of Proceedings (R.) at 2–17. This appeal is timely, and...

...Appellant's Br. at 20; see "Morning Reports," https://www.archives.gov/st-louis/military-personnel/vso/morning_reports.html (last visited Mar. 1, 2017)....

...However, the history did not mention any personnel working the flight lines, delivering supplies, or driving **military** vehicles that were exposed to Agent Orange....

913. **Hudick v. Snyder**

United States Court of Appeals for Veterans Claims. | February 02, 2017 | Not Reported in Vet. App. Rptr. | 2017 WL 444516

The appellant, Robert M. Hudick, through counsel, appeals a September 24, 2015, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for prostate cancer, to include on the basis of exposure to herbicides. Record (R.) at 1–16. Single-judge disposition is appropriate. See Frankel v. Derwinski, 1 Vet.App. 23,...

...However, the Board ultimately afforded greater probative weight to the conclusions reached by the Air Force Historical **Research** Agency concerning these factual inquiries....

...In January 2014, an archivist of the U.S. Air Force Historical **Research** Agency confirmed that the appellant's decorations had not been awarded on the basis of Vietnam service....

914. **U.S. v. Mahoney**

U.S. Navy–Marine Corps Court of Criminal Appeals. | April 17, 2003 | Not Reported in M.J. | 2003 WL 1895472

Officer and enlisted members, sitting as a special court-martial, tried Appellant on 14 through 16 July 1998. Contrary to his pleas, the court-martial convicted Appellant of one specification of the wrongful use of cocaine, in violation of Article 112a, Uniform Code of **Military** Justice, 10 U.S.C. § 912a. The court-martial sentenced Appellant to...

...The defense then called four witnesses, including Appellant's **military** and civilian supervisors and his wife, to testify as to their opinion of his average-to-above-average **military** character and truthfulness....

...The **military** judge then gave the members an appropriate limiting instruction....

915. **U.S. v. Beasley**

U.S. Army Court of Military Review. | March 19, 1970 | 1970 WL 7128 | 42 C.M.R. 443

Special Court-Martial Convened by Headquarters 1st Cavalry Division (Airmobile), APO San Francisco 96490 (J. F. Naughton, **Military** Judge, alone). Sentence adjudged 5 September 1969. Approved sentence: Bad-conduct discharge, confinement at hard labor for five (5) months, forfeiture of \$60.00 per month for five (5) months, and reduction to the lowest...

...Appellant was tried by a special court-martial comprised of a **military** judge sitting alone....

...This rule applies with equal force to **military** law: "An allegation in the specification which is unnecessary to prove the offense and does not contradict any material allegation can generally be disregarded as surplusage."...

916. U.S. v. Stewart

U.S. Court of Military Appeals. | May 15, 1970 | 1970 WL 6967 | 42 C.M.R. 19

On petition of the accused below. NCM 69-1800, not reported below. Reversed.

...The accused was convicted of one specification (Charge I) of attempting to willfully destroy the engine of an F8C aircraft "with intent to injure, interfere with or obstruct the national defense of the United States, in violation of Title 18, United States Code, Section 2155," 1 and one specification (Charge II) of attempting to willfully destroy **military** property of the United States (the engine of the same aircraft), in violation of Articles 134 and 80, Uniform Code of **Military** Justice, 10 USC § 934 and 880, respectively....

...Loss, damage, etc. of **military** property § 49 — attempted sabotage — insufficiency of evidence of intent....

917. U. S. v. Bilbo

U. S. Navy Court of Military Review. | June 30, 1980 | 9 M.J. 800

Accused, a private, United States Marine Corps, was convicted by special court-martial of larceny and dishonorable failure to pay just debts, and he appealed. The Navy Court of **Military** Review, Michel, J., held that: (1) where accused had not denied that debts remained owing and offense was charged 39 days after consummation of transactions...

...The primary dispute arises, however, because of the **military** judge's special findings that neither appellant's misrepresentations concerning his name, rank, and **military** unit nor his offer to repay the several putative loans at an undisputed usurious rate was the effective causal impetus for each of his fellow service members to part company with his money....

...Two months after the loans' maturation date, each creditor was instructed by a **military** superior not to pursue demand or collection efforts....

918. U.S. v. Stark

U.S. Court of Military Appeals. | August 27, 1990 | 30 M.J. 328 | 1990 WL 114671

Accused, staff sergeant, United States Air Force, was convicted by general court-martial, Robert N. Spencer, J., of two counts of committing sodomy with a child, and he appealed. The United States Air Force Court of **Military** Review affirmed in an unpublished opinion. Review was granted. The United States Court of **Military** Appeals, Cox, J., held...

...Whether witness is competent to give expert testimony is matter falling within discretion of **military** judge. **Military** Rules of Evid., Rule 702....

...Anyone who has substantive knowledge in field beyond ken of average court member arguably is "expert" within that field within meaning of **Military** Evidence Rule governing admissibility of expert testimony. **Military** Rules of Evid., Rule 702....

919. Chevron Products Co. v. Cascade Distributing, Inc.

United States District Court, N.D. Ohio. | June 06, 2006 | Not Reported in F.Supp.2d | 2006 WL 1624305

This action involves a dispute over two contractual agreements between Plaintiff Chevron Products Company and Defendant Cascade Distributing, Inc. Formed in May 2001, the parties' agreements provided, inter alia, that

Cascade would serve as a nonexclusive distributor of Chevron's **military** lubricants to the federal government. The agreements also...

...The parties formed the agreements at issue after Cascade conducted market **research** determining that Chevron had allowed **Military** Specification Certification ("Mil Specification") and Qualified Product Listings ("QPL") for many of its products to lapse....

...Cascade is a Streetsboro, Ohio-based corporation that specializes in the resale of lubricants to **military** branch purchasers....

920. United States v. Valmont

U.S. Army Court of Criminal Appeals. | October 22, 2014 | 73 M.J. 923 | 2014 WL 5422853

MILITARY LAW — Court-Martial. Accused was not denied effective assistance during plea negotiations.

...However, a short time later, the **military** judge, defense and government counsel agreed to conduct additional **research** into whether the UCI issue was waivable....

...After Ms. MS testified, the **military** judge again addressed the UCI issue with defense counsel:...

921. U.S. v. Michaud

U.S. Navy Court of Military Review. | October 31, 1973 | 1973 WL 14943 | 48 C.M.R. 379

Sentence adjudged 20 September 1972. Review pursuant to Article 66(c), UCMJ of general Court-Martial convened by Commanding General, Force Troops, FMF, Atlantic, Camp Lejeune, North Carolina.

...One citing **military** authority and one citing authorities other than **military** courts, and the defense would ask that my colleague here, Tom LOFLIN, be allowed to argue the civilian court authorities which he has thoroughly **researched**, and I present the argument (sic) citing the **military** authorities which I have **researched**, since due to the facilities or lack thereof available here....

...I could not thoroughly **research** the civilian authorities since there is not adequate law library on base, however the **military** authorities were, of course, available....

922. Greene v. McElroy

United States Court of Appeals District of Columbia Circuit. | April 17, 1958 | 254 F.2d 944 | 103 U.S.App.D.C. 87

Action for determination of validity of revocation of security clearance of government contractor's employee. The District Court for the District of Columbia, Matthew F. McGuire, J., dismissed the complaint, and the complainant appealed. The Court of Appeals, Washington, Circuit Judge, held that employee of corporation holding Defense Department...

...Paragraph 4(e) of the Manual (now par. 5(c)) provided: 'e. The Contractor shall exclude (this does not imply the dismissal or separation of any employee) from any part of its plants, factories, or sites at which work for any **military** department is being performed, any person or persons whom the Secretary of the **military** department concerned or his duly authorized representative in the interest of security, may designate in writing.'...

...During April, 1953, the Navy Department and Engineering and **Research** Corporation were parties to classified procurement contracts * * *....

923. National Ass'n of Government Emp., Inc. v. Schlesinger

United States District Court, E.D. Pennsylvania. | July 22, 1975 | 397 F.Supp. 894

Plaintiff sued to enjoin closing of arsenal until executive should give Congress full report of facts and justification for closing. The District Court, Newcomer, J., held that under statute requiring that Secretary of Defense or of **military** department make full report of facts to Congress before closing **military** installation, Congress did not...

...Under statute requiring that Secretary of Defense or of **military** department make full report of facts to Congress before closing **military** installation, Congress did not intend that federal courts, rather than Congress itself, should determine what constitutes in any given case the required full report. **Military** Construction Authorization Act of 1967, § 613, 10 U.S.C.A. § 2662 note....

...Moreover, the Constitution vests authority over decisions concerning the deployment of national **military** resources, and thus the continued operation or closure of individual **military** bases, in the Executive and Congress, 3 but not the Judiciary....

924. Telex Communications, Inc. v. U.S.

United States Court of Claims, Trial Division. | April 18, 1980 | 1980 WL 30282 | 208 U.S.P.Q. 265

In this patent suit brought pursuant to 28 U.S.C. § 1498, plaintiff, Telex Communications, Inc. (hereinafter Telex), seeks "reasonable and entire compensation" for the alleged unauthorized use by the Government of its patented invention. The parties have agreed that the issue of liability would be first determined, and that the...

