

Neal A. Puckett, Esq.  
Lic: VA

Debra A. D'Agostino, Esq.  
Lic: NY

Haytham Faraj, Esq.  
Lic: IL, MI, DC



THE LAW FIRM OF PUCKETT AND FARAJ, PC

---

October 10, 2011

**Via Email: [ekrivda@calpoly.edu](mailto:ekrivda@calpoly.edu)**

LTC Eric Krivda  
Professor of Military Science  
California Polytechnic State University

*Re: Cadet Andrew Corbett Notification to a Board of Officers; Request for continuance*

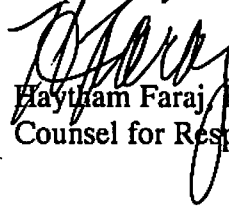
Dear LTC Krivda,

On October 4, 2011, Cadet Corbett was notified by Memorandum ATCC-HHC-ASB of an intent to conduct a Board of Officers on October 11, 2011 to inquire into whether he should be disenrolled from the ROTC Program as set forth under AR 145-1. AR 145-1 also establishes a respondent's right to counsel at a Board of Officers. I have been retained to assist Cadet Corbett in his hearing. I was retained by Cadet Corbett on Friday October 7, 2011, and have, therefore, not had sufficient time to prepare for a hearing on October 11. Your letter notified Cadet Corbett of his right to counsel and referred to AR 145-1 as the governing regulation. Paragraph 3-43b of AR 145-1 mandates that the procedures set forth under AR 15-6 be used for Boards of Officers. Chapter 5 of AR 15-6 sets forth the procedures for Boards of Officers.

Pursuant to your letter and paragraph 5-6 of AR 15-6, I respectfully request a continuance of the hearing currently scheduled for October 11, 2011, until Thursday October 20, 2011. The continuance is necessary to allow me to prepare to assist Cadet Corbett in responding to the notice and hearing. This is the first request for a continuance. Paragraph 5-6.c of AR 15-6 counsels that "board proceedings will be held in abeyance pending respondent's reasonable and diligent efforts to obtain civilian counsel....proceedings will not be delayed unduly...to accommodate the schedule of such counsel." AR 15-5. Paragraph 5-6.c.

This request is reasonable and is for a bona fide purpose. The delay is for a total of six business days and is not unduly burdensome. It will provide the time necessary for me to review the personnel record, investigate the case, familiarize myself with the applicable regulation(s) and summon the witnesses necessary to present a full and fair response to the notice. A denial of this request will result in substantial harm and prejudice to Cadet Corbett's case because it will deny him the right to the effective assistance of counsel as contemplated by AR 15-6. Moreover, because the requested delay is not for an unreasonable length or purpose, six business days to prepare, a denial of the request would be a denial of a procedural due process right afforded by the regulation to Cadets considered for disenrollment from the ROTC Program. Accordingly, I respectfully request a delay of the hearing until October 20, 2011.

Respectfully submitted,



Haytham Faraj, Esq  
Counsel for Respondent

Copy to:  
Client  
File