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THE TILLMAN FRATRICIDE: WHAT THE LEADERSHIP OF THE DEFENSE DEPARTMENT KNEW

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

AUGUST 1, 2007

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THE TILLMAN FRATRICIDE: WHAT THE LEADERSHIP OF THE DEFENSE DEPARTMENT KNEW

WEDNESDAY, AUGUST 1, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:06 a.m., in room 2154, Rayburn House Office Building, Hon. Henry A. Waxman (chairman of the committee) presiding.

Present: Representatives Waxman, Maloney, Cummings, Kucinich, Davis of Illinois, Tierney, Clay, Watson, Lynch, Yarmuth, Braley, Norton, Cooper, Van Hollen, Hodes, Sarbanes, Welch, Davis of Virginia, Burton, Shays, McHugh, Mica, Platts, Duncan, Turner, Issa, McHenry, Bilbray and Sali.

Staff present: Phil Schiliro, chief of staff; Phil Barnett, staff director and chief counsel; Kristin Amerling, general counsel; Karen Lightfoot, communications director and senior policy advisor; David Rapallo, chief investigative counsel; John Williams, deputy chief investigative counsel; David Leviss, senior investigative counsel; Suzanne Renaud and Steve Glickman, counsels; Earley Green, chief clerk; Teresa Coufal, deputy clerk; Matt Siegler, special assistant; Caren Auchman, press assistant; Zhongrui "JR" Deng, chief information officer; Leneal Scott, information systems manager; Will Ragland, staff assistant; Bonney Kapp, fellow; David Marin, minority staff director; Larry Halloran, minority deputy staff director; Jennifer Safavian, minority chief counsel for oversight and investigations; Keith Ausbrook, minority general counsel; Steve Castor and A. Brooke Bennett, minority counsels; Susie Schulte, minority senior professional staff member; Christopher Bright and Allyson Glandford, minority professional staff members; Nick Palarino, minority senior investigator and policy advisor; Patrick Lyden, minority parliamentarian and member services coordinator; Brian McNicoll, minority communications director; Benjamin Chance, minority clerk; and Ali Ahmad, minority deputy press secretary.

Chairman WAXMAN. I want to welcome everyone to our hearing today. I do want to announce this is a hearing of Congress, and not a rally or a demonstration. Please keep that in mind.

As of last night, 4,063 of our bravest soldiers have died in the Afghan and Iraq wars. Each death has its own compelling story. Each brought incalculable grief for the soldier's family and friends, and each is a tragic and irreplaceable loss for our country.

In today's hearing we will continue our investigation of the misinformation surrounding the death of one of those soldiers, Corporal Pat Tillman. We are focused on Corporal Tillman's case because the misinformation was so profound and because it persisted so long. And if that can happen to the most famous soldier serving in Iraq and Afghanistan, it leaves many families and many of us questioning the accuracy of the information from many other casualties.

To date there have been seven investigations into Corporal Tillman's case, yet the Army announced sanctions against—yesterday the Army announced sanctions against six officers, while important questions still remain unanswered. Normally in investigations we learn more, and the more we learn, the easier it is to understand what actually happened. The opposite is true in the Tillman case. As we learn more, everything that happened in 2004, from April 22nd, the day Pat Tillman died, to May 29th, the day the Defense Department finally announced this was a friendly fire incident, makes less sense.

One possible explanation is that a series of counterintuitive, illogical blunders unfolded, accidentally and haphazardly. As the Army noted yesterday, in seven investigations into this tragedy, not one has found evidence of a conspiracy by the Army to fabricate a hero, to deceive the public or mislead the Tillman family about the circumstances of Corporal Tillman's death.

The other possible explanation is that someone or some group of officials acted deliberately and repeatedly to conceal the truth. Kevin Tillman, who served with his brother in Afghanistan, expressed that view in our last hearing. He said April 2004 was turning into the deadliest month to date in the war in Iraq. American commanders essentially surrendered Fallujah to members of the Iraq resistance. In the midst of this, the White House learned that Christian Parenti, Seymour Hersh, and other journalists were about to reveal a shocking scandal involving massive and systemic detainee abuse in a facility known as Abu Ghraib. Revealing that Pat's death was fratricide would have been yet another political disaster during a month already swollen with political disasters, and a brutal truth that the American public would undoubtedly find unacceptable. So the facts needed to be suppressed, and an alternate narrative had to be constructed. This freshly manufactured narrative was then distributed to the American public, and we believe the strategy had the intended effect. It shifted the focus from the grotesque torture at Abu Ghraib to a great American who died a hero's death.

Well, that was the view of Kevin Tillman. Our committee's challenge is to determine which explanation is true. At our last hearing, Specialist Bryan O'Neal testified. Specialist O'Neal was standing next to Corporal Tillman during the firefight. He knew immediately that this was a case of friendly fire, and described what happened in an eyewitness statement he submitted up his chain of command immediately after Corporal Tillman's death.

But Specialist O'Neal told us something else. After he submitted his statement, someone else rewrote it. This unnamed person made significant changes that transformed O'Neal's account into an enemy attack. We still don't know who did that and why he did it.

We just know that although everyone on the ground knew this was a case of friendly fire, the American people and Tillman family were told that Corporal Tillman was killed by the enemy, and that doesn't make any sense.

Our focus has been to look up the chain of command, but that has proved to be as confounding as figuring out what happened to Specialist O'Neal's witness statement. We have tried to find out what the White House knew about Corporal Tillman's death. We know that in the days following the initial report, at least 97 White House officials sent and received hundreds of e-mails about Corporal Tillman's death and how the White House and the President should respond. Now, there is nothing sinister about this.

I want that sign down.

There is nothing sinister about this, and there is nothing sinister in the e-mails we have received. Corporal Tillman is a national hero. It makes sense that White House officials would be paying attention. But what doesn't make sense is that weeks later, in the days before and after the Defense Department announced that Corporal Tillman was actually killed by our own forces, there are no e-mails from any of the 97 White House officials about how Corporal Tillman really died.

The concealment of Corporal Tillman's fratricide caused millions of Americans to question the integrity of our government, yet no one will tell us when and how the White House learned the truth.

Today we will be examining the actions of the senior leadership at the Department of Defense. Much of our focus will be on a "Personal For" message, also known as a P–4, that Major General Stanley McChrystal sent on April 29, 2004. This P–4 alerted his superiors that despite press reports that Corporal Tillman died fighting the enemy, it was highly possible that Corporal Tillman was killed by friendly fire.

Well, three officers received this P–4 report: Lieutenant General Kensinger, General Abizaid and General Brown. General Kensinger refused to appear today. His attorney informed the committee that General Kensinger would not testify voluntarily, and, if issued a subpoena, would seek to evade service.

The committee did issue a subpoena to General Kensinger earlier this week, but U.S. Marshals have been unable to locate or serve him. So we will not be able to ask General Kensinger what he did with the P–4. We won't be able to ask him why he didn't notify the Tillman family about the friendly fire investigation, and we won't be able to ask him why he did nothing to correct the record after he attended Corporal Tillman's memorial service in early May and he heard statements he knew were false.

Fortunately, we do have the other two recipients of the P–4, General Abizaid and General Brown, here this morning, and we will ask them what they did after they received General McChrystal's message.

We are also grateful that General Myers and Secretary Rumsfeld, who rearranged his schedule so that he could be here today, are here to testify. And we are pleased that you have taken this opportunity to be with us.

Members of the committee, like Americans across the Nation, are looking for answers to simple questions. Who knew about the

friendly fire attack? Why wasn't the family told? Why did it take over a month for the leadership of the Defense Department to tell the public the truth? Today I hope we will at least get answers to these questions and bring clarity to this investigation.

I commend the Army for its continued investigation into the Tillman case, and Army Secretary Geren for the forthright approach he is taking. Progress has been made, but we still don't know who was responsible for the false information and what roles, if any, the Defense Department and the White House had in the deceptions. We owe it to the Tillman family and to the American people to get the answers to these fundamental questions.

[The prepared statement of Chairman Henry A. Waxman follows:]

Opening Statement of
Rep. Henry A. Waxman, Chairman
Committee on Oversight and Government Reform
Hearing on
"The Tillman Fratricide: What the Leadership of the Defense Department Knew"

August 1, 2007

As of last night, four thousand and sixty three of our bravest soldiers have died in the Afghanistan and Iraq wars.

Each death has its own compelling story. Each brought incalculable grief for the soldier's family and friends. And each is a tragic and irreplaceable loss for our country.

In today's hearing we will continue our investigation of the misinformation surrounding the death of one of those soldiers … Corporal Pat Tillman.