...The **military** specification covering lighted pilot kneeboards, MIL-C-23157, has been amended from time to time....

...The **military** services had previously expressed a desire that all lighting assemblies be able to accommodate two bulbs to provide redundant lighting....

925. Perez v. United States

United States District Court, S.D. Florida, Miami Division. | June 15, 2010 | Not Reported in Fed. Supp. | 2010 WL 11505508

For the reasons stated below, the government's motion to dismiss the amended complaint [D.E. 18] is denied. Leandro Perez brought a suit against the United States under the Federal Tort Claims Act, 28 U.S.C. §1346(b), asserting negligence. He alleged that the drinking water he consumed while stationed on active duty at Camp...

...The rationale in precluding liability based on injuries incident to **military** service is that such suits would have a detrimental effect on **military** structure and discipline....

...In this Circuit, the Feres doctrine does not bar suits based on the government's failure to warn of a danger where the duty to warn newly materializes after a service member's discharge from the **military**....

926. Hanak v. Dyncorp, Inc.

United States District Court, W.D. Texas, San Antonio Division. | August 30, 2012 | Not Reported in Fed. Supp. | 2012 WL 13136449

Before the Court are the following motions: defendant Dyncorp Int'l LLC's (hereinafter "Dyncorp") Motion to Compel the United States Secretary of the Army to Produce and Authenticate Documents and Information (docket nos. 108, 109, 118), to which plaintiffs' David Alvarez, Sr., Deborah Jean Durham, Shumeka M. Durham, Nancy Maxwell,...

...The names of all **military** and contractor mechanics who performed or supervised maintenance on the accident helicopter at any time during January 1, 2006 to November 8, 2007....

...The names of all **military** and any other contractors who were interviewed and/or from whom statements were taken in connection with any investigations of the crash, including the AR 15-6 investigation, the safety investigation, and the collateral board investigation....

927. **Bonner v. Shinseki**

United States Court of Appeals for Veterans Claims. | April 25, 2011 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2011 WL 1534566

Before the Court is the October 26, 2009, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for post-traumatic stress disorder (PTSD). Single-judge disposition is appropriate when the issue is of "relative simplicity" and "the outcome is not reasonably debatable." Frankel v. Derwinski,...

...Id. He concluded that the appellant did not provide enough information or details of events for JSRRC to **research**...

...Id. The coordinator stated that "[w]hen **researching** casualty information, both the last and first names should be given" and that dates and units are also helpful...

928. **U.S. v. McGee**

United States District Court, S.D. Ohio, Western Division. | May 24, 1977 | 432 F.Supp. 557

United States brought civil action for an injunction to restrain city and its agents from annexing or exercising any municipal powers over land located in Ohio and used by the United States Air Force for an air force base. The District Court, Carl B. Rubin, J., held that: (1) the court had jurisdiction over the action and (2) because the air force...

...A **military** base is unlike any other federal installation other than another **military** base....

...No territory lying within the boundaries of a **military** base, camp, or similar installation under the jurisdiction of a **military** department of the United States government, that is used for the housing of members of the armed forces of the United States and is a center for **military** operations of the department shall be annexed to a municipal corporation under sections 709.01 to 709.21 of the Revised Code without the approval of the secretary of defense of the United States, his designee, or other person having authority under federal law to give such approval....

929. **Phillips v. Shinseki**

United States Court of Appeals for Veterans Claims. | December 22, 2009 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2009 WL 4928374

The appellant, Johnie R. Phillips, through counsel, appeals a December 7, 2007, Board of Veterans' Appeals (Board) decision that denied service connection for bilateral hearing loss, tinnitus, post-traumatic stress disorder (PTSD); and irritable bowel syndrome (IBS) and hypertension as secondary to PTSD. The Board remanded the appellant's claims...

...Dr. Daniel opined that the appellant's bilateral hearing loss was "secondary to heavy equipment operation in the **military** and subsequent to his service in the **military**."...

...The appellant reported to the March 2007 VA examiner that he first noticed his hearing loss in the 1970s, several years after his 1968 **military** discharge....

930. **U.S. ex rel. Bates v. Dentsply Intern., Inc.**

United States District Court, E.D. Pennsylvania. | September 04, 2014 | Not Reported in F.Supp.3d | 2014 WL 4384503

Plaintiffs-relators Shawn Bates, Edward Josefoski, and Roberta Lesser ("relators") have sued defendant Dentsply International, Inc. ("Dentsply") in this qui tam action on behalf of the United States for violations of the

False Claims Act (“FCA”), 31 U.S.C. § 3729, as well as on behalf of numerous states and municipalities under their respective...

...Tricare provides civilian health benefits for **military** personnel, **military** retirees, and their dependents....

...Bates, a decorated **military** veteran, at all times maintained an excellent job performance rating....

931. Cranbury Brick Yard, LLC v. United States

United States Court of Appeals, Third Circuit. | November 22, 2019 | 943 F.3d 701 | 2019 WL 6223747

ENVIRONMENTAL LAW — Brownfields. Purchaser of polluted former **military** weapons manufacturing factory had contribution-claim immunity, and thus was precluded from bringing cost-recovery claims.

...It made bombs, anti-aircraft ammunition, grenade fuses, and other high-powered weapons for the U.S. **military**....

...It seeks to recover money that it spent cleaning up a long-abandoned weapons-manufacturing facility that the U.S. **military** and others contaminated....

932. Space Exploration Technologies Corp. v. United States

United States Court of Federal Claims. | August 26, 2019 | 144 Fed.Cl. 433 | 2019 WL 4051705

GOVERNMENT CONTRACTS — Bidding. Request for proposals to develop prototype for national security space missions was not “in connection with a procurement” for purposes of Tucker Act.

... Title 10, United States Code, section 2358 authorizes DoD to “engage in basic **research**, applied **research**, advanced **research**, and development projects.” 10 U.S.C. § 2358(a)....

...(A) There is at least one nontraditional defense contractor or nonprofit **research** institution participating to a significant extent in the prototype project....

933. Aretz v. U.S.

United States Court of Appeals, Fifth Circuit. | October 15, 1979 | 604 F.2d 417

Suit was brought against the United States under the Federal Tort Claims Act based on allegation that negligence of army procurement employees proximately caused catastrophe at chemical manufacturing plant wherein 50 employees were injured and 29 killed. After a bifurcated trial, the United States District Court for the Southern District of...

...In 1968, two **researches** with audiences in the **military**-industrial complex [FN9] took specific exception to the Army's classification of pyrotechnics and criticized the card-gap test as unsuitable for determining the explosive capacity of these materials....

...DCASR is a joint service organization in the Department of Defense which administers **military** procurement contracts in the field....

934. AFSCME Local 2477 v. Billington

United States District Court, District of Columbia. | May 02, 1990 | 740 F.Supp. 1 | 1990 WL 81853

Unions representing professional and nonprofessional employees at Library of Congress challenged Library of Congress regulation permitting employees, under emergency circumstances, to be placed on enforced leave or suspension from work without prior administrative hearing. Librarian of Congress moved for summary judgment. The...

... It is one of the finest **research** facilities in the world....

...On several occasions, though generally in the **military** context, the Supreme Court has upheld the government's authority to exclude individuals from government property where, as here, the individuals have demonstrated an intention or ability to cause damage or destruction....

935. U.S. v. Lakey

U.S. Air Force Board of Review. | May 21, 1952 | 1952 WL 2862 | 4 C.M.R. 837

Sentence adjudged 5 February 1952 by General Court-Martial, convened at Clark Air Force Base, APO 74.
Approved sentence: Dishonorable discharge, total forfeitures and confinement at hard labor for three (3) years.

...2. Upon trial, the accused pleaded not guilty to larceny, in conjunction with another airman, on 4 June 1951 of a **military** motor vehicle in violation of Uniform Code of **Military** Justice, Article 121 (Charge and its specification); not guilty to attempting to desert on 2 January 1952, in violation of Uniform Code of **Military** Justice, Article 85 (Additional Charge I and its specification); not guilty to escape from stockade confinement, in violation of Uniform Code of **Military** Justice, Article 95 (Additional Charge II and its specification); and not guilty to desertion, in violation of Uniform Code of **Military** Justice, Article 85 (Additional Charge III and its specification)....

...The language of the Manual implementing the Uniform Code of **Military** Justice, Article 80, states:...

936. U.S. v. Terry

U.S. Air Force Court of Criminal Appeals. | February 08, 2008 | 66 M.J. 514 | 2008 WL 400234

MILITARY LAW - Evidence. Accused's right to due process was not violated by government's failure to preserve potentially useful evidence.

...[3] The **military** has safeguards granted to a **military** defendant beyond the minimum requirements of the Constitution as established in Trombetta and Youngblood....

