UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

THOMAS ROBERTS,) Plaintiff,) v.) FRANCIS J. HARVEY,) Secretary of the Army, *et al.*,) Defendants.)

Civil Action No. 05-2430 (ESH)

ORDER

For the reasons stated in the Court's accompanying Memorandum Opinion, it is hereby

ORDERED that Plaintiff's Cross-Motion for Summary Judgment [9] is GRANTED IN

PART; it is

FURTHER ORDERED that Defendants' Motion to Dismiss, in Part, and for Summary Judgment [6] is **DENIED**; and it is

FURTHER ORDERED that the above-captioned matter is remanded to the Army Board

for Corrections of Military Records for further proceedings consistent with the Court's

Memorandum Opinion.

s/ ELLEN SEGAL HUVELLE United States District Judge

Dated: August 3, 2006