We're focused on Corporal Tillman's case because the misinformation was so profound and because it persisted so long. And if that can happen to the most famous soldier serving in Iraq and Afghanistan, it leaves many families — and many of us — questioning the accuracy of information for many other casualties.

To date there have been seven investigations into Corporal Tillman's case. Yesterday the Army announced sanctions against six officers. But important questions still remain unanswered.

Normally in investigations, the more we learn, the easier it is to understand what actually happened. The opposite is true with the Tillman case. As we learn more, everything that happened in 2004 from April 22, the day Pat Tillman died, to May 29, the day the Defense Department finally announced this was a friendly fire incident, makes less sense.

One possible explanation is that a series of counter-intuitive, illogical blunders unfolded accidentally and haphazardly. As the Army noted yesterday, "in seven investigations into this tragedy, not one has found evidence of a conspiracy by the Army to fabricate a hero, deceive the public, or mislead the Tillman Family about the circumstances of Cpl. Tillman's death."

The other possible explanation is that someone — or some group of officials — acted deliberately and repeatedly to conceal the truth. Kevin Tillman, who served with his brother in Afghanistan, expressed that view in our last hearing. He said:

> April 2004 was turning into the deadliest month to date in the war in Iraq. … American commanders essentially surrendered Fallujah to members of Iraq resistance. … In the midst of this, the White House learned that Christian Parenti, Seymour Hersh, and other journalists were about to reveal a shocking scandal involving massive and systemic detainee abuse in a facility known as Abu Ghraib. … Revealing that Pat's death was a fratricide would have been yet another political disaster during a month already swollen with political disasters and a brutal truth that the American public would undoubtedly find unacceptable. So the facts needed to be suppressed and alternative narrative had to be constructed. … This freshly manufactured narrative was then distributed to the American public and we believe the strategy had the intended effect. It shifted the focus from the grotesque torture at Abu Ghraib … to a great American who died a hero's death.

Our Committee's challenge is to determine which explanation is true.

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what happened in an eyewitness statement he submitted up his chain of command immediately after Corporal Tillman's death.

But Specialist O'Neal told us something else. After he submitted his statement, someone else rewrote it. This unnamed person made significant changes that transformed O'Neal's account into an enemy attack.

We still don't know who did that and why he did it. We just know that although everyone on the ground knew this was a case of friendly fire, the American people and the Tillman family were told that Corporal Tillman was killed by the enemy. And that doesn't make any sense.

Our focus has been to look up the chain of command, but that has proved to be as confounding as figuring out what happened to Specialist O'Neal's witness statement.

We have tried to find out what the White House knew about Corporal Tillman's death. We know that in the days following the initial report, at least 97 White House officials sent and received hundreds of e-mails about Corporal Tillman's death and how the White House and the President should respond.

There's nothing sinister about this, and there's nothing sinister in the e-mails we have reviewed. Corporal Tillman is a national hero. It makes sense that White House officials would be paying attention.

But what doesn't make sense is that weeks later — in the days before and after the Defense Department announced that Corporal Tillman was actually killed by our own forces — there are no e-mails from any of these 97 White House officials about how Corporal Tillman really died.

The concealment of Corporal Tillman's fratricide caused millions of Americans to question the integrity of our government, yet no one will tell us when and how the White House learned the truth.

Today we will be examining the actions of the senior leadership at the Department of Defense. Much of our focus will be on a "Personal For" message, also known as a "P4," that Major General Stanley McChrystal sent on April 29, 2004. This P4 alerted his superiors that despite press reports that Corporal Tillman died fighting the enemy, it was "highly possible that Corporal Tillman was killed by friendly fire."

Three officers received this P4 report: Lt. General Kensinger, General Abizaid, and General Brown.

General Kensinger refused to appear here today. His attorney informed the Committee that General Kensinger would not testify voluntarily and, if issued a subpoena, would seek to evade service.

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Members of the Committee — like Americans across the nation — are looking for answers to simple questions: Who knew about the friendly fire attack? Why wasn't the family told? Why did it take over a month for the leadership of the Defense Department to tell the public the truth?

Today, I hope, we will at last get answers to these questions and bring clarity to this investigation.

I commend the Army for its continued investigations into the Tillman case and Army Secretary Geren for the forthright approach he is taking. Progress has been made. But we still don't know who was responsible for the false information and what roles, if any, the Defense Department and White House had in the deceptions.

We owe it to the Tillman family — and to the American people — to get the answers to these fundamental questions.

Chairman WAXMAN. I want to now recognize Mr. Davis before we call on our witnesses.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. We continue to join you today in pursuing key aspects of this investigation, because our duty to the Nation's honored dead and to their families is solemn and absolute. As a Nation and as a Congress, we owe them our unity, our honesty and our industry, untarnished by self-interest or partisanship. As long as the committee is seeking authoritative answers to necessary questions about the death of Corporal Pat Tillman, we will be constructive partners in that effort.

This much we know. There are no good answers to the necessarily tough questions raised about how the facts of this friendly fire incident were handled, by whom and when. Testimony from our previous hearing and the results of six separate Army investigations all showed the tragic truth can only fall somewhere between screw-up and cover-up, between rampant incompetence and elaborate conspiracy. And once you are descending that continuum, it almost doesn't matter whether the failure to follow Army regulations about updated casualty reports and prompt family notifications was inadvertent, negligent or intentional.

As it has been observed, sufficiently advanced incompetence is indistinguishable from malice, and the facts uncovered so far clearly prove this was advanced incompetence, serial ineptitude up and down the Army and civilian chains of command.

Still, confounding questions persist about how and why the specifics of so high profile a death were so slowly and badly conveyed, even after top Pentagon leaders and the White House were known to be interested.

Since this committee's first hearing on these issues 4 months ago, the committee has received over 13,000 pages of documents from the White House, the Department of Defense, the Inspector General of the Department of Defense, and the Department of the Army. Committee staff has conducted over a half dozen interviews with those involved. Nothing in that material suggests the Defense Secretary or the White House were aware Tillman's death was a friendly fire incident before late May, when his grieving family and the rest of the Nation were finally told. But it is still not clear how or why the Secretary, other defense leaders, and the White House speechwriters remained impervious to the emerging truth while so many others knew Corporal Tillman's death was a fratricide.

Yesterday another Army review by General William S. Wallace was conducted, and the secretary of the Army imposed disciplinary action against senior officers involved in this sad cascade of mistakes, misjudgments, and misleading statements. Consistent with the Pentagon Inspector General's report, General Wallace found no evidence anyone in the chain of command acted intentionally to cover up the fact Corporal Tillman had died by friendly fire. Rather, the report determined, as had others before, the delay in notifying the Tillman family of the friendly fire investigation resulted from well-intentioned but clearly wrong decisions to wait until all investigations were complete. That, to me, is one of the more troubling aspects in this case, that the default setting for Army officers, lawyers, and others was secrecy.

This was their first friendly fire incident. No one apparently bothered to read the regulations requiring immediate changes to the casualty report, which in turn would have triggered additional information going to the family, and presumably others. Yesterday the Army Secretary said timely and accurate family notification is a duty based on core Army values. But in this instance, undeniably pernicious institutional forces devalued that ideal. Why? What has been done to cure that organizational bias against the diligence and candor owed the Tillman family and every American?

I believe the job of this committee is to ask the tough questions and let the chips fall where they may. It is our not always envious job to root out the facts and hold people accountable. That is what we are doing today. As I noted earlier, nothing in our inquiry thus far demonstrates the Defense Secretary or the White House were aware this a was a friendly fire incident before late May. That we have not learned otherwise may perplex those who are assuming the worst, given the gross mishandling of this tragedy. But while we continue to gather information and we together will leave no stone unturned, let's not let these assumptions color or cloud what our investigation is actually finding.

All our witnesses have served our Nation with distinction, and we are grateful for their continued service and support of this committee's oversight. I am particularly glad former Defense Secretary Rumsfeld decided to appear today. His perspective is an indispensable element of our efforts to complete this inquiry. We look forward to his testimony and that of all today's witnesses as we seek answers to these painful, but essential questions.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you very much, Mr. Davis.

[The prepared statement of Hon. Tom Davis follows:]

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

ONE HUNDRED TENTH CONGRESS

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Statement of Rep. Tom Davis
Ranking Republican Member
Committee on Oversight and Government Reform
The Tillman Fratricide: What Leadership of the Department of Defense Knew
August 1, 2007

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Chairman WAXMAN. Let me, before I recognize our witnesses, remind everyone in the audience that this is a serious congressional investigation. If anyone holds up signs, we want to tell them not do it. And if they do, we will ask them to excuse themselves from the hearing room. We will insist on proper decorum.