...The **military** judge, in ruling on the defense motion to dismiss the rape charge and specification, concluded: "However, due to what only can be described as a lack of due diligence to preserve and protect evidence and to make it available to the accused has resulted in this case of the accused being denied his discovery rights under **military** law and thus denied his Constitutional right to a fair trial." ...

937. U. S. v. Burston

U. S. Army Court of Military Review. | October 27, 1976 | 2 M.J. 1015

After remand from a prior appeal, 1 M.J. 76, the accused, a private in the United States Army, appealed from his conviction by court-martial, R. L. Jones, **Military** J., on drug charges. The Army Court of **Military** Review, Cook, Senior J., held, inter alia, that a charge of wrongful use of heroin was sufficiently service connected, even though it...

...(c) The impact and adverse effect that a crime committed against a person or property on a **military** base, thus violating the base's very security, has upon morale, discipline, reputation and integrity of the base itself, upon its personnel and upon the **military** operation and the **military** mission....

...this Court holds that a civilian offense may not be converted to a **military** one when the accused is involuntarily transported onto **military** property."...

938. Farrell v. American Flyers Airline Corp.

United States District Court S. D. New York. | June 16, 1967 | 42 F.R.D. 341 | 11 Fed.R.Serv.2d 1092

Actions against Texas airline corporation for death of plaintiffs' decedents on **military** charter flight in Oklahoma. Plaintiffs moved to consolidate and defendant moved to transfer. The District Court, McGohey, J., held, inter alia, that inconvenience of New York plaintiffs in action for deaths of soldiers in crash of airline on **military** charter...

...Where Oklahoma court would have to **research** and decide questions of New York law, prospects of having single consolidated trial in Oklahoma were highly speculative and there was no showing that increased number of cases in Oklahoma district would be for convenience of parties and witnesses or in the interest of justice, transfer from New York of actions against Texas airline corporation for death of plaintiffs' decedents on **military** charter flight in Oklahoma would be denied. Fed.Rules Civ.Proc. rule 42(a), 28 U.S.C.A.; 28 U.S.C.A. §§ 1391(c), 1404(a)....

...The plane, under **military** charter, was carrying ninety-two soldiers and six employees of defendant....

939. **In re Rivas**

United States Bankruptcy Court, S.D. Florida. | October 22, 2007 | 377 B.R. 423 | 2007 WL 3055030

BANKRUPTCY - Judgment. Record presented by debtor in support of motion for entry of default judgment did not establish proper service of process.

...[8][9] In addition to the service issues, Mr. German filed an affidavit of non- **military** service as to RJM Acquisition, a limited liability company [DE 11]....

... Although non- **military** affidavits are required for default judgments against individual persons, the notion that a Florida limited liability company could serve in the armed forces is patently ridiculous....

940. **U.S. v. Ginyard**

Court of Military Appeals. | February 17, 1967 | 1967 WL 4205 | 37 C.M.R. 132

On petition of the accused below. CM 413632, reported below at 36 CMR 683. Reversed.

...I expressed the opinion that this rule was not changed by Article 3(a) of the Uniform Code of **Military** Justice, 10 USC § 803, which was intended by Congress to enlarge, not restrict, **military** jurisdiction in a situation of the kind present here....

...Appellant was arraigned before a general court-martial convened at Augsburg, Germany, charged with six specifications of making false **military** pay vouchers for the payment of claims against the United States, in violation of Article 132, Uniform Code of **Military** Justice, 10 USC § 932....

941. **U.S. v. Locke**

U.S. Air Force Court of Military Review. | October 18, 1990 | Not Reported in M.J. | 1990 WL 172878

Consistent with his pleas, appellant was convicted by a special court-martial (consisting of the **military** judge alone) of stealing five checks from his friend's room and then forging them. The case comes to us with two issues briefed: effective assistance of counsel and a pleading-finding variance issue on what "at or near" means. We affirm the...

... Appellate defense counsel should consider the law on this issue with great care and appropriate **research**....

... The **military** judge then inquired further about the distance between the two locations and finally found appellant guilty without exceptions or substitutions....

942. **Couch v. C.I.R.**

United States Tax Court. | December 06, 1995 | T.C. Memo. 1995-583 | 1995 WL 715836

The Commissioner determined a \$10,962 deficiency in petitioners' 1990 income tax plus a section 6662(a) penalty in the amount of \$2,192. The issues for decision are: (1) Whether a deduction claimed by petitioners as a business bad debt became worthless in 1990, and (2) whether the debt involved qualifies as a...

... Sometime in 1971, that employee transferred to the United Technologies **Research** Center to reduce the process to commercial practice....

...On August 30, 1984, HTC had submitted a proposal to the Department of the Army regarding a possible contract involving Titanium Diboride **research**....

943. United States v. Valas

United States District Court, W.D. Texas, San Antonio Division. | October 27, 2014 | Not Reported in Fed. Supp. | 2014 WL 12676188

Before the Court is the Motion in Limine of the United States to Exclude from Admission at Trial All Evidence Related to Any Polygraph Test and Results (doc. #272). Defendant Raymond Valas filed a Defense Notice of Intent to Use Expert Witness at Trial [Polygraph Examination Information] (doc. #268). Defendant intends to present testimony from...

...He stated that the interview provided no useful information related to his **research** project....

...The Court held that the **military** evidentiary rule does not unconstitutionally abridge the right to present a defense....

944. Ingham Regional Medical Center v. United States

United States Court of Federal Claims. | January 06, 2020 | 146 Fed.Cl. 424 | 2020 WL 216257

GOVERNMENT CONTRACTS — Privileges. Work-product rule did not protect documents in hospitals' Court of Federal Claims action against government for allegedly underpaying for services.

...TRICARE is a “**military** health care system” that “provides medical and dental care for current and former members of the **military** and their dependents.”...

...Court of Federal Claims work-product rule did not protect email, sent by employee at consulting firm hired by government to firm's principal, explaining why certain codes were excluded from payment analysis, in hospitals' putative breach of contract class action against government for allegedly underpaying them for medical services they administered through TRICARE **military** healthcare system; email contained non-attorney **research** directly related to government's business of providing correct payment recalculations to hospitals under discretionary payment process which allowed hospitals to request recalculation of payments, and email contained no attorney mental impressions or legal strategy. RCFC, Rule 26(b)(3)...

945. Otay Land Co. v. U.E. Ltd., L.P.

United States District Court, S.D. California. | July 18, 2006 | 440 F.Supp.2d 1152 | 2006 WL 2042600

ENVIRONMENTAL LAW - Hazardous Substances. Site used by public as recreational shooting range was not subject to CERCLA.

...For example, a **military** shooting range used to train government troops using **military**-issued ammunition would clearly not fall within the “consumer product in consumer use” exception....

...**Military** shooting range used to train government troops using **military**-issued ammunition would not fall within “consumer product in consumer use” exception to CERCLA's definition of “facility.” Comprehensive Environmental Response, Compensation, and Liability Act of 1980, §101(9), 42 U.S.C.A. §9601(9)....

 **946. Forum for Academic and Institutional Rights v. Rumsfeld**

United States Court of Appeals, Third Circuit. | November 29, 2004 | 390 F.3d 219 | 2004 WL 2698052

EDUCATION - Federal Funding. Denying funding to law schools which opposed **military** recruiting violated First Amendment.

... The acts which the law schools claim they are compelled to do by virtue of the **military's** post—2001 “unwritten policy”—disseminating and posting **military** recruitment literature, making appointments for **military** recruiters to meet with students and providing **military** recruiters a place to meet with students—also contain both nonspeech and speech elements...

...Law schools' disagreement with speech of **military** recruiters was sufficient to warrant First Amendment protection, for purposes of schools' claim that Solomon Amendment, which required Department of Defense (DOD) to deny federal funding to institutions of higher education that prohibited **military** representatives access to and assistance for recruiting purposes, violated First Amendment by compelling schools to assist in expressive act of recruiting contrary to their viewpoint, reflected in their policies denying access and assistance to **military** recruiters, that **military** discriminated on basis of sexual orientation. U.S.C.A. Const.Amend. 1...

 **947. Pacific Sky Supply, Inc. v. Department of Air Force**

United States District Court, District of Columbia. | September 29, 1987 | Not Reported in F.Supp. | 1987 WL 18214

This Freedom of Information Act ('FOIA') Exemption 4 case is before the Court on cross-motions for summary judgment, oppositions and replies. In addition, plaintiff has moved for discovery pursuant to Fed. R. Civ. P. 56(f). This action arises out of plaintiff's desire to obtain, for its own commercial purposes, 20 design drawings made by one of its...

...Currently, orders are pending for approximately \$153,028 in commercial business and \$6,615 in **military** business for these parts....

...The drawings at issue in this action deal with various pumps used in **military** and commercial aircraft engines....

948. U.S. v. Zachary

U.S. Court of Appeals for the Armed Forces. | August 14, 2006 | 63 M.J. 438 | 2006 WL 2355582

MILITARY LAW - Sex Offenses. Mistake of fact as to victim's age was available as defense to charge of indecent acts with a child.

