



**ASSOCIATION OF CIVILIAN TECHNICIANS**



## **West Virginia State Council**

### **Instructions for Furlough Rebuttal**

- 1. This document is prepared in reference to paragraph 4 of Management's Memorandum Subject: Notice of Proposed Furlough.**
- 2. Enter the appropriate language in the fillable form on page 2 of this document.**
- 3. When you have completed the attached letter print, sign and copy the letter for your records.**
- 4. Please inform your union steward if you cannot prepare this letter without assistance.**
- 5. Once you have submitted your letter of appeal you should expect a written response prior to the furlough commencing. If you do not receive a final decision in writing from the TAG before the furlough commences notify your union steward for assistance.**
- 6. If you attach any additional documentation to support your appeal make sure to maintain a complete set of copies for use in any later grievance or appeal actions.**
- 7. Good luck with your appeal.**

**Dennis K. Rayburn, Chairman State Council**

**Association of Civilian Technicians WV Chapters**

To: James A. Hoyer  
Major General, WVARNG  
The Adjutant General

Date \_\_\_\_\_

Thru: Lt Col Michael O. Cadle  
Director of Staff - Air  
1679 Coonskin Drive  
Charleston, WV 25311

In response to the "Notice of Proposed Furlough" issued on 31 May 2013, and in accordance with TPR 715, I would like to exercise my right to have you review my objections to being furloughed.

The National Guard Bureau (NGB) Guidance for Administrative Furlough (dated 12 April 2013) cites 5 Code of Federal Regulation (CFR); 752, Subpart D as their authority for furloughs of 22 workdays or less. However, 5 CFR; 752, Subpart D (Section 752.401) very clearly list "technician(s) in the National Guard described in section 8337(h)(1) of title 5, United States Code, who is employed under section 709(a) of title 32, United States Code" as excluded employees from this Subpart. Furthermore, 10 United States Code (USC) 10216 states that "the Secretary of Defense shall give priority to supporting authorizations for military technicians (dual status)" and that "Military technician (dual status) authorizations and personnel shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions."

Sir, I am excluded from these actions being directed by the Department of Defense (DoD) because the Secretary of Defense (SECDEF) has requested authorizations from Congress specifically for the Title 32 program and Congress has approved those authorizations. By taking appropriated money authorized by Congress for military technicians (dual status) and using it to pay for budget shortfalls imposed by Sequestration, the SECDEF is essentially misappropriating government funds.

If we are excluded, by law, from this action as directed by DoD, then the furloughing of my position is illegal and I respectfully request that you cease any further attempts to furlough me, or any other National Guard Technician employed under 709(a) of Title 32.

Additionally, I have specific (Check One)  financial  career  familial concerns which I fear will be gravely impaired by the loss of 88 hours of pay regardless of the manner in which it is denied to me and my dependents. These are my concerns:

Respectfully,

Name: \_\_\_\_\_ Signature: \_\_\_\_\_