I join with Mr. Davis in thanking each of our witnesses for being here today, and certainly in the case of Secretary Rumsfeld, who went to great pains to be here. And I appreciate the fact that he did come. And also to all three of the generals that are with us today, we want to hear from you.

It is the practice of this committee for all witnesses that we administer the oath, and I would like to ask all of you to please stand at this time to take the oath.

[Witnesses sworn.]

Chairman WAXMAN. The record will reflect that each of the witnesses answered in the affirmative.

Mr. Rumsfeld, Mr. Secretary Rumsfeld, why don't we start with you. There is a button on the base of the mike. We would like if you would make your presentation. If any of you have submitted written testimony, the written testimony will be in the record in full. And we want to hear what you have to say.

STATEMENT OF DONALD RUMSFELD, FORMER SECRETARY OF DEFENSE

Mr. RUMSFELD. Thank you, Mr. Chairman, members of the committee. You have requested that we appear today to discuss our knowledge of the circumstances surrounding the death of U.S. Army Corporal Patrick Tillman.

First, I want to again extend my deepest sympathies to the Tillman family. Corporal Tillman's death, and the deaths of thousands of men and women who have given their lives in our Nation's service, have brought great sorrow to the lives of their families and their loved ones. Theirs is a grief felt by all who have had the privilege of serving alongside those in uniform. The handling of the circumstances surrounding Corporal Tillman's death could only have added to the pain of losing a loved one. I personally, and I am sure all connected with the Department, extend our deep regrets.

One of the Department of Defense's foremost responsibilities is to tell the truth to some of the 3 million military, civilian and contract employees who dedicate their careers to defending our Nation; to the military families who endure the extended absence of their fathers, mothers, husbands, wives, sons and daughters; and to the American people, for whom all of those connected to the Department of Defense strive each day to protect.

In March 2002, early in my tenure as Secretary of Defense, I wrote a memo for the men and women of the Department of Defense titled "Principles for the Department of Defense." I have attached a copy of that memo to my testimony. You will note that principle No. 1, the very first, addresses the points that both you and Mr. Davis have made. It says, "Do nothing that could raise questions about the credibility of DOD. Department officials must tell the truth and must be believed to be telling the truth or our important work is undermined."

Mr. Chairman, in your invitation to today's hearing, you asked that we be prepared to discuss how we learned of the circumstances surrounding Corporal Tillman's death, when we learned of it, and with whom we discussed it. I am prepared to respond to the questions which pertain to these matters to the best of my ability.

In December 2006, I sent a letter to the Acting Inspector General of the Department of Defense, Mr. Thomas Gimble, describing my best recollection of those events, which by that point had occurred some 2½ years previously. The committee has been given a copy of that letter, and I would like to quote a portion of it. "I am told that I received word of this development sometime after May 20, 2004, but my recollection reflects the fact that it occurred well over 2 years ago. As a result, I do not recall when I first learned about the possibility that Corporal Tillman's death might have resulted from fratricide." I went on to say, "I am confident that I did not discuss this matter with anyone outside of the Department of Defense." Obviously, during that early period; I have subsequently to that period.

What I wrote in December 2006 remains my best recollection today of when I was informed and with whom I talked before May 20th. I understand that the May 20, 2004, date was shortly before the Tillman family was informed of the circumstances on May 26, 2004.

Your invitation to appear before the committee also asked about my knowledge of a "Personal For" or P–4 message dated April 29, 2004. That message was not addressed to me. I don't recall seeing it until recent days, when copies have been made available. There are a great many, indeed many thousands, of communications throughout the Department of Defense that a Secretary of Defense does not see.

I understand that the Acting Inspector General's report concluded that there were errors among some of those responsible for the initial reports. Any errors in such a situation are most unfortunate. The Tillmans were owed the truth, delivered in a forthright and timely manner. And certainly the truth was owed to the memory of a man whose valor, dedication, and sacrifice to his country remains an example for all.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you very much, Mr. Rumsfeld.

[The prepared statement of Mr. Rumsfeld follows:]

OPENING STATEMENT AS PREPARED
FORMER SECRETARY OF DEFENSE DONALD RUMSFELD

HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
AUGUST 1, 2007

Mr. Chairman, Members of the Committee, you have requested that we appear today to discuss our knowledge of the circumstances surrounding the death of U.S. Army Corporal Patrick Tillman.

First, I want to again extend my deepest sympathies to the Tillman family. Corporal Tillman's death, and the deaths of the thousands of men and women who have given their lives in our nation's service, have brought great sorrow in the lives of their families and loved ones. Theirs is the grief felt by all who have had the privilege of serving alongside those in uniform.

The handling of the circumstances surrounding Corporal Tillman's death could only have added to the pain of losing a loved one. I, personally, and I am sure all connected with the Department, extend deep regrets.

One of the Department of Defense's foremost responsibilities is to tell the truth -- to the some three million military, civilian, and contract employees who dedicate their careers to defending our nation, to the military families who endure the extended absences of their fathers, mothers, husbands, wives, sons and daughters, and to the American people, for whom all connected to the Department go to work each day to protect.

In March 2002, early in my tenure as Secretary of Defense, I wrote a memo for the men and women of the Department of Defense titled "Principles for the Department of Defense." I have attached a copy to my testimony (Attachment #1). You will note that principle number one -- the very first -- was:

> "Do nothing that could raise questions about the credibility of DoD. DoD officials must tell the truth and must be believed to be telling the truth or our important work is undermined."

Mr. Chairman, in your invitation for today's hearing, you asked that we be prepared to discuss how we learned of the circumstances surrounding Corporal Tillman's death -- when we learned of it, and with whom we discussed it. I am prepared to respond, to the best of my ability, to questions which pertain to these matters.

In December 2006, I sent a letter to the Acting Inspector General of the Department of Defense, Mr. Thomas Gimble, describing my best recollection of those events, which by that point had occurred about two and a half years before. The Committee has been given a copy of that letter (Attachment #2). I would like to quote part of that letter:

> "I am told that I received word of this development sometime after May 20, 2004, but my recollection reflects the fact that it occurred well over two years ago. As a result, I do not recall when I first learned about the possibility that Corporal Tillman's death might have resulted from fratricide. I am confident that I did not discuss this matter with anyone outside the Department of Defense."

What I wrote in December of 2006 remains my best recollection today of when I was informed, and whom I talked with, before May 20, 2004. I understand that the May 20, 2004 date was shortly before the Tillman family was informed of the circumstances on May 26, 2004.

Your invitation to appear before this Committee also asked about my knowledge of a "Personal For" or "P-4" message dated April 29, 2004. That message was not addressed to me. Nor do I recall seeing it. There are a great many, indeed thousands of communications throughout DoD that a Secretary of Defense does not see.

I understand that the Acting Inspector General's Report concluded that there were "errors" among some of those responsible for some of the initial reports. Any "errors," in such a situation, are most unfortunate. The Tillmans were owed the truth -- delivered in a forthright and timely manner. And certainly the truth was owed to the memory of a man whose valor, dedication and sacrifice to his country remains an example for all.

Thank you, Mr. Chairman.

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Attachments:
1. "Principles for the Department of Defense" (3/18/02)
2. Secretary Rumsfeld letter to DoD Acting Inspector General (12/15/06)

Testimony by Former Secretary of Defense Donald Rumsfeld
House Committee on Oversight and Government Reform
August 1, 2007

Attachments:

1. "Principles for the Department of Defense" (3/18/02)
2. Secretary Rumsfeld letter to DoD Acting Inspector General (12/15/06)

ATTACHMENT 1

March 18, 2002 1:56 PM

FROM: Donald Rumsfeld

SUBJECT: Principles for the Department of Defense

1. Do nothing that could raise questions about the credibility of DoD. DoD officials must tell the truth and must be believed to be telling the truth or our important work is undermined.

2. Do nothing that is or could be seen as partisan. The work of this Department is non-partisan. We have to continuously earn the support of all the people of the country and in the Congress. To do so we must serve all elements of our society without favor.

3. Nothing is more important than the men and women who work in this Department—they are its heart and soul and its future. Our country's success depends on them. We must all treat them with respect, show our concern for them and for their lives and their futures, and find opportunities to express our full appreciation for all they do for our country.

4. The public needs and has a right to know about the unprivileged and unclassified activities of DoD. It is our obligation to provide that information professionally, fully and in good spirit.

5. Help to create an environment in DoD that is hospitable to risk-taking, innovation, and creativity. This institution must encourage such activity if we are to transform and be successful.