...Later, the **military** judge reexamined the mistake of fact issue: MJ: And I think we alluded to this briefly, [defense counsel], but you did have a chance to do your **research** into a mistake of fact defense on Specification 1, as it relates to the age of [BA]?...

...11 The **military** judge accepted Appellee's guilty plea....

 **949. U.S. v. Wilcox**

U.S. Court of Appeals for the Armed Forces. | July 15, 2008 | 66 M.J. 442 | 2008 WL 2778811

MILITARY LAW - General Article Violations. Evidence was legally insufficient to support general article conviction for expression of racist view on the Internet.

...If an accused's speech charged under the general article is otherwise protected by the First Amendment, and if a reasonably direct and palpable connection between the speech and the **military** mission or **military** environment is established, the Court of Appeals for the Armed Forces must determine whether criminalization of that speech is justified despite First Amendment concerns by performing a balancing test; however, where the record does not establish a reasonably direct and palpable

connection between the speech and the **military** at all, let alone the **military** mission or **military** environment, the balancing test is mooted by the legal insufficiency of the charged offense. U.S.C.A. Const.Amend. 1...

... Where, as here, the record did not establish a reasonably direct and palpable connection between the speech and the **military** at all, let alone the **military** mission or **military** environment, the balancing test is mooted by the legal insufficiency of the charged offense....

950. Taylor v. Army Review Board Agency

United States District Court, W.D. Tennessee, Western Division. | March 29, 2019 | Not Reported in Fed. Supp. | 2019 WL 2070420

The plaintiff, Jackie Lee Taylor (“Taylor”), proceeding pro se, filed a pro se “Complaint for Violation of Civil Rights under 42 U.S.C. § 1983” on the court-supplied form against the defendant, the Army Review Board Agency (“Army Review Board”). (Compl., ECF No. 1.) Before the court are the parties’...

...In making its decision, the ABCMR carefully considered Taylor’s request, (R. at 64, 110, 260), reviewing his application for correction of **military** records, his **Military** Personnel Records, his medical records, an advisory opinion by the Army Review Boards’ Clinical Psychologist, and “Supplemental Guidance to the **Military** Board for Correction of **Military**/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post-Traumatic Stress Disorder” issued by former-Secretary of Defense Chuck Hagel...

...Further, the ABCMR reviewed the “Supplemental Guidance to **Military** Boards for Correction of **Military**/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder” dated September 3, 2014 and followed the guidance from former Secretary of Defense Chuck Hagel, directing Service Board for Correction of **Military**/Naval Records to “carefully consider” PTSD criteria, detailed medical considerations, and mitigating factors in reviewing requests to upgrade discharge characterization for administratively discharged **military** members....

951. U.S. v. Clark

U.S. Navy-Marine Corps Court of Military Review. | August 13, 1993 | 37 M.J. 1098 | 1993 WL 362313

Accused was convicted by special court-martial, Camp Pendleton, R.L. Renner, J., of two periods of unauthorized absence. The United States Navy-Marine Corps Court of **Military** Review, Mollison, J., held that government’s letter refuting accused’s claim of prospective employment was genuine rebuttal, which government did not have to disclose...

... However, the **military** judge continued the trial to give the defense an opportunity to **research** the matter....

... The **military** judge may relax the rules of evidence with respect to matters in extenuation or mitigation and may admit letters, affidavits, certificates of **military** and civil officers, and other writings of similar authenticity and reliability....

952. Singh v. McHugh

United States District Court, District of Columbia. | June 12, 2015 | 109 F.Supp.3d 72 | 2015 WL 3648682

CIVIL RIGHTS — Religion. Army’s refusal to accommodate prospective enrollee’s Sikh faith did not further its compelling interest in maintaining unit cohesion and discipline.

...The Supreme Court has made it clear that “[t]he **military** constitutes a specialized community governed by a separate discipline from that of the civilian,” Orloff v. Willoughby, 345 U.S. 83, 94, 73 S.Ct. 534, 97 L.Ed. 842 (1953), and “[t]he complex, subtle, and professional decisions as to the composition, training, equipping, and control of a **military** force are essentially professional **military** judgments.” ...

...But the statute was enacted against a known backdrop of longstanding precedent involving judicial deference to **military** authorities charged with the management of **military** affairs....

953. **Stephens v. Nicholson**

United States Court of Appeals for Veterans Claims. | February 04, 2005 | 19 Vet.App. 465 | (Table, Text in WESTLAW), Unpublished Disposition | 2005 WL 1273937

Veteran James E. Stephens appeals, pro se, an October 16, 2002, Board of Veterans' Appeals (Board) decision that denied him service connection for his renal cell carcinoma. Record (R.) at 1-10. In his informal brief, Mr. Stephens contends that the Board failed to apply to his claim the 38 U.S.C. § 5107(b) benefit-of-the-doubt rule. Appellant's...

...Id. (PUB MED is a standard database used by medical professionals to **research** association of diseases and treatment....

...Dr. Kaplon concluded that there was “no evidence to relate Mr. Stephens' renal cell carcinoma to his previous [**m**]ilitary [s]ervice.”...

954. **U.S. v. Perry**

U.S. Army Court of Military Review. | August 29, 1972 | 1972 WL 14462 | 46 C.M.R. 636

General Court-Martial Convened by Hq, XXIV Corps, APO San Francisco 96349 (R. W. Morrison, **Military** Judge, alone). Sentence adjudged 13 November 1970. Approved sentence: Dishonorable discharge, confinement at hard labor for ten years, and forfeiture of all pay and allowances. (Uncol forf in excess of \$83.00 pay per month for ea month hereafter susp...

...In our **researches**, we have discovered only one jurisdiction, Texas, which has adopted the rule so contended....

...[3] Under **military** law, the government is not bound by exculpatory declarations in an accused's pretrial statement offered in evidence by it....

955. **Tademy v. Wilkie**

United States Court of Appeals for Veterans Claims. | December 17, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 6869946

Veteran Charles F. Tademy appeals through counsel a July 20, 2018, Board of Veterans' Appeals (Board) decision that denied service connection for acid reflux. Record (R.) at 4-7. For the reasons that follow, the Court will affirm the July 2018 Board decision. Mr. Tademy served honorably in the U.S. Army from February 1960 to February 1961. R. at...

...The March 2018 examiner, after reviewing the service medical records, medical **research** literature, and the report from the January 2015 examination, during which the same examiner interviewed Mr. Tademy, see R. at 681-82, opined that it was less likely than not that the veteran's esophageal conditions were related to **military** service....

...UpToDate is an online “evidence-based” medical **research** database. <https://www.uptodate.com/home> (last accessed December 17, 2019)....

956. **Hatfill v. New York Times Co.**

United States District Court, E.D. Virginia, Alexandria Division. | January 30, 2007 | 488 F.Supp.2d 522 | 2007 WL 404856

TORTS - Defamation. Biological weaponry expert was a “public official” for purposes of defamation claim.

... Persuasive to the court was the fact that plaintiff had **researched** the **military** use of dolphin technology for the United States Navy, and had lectured and published several articles on the subject....

...Prior to the publication of Mr. Kristof's columns, Plaintiff established a reputation in the field of infectious disease and bioterrorism **research**....

957. U.S. v. Weersing

United States Court of Appeals Ninth Circuit. | August 07, 1969 | 415 F.2d 130

Defendant was convicted by the United States District Court for the Central District of California, Irving Hill, J., of refusing to submit to induction into the armed forces of the United States, and he appealed. The Court of Appeals, Browning, Circuit Judge, held that presumption of regularity of official acts was sufficient to preclude reversal...

...Where defendant had held his position as assistant city planner for less than five months and was one of two persons engaged in **research** and computer programming for city, there was basis in fact for local board's decision denying defendant's request for occupational deferment. Universal **Military** Training and Service Act, § 6(h) (2) as amended 50 U.S.C.A. App. § 456(h) (2)....

...Since word "knowingly" in Universal **Military** Training and Service Act necessarily implies willfulness, failure in indictment to allege that defendant acted "willfully" in refusing to be inducted did not render indictment therefor materially defective absent any suggestion that defendant was misled or prejudiced in any way. Universal **Military** Training and Service Act, § 12 as amended 50 U.S.C.A. App. § 462....

958. Frym v. Shinseki

United States Court of Appeals for Veterans Claims. | May 21, 2010 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2010 WL 2011309

The appellant, Ronny B. Frym, appeals through counsel a June 13, 2008, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for residuals of blunt head trauma and depression. Record of Proceedings (R.) at 2–16. This appeal is timely, and the Court has jurisdiction to review the Board's decision pursuant to...

...Trauma [he] did not realize [he] had suffered from boxing in the **military**."...

...The Secretary also makes a conclusory assertion that the Board was not required to make any findings regarding the appellant's reported history of boxing during his **military** service....

959. U.S. v. Delaney

U.S. Army Court of Military Review. | March 05, 1971 | 1971 WL 12879 | 43 C.M.R. 766

General Court-Martial Convened by Headquarters, U. S. Army Training Center, Infantry and Fort Lewis, Washington (J. G. Lee, **Military** Judge). Sentence adjudged 17 April 1969. Approved sentence: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for five years.

