EXHIBIT 5

Defendants’ Cross-Motion for Summary Judgment

_Samna v. Esper, 20-cv-1104 (D.D.C.)_
DECLARATION OF CHELSEA P. AUBUCHON

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am currently the Battalion S1 for the Special Troops Battalion. As the Battalion S1, I am the principal staff officer for all military personnel matters and other matters concerning human resources support within the unit and serve as the senior adjutant general officer in the command. In my capacity as the principal staff officer for military personnel matters, I have oversight responsibilities for maintaining personnel information, accounting for military personnel, and collecting, processing and storing information about soldiers. Within my office, I oversee the processing of individual military personnel actions, including finance and legal services, and records management, including custody, maintenance, and inspection of military personnel records maintained by the unit for each soldier assigned to the unit.

2. I commissioned as an officer in the Regular Army on April 16, 2019. I am currently a Second Lieutenant serving as a Human Resources Officer in the Adjutant General’s Corps. I have served as a Human Resources Officer since September 10, 2019. On September 16, 2019, I assumed my current responsibilities as the Battalion S1 for the Special Troops
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Battalion. The Special Troops Battalion is attached to the 25th Infantry Division Sustainment Brigade under the command of Colonel (COL) Landis C. Maddox.

3. I submit this declaration pursuant to Federal Rules of Evidence 902(11) as the custodian of all military personnel records that are processed by and maintained within the custody of the Special Troops Battalion personnel office.

4. Specialist Yu Min Lee is an Active Duty soldier serving at Schofield Barracks, Hawaii, and is currently assigned to Headquarters and Headquarters Company, Special Troops Battalion, 25th Infantry Division Sustainment Brigade Commander. SPC Lee has been assigned to the Special Troops Battalion since May 4, 2020. The unit maintains a local military personnel record for each of its soldiers, including for SPC Lee. The attached copy of the USCIS Form N-426, Request for Certification of Military or Naval Service, for SPC Yu Min Lee (Attach. A) was certified by COL Landis C. Maddox, 25th Infantry Division Sustainment Brigade Commander, the first O-6 commanding officer in the soldier’s chain of command, and SPC Lee’s military service was certified in accordance with the April 24, 2020, Under Secretary of Defense memorandum, subject: Certification of Honorable Service for Purposes of Naturalization. A copy of this certified USCIS Form N-426 is maintained in the soldier’s local military personnel record under my custodial responsibility. Additionally, a copy of the form will be uploaded into the soldier’s official military record—Army Military Human Resources Record (AMHRR).

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 15, 2020.

[Signature]
CHELSEA P. AUBUCHON
Second Lieutenant, U.S. Army
ATTACHMENT A
Request for Certification
of Military or Naval Service

USCIS
Form N-426
OMB No. 1615-0053
Expires 09.30.2021

USCIS requests certification of the service member's military service. Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the executive department under which such person served to certify whether the service member served honorably, and whether the service member's separation from the service was under honorable conditions pursuant to Department of Defense (DoD) policy and guidelines. Recruiters are not authorized to certify this request.

NOTE: Requestors must complete Parts 1.- 4. Certifying officials must complete Parts 5.- 8. All applicants must submit a completed Form N-426; however, only applicants currently serving are required to obtain certification of Form N-426. Submit this request with Form N-400, Application for Naturalization. USCIS may reject your application if this request is not completely and properly filled out.

NOTE: ONLY military personnel (serving in pay grade O-6 or above) and equivalent civilian personnel (GS-15 or above) with proper authorization may certify this request.

Part 1. Information About You

1. Alien Registration Number (A-Number) (if any)  
   ▶ A-

2. Military Service Number
   

3. Full Legal Name
   Family Name (Last Name)  Given Name (First Name)  Middle Name
   Lee  Yu Min  N/A

4. Other Names Used
   List all other names you have used, including your maiden name (if any). If you need extra space to complete this section, use the space provided in Part 9. Additional Information.
   Family Name (Last Name)  Given Name (First Name)  Middle Name
   Lee  Sunny  N/A
   Sunny  Yu Min

5. U.S. Social Security Number (if any)  
   ▶

6. USCIS Online Account Number (if any)  
   ▶

7. Date of Birth (mm/dd/yyyy)  
   ▶

8. Place of Birth
   City  Country
   Bucheon  South Korea

9. Country of Citizenship  
   South Korea

10. Country of Nationality  
    South Korea

11. Physical Address
    Street Number and Name
    City or Town  County  State  ZIP Code + 4
    Schofield Barracks  Honolulu  HI
    Province or Region (foreign address only)  Country (foreign address only)  Postal Code (foreign address only)
    USA
Part 2. Enlistment Information

1. Where did you enlist?
   - Country: USA
   - City: El Segundo
   - State: CA
   - Province (if applicable):

2. Where did you reside when you enlisted?
   - Country: USA
   - City: Hawaiian Gardens
   - State: CA
   - Province (if applicable):

3. Have you reenlisted? □ Yes  ❌ No

4. Where did you reenlist?
   - Country:
   - City:
   - State:
   - Province (if applicable):

5. Where did you reside when you reenlisted?
   - Country:
   - City:
   - State:
   - Province (if applicable):

Part 3. Periods of Military Service (To be completed by requestor)

Provide all periods of service. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

NOTE: If you have multiple periods of military service and are separated from service, you must provide your most current DD Form 214 or NGB Form 22.