6. Work vigorously to root out any wrongdoing or corruption in DoD. Waste undermines support for the Department, and robs DoD activities of the resources they need.

7. Consistently demonstrate vigilance against waste. DoD funds are the taxpayers' money, earned by people who work hard all across this land. We owe it to them to treat their dollars respectfully, and we owe it to the importance of our responsibilities to see that every dollar is spent wisely.

8. Reflect the compassion we all feel when lives are lost, whether U.S. or coalition service people or innocents killed by collateral damage.

9. Demonstrate our appreciation for the cooperation we receive from other nations and for the valuable contributions coalition forces bring to our

efforts—whether in peacetime by way of strengthening the deterrent, or in wartime by securing victory.

10. Because of the complexity of our tasks, DoD must work with other departments and agencies of the federal government in a professional manner, respectful of others' views but willing to raise issues to the next higher level up the chain of command, as necessary.

11. DoD personnel—civilian and military—must not compromise classified information. It is a violation of federal criminal law. Those who do so are criminals. They are individuals who have lost their moorings and are willing to put the lives of the men and women in uniform at risk. They must be rooted out, stopped and punished.

12. The Legislative Branch is in Article I of the Constitution; the Executive Branch is Article II. That is not an accident. We must respect the Constitutional role of Congress, learn from those who have knowledge that can be helpful and work constructively with revolving coalitions to achieve the important goals of the Department and the country.

13. Finally, the President of the United States is our Commander-in-Chief. Those of us in DoD—military and civilian—believe in civilian control, are respectful of it and must be vigilant to see that our actions reflect that important Constitutional obligation.

DHRdh
Current MFRs/Principles for DoD

ATTACHMENT 2

THE SECRETARY OF DEFENSE
WASHINGTON

DEC 15 2006

Mr. Thomas Gimble
Acting Inspector General
for Department of Defense
400 Army Navy Drive
Arlington, VA 22202

Dear Mr. Gimble:

I understand that you have requested my recollection of the manner in which I learned of the details involving the tragic death of Corporal Patrick Tillman.

I am told that I received word of this development sometime after May 20, 2004, but my recollection reflects the fact that it occurred well over two years ago. As a result, I do not recall when I first learned about the possibility that Corporal Tillman's death might have resulted from fratricide. I am confident that I did not discuss this matter with anyone outside of the Department of Defense.

I trust that this information will be of assistance as you conclude your review. I hope your review brings some additional element of closure for friends and family of this courageous young man. I appreciate the effort that you and your team have devoted to this matter.

Sincerely,

OSD 19326-06
12/19/2006 3:27:42 PM

Donald H. Rumsfeld

Donald Rumsfeld completed his second tour as the 21st Secretary of Defense on December 18, 2006. A former Navy pilot, Secretary Rumsfeld has also served as the 13th Secretary of Defense, Special Presidential Envoy to the Middle East, White House Chief of Staff, U.S. Ambassador to NATO, U.S. Congressman and the chief executive officer of two Fortune 500 companies.

Secretary Rumsfeld was responsible for leading the Defense Department in response to the terrorist attacks on September 11, 2001, to include Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom, and overseeing the reform and transformation of America's military to better address the threats of the 21st Century.

- Mr. Rumsfeld engineered a significant reorganization of the worldwide command structure, known as the Unified Command Plan, that resulted in the establishment of the U.S. Northern Command and the new U.S. Strategic Command.
- Under Secretary Rumsfeld's leadership, the Department initiated the most significant changes in the military's global posture in a generation -- away from a static, defensive Cold War posture to more flexible arrangements to enable U.S. forces to respond to 21st Century contingencies.
- The Department also refocused its space capabilities and fashioned a new concept of strategic deterrence that increases security while reducing strategic nuclear weapons.
- To help strengthen the deterrent, the missile defense research and testing program was reorganized and revitalized, free of the restraints of the ABM treaty.

Mr. Rumsfeld attended Princeton University on university and NROTC scholarships (A.B., 1954) and served in the U.S. Navy (1954-57) as an aviator, a flight instructor, and as an instructor of flight instructors. In 1957, he transferred to the Ready Reserve and continued his Naval service in flying and administrative assignments as a drilling reservist until 1975 he transferred to the Standby Reserve when he became Secretary of Defense in 1975 and then to the Retired Reserve with the rank of Captain in 1989.

In 1957, he came to Washington, DC to serve as Administrative Assistant to a Congressman. After a stint with an investment banking firm, he was elected to the U.S. House of Representatives from Illinois in 1962, at the age of 30, and was re-elected in 1964, 1966, and 1968.

Mr. Rumsfeld resigned from Congress in 1969 during his fourth term to join the President's Cabinet.

- From 1969 to 1970, he served as Director of the Office of Economic Opportunity and Assistant to the President.
- From 1971 to 1972, he was Counsellor to the President and Director of the Economic Stabilization Program.
- In 1973, he left Washington, DC, to serve as U.S. Ambassador to the North Atlantic Treaty Organization (NATO) in Brussels, Belgium (1973-1974).

In August 1974, he was called back to Washington, DC to serve as Chairman of the transition to the Presidency of Gerald R. Ford. He then became Chief of Staff of the White House and a member of the President's Cabinet (1974-1975). He served as the 13th U.S. Secretary of Defense, the youngest in the country's history (1975-1977).

From 1977 to 1985 he served as Chief Executive Officer, President, and then Chairman of G.D. Searle & Co., a worldwide pharmaceutical company. The successful turnaround there earned him awards as the Outstanding Chief Executive Officer in the Pharmaceutical Industry from the Wall Street Transcript (1980) and Financial World (1981). From 1985 to 1990 he was in private business.

Mr. Rumsfeld served as Chairman and Chief Executive Officer of General Instrument Corporation from 1990 to 1993. General Instrument Corporation was a leader in broadband transmission, distribution, and access control technologies. Until being sworn in as the 21st Secretary of Defense, Mr. Rumsfeld served as Chairman of the Board of Gilead Sciences, Inc., a pharmaceutical company.

Before returning for his second tour as Secretary of Defense, Mr. Rumsfeld chaired the bipartisan U.S. Ballistic Missile Threat Commission, in 1998, and the U.S. Commission to Assess National Security Space Management and Organization, in 2000.

During his business career, Mr. Rumsfeld continued his public service in a variety of Federal posts, including:

- Member of the President's General Advisory Committee on Arms Control (1982-1986);
- Special Presidential Envoy on the Law of the Sea Treaty (1982-1983);
- Member of the U.S. Joint Advisory Commission on U.S./Japan Relations (1983-1984);
- Member of the National Commission on Public Service (1987-1990);
- Member of the National Economic Commission (1988-1989);
- Member of the Commission on U.S./Japan Relations (1989-1991); and
- Member of the U.S. Trade Deficit Review Commission (1999-2000).

While in the private sector, Mr. Rumsfeld's civic activities included service as a member of the National Academy of Public Administration and a member of the boards of trustees of the Gerald R. Ford Foundation, the Hoover Institution at Stanford University, and the National Park Foundation, and as Chairman of the Eisenhower Exchange Fellowships, Inc., as well as service on a number of corporate boards.

Mr. Rumsfeld's honors include:

- All Navy Wrestling Champion (1956)
- Distinguished Eagle Scout Award (1975)
- George Catlett Marshall Award by the U.S. Army Association (1984)
- Woodrow Wilson Award by Princeton University(1985)
- Lone Sailor Award by the U.S. Navy Memorial Foundation (2002)
- Statesmanship Award by Former Members of Congress (2003)
- Thomas Jefferson Award for Service and Leadership (2003)

- General James H. Doolittle Award by the Hudson Institute (2003)
- The Ronald Reagan Freedom Award (2003)
- The Gerald R. Ford Medal (2004)
- The Order of Merit of the Republic of Poland (2005)
- The Silver Buffalo Award by the Boy Scouts of America (2006)
- The Eisenhower Distinguished Service Award by the VFW (2006)
- Decoration of Friendship, Defense and Honor by Minister of Defense, Nicaragua (2006)
- Decoration of Special Merit by the Mexican Armed Forces (2006)

Mr. Rumsfeld has been awarded 11 honorary degrees. In 1977, Mr. Rumsfeld was awarded the nation's highest civilian award, the Presidential Medal of Freedom.

Chairman WAXMAN. General Myers.

STATEMENT OF GENERAL RICHARD MYERS, FORMER CHAIR, JOINT CHIEFS OF STAFF

General MYERS. Thank you, Mr. Chairman. The only thing I would like to say is just offer my condolences as well to the Tillman family not only for the loss, but for the issues that they have been struggling with since then, and the whole notification issue that is being looked at by this committee. They clearly don't deserve that for Pat Tillman's memory and for what he meant to this country and to our Armed Forces.