...3. Although the Court of **Military** Review could not dismiss the charges on the basis of post-trial evidence of insanity in the absence of agreement of the parties as to the accused's mental condition, in the interests of justice the charges were dismissed where it appeared that: the confinement portion of the accused's sentence had been remitted and he had been transferred to a **military** hospital;...

...“2. At time of induction, 8 February 1968, the examining facility, AFEES, Oakland, California requested a psychiatric consult, which is quoted: ‘25-year old S/N/M who desires to express this views that his work with poverty groups, school and **research** work and support of family is more important to him than **military** service....

960. Kinometrics, Inc. v. United States

United States Court of Federal Claims. | September 10, 2021 | 155 Fed.Cl. 777 | 2021 WL 4237169

GOVERNMENT CONTRACTS — Bidding. Substantial evidence supported Air Force's technical evaluation in awarding contract for seismic equipment to monitor nuclear treaty compliance.

...The Air Force conducted market **research** in 2018 prior to issuing the solicitation at issue here, and this **research** produced reports on both Kinometrics' and Nanometrics' available equipment (totaling 217 pages for the report on Kinometrics' equipment and 185 pages for Nanometrics')....

...Id. This market **research** was then followed by peer review of Kinometrics' and Nanometrics' proposals pursuant to the solicitation. To conclude that the agency's explanation concerning power draw and cost and schedule risks is contrary to that evidence would require the court to second-guess evidently extensive expert engineering **research** on the agency's part over the span of several years....

961. Rolle v. Houston

United States District Court, N.D. Alabama, Northeastern Division. | March 28, 2014 | Not Reported in F.Supp.3d | 2014 WL 1329568

Plaintiff, Dr. Kevin Rolle, asserts claims for violations of the Racketeer Influenced and Corrupt Organizations Act of 1970, 18 U.S.C. §§ 1961 et seq. ("RICO") (Count I), as well as state-law claims of defamation, negligence, wantonness/recklessness, invasion of privacy/false light, and common law civil conspiracy (Counts II...

...The Institute assists the University in obtaining **research** contracts. 13...

...For example, defendant Kevin Matthews is a compliance officer with the University's **Research** Institute. 12...

962. National Ass'n. for Advancement of Colored People v. A.A. Arms, Inc.

United States District Court, E.D. New York. | April 28, 2003 | Not Reported in F.Supp.2d | 2003 WL 2004557

In action brought by African-American advocacy group against firearms manufacturers and distributors, alleging that improper distribution of firearms constituted a public nuisance under New York law, plaintiffs and defendants made various motions in limine. The District Court, Weinstein, Senior District Judge, held that (1) expert's testimony was...

...Renzulli, Piscioti & Renzulli, LLP, New York, NY, by John F. Renzulli, Leonard S. Rosenbaum, for Defendants Arms Technology, Inc.; Beemiller, Inc. d/b/a Hi-Point Firearms; Bersa S.A.; Browning Arms Co.; Century International Arms, Inc.; Eagle Imports, Inc.; European American Armory Corp.; Glock G.m.b.H (Glock Ges.m.b.H.); Glock, Inc.; Haskell Co. (Haskell Manufacturing, Inc.); Import Sports, Inc.; Israel **Military** Industries (Israel **Military** Industries, Ltd.); K.B.I., Inc.; Kel-Tec CNC Industries, Inc.; Magnum **Research**, Inc.; Para-Ordnance, Inc.; Para-Ordnance Mfg. Inc.; SGS Imports Int'l Inc. (SGS Importers International, Inc.); Tanfoglio Fratelli...

963. Starrett v. United States Department of Defense

United States Court of Appeals, Fifth Circuit. | April 03, 2019 | 763 Fed.Appx. 383 | 2019 WL 1502304

Appellant William Henry Starrett, Jr. sued a wide variety of government agencies and private companies, alleging damages emerging from a claimed conspiracy to remotely harass and torture him. The district court dismissed Starrett's suit with prejudice for failure to state a claim. Starrett appeals pro se. We have jurisdiction to review such...

...UNITED STATES DEPARTMENT OF DEFENSE; United States Special Operations Command; United States Army; United States Army Special Operations Command; United States Army Civil Affairs and Psychological Operations Command; United

States Army Reserve Command; Defense Advanced **Research** Projects Agency; United States Department of Energy; National Nuclear Security Administration; Lawrence Livermore National Security, L.L.C.; National Technology ; Engineering Solutions of Sandia, L.L.C.; Texas **Military** Department; Lockheed Martin Corporation; United States Department of Justice; Microsoft Corporation, Defendants–Appellees...

964. **Gilberti v. Federal Reserve System**

United States District Court, District of Columbia. | April 29, 2019 | Not Reported in Fed. Supp. | 2019 WL 1901293

Pro se plaintiff Joseph D. Gilberti, Jr. has filed the instant complaint against 17 public and private defendants, including the Board of Governors of the Federal Reserve System, Barack Obama, Nancy Pelosi, Mitch McConnell, the Environmental Protection Agency, the Department of the Interior, and the Federal Emergency Management Agency. (Compl., ECF...

...Enterprise [that] for decades with Moffit Caner Centers, St. Joseph's and Moffit- **Research**-USF in Tampa and many US and World Universities hid critical US National Defense and an ENDLESS underground Antioxidant Spring Water Resource with NASA and EPA showing critical geological indicators that teach America and other Nations how to find many more in Days, essentially ending World Hunger and many reasons for migration and Wars....

...) 2 Gilberti asserts claims for violation of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), violation of Florida's Pollutant Discharge Prevention and Control Act, strict liability for abnormally dangerous activity, and nuisance (¶¶ 101–246), and he requests various forms of relief, including "requir[ing] the Federal Reserve IMF Banks and Rothschild World Bank [to] halt all Interest payments of over \$600 billion/year to the American tax payer, [and] remove all \$22 Trillion in US Debts" (id. ¶ 247); "monies # to pay for the 300mile Pipeline for THE PEOPLE and the US **Military** to help install per Gilberti KT Hypothesis and US Infrastructure plan[.]" (id....

965. **Roberts v. Fri**

United States District Court; District of Columbia. | August 27, 1980 | Not Reported in F.Supp. | 1980 WL 223

This case arose under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16. On June 5, 1980, this court issued its Findings of Fact and Conclusions of Law, in which it said that Mr. William Nelson had been preselected for the position of Director,...

...1. Mr. Nelson's service with the federal government followed a **military** career spanning approximately twenty-six years, beginning in 1941....

... On June 5, 1980, this court issued its Findings of Fact and Conclusions of Law, in which it said that Mr. William Nelson had been preselected for the position of Director, Contract Compliance Office, Northeast Area, a position within the Energy **Research** and Development Administration (ERDA), since incorporated in the Department of Energy (DOE), and that the plaintiff Ms. Evelyn Roberts had suffered unlawful discrimination on account of her sex in connection with her application for that position....

966. **Chambers v. Shinseki**

United States Court of Appeals for Veterans Claims. | May 19, 2010 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2010 WL 2004559

Veteran Ronald H. Chambers appeals, through counsel, a November 13, 2007, decision of the Board of Veterans' Appeals (Board) that determined that sufficient new and material evidence had not been submitted to reopen his previously denied claim for post-traumatic stress disorder (PTSD). Mr. Chambers argues that the Secretary failed to assist him, as...

...He again sought to reopen his claim in August 2002 and provided a detailed account of his service, including his assignment with the Third Marines on a VA form entitled Information in Support of Claim for Service Connection for PTSD (R. at 499–503), which specifically requested that Mr. Chambers be “complete in detail so that **research** of **military** records [could] be thoroughly conducted.”...

...Mr. Chambers contends that the Secretary failed to assist him in obtaining his **military** unit records that would demonstrate that he has combat service....

967. Harris v. G.C. Services Corp.

United States District Court, S.D. New York. | February 03, 1987 | 651 F.Supp. 1417

Products liability action was brought by employees who claimed hearing loss due to malfunction of telecommunication system. Following removal by one defendant, the District Court, Goettel, J., held that: (1) claim against defendant was not severable from other claim so as to render it independently removable, and (2) absence of federal jurisdiction...

... Plaintiffs allege, and defendants do not deny, that the system was installed after careful analysis and **research** into the various portions of the system, including such things as computers, terminals, headsets, and switching apparatus....

...Allegations that hearing loss was caused by malfunction of telecommunications system and that system was installed after careful analysis and **research** into various parts, set forth a single wrong as to which all defendants were alleged to have contributed to injury, so that claim against one manufacturer responsible for only a portion of the system was not a distinct and separate claim removable to federal court independently of the remaining claims. 28 U.S.C.A. §1441(c)....