<table>
<thead>
<tr>
<th>Military Service</th>
<th>Branch of Service</th>
<th>Service Start Date (mm/dd/yyyy)</th>
<th>Service End Date (mm/dd/yyyy)</th>
<th>Type of Service (include all active, reserve, and National Guard Service)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Service 1</td>
<td>Army</td>
<td>07/01/2016</td>
<td>09/18/2019</td>
<td>□ Active Duty  ❌ Selected Reserve of the Ready Reserve</td>
</tr>
<tr>
<td>Military Service 2</td>
<td>Army</td>
<td>09/23/2019</td>
<td>Present</td>
<td>✓ Active Duty  ❌ Selected Reserve of the Ready Reserve</td>
</tr>
<tr>
<td>Military Service 3</td>
<td></td>
<td></td>
<td></td>
<td>□ Active Duty  □ Selected Reserve of the Ready Reserve</td>
</tr>
</tbody>
</table>
**Part 4. Requestor's Contact Information, Certification, and Signature**

**Requestor's Contact Information**

1. Requestor's Daytime Telephone Number  
2. Requestor's Mobile Telephone Number (if any)

3. Requestor's Email Address (if any)

**Requestor's Certification**

I authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that all of the information in my request and any document submitted with it were provided by me and are complete, true, and correct.

**Requestor's Signature**

4. Requestor's Signature  

Date of Signature (mm/dd/yyyy)  

03/18/2020

**NOTE TO ALL REQUESTORS:** USCIS may reject or deny your Form N-400 if you do not complete this Form N-426, or if you do not submit all required documents listed in the Instructions.

**Part 5. Character of Service (To be completed by certifying official)**

**NOTE:** For armed forces members currently serving, the certifying official MUST complete AND certify Form N-426 in Parts 5. - 8. Veterans who are no longer serving may leave Parts 5. - 8. blank, but MUST provide copies of their DD Form 214 or NGB Form 22 that include the character of service upon separation from service for all periods of service.

For this character of service section, the certifying official must indicate whether the requestor served honorably or is currently serving honorably for each period of military service the requestor served (refer to Part 3. Periods of Military Service). For any “No” responses, provide details in Part 7. Remarks.

1. Honorable Period of Military Service 1  
   × Yes  ☐ No

2. Honorable Period of Military Service 2  
   ☐ Yes  ☐ No  × N/A

3. Honorable Period of Military Service 3  
   ☐ Yes  ☐ No  × N/A

**Part 6. Separation Information**

1. Is the requestor separated?  
   ☐ Yes  × No

2. If separated, select discharge type:  
   □ Honorable  □ Other (provide details in Part 7. Remarks)

3. Was the requestor discharged on account of alienage?  
   ☐ Yes  × No

If you answer “Yes,” provide details in Part 7. Remarks.
Part 7. Remarks

Provide any derogatory information in your records relating to the service member's character, loyalty to the United States, disciplinary action, convictions, other than honorable discharges, or other matters concerning his or her fitness for citizenship. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.

It appears Part 3 was incorrectly completed; Specialist Lee has not been separated from the military and she has not served in the Selected Reserve. Notwithstanding the Part 3 error, Part 3 certifies the honorable period of service Active military service from 9/23/2019 – present.

Part 8. Certification (To be completed by certifying official)

I, Landis C. Maddox COL Brigade Commander,

[Full Name] [Rank] [Title]

certify that I am duly authorized under the laws, regulations and policies of the Department of Defense to certify the requestor's honorable service. I have personally reviewed the requestor's service record. The information provided herein is a reflection of my findings. I certify that the information given here concerning the service of the person named on this request is correct according to the records of the [branch of service].

Branch of Service: U.S. Army
Component: active duty
Rank: COL

Title: Brigade Commander
Full Name: Landis C. Maddox

Work Telephone Number: [Redacted]
Military Email Address: [Redacted]

Official Signature (NOTE: An original ink signature or a copy of an original ink signature is acceptable. A digital signature is not acceptable.)

[Signature]

Date (mm/dd/yyyy): 05/15/2020

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Part 9. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

<table>
<thead>
<tr>
<th></th>
<th>Family Name (Last Name)</th>
<th>Given Name (First Name)</th>
<th>Middle Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Lee</td>
<td>Yu Min</td>
<td>N/A</td>
</tr>
</tbody>
</table>

2. A-Number (if any) ➤ A-

3. A. Page Number
   B. Part Number
   C. Item Number
   D. _______________________________________________________________________

4. A. Page Number
   B. Part Number
   C. Item Number
   D. _______________________________________________________________________

5. A. Page Number
   B. Part Number
   C. Item Number
   D. _______________________________________________________________________

6. A. Page Number
   B. Part Number
   C. Item Number
   D. _______________________________________________________________________

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