And I would like—as the Secretary said, I would like to also add my condolences, of course, to all those who have sacrificed to keep us free, the men and women in uniform.

Thank you, Mr. Chairman.

Chairman WAXMAN. General Abizaid.

STATEMENT OF GENERAL JOHN P. ABIZAID, FORMER COMMANDER, U.S. CENTRAL COMMAND

General ABIZAID. Thank you, Mr. Chairman.

Certainly we have lost a lot of good young men and women in the past several years of combat. We have a tough fight ahead of us, and we will lose more. I understand that one of the most important things we can do is help our families through the grieving process. That requires accurate and timely information that goes to them, and it certainly didn't happen in the case of Corporal Tillman.

It is unfortunate that we did not handle it properly. Having had a son-in-law who was wounded in combat, and having gone through the notification process myself, I can only tell you it is a difficult process in the best of times.

We will answer your questions to the best of our ability. Thanks.

Chairman WAXMAN. Thank you.

General Brown.

STATEMENT OF GENERAL BRYAN DOUGLAS BROWN, FORMER COMMANDER, U.S. SPECIAL OPERATIONS COMMAND

General BROWN. Mr. Chairman, I would also like to add my condolences to the Tillman family and to how poorly the notification was done. I would also say that, like General Abizaid to my right, I also had a son-in-law wounded, so I know what that call sounds like. And my son-in-law, in fact, was wounded by fratricide in the opening days of Afghanistan, so I know how important it is and how the impact is on the family, although I didn't lose my son-in-law.

So I am ready for your questions, Mr. Chairman.

Chairman WAXMAN. OK. Thank you.

Well, I want to begin the questioning by framing the issue for us. The basic point that we want to learn is what did the senior military leadership know about Corporal Tillman's death, when did they know it, and what did they do after they learned it?

At our last hearing we reviewed a document known as Personal For, or a P–4 memo. This memo was sent on April 28, 2004, by Major General Stanley McChrystal, the Commander of the Joint

Task Force in Afghanistan, where Corporal Tillman was killed in 2004. General McChrystal sent this P–4 memo to three people: General Abizaid, from Central Command; General Brown, from U.S. Special Operations Command; and General Kensinger, from the Army Special Operations Command. The purpose of this P–4 was to have one or more of these generals warn President Bush, the Secretary of the Army, and other national leaders that it was, "highly probable or highly possible that an ongoing investigation was about to conclude that Corporal Tillman was killed by his own unit."

General McChrystal explained why this P–4 message was so important. He stated, "I felt it was essential that you received this information as soon as we detected it in order to preclude any unknowing statements by our country's leaders which might cause embarrassment if the circumstances of Corporal Tillman's death became public."

Well, this P–4 memo was sent on April 29th, 1 week after Corporal Tillman's death. This was 4 days before the memorial service, at which the Tillmans and the Nation were told Pat Tillman was killed by hostile fire. And this was an entire month before the Pentagon told the Tillman family and the public that Corporal Tillman was killed by U.S. forces.

For today's hearing, we invited all of the recipients of the P–4 to determine how they responded. Did they, in fact, alert the White House? Did they alert the Army Secretary, the Secretary of Defense? Did they pass it up the chain of command? One of the addressees is General Kensinger. He refused to appear voluntarily, and apparently evaded service of the committee's subpoena, so he is not here today, but we do have two of the other addressees of the P–4 memo, General Brown and General Abizaid, as well as General Myers, the former Chairman of the Joint Chiefs of Staff, and Secretary Rumsfeld. They are appearing here today voluntarily, and I thank you all for being here. They have had distinguished careers and have served our Nation with honor. They are continuing to serve their country by cooperating with this congressional investigation.

General Abizaid, let me start with you. If you look closely at the P–4, the third and fourth lines actually have different levels of addressees. General Brown and General Kensinger were listed as info, which I understand is the equivalent of a CC, a carbon copy. But you were listed as a "to." So General McChrystal really wanted this to go to you. When did you receive this memo?

General ABIZAID. I believe that the earliest I received it was on the 6th of May.

Chairman WAXMAN. 6th of May. And why did it take so long?

General ABIZAID. Well, let me explain the timing sequence, if I may, Congressman, starting from the 22nd, as I saw it. Would that be helpful?

Chairman WAXMAN. Sure.

General ABIZAID. On the 22nd, the incident occurred. I believe about the 23rd, General McChrystal called me and told me that Corporal Tillman had been killed in combat, and that the circumstances surrounding his death were heroic. I called the chairman and discussed that with the chairman.

Throughout that period I was in Iraq, Qatar, etc. On the 28th, I went to Afghanistan. In Afghanistan, I met with General Olson and General Barnow, our commanders there, and I also had the chance to talk to the platoon leader, who was Corporal Tillman's platoon leader, and I asked him about the action, and he gave no indication that there was a friendly fire issue.

On the 29th, General McChrystal sent his message, and it went to my headquarters in Tampa, and it was not retransmitted for reasons of difficulties with our systems within the headquarters until the 6th at the earliest, and it could have been later that I received it. But it is my recollection then on the 6th, probably the 6th, it is a guess, I can't be sure exactly the date, I called the chairman. I told the chairman about having received General McChrystal's message that friendly fire was involved.

Chairman WAXMAN. You immediately told the chairman?

General ABIZAID. As soon as I saw the message. I can't remember how the existence of the message came to my attention, but it was known within my staff that something was out there, and we found it. I called the chairman. I told the chairman about it, and it was my impression from having talked to the chairman at the time that he knew about it.

Chairman WAXMAN. OK. Your staff seemed to know about it. Was that they knew there was a memo, or they heard it might have been friendly fire that killed him?

General ABIZAID. I think they had heard there was an investigation ongoing within the Joint Special Operations Command.

Chairman WAXMAN. Um-hmm. So you actually received the P–4 memo a week after it was written, but it was also 3 weeks before the memorial service where the family still didn't know. Your chain of command, you were the Commander of CENTCOM; you had a direct reporting requirement to the Defense Secretary. After you read the P–4, who did you contact? Just General Myers?

General ABIZAID. I contacted General Myers. And my responsibility is to report to the Secretary through the chairman. I generally do that. I talked to the Secretary a lot, I talked to the chairman a lot during this period. But 90 percent of what I talked to him about was what was going on in Fallujah, what was going on combat operationally throughout the theater. And as a matter of fact, when I called the chairman, there was a whole list of other things that I believe I talked to him about concerning the circumstances in Fallujah in particular.

Chairman WAXMAN. What did you say to him about this P–4 memo?

General ABIZAID. I can't remember exactly what I said to him. I said it is clear that there is a possibility of fratricide involving the Tillman case; that General McChrystal has appointed the necessary people to investigate to determine precisely what happened; and that while it is likely that there is fratricide, we will know for sure after the report is finalized, which will reach me when it gets done.

Chairman WAXMAN. What did he say to you in response?

General ABIZAID. Like I say, he gave me the impression—I can't remember his exact words—that he understood that there was an investigation ongoing.

Chairman WAXMAN. So he seemed to already know about the fact there was an investigation?

General ABIZAID. He seemed to, yes.

Chairman WAXMAN. And what about your own reporting requirement to the Secretary? Did you ever discuss the fratricide investigation with Secretary Rumsfeld or his office?

General ABIZAID. No, I did not talk to the Secretary that I can recall directly about it until I was back in D.C. around the time period of the 18th through the 20th. And at the time I informed him that there was an investigation that was ongoing, and it looked like it was friendly fire.

Chairman WAXMAN. The P–4 memo said the President should be notified that Corporal Tillman was highly possibly killed by friendly fire. What steps did you take to make sure the President received this information?

General ABIZAID. I notified the chairman. I never called the President direct on any operational matter throughout the 4½ years of being in the theater.

Chairman WAXMAN. OK. Well, General Myers, let's turn to you. You were the Chairman of the Joint Chiefs of Staff. Under the Goldwater-Nichols Act of 1986, you were the senior ranking member of the Armed Forces and the principal military adviser to the President and the Secretary of Defense. The P–4 was not addressed to you, but General Abizaid just said that he called you and told you about the suspected fratricide. First of all, is that correct? Did he call you?

General MYERS. I can't recall specifically, but it is entirely likely that it is exactly as he recalls it. I would trust his judgment in this matter.

Chairman WAXMAN. You don't remember what he said or what you said back in that conversation?

General MYERS. No. No recall of that.

General ABIZAID. OK. General Abizaid testified, as you heard, when he called you, you already knew about it. Is that accurate?