968. Crosley Corp. v. Hazeltine Corp.

District Court, D. Delaware. | May 23, 1946 | 66 F.Supp. 893 | 69 U.S.P.Q. 462

Action by the Crosley Corporation against Hazeltine Corporation for a declaratory judgment that certain patents having to do with radio receiving sets and owned by the defendant are invalid and not infringed by plaintiff. On motion to dismiss. Motion denied.

...The patents touched upon certain features of **military** and radar apparatus....

... The war was absorbing the entire capacity of the parties and the entire time of the experts and technicians in their **research** and development departments and, when this Court declined to postpone the trial of the case indefinitely, the Navy Department requested that an end be put to the litigation in order to get the full cooperation of both parties during the period of the emergency....

969. U.S. v. Harris

U.S. Air Force Board of Review. | December 02, 1957 | 1957 WL 4666 | 25 C.M.R. 766

Sentence adjudged 12 August 1957 by Special Court-Martial convened at England Air Force Base, Alexandria, La. Approved sentence: Bad conduct discharge, forfeiture of \$25 per month for six (6) months and confinement at hard labor for six (6) months.

...Our **research**, however, does not disclose any reported instance in which a radarscope observer has been equated to a sentinel....

...In each instance the language employed, however, has been somewhat modified from time to time in order to keep pace with advances in **military** technology....

970. Prince v. Intercept

United States District Court, S.D. New York. | October 06, 2022 | --- F.Supp.3d ---- | 2022 WL 5243417

TORTS — Defamation. Private security contractor was limited-purpose public figure regarding use of private **military** contractors in foreign conflicts, and thus was required to show actual malice.

...Private security contractor assumed prominent position in controversy regarding use of private **military** contractors in foreign conflicts, for purposes of determining whether contractor was limited-purpose public figure required show actual malice to proceed with defamation claim under New York law, in action against online nonprofit news publication and its reporter, arising from publication of article claiming that contractor had offered services to Russian semi-private **military** force, where contractor was well known for founding organization which provided **military** contractors in United States **military** conflict in Afghanistan, and for advising United States President on **military**...

...Conduct by former reporter for online nonprofit news publication, in providing **research** for article claiming private security contractor had offered services to Russian semi-private **military** force, bore no substantial relationship to contractor's claims of defamation arising from article, and thus provided no basis for New York court to exercise personal jurisdiction over reporter on contractor's defamation claims; reporter did not travel to New York to conduct **research**, interview any source in New York, or rely on New York sources in drafting his portion of article, and reporter did not provide any **research** or reporting on any allegedly defamatory statements in article. N.Y. CPLR § 302(a)(1)...

971. U.S. v. El-Mezain

United States Court of Appeals, Fifth Circuit. | December 07, 2011 | 664 F.3d 467 | 2011 WL 6058592

CRIMINAL JUSTICE - Discovery. Court was not required to compel government to produce untranslated classified FISA intercepts to defendants themselves.

...With respect to Major Lior, the defense focused on the **military** nature of the Israelis' seizure of evidence from the zakat committees, and the fact that the **military** also entered mosques, schools, and orphanages, thereby casting negative light on both the witness and the **military** operation....

...The defense elicited from Avi information about the **military** operation and the fact that Israeli **military** clashes with civilians in Jenin had resulted in civilian casualties....

972. Fianko v. U.S.

United States District Court, D. Maryland, Southern Division. | July 24, 2013 | Not Reported in F.Supp.2d | 2013 WL 3873226

This Memorandum Opinion addresses Defendant United States of America's Motion to Dismiss, ECF No. 7, and accompanying Memorandum in Support, ECF No. 7-1; Plaintiffs Kingsley O. Fianko and Cynthia Fianko's Opposition, ECF No. 10; and Defendant's Reply, ECF No. 11. Also filed in relation to Defendant's Motion was a March 28, 2013 Status Report,...

...It is hard to imagine how there could be any significant threat to the maintenance of good order and discipline in the **military** by permitting a suit by a civilian against the **military** for committing intentional torts against him at a time when he had no **military** affiliation, even if the **military** mistakenly thought that he did....

...Specifically, Defendant asserts that Feres nonetheless bars Plaintiff's suit because the events that caused the Army to believe that Plaintiff continued to have **military** status originated when Plaintiff did have **military** status— "the injuries complained of in this case are based upon negligent or wrongful conduct that occurred incident to **military** service."...

973. Harvill v. McDonough

United States Court of Appeals for Veterans Claims. | September 29, 2021 | Not Reported in Vet. App. Rptr. | 2021 WL 4445382

Army veteran Ricky Harvill, through counsel, appeals a February 20, 2020, Board of Veterans' Appeals decision that denied service connection for right ear hearing loss and tinnitus. The appeal is timely; the Court

has jurisdiction to review the Board decision; and single-judge disposition is appropriate. See 38 U.S.C. §§ 7252(a),...

...Rather, the examiner quoted the IOM Report as follows: (1) “[T]he evidence is not sufficient to determine the probability of acquiring noise-induced hearing loss associated with service in the **military**, or in specific branches of the **military**, for a given individual,” and that the “probability of acquiring noise-induced hearing loss can only be determined precisely with well-controlled, longitudinal epidemiological studies;” and (2) “[T]he evidence was not sufficient to reach conclusions regarding the specific number or proportion of service members, overall or in specific branches or occupational groups, who report that tinnitus began or was exacerbated by noise exposure during **military**...

...He argues, “[T]he examiner acknowledged that the IOM Report suggests that delayed onset tinnitus is possible, but cautioned that drawing definitive conclusions requires additional **research**.”...

974. **Hornsby v. McDonough**

United States Court of Appeals for Veterans Claims. | July 29, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 3009607

Army veteran Edgar R. Hornsby, Jr., appeals a December 16, 2020, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for an acquired psychiatric disorder. Because the Board relied on adequate opinions and provided an adequate statement of reasons or bases, the Court affirms the Board's decision. The...

...In May 2020, the veteran argued that “**research** shows that men can often ‘mask’ their depression via substance abuse,” and he requested further development of the issue....

...During an April 2017 C&P examination, the psychologist noted a diagnosis of unspecified depressive disorder and opined that it is less likely than not related to **military** service....

975. **U.S. v. Com. of Va.**

United States District Court, W.D. Virginia, Roanoke Division. | June 14, 1991 | 766 F.Supp. 1407 | 1991 WL 102903

Suit was brought on behalf of prospective female applicant, challenging State's maintenance of **military** institute exclusively for males. The District Court, Kiser, J., held that maintenance of all-male facility did not violate equal protection clause. Judgment for State.

...9.Throughout VMI's history, its **military** system—the use of **military** regulations, etiquette and drill—has served the function of teaching self-discipline....

...2.During the summer session, summer students are not subject to **military** discipline and training, and are not required to wear uniforms or participate in **military** formations or drills....

976. **Brown v. Wilkie**

United States Court of Appeals for Veterans Claims. | August 20, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 3916491

Self-represented veteran Milton Brown appeals a February 9, 2018, Board of Veterans' Appeals (Board) decision that denied entitlement to service connection for degenerative joint disease (DJD) of multiple joints, including the shoulders, hands, and knees. Record (R.) at 2-10. For the reasons that follow, the Court will set aside the February 2018...

...At that time, the Board noted that Mr. Brown had made only general contentions about his DJD, “assert[ing] that he developed arthritis of multiple joints # during his active **military** duties....

...The internet articles and [research](#) report relate to elbow pain, which is not part of the instant appeal as the record of proceedings contains no mention of Mr. Brown reporting elbow pain....

977. **Bender v. McDonald**

United States Court of Appeals for Veterans Claims. | October 30, 2015 | Not Reported in Vet.App. | 2015 WL 6955353

Veteran Michael R. Bender appeals through counsel a September 15, 2014, Board of Veterans' Appeals (Board) decision that denied service connection for type II diabetes mellitus, including as due to Agent Orange exposure. Record (R.) at 3–11. Single-judge disposition is appropriate. See *Frankel v. Derwinski*, 1 Vet.App. 23, 25–26 (1990)....

...Id.; see, e.g., R. at 24 (referencing a prior Board decision making a distinction between small-scale herbicide use for clearing foliage around [military](#) bases on Guam, as compared to large-scale tactical use such as that documented in Vietnam)....

...Id. The Board stated that the veteran had failed to establish that herbicides were used for maintenance purposes at the time he served on Guam or that his [military](#) occupational specialty placed him in a position to be directly exposed....

978. **U.S. v. Kelly**

U.S. Court of Military Appeals. | August 29, 1983 | 16 M.J. 244

Accused, chief warrant officer, United States Coast Guard, was convicted by general court-martial, Norman B. Lynch, J., of sale of government property, wrongful appropriation of government property, unlawful obtaining of personal services and wrongful solicitation of a false official statement. Accused appealed. The Coast Guard Court of [Military](#)...

... The Court of [Military](#) Appeals, Everett, C.J., held that where the convening authority had “detailed” as defense counsel the [military](#) lawyer the accused had requested to represent him during the investigation, but there was no request that a [military](#) lawyer who represented the accused on a prior occasion be allowed to serve as accused’s individual [military](#) counsel, the failure to detail the second lawyer as assistant defense counsel was not error....

