

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ANTHONY M. GONTARZ,

Plaintiff,

v.

PETE HEGSETH, in his official capacity as
United States Secretary of War, *et al.*,

Defendants.

Civil Docket No. 1:26-cv-01396-RBW

CONSENT MOTION TO STAY PROCEEDINGS

Defendants respectfully move the Court to stay proceedings for 60 days in light of recent changes to Department of War (DoW) policy that they believe moot this case.

1. Plaintiff challenges a DoW policy that restricted eligibility for health care benefits under the Transitional Assistance Management Program (TAMP) to Service members whose orders were coded as being in support of a contingency operation. Compl. ¶ 5. Plaintiff alleges that the Supreme Court’s decision in *Feliciano v. Department of Transportation*, 605 U.S. 38 (2025), “strongly supports the precise interpretive question at issue in this case.” Compl. ¶ 34.

2. As previously reported, DoW has been “reviewing its procedures for consistency with the Supreme Court’s decision in *Feliciano*,” and the outcome of this review could “eliminate the need for litigation in this case altogether.” ECF No. 18 ¶¶ 4–5. Accordingly, the Court previously granted Defendants a 45-day extension of time to respond to the Complaint, to which Plaintiff consented. *See* Minute Order (June 22, 2026). Defendants’ current deadline to respond to Plaintiff’s Complaint is August 13, 2026, and their deadline to oppose Plaintiff’s motion for class certification and appointment of class counsel is September 14, 2026. *See* Minute Orders (June 22,

2026 & July 27, 2026).

3. On August 10, 2026, DoW issued a Memorandum revising eligibility for TAMP benefits in light of *Feliciano*. Defendants have provided the Memorandum to Plaintiff's counsel, and it is attached here for reference. *See* Ex. A. The Memorandum provides that, "[t]o be eligible for TAMP, a Service member does not need to demonstrate that his or her service was substantively connected in some way to a war, a contingency operation, or a national emergency." *Id.* Service members "who were found ineligible for TAMP on or after April 24, 2020, because . . . their service was not deemed" to have such a connection "may seek reimbursement for civilian expenses for health coverage and care, including premiums and out-of-pocket-costs." *Id.*

4. Defendants believe the August 10, 2026 Memorandum moots this case. Accordingly, to conserve judicial resources, they respectfully request that proceedings be stayed for 60 days to allow the parties time to confer regarding whether further litigation is necessary. Defendants propose that the parties file a joint status report by October 13, 2026,¹ proposing a schedule for further proceedings, if the case is not voluntarily dismissed by then.

5. Before filing this motion, Defendants conferred with Plaintiff's counsel, who indicated that Plaintiff consents to the requested stay.

WHEREFORE, Defendants respectfully request that the Court grant this motion, stay proceedings for 60 days, and direct the parties to file a joint status report by October 13, 2026, proposing a schedule for any further proceedings that may be necessary. A proposed order is attached.

Dated: August 13, 2026

Respectfully Submitted,

BRETT A. SHUMATE
Assistant Attorney General

¹ Defendants respectfully request that the deadline to file the joint status report be set for October 13, 2026, because the 60-day deadline falls on October 12, 2026, a federal holiday.

Civil Division

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EXHIBIT A



PERSONNEL AND
READINESS

UNDER SECRETARY OF WAR
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

AUG 10 2026

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOW FIELD ACTIVITY DIRECTORS

SUBJECT: Transitional Assistance Management Program Eligibility

Section 1145(a) of title 10, U.S. Code, provides for transitional health care through the Transitional Assistance Management Program (TAMP) for Service members who are separated from active service to help with their transition. The program provides 180 days of healthcare coverage following the day of the Service member's separation from active service.

Eligibility is defined in 10 U.S.C. § 1145(a)(2). As that provision states, TAMP eligibility applies retroactively to Reserve Component Service members who were called or ordered to, or retained on, active duty for at least 30 days under 10 U.S.C. § 12304b or a contingency operation as defined in 10 U.S.C. § 101(a)(13). This also includes Service members who volunteered for active duty under 10 U.S.C. § 12301(d). To be eligible for TAMP, a Service member does not need to demonstrate that his or her service period was substantively connected in some way to a war, a contingency operation, or a national emergency. Retroactive eligibility applies only if the Service member's TAMP benefits were denied on or after April 24, 2020.

Service member eligibility for TAMP will be evaluated in line with this revised policy. The Assistant Secretary of War for Manpower and Reserve Affairs will ensure coding in the Defense Enrollment Eligibility Reporting System is adjusted to implement this change to TAMP eligibility.

Service members who were found ineligible for TAMP on or after April 24, 2020, because their activation was not considered as being under a provision of law referred to in 10 U.S.C. § 101(a)(13), or their service was not deemed to be connected in some way to a war, a contingency operation, or a national emergency, may seek reimbursement for civilian expenses for health coverage and care, including premiums and out-of-pocket costs, incurred by themselves and their covered family members if those expenses would not have been incurred had they been found eligible for TAMP benefits.

To request reimbursement, Service members should email the Defense Health Agency at dha.san-diego.healthcare-ops.mbx.thp-eligibility-adj@health.mil.

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Anthony J. Tata