General MYERS. Yes. The best I can determine, once I got the letter from the committee and talked to some of the folks on my staff, is that I knew right at the end of April that there was a possibility of fratricide in the Corporal Tillman death, and that General McChrystal had started an investigation. So when he called, if he called later than that, then I would already have known that.

Chairman WAXMAN. How would you have known that? Who told you?

General MYERS. I can't tell you. I don't know how I knew. To the best of my knowledge, I have never seen this P–4. It could have come several ways. The most likely is in our operations shop, we have folks from Special Forces that—from Special Forces that might have known this and passed it to me at a staff meeting. I can't tell you who passed it to me. I just don't know. Or it could have been I have read General Schoomaker's testimony in front of the DOD IG, and he said he might have called me. That is another way it could have happened. I just can't recall.

Chairman WAXMAN. General Myers, you told our staff last night that at the time you received the call from General Abizaid, it was common knowledge that Corporal Tillman had been killed by

friendly fire. Is that accurate? Was it common knowledge that the fratricide was——

General MYERS. No. If I said that, it was a mistake. I don't know that it was common knowledge at that point.

Chairman WAXMAN. But you knew about it, and others around you knew about it.

General MYERS. Yes, and I told—in working with my former public affairs adviser, I said, you know, we need to keep this in mind in case we go before the press. We have just got to calibrate ourselves. With this investigation ongoing, we want to be careful how we portray the situation.

Chairman WAXMAN. Yeah. Well, was it fair to say it was widely known by people in the DOD?

General MYERS. You know, I can't recall. As General Abizaid said when he mentioned this to me, we probably talked about a lot of other things, to include the situation in Fallujah, which was getting a lot of attention at the moment. But I just can't recall.

Chairman WAXMAN. OK. Thank you.

Mr. Davis.

Mr. DAVIS OF VIRGINIA. General Myers, when you learned that this was a possible fratricide, what would Army regulations require you to do or the chain of command to do at that point?

General MYERS. I don't come under Army regulations, but—I don't think there is any regulation that would require me to do anything actually. What I would normally do—it was in Army channels. What I would normally do, if I thought the Secretary did not know that, I would so inform the Secretary. I cannot recall whether or not I did that.

Mr. DAVIS OF VIRGINIA. We are going to find out in a second.

General MYERS. Yeah, well, I think—you can ask the Secretary. But I don't recall if I did that.

Mr. DAVIS OF VIRGINIA. What would Army regulations have required at that point?

General MYERS. My understanding is the way the Army regulations were written, and this is from research here getting ready for the committee, is that they should have notified the family at the time that there was a possibility of fratricide as soon as they knew it.

Mr. DAVIS OF VIRGINIA. Nobody at the top was ensuring that—really looked at the regulations at that point?

General MYERS. That wouldn't be our responsibility. When I learned that General McChrystal had initiated an investigation, that was—that was good for me. I know he had worked for me before. I knew his integrity. I said, this is good, and they are going to do an investigation. We will learn the truth.

Mr. DAVIS OF VIRGINIA. Mr. Secretary, thank you for being with us today. How and when did you learn that Corporal Tillman had been killed? There is a button on the base.

Mr. RUMSFELD. I don't recall precisely how I learned that he was killed. It could have been internally, or it could have been through the press. It was something that obviously received a great deal of attention.

Mr. DAVIS OF VIRGINIA. Do you remember did you take any action at the time that you learned that he was killed? Obviously,

this was an American hero. This could be highly publicized and of great concern to a lot of people.

Mr. RUMSFELD. The only action I can recall taking was to draft a letter to the family.

Mr. DAVIS OF VIRGINIA. OK. Before he did so, were you aware that President Bush was going to reference Corporal Tillman in a correspondents' dinner speech on May 1st?

Mr. RUMSFELD. No.

Mr. DAVIS OF VIRGINIA. So to your knowledge or recollection, you never had any conversations with the President or anybody at the White House about that possibility?

Mr. RUMSFELD. I have no recollection of discussing it with the White House until toward the—when it became a matter of public record about the fratricide. At that point, and when the family was notified, I am sure there were discussions with the White House, but prior to that, I don't have a recollection of it. Possibly Dick does. Dick Myers and I met with the White House frequently, but I don't recall bringing this up.

Mr. DAVIS OF VIRGINIA. General Myers.

General MYERS. And I don't recall ever having a discussion with anybody at the White House about the Tillman case one way or another.

Mr. DAVIS OF VIRGINIA. Mr. Secretary, were you aware in the period after Corporal Tillman's death of the extensive media coverage being given to this tragic event and Corporal Tillman's service as a Ranger?

Mr. RUMSFELD. I don't understand the question.

Mr. DAVIS OF VIRGINIA. You were aware of the extensive media coverage being given to this event?

Mr. RUMSFELD. When he was killed, absolutely.

Mr. DAVIS OF VIRGINIA. Did you instruct your staff at any point to try to influence in any way the coverage?

Mr. RUMSFELD. Absolutely not. Indeed, quite the contrary. The Uniform Code of Military Justice and the investigation process is such that anyone in the command, chain of command, is cautioned to not ask questions, to not inject themselves into it, to not do anything privately or publicly that could be characterized as command influence which could alter the outcome of an investigation. And as a result, the practice of most Secretaries of Defense and people in the chain of command is to be very cautious and careful about inquiring or seeming to have an opinion or putting pressure on anyone who is involved in any portion of the military court-martial process or the investigation process. And as a result, I have generally stayed out over my tenure as Secretary of Defense.

Mr. DAVIS OF VIRGINIA. Do you remember when you learned that this was a possible fratricide?

Mr. RUMSFELD. Well, I don't remember. And what I have been told subsequently is that there was a person in the room when I was—who says I was told when he was in the room. And——

Mr. DAVIS OF VIRGINIA. Do you remember when that was?

Mr. RUMSFELD. He said that he came back from Iraq on May 20th, and that, therefore, he assumes I was told on or after May 20th. Whether I was told before that, I just don't have any recollec-

tion. And the best I can do is what I put in my letter to the acting Inspector General, which referenced that instance.

Mr. DAVIS OF VIRGINIA. When you learned about this, then, for the first time, do you remember did you decide you needed to tell somebody else about this to convey this, make sure the family was known, the White House or media people? Do you remember?

Mr. RUMSFELD. I don't recall when I was told, and I don't recall who told me, but my recollection is that it was at a stage when there were investigations underway, in which case I would not have told anybody to go do something with respect to it. And as Chairman Myers says, this was a matter basically that the Army was handling, and it was not something that I would inject myself into in the normal course of my role as Secretary of Defense.

Mr. DAVIS OF VIRGINIA. Let me just try to get to that. Your letter says that I am told I received word of this development, i.e., the possibility of fratricide, after May 20, 2004, because that is when this person had returned——

Mr. RUMSFELD. Right.

Mr. DAVIS OF VIRGINIA [continuing]. From Iraq.

Mr. RUMSFELD. That is where that came from.

Mr. DAVIS OF VIRGINIA. Who was the person? Do you remember?

Mr. RUMSFELD. I do. His name is Colonel Steve Bucci, and he told that to my civilian assistant.

Mr. DAVIS OF VIRGINIA. And the May 20th date, the significance of that is the date he returned from Iraq?

Mr. RUMSFELD. That is my understanding.

Mr. DAVIS OF VIRGINIA. So it would have been at that time or a subsequent date in all likelihood.

Mr. RUMSFELD. That is my understanding. That is not to say that was the time, because I just simply don't recollect, but that is my best information.

Mr. DAVIS OF VIRGINIA. As it gets refreshed. I understand.

When did you learn of the P–4 message? This message suggested that senior leaders be warned about the friendly fire possibility. And when you learned that these instructions had been heeded, what was your reaction that there was a P–4 underway? Do you remember that?

Mr. RUMSFELD. I don't remember when or from whom I learned about the P–4, if at all. I don't recall even seeing it until recent weeks in the aftermath of your previous hearings. But so I just don't have any recollection of having seen it until more recently.

Mr. DAVIS OF VIRGINIA. On March 6, 2006, you sent a snowflake to your deputy, the Secretary of the Army, the Army Chief of Staff and others, and in this memorandum you wrote, I am not convinced the Army is the right organization to undertake the fifth investigation of Pat Tillman's death. Please consult with the right folks and come back to me with options and a recommendation fast with the right way to proceed.

Why did you believe the Army was not the right organization to undertake the investigation which followed General Jones' inquiry?