...If accused had requested that [military](#) lawyer who previously represented him be appointed to serve as his individual [military](#) counsel after [military](#) lawyer requested by accused to represent him during investigation had been detailed as defense counsel, accused’s commander who was also convening authority could have determined whether lawyer was “reasonably available.” UCMJ, Arts. 27(a), 38(b), 10 U.S.C.A. §§827(a), 838(b); MCM 1969, par. 6, subd. d....

979. **Cabaluna v. Vanderford**

United States District Court, D. Hawai'i. | February 27, 2015 | Not Reported in F.Supp.3d | 2015 WL 880594

Plaintiff filed her Amended Complaint on November 7, 2014. [Dkt. nos. 5, 5–1.] On December 12, 2014, this Court issued its Order Regarding Plaintiff’s Amended Complaint (“12/12/14 Order”). [Dkt. no. 7.] In the 12/12/14 Order, this Court ruled that the following claims survived the screening process: Plaintiff’s claim pursuant to...

...The remaining allegations in the 1/28/15 Proposed Complaint relate to: medical [research](#), crimes by BAE Systems, Typhoon Haiyan, and extraterrestrial [research](#)....

...[Id. at 11–18.] In addition, she alleges that: BAE Systems, an entity which provides engineering and other support services for [military](#) weapons systems, has committed various crimes in the Philippines; Typhoon Haiyan caused “genocide” in the Philippines and elsewhere; and there has been “Fraud [research](#) on extraterrestrial.”...

980. **Esprit Health, LLC v. University of Delaware**

United States District Court, D. Delaware. | December 19, 2013 | Not Reported in Fed. Supp. | 2013 WL 6773571

Esprit Health, LLC initiated this action against the University of Delaware and Dr. Steven J. Stanhope (collectively, the “Defendants”) on August 2, 2013. (D.I.1). On September 4, 2013, Esprit filed an amended complaint asserting six causes of action: breach of contract and implied duty of good faith and fair...

...In March 2012, both Stanhope and a senior officer for the **military researchers** confirmed that eSphere™ was the IT infrastructure to be used in the project....

...In April 2010, the United States Department of Defense sought bids to provide it with a product that would provide better outcomes to wounded **military** service members by assembling **research** and expertise on physical trauma....

981. **Lebron v. U.S. Secretary of the Air Force**

United States District Court, S.D. New York. | April 14, 1975 | 392 F.Supp. 219

Serviceman sought relief from separate convictions by **military** courts-martial, asserting jurisdiction under habeas corpus provisions and statute authorizing suits against the United States in federal courts. Cross motions for judgment were filed. The District Court, Pollack, J., held that search warrant pursuant to which contraband drugs were found...

...Under **Military** Law, 10 U.S.C. § 873, consideration of newly discovered evidence for purposes of deciding whether a new trial should be granted is given to the Judge Advocate General; if the party seeking a new trial has an appeal pending before either the Court of **Military** Review or the Court of **Military** Appeals, the motion for a new trial is referred for decision to the Court considering the appeal....

...Article 134 authorizes court martial for ‘all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to (the **military** code) may be guilty’, which are not specifically mentioned in the Code of **Military** Justice....

982. **United States v. Rich**

U.S. Air Force Court of Criminal Appeals. | June 18, 2019 | 79 M.J. 572 | 2019 WL 2552834

MILITARY LAW — Court-Martial. The **military** judge's failure to provide a the accused's requested instruction on mistake of fact was not an abuse of discretion.

...Appellant raises three issues on appeal: (1) whether the **military** judge abused his discretion by excluding evidence under Mil. R. Evid. 412; (2) whether the **military** judge's instructions regarding the term “concealment” impermissibly relieved the Government of its burden to prove every element of the offense beyond a reasonable doubt; and (3) whether the **military** judge erred by failing to instruct the court members on the defense of mistake of fact. 2...

...While another **military** judge may have permitted additional questioning, we find the **military** judge did not abuse his discretion by limiting cross-examination of A1C CS in this second area....

983. **In re International Endoscope Mfg., Inc.**

United States District Court, E.D. Pennsylvania. | October 14, 1986 | Not Reported in F.Supp. | 1986 WL 11613

In this adversary proceeding in bankruptcy court, the bankruptcy judge issued a preliminary injunction to prevent a scientist from competing with his ex-employer, the debtor company. That Order enforced several terms of

the parties' employment contract. On appeal, the scientist has argued that the contract's restrictive covenant is unenforceable,...

... Finally, in 1977, he was hired by Hughes **Research** Laboratory within Hughes Aircraft Company in California, ultimately advancing to take charge of Hughes' programs **researching** infrared fibers for **military**, industrial, or medical applications....

... To obtain protection against competition by **research** scientists, employers should rely primarily on covenants not to compete, id....

984. Alperin v. Vatican Bank

United States District Court, N.D. California. | January 03, 2003 | 242 F.Supp.2d 686 | 2003 WL 220434

CIVIL RIGHTS - Jurisdiction. Claims of victims of Nazi atrocities were not justiciable.

...and forced laborers, prisoners, concentration camp, and ghetto survivors," (3) the Jasenovac **Research** Institute, a non-profit human rights organization and **research** institute "committed to establishing the truth about the Holocaust in Yugoslavia," and (4) the International Union of Former Juvenile Prisoners of Fascism, representing "Nazi victims in the former Soviet Union including Ukraine, Russia...

... Significant progress was made in coordinating **research**, addressing methodological issues and encouraging governments to open their archives and to make their records fully accessible....

985. Dugas v. Jefferson County

United States District Court, E.D. Texas, Beaumont Division. | June 21, 1996 | 931 F.Supp. 1315 | 1996 WL 388784

Arrestee brought §1983 action against county and sheriff's deputy claiming that strip search ordered by deputy following arrest for misdemeanor violated arrestee's constitutional right to be free from unreasonable search and seizure. Sheriff's deputy filed motion for summary judgment. The District Court, Heartfield, J.,...

...Intermediate supervisory personnel are classified per **military** rank, e.g., sergeant, lieutenant, captain, major, etc....

...The court judicially notices that jail and prison staffs are organized in **military** style....

986. U.S. v. Blade

U.S. Air Force Court of Military Review. | November 29, 1974 | 1974 WL 14135 | 49 C.M.R. 646

Sentence adjudged 2 April 1974 by SpCM convened at Barksdale Air Force Base, Louisiana. **Military** Judge: Leo L. Sergi (sitting alone). Approved sentence: Bad conduct discharge, forfeiture of one hundred dollars (\$100.00) per month for three (3) months and reduction to airman basic.

...The Court of **Military** Appeals has several times examined the propriety of searches of persons or vehicles entering **military** installations or particular areas within an installation, but, as far as our **research** has revealed, the Court has never had before it a case in which the sole basis for a gateway search is the security of the command....

...Similarly, while Sergeant Stokes has the title of Security Policeman and may sometimes perform law enforcement duties, his duty in this instance was that of a **military** sentinel safeguarding a **military** installation....

987. U.S. v. Chadwell

U.S. Navy Board of Review. | October 25, 1965 | 1965 WL 4806 | 36 C.M.R. 741

Tried by special court-martial convened by Commanding Officer, 3rd Amphibian Tractor Battalion, 1st Marine Division (Rein), FMF, Camp Pendleton, California. Sentence adjudged 26 March 1965.

...doubtful that the government was required to offer specific proof of clear public interest in the **military** community and that failure to take shots represented a substantial threat to public health and safety in the **military** since such a conclusion is inescapable on the basis of common knowledge that immunization is necessary in order to protect the health and welfare of the **military** community and...

...••••• f. The standards used by the Selective Service System in determining 1-O-or 1-A-O classification of draft registrants prior to induction are considered appropriate for application to cases of marines who claim conscientious objection after entering **military** service. 1-A-O classification permits induction into the **military** service and the inductee is required to perform duties as outlined in paragraph 6b of this order. 1-O classification does not permit induction into **military** service but does permit induction into the Alternative Service Plan (Conscientious Objectors' Work Program)....

988. General Media Communications, Inc. v. Cohen

United States Court of Appeals, Second Circuit. | November 21, 1997 | 131 F.3d 273 | 1997 WL 732329

Publishers and trade associations brought action challenging constitutionality of **Military** Honor and Decency Act, prohibiting sale or rental of sexually explicit materials by **military** personnel acting in an official capacity, such as at **military** exchanges. The United States District Court for the Southern District of New York, Shira A....

...The government argues that the sale by the **military** of lascivious materials in **military** exchanges risks sending a message that the **military** approves of or endorses these materials....

...Publishers and trade associations brought action challenging constitutionality of **Military** Honor and Decency Act, prohibiting sale or rental of sexually explicit materials by **military** personnel acting in an official capacity, such as at **military** exchanges....