Mr. RUMSFELD. Well, I don't remember the phraseology of that, but my recollection is that I asked the question of the deputy, who kind of is very deeply involved in the business of the Department, that if there have been several investigations by the Army,

mightn't it be logical, that if still an additional one was necessary, that one ought to consider where is the best place to have that investigation conducted? I didn't know the answer to the question, but I raised it with the deputy, thinking that it is something that ought to be addressed.

Mr. DAVIS OF VIRGINIA. Did you believe the Jones investigation was deficient in some way?

Mr. RUMSFELD. I had no reason to believe that, except that, as I recall, we were moving into—the Army was moving into—the command, whoever was doing the investigations, were moving into the fifth one.

Mr. DAVIS OF VIRGINIA. So you were looking at fresh eyes, basically.

On March 10, 2006, the DOD Early Bird publication included a column from the Arizona Republic which discussed the Tillman family's dissatisfaction with the notification process and the subsequent investigations. On March 13th, you sent a copy of this article, along with a memo, to the Secretary of the Army and to Pete Schoomaker, the Army Chief of Staff. In this memo you said, I would think you, Pete, would want to call and/or write a letter of apology to the family and have it published. This situation has been handled very poorly. It is not acceptable, and you may want to say that. If you agree, you will need to set about fixing the system or process that produced this most unfortunate situation.

Do you remember that?

Mr. RUMSFELD. I do. I don't have it in front of me, but that sounds about right.

Mr. DAVIS OF VIRGINIA. Do you know if they did as you asked?

Mr. RUMSFELD. I don't. I know that—I have a vague recollection that in one instance the Secretary of the Army came back to me and indicated something to the effect that he agreed generally with my note, but felt that he—they were taking the appropriate steps or something. And I just don't recall it.

Mr. DAVIS OF VIRGINIA. On March 13, 2006, 3 days later, the DOD Early Bird publication included a column from the Atlanta Constitution, which further discussed various complaints about the notification process and the subsequent investigation of Corporal Tillman's death. Two days later, March 15th, you sent a copy of this article, along with another memo, to the Secretary of the Army. In this memo you said, here is an article on the death of Corporal Tillman. How in the world can that be explained? I guess did the Secretary offer any explanation on the various foul-ups in this matter to you? And what was your reaction at this point to any explanation he might have given?

Mr. RUMSFELD. Well, I can't remember specifically, but as you read those things, obviously, I, as Secretary of Defense—one feels terrible that a situation like that is being handled in a way that is unsatisfactory and that additional investigations were required. On the other hand, a Secretary of Defense has to try to pose it as questions rather than assertions, because I didn't—I was not intimately knowledgeable of the nature of those investigations. I wasn't in a position to give direction without risking command influence, in my view. And as a result, I posed these memos to these people responsible with questions rather than assertions.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Secretary.

I would just last, seeing where we are today and how this was handled, you are Secretary of Defense, how do you feel about it?

Mr. RUMSFELD. Well, I feel, as I indicated in my opening remarks, a great deal of heartbreak for the Tillman family, and deep concern, and a recognition that the way the matter was handled added to their grief. And it is a most unfortunate situation that anyone has to agree is something that the Department has to find ways to avoid in the future. We owe the young men and women who serve our country better than that.

Mr. DAVIS OF VIRGINIA. You think we certainly owe the Tillman family an apology the way this was handled?

Mr. RUMSFELD. Indeed, as I said in my memo sometime back.

Mr. DAVIS OF VIRGINIA. Thank you.

Mr. RUMSFELD. And as I have said publicly here today.

Mr. DAVIS OF VIRGINIA. Thank you.

Chairman WAXMAN. Let me announce to the Members there are votes going on, but we are going to continue the hearing. So if you wish to respond to the vote and come back, we are going to proceed on the line of questioning.

Mrs. Maloney.

Mrs. MALONEY. Thank you, Mr. Chairman, and I thank all the panelists for your service and for cooperating with the committee today.

I would like to followup on General Myers' testimony, where you testified that you learned that Corporal Tillman had been killed by friendly fire at the end of April, and that you reached out to your public affairs officer to calibrate your response in order to be absolutely accurate and precise in your response. Yet May 3rd, there was a memorial service held for Corporal Tillman, which got a great—he was on the cover of Sports Illustrated. It was national news that he had been killed in hostile fire. And at this memorial service he received the Silver Star, if I recall. And yet the family and the world at this point on May 3rd were told that he died with hostile fire, when you knew, as head of the Joint Chiefs of Staff, that he died with friendly fire, and you knew this for a month before, and in your own words you wanted to be precise about this information.

Why did you not come forward and tell the family and tell the public the truth? The family was not told the truth until the end of May.

General MYERS. Well, first of all, I did not know that Corporal Tillman had been killed by friendly fire. I didn't say that. What I said was that I was informed that it is possibly friendly fire, and that there is an investigation ongoing.

In terms of notifying the family, that is in Army channels, and we have just talked about the regret there is for the fact that was not done properly. If it had been done properly, my assumption would be they would have known before the memorial service. So I did not know it was friendly fire until the investigation.

Like Secretary Rumsfeld, when you are in a senior position, you have to be very careful what you say about it. And that is why I talked to the public affairs officer. By the way, I talked to my former public affairs officer——

Mrs. MALONEY. Yet, General Myers, you knew that he died, that there was a possibility that he died by friendly fire. We are told all the time in the press possibilities. We are told, hopefully, the truth. So at that point you knew then, I assume many people knew, that there was a possibility that he died by friendly fire, and yet that was not disclosed until a full month afterwards.

The family would have wanted to hear the truth. They testified they would have wanted to hear the truth. And if there was a possibility, they would have wanted to hear the possibilities. And usually in this country what we hear is the possibilities, and hopefully the truth coming forward. And yet in this, this was not—you sat on your hands and you didn't say anything about it. And I find that hard to understand.

General MYERS. Well, as you understand, I think, from the materials that have been presented to the committee so far and all the testimony, this is the responsibility of the U.S. Army, not of the Office of the Chairman. And so I regret that the Army did not do their duty here and follow their own policy, which we have talked about. But they did not. My assumption would have to be—my assumption——

Mrs. MALONEY. General Myers, do you regret your actions that you did not reach out—you were the head of the Joint Chiefs of Staff. The Army is under you.

General MYERS. That is not entirely correct.

Mrs. MALONEY. Let's get into what is right and fair and not the——

General MYERS. What is right and fair is exactly what Secretary Rumsfeld talked about. What was right and fair is to follow Army policy and notify the family when they think there is a possibility.

Mrs. MALONEY. So the family should have been notified that there was a possibility.

General MYERS. According to the Army regulations, as I understand them, that is correct. By the way, the Marine regulations don't. They don't notify until they are for sure is my understanding.

Mrs. MALONEY. So the Army did not follow their guidelines that they should have told the family and the public that there was a possibility that our hero, our football hero and war hero, died by friendly fire.

General MYERS. They should have talked about the possibility of that as soon as they knew it, according to the regulations, absolutely.

Mrs. MALONEY. I would like to ask Secretary Rumsfeld, Corporal Tillman was a very, very famous soldier when he enlisted. It was very acknowledged by many people. He was a professional football player; he was offered millions of dollars in a contract that he turned down to serve our country. He captured your attention when he enlisted in May 2002, and you sent a letter on June 28, 2002, which I would like to make part of the record. And in it you write him and you say, I heard that you are leaving the National Football League to become an Army Ranger. It is a proud and patriotic thing that you are doing.

We also received yesterday——

Chairman WAXMAN. Without objection that will be made part of the record.

Mrs. MALONEY. Thank you.

[The information referred to follows:]

THE SECRETARY OF DEFENSE
WASHINGTON

JUN 28 2002

Mr. Pat Tillman
7883 North Pershing Avenue
Stockton, CA 95207

Dear Mr. Tillman:

I heard that you were leaving the National Football League to become an Army Ranger.

It is a proud and patriotic thing you are doing.

With best wishes,

Sincerely,

U10603 /02

2

Mrs. MALONEY. We also received yesterday a snowflake that you sent about Corporal Tillman that is dated June 25, 2002. And a snowflake is a name that you give to memos that are sent to senior defense officials. And you sent this snowflake to Thomas White, then-Secretary of the Army. And the subject line is Pat Tillman. And let me read what you said here. "Here is an article on a fellow who is apparently joining the Rangers. He sounds like he is world-class. We might want to keep an eye on him."

May I put this in the record, sir?

Chairman WAXMAN. Without objection, that will be ordered.

[The information referred to follows:]

June 25, 2002 3:39 PM

TO: Tom White

FROM: Donald Rumsfeld DR

SUBJECT: Pat Tillman

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Here is an article on a fellow who is apparently joining the Rangers. He sound like he is world-class. We might want to keep our eye on him.