989. Patterson v. Defense POW/MIA Accounting Agency

United States District Court, W.D. Texas, San Antonio Division. | July 29, 2019 | 398 F.Supp.3d 102 | 2019 WL 3412913

ADMINISTRATIVE PRACTICE — Judicial Review. Sufficient rational basis existed for government's denial of requests to turn over World War II servicemembers' purported remains to next of kin.

...Regulation of the disinterment, processing, and identification of servicemembers from past conflicts is a “**military** function” under the Administrative Procedures Act's (APA) provision that exempts United States **military** functions from the APA's notice and comment rulemaking requirements. 5 U.S.C.A. § 552(a)(1)....

...When AGRS was terminated, ABMC assumed its responsibilities with respect to maintaining permanent **military** cemeteries overseas....

990. al-Iraqi v. United States

United States Court of Military Commission Review. | April 21, 2020 | 455 F.Supp.3d 1273 | 2020 WL 2569846

JUDICIAL ADMINISTRATION — Court Officers. Judge's law clerk's taking of job with U.S. Attorney's Office did not require clerk's exclusion from war-crimes trial before **military** commission.

...The **military** judge remarked, “To conclude otherwise would suggest that the entire **military** commission system # must be found legally insufficient,” as well as the **military** justice system—the “structural blueprint for the **military** commission system.”...

...Id. Third, given (i) how the **military** justice system works, (ii) the **military** assignment process, and (iii) that nearly all **military** commission participants are DoD employees, no “reasonable, objective person # would harbor doubts about this **Military** Judge's impartiality simply because [LC Blackwood] applied for work within the same [DoD] that already employed [LC Blackwood]....

991. Kalayjian v. Peake

United States Court of Appeals for Veterans Claims. | December 23, 2008 | Slip Copy | (Table, Text in WESTLAW), Unpublished Disposition | 2008 WL 5377776

The appellant, Michael J. Kalayjian, appeals through counsel a February 6, 2007, Board of Veterans' Appeals (Board or BVA) decision that denied entitlement to service connection for post-traumatic stress disorder (PTSD). Single-judge disposition is appropriate. See Frankel v. Derwinski, 1 Vet.App. 23, 25-26 (1990). Based on the reasons set forth...

...The appellant argues that the Board failed to ensure that the duty to assist was met by **researching** the mission and history of his unit....

...First, he asserts that the Board failed to ensure that the duty to assist was met by **researching** the mission and history of his unit....

992. Gonzalez v. New Jersey Nat. Guard

United States District Court, D. New Jersey. | June 08, 2007 | Not Reported in F.Supp.2d | 2007 WL 1686135

Before the Court is a motion by Defendants Dennis Devery and the New Jersey National Guard for summary judgment on Plaintiff's claim for damages for injuries incident to service, and for dismissal of the remaining claims for injunctive relief. For the reasons provided below, the Court grants Defendants' motions. Plaintiff Maria E. Gonzalez...

...See, e.g., Chappell v. Wallace, 462 U.S. 296 (1983) (holding that, as in Feres, the unique disciplinary structure of **military** establishment and Congress's activity in the field constitute "special factors" that make it inappropriate to provide enlisted **military** personnel a Bivens-type remedy against their superior officers for alleged racial discrimination that resulted in low performance evaluations and assignment to undesirable duties)....

...These regulations required the Guard, as a part of the United States **Military**, to terminate Plaintiff....

993. Wells v. Shinseki

United States Court of Appeals for Veterans Claims. | September 21, 2012 | Not Reported in Vet.App. | 2012 WL 4320791

The self-represented appellant, Charles Wells, appeals the December 6, 2010, decision of the Board of Veterans' Appeals (Board) that denied his claim for entitlement to service connection for a cervical spine disorder with right arm neuropathy. This appeal is timely and the Court has jurisdiction over the matter on appeal pursuant to 38 U.S.C....

...There is no **military** medical record indicating the patient had any neck complaints while in **military** service....

...There is no **military** medical record indicating any neck and neurologic abnormalities [] while he was in **military** service....

994. Ridings v. Wilkie

United States Court of Appeals for Veterans Claims. | July 08, 2019 | Not Reported in Vet. App. Rptr. | 2019 WL 2909091

Appellant Virgil P. Ridings, Jr., served on active duty in the U.S. Air Force from November 1963 to January 1986, including service in Thailand at the Korat Royal Thai Air Force Base (RTAFB) during the Vietnam War Era. Record (R.) at 264, 295, 342. He appeals, through counsel, a March 5, 2018, Board of Veterans' Appeals (Board) decision that...

...He also stated that on one occasion he accompanied the commander of the **military** police “on patrol # of the extreme perimeter.”...

...R. at 65; see also R. at 7 (Board's discussion of conceded exposure to commercial herbicide use on **military** bases in Thailand as allowing for presumptive service connection under 38 C.F.R. § 3.309(e))....

995. Ward v. United States

United States District Court, W.D. Texas, San Antonio Division. | July 12, 2012 | Not Reported in Fed. Supp. | 2012 WL 12875240

Before the Court is Defendant's Motion to Dismiss and/or, in the Alternative, for Summary Judgment. (Docket no. 3). No response in opposition to the motion was filed. After careful consideration, the Court is of the opinion the motion should be granted in the alternative and summary judgment should be entered in favor of the United States. The...

...Plaintiff is being investigated for defrauding the United States Army of thousands of dollars by assisting in the larceny and sale of **military** purchased printer toner/cartridges to private businesses in violation of the Uniform Code of **Military** Justice (“USMJ”) Article 81, Conspiracy (10 U.S.C. § 881) and UCMJ Article 121, Larceny and Wrongful Appropriation (10 U.S.C. § 921)....

...The government suspects he has violated one or more punitive Articles of the Uniform Code of **Military** Justice....

996. Stunder-Hines v. Wilkie

United States Court of Appeals for Veterans Claims. | March 13, 2020 | Not Reported in Vet. App. Rptr. | 2020 WL 1223531

The pro se appellant, Mary D. Stunder-Hines, surviving spouse of veteran Edward T. Hines, appeals a September 26, 2018, decision of the Board of Veterans' Appeals (Board) that denied service connection for Mr. Hines's lung cancer resulting from herbicide exposure. The issue on appeal is timely and the Court has jurisdiction over this matter...

...**Military** records identify his occupational specialty as a **military** policeman....

...With regard to the veteran's assertion that he travelled on a secret mission to Vietnam on a special forces assignment, the Board found it “unlikely that a **military** policeman untrained in Special Forces warfare would be sent on such a mission.”...

997. Bridgham v. McDonough

United States Court of Appeals for Veterans Claims. | June 30, 2022 | Not Reported in Vet. App. Rptr. | 2022 WL 2356401

The appellant, Charles B. Bridgham, through counsel appeals a March 17, 2021, Board of Veterans' Appeals (Board) decision denying entitlement to disability compensation for skin cancer. Record (R.) at 4-15. This appeal is timely, and the Court has jurisdiction to review the Board's decision pursuant to 38 U.S.C. §§ 7252(a) and...

...The Director summarized **research** regarding lifetime exposure from background radiation:...

...The Director recounted the appellant's **military** and medical history and estimated that the radiation dose from the cobalt-60 exposure described by the appellant was 1.890 rem 1 to the skin....

998. Nielson v. Seaborg

United States District Court, D. Utah, Central Division. | September 26, 1972 | 348 F.Supp. 1369 | 1972 WL 335866

Action to prevent nuclear testing by Atomic Energy Commission and to force Commission's compliance with provisions of National Environmental Policy Act. The District Court, Aldon J. Anderson, J., held that, if radiation prior to 1966 caused injury which could reasonably be apprehended only in 1972, then cause of action against Atomic Energy...

...The Commission conducts its Nevada tests pursuant to statutory instructions to conduct experiments and do **research** and development work in the “**military**,” “industrial” and “commercial” application of atomic energy. 42 U.S.C. §§ 2121(a)(1), 2051(a)(4)....

...(a) The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our **military** posture for the future....

999. U.S. v. Lawton

U.S. Army Court of Military Review. | January 24, 1985 | 19 M.J. 886

Accused, a specialist five, United States Army, was convicted by court-martial, C.C. Watkins, J., of three specifications each of falsifying official records and submitting false travel vouchers, and sentenced to bad-conduct discharge, confinement at hard labor for six months, forfeiture of \$382 pay per month for six months, and reduction to...

...We are not unmindful of the difficulties faced by **military** judges who must try a case in remote locations and with extremely limited legal **research** facilities....

... We agree that the **military** judge's instructions were defective....

1,000. U.S. v. Bailey

U.S. Court of Military Appeals. | January 27, 1986 | 21 M.J. 244

Accused was convicted of larceny, distribution of LSD and marihuana by general court-martial convened at Fort Riley, Kansas. The United States Army Court of **Military** Review, 18 M.J. 749, concluded that two pleas of guilty were improvident and question was certified for review. The United States Court of **Military** Appeals, Everett, Chief Judge, held...

... I write only to remind **military** judges and counsel that once entrapped does not necessarily mean always entrapped....

... Defense counsel also affirmed that, after extensive **research**, he was convinced that “no legal defense of entrapment” existed....