Thanks.

Attach.
Isaacson, Melissa. "Marching to His Own Ideals," *Chicago Tribune*, 06/02/02

DHR:dh
062502-71

Please respond by _____

25 Tunc

U16333 02

Chairman WAXMAN. The gentlelady's time has expired. Did you want to——

Mrs. MALONEY. May I ask for an additional——

Chairman WAXMAN. Were you leading to a question?

Mrs. MALONEY. Yes, I was.

Chairman WAXMAN. OK. Would you ask it quickly?

Mrs. MALONEY. When Corporal Tillman was killed in 2004, was this a blow to you when you heard this news?

Mr. RUMSFELD. It is. Clearly it is a blow when you read of a death of a young man or a young woman who is serving our country in uniform and gives their lives. It is always a heartbreaking thing for anyone in a position of responsibility to read about.

Mrs. MALONEY. That's——

Chairman WAXMAN. Thank you, Mrs. Maloney.

Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman.

General Myers, just for the record, you are not in the chain—you were not in the chain of command as the Chairman of the Joint Chiefs; is that correct?

General MYERS. No. The chairman is the principal military adviser to the President and the National Security Council, and I am not in the operational chain of command, no.

Mr. ISSA. So your influence during your tenure there is designed to be to make policy recommendations to the President, to the Secretary, that then at their discretion are implemented. And as a result, even though you are informed, and obviously you have the respect of the men that you have served with for so many years, in fact, when we want to look at the chain of command, we should not be looking at you as part of that except to the extent that you knew about something; is that correct?

General MYERS. I think that is substantially correct.

Mr. ISSA. OK. And I am going to—first of all, I am going to join with all of you in saying that we regret from the dais the heartburn, the heartache and the suffering that the Tillman family went through, and that is one of the reasons that Government Oversight and Reform has to take a role in seeing that this doesn't happen again, if at all possible.

I also want to make available for the record our assessment, which is out of 41 Members on the dais here today, there are only 8 who ever served in the military. And all of us who served in the military served, as far as I know, at the rank of captain or less. So I am not going to claim, as one of those, that we are especially knowledgeable of everything that could go wrong in every situation. But let's go through a couple of things that seem to be left unchanged.

We understand that a three-star general has lost a star as a result not just of ineptness during the process, but of false statements. Is that your understanding also?

Mr. RUMSFELD. No.

Mr. ISSA. That has not happened yet?

Mr. RUMSFELD. Not to my knowledge. I read the paper this morning, and it said the issue as to whether or not he ought to keep his third star is something that should be given to a review panel, if I am not mistaken.

Mr. ISSA. OK. I think I will join with the recommendation that the general's lies—we are not a body in the military who accept false statements. Mistakes, yes; false statements, no. So I would hope that appropriate action is taken. But as far as I can tell, that is the only lie.

But there is an unresolved issue, and I hope that is the focus here today. As I understand it, the Army has a policy that during an investigation of a possible fratricide, you do inform the family that is a possibility. Is that all of your understanding here today for the Army?

Mr. RUMSFELD. I have no knowledge of what that Army reg says.

General BROWN. It is my understanding and I think the policy is no later than 30 days from the time that the investigation—that there is an investigation, you must immediately notify the family, but in no cases later than 30 days. I think that is a regulation that came into effect about 2003. And I don't know what the regulation was before 2003.

Mr. ISSA. Army regulation 600–8–1 will be placed in the record without objection.

Chairman WAXMAN. Without objection, that will be the order.

[The information referred to follows:]

Army Regulation 600–8–1

Personnel—General

Army Casualty Program

Headquarters
Department of the Army
Washington, DC
30 April 2007

UNCLASSIFIED

SUMMARY of CHANGE

AR 600-8-1
Army Casualty Program

This administrative revision, dated 30 April 2007--

- o Updates DA Form 1156 (Casualty Feeder Card) (fig 4-1).
- o Updates instructions for using DA Form 1156 (para 4-5).

This administrative revision dated 28 February 2007--

- o Add paragraph to update guidance on IG requirements for fatal accident presentations of friendly fire casualties (para 3-10g).
- o Updates administrative changes throughout the publication.
- o Corrects typographical errors throughout the publication.

This administrative revision dated 17 May 2006-

- o Changes fatal training briefs to fatal accident briefs (summary of change page).
- o Adds hostile death 15-6 investigation requirements (para 2-9h).
- o Adds hostile death 15-6 investigation requirements (para 2-9h).

This major revision dated 7 April 2006-

- o Changes the title to Army Casualty Program.
- o Incorporates a new format that more directly follows the course of casualty reporting, notification, and assistance as it actually occurs (throughout).
- o Replaces references to PERSCOM and AR-PERSCOM with Army Human Resources Command (AHRC) and Army Human Resources Command-St. Louis (AHRC-STL), respectively (throughout).
- o Consolidates DA Form 1155 (Witness Statement on Individual) and DA Form 1156 (Casualty Feeder Report) into the combined DA Form 1156 (Casualty Feeder Card) (paras 1-7 and 4-5).
- o Combines information concerning Reserve and National Guard casualty reporting and notification (para 3-1).
- o Updates reporting requirements for U.S. Army Reserve/Army National Guard Soldiers (para 3-1).
- o Adds reference to fatal training briefs (para 3-10).

- Replaces message addresses for casualty reporting with e-mail addresses, along with references to Web site for up-to-date information on e-mail addresses (table 4-1).
- Adds warrant officers to the pool of eligible casualty notification officer and casualty assistance officer personnel (para 6-3).
- Clarifies the use of active duty Soldiers only for casualty notification officer and casualty assistance officer duties (para 6-3).
- Adds sample Commander's Letter of Condolence (chap 8).
- Clarifies U.S. Army Reserve Soldier coverage to include those Soldiers who overnight en route to drill or duty (para 9-2).
- Establishes the importance of and explains DD Form 93 (Record of Emergency Data) (chap 11).
- Lists the Casualty Assistance Center's responsibilities (app B).

Headquarters
Department of the Army
Washington, DC
30 April 2007

*Army Regulation 600–8–1

Effective 15 May 2007

Personnel—General

Army Casualty Program

By Order of the Secretary of the Army:

GEORGE W. CASEY, JR.
General, United States Army
Chief of Staff

Official:

JOYCE E. MORROW
Administrative Assistant to the Secretary of the Army

History. This publication is an administrative revision. The portions affected by this administrative revision are listed in the summary of change.

Summary. This consolidated regulation prescribes policies and mandated tasks governing U.S. Army casualty operations, to include casualty reporting, casualty notification, and casualty assistance. It provides policy guidance and information to Soldiers who have been designated to perform the duties of a casualty notification officer or casualty assistance officer. Also, this regulation provides policies and information pertaining to casualty related documentation, specifically the DD Form 93 (Record of Emergency Data), Servicemembers' Group Life Insurance, and other life insurance programs administered by the Department of Veterans' Affairs.

Applicability. This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve unless otherwise stated.

Proponent and exception authority. The proponent of this regulation is the Deputy Chief of Staff, G–1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army management control process. This regulation does not contain management control provisions.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA, Deputy Chief of Staff, G–1, ATTN: DAPE–ZA, 300 Army Pentagon, 20310–0300.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commander, U. S. Army Human Resources Command, ATTN: AHRC–PEZ, Alexandria, VA 22332–0400.

Distribution. This publication is available in electronic media only and is intended for command levels A, B, C, D, and E for the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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*This regulation supersedes AR 600–8–1, dated 28 February 2007.

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Glossary

Chapter 1
Introduction

1–1. Purpose
This regulation prescribes the policies and mandated operating tasks, responsibilities, and procedures for casualty operations functions of the military personnel system. The casualty operations functions include casualty reporting, notification, assistance, and fatal accident family brief program.

1–2. References
Required and related publications and prescribed and referenced forms are listed in appendix A.

1–3. Explanation of abbreviations and terms
Abbreviations and special terms used in this regulation are explained in the glossary.

1–4. Overview
Casualty Assistance Centers (CACs) accomplish the administrative functions of the casualty operations, mortuary affairs, and line of duty programs, the key subcomponents of the Army Casualty Program. They account for, report, and document all casualties. The Casualty and Memorial Affairs Operations Center (CMAOC), U.S. Army Human Resources Command (AHRC–PEZ), has technical supervision over CACs worldwide. The major functions of the Army Casualty Program are described briefly as follows—

a. Casualty reporting. Casualty reporting is the source of information provided to the next of kin (NOK) concerning a casualty incident. It is of the utmost importance to provide that information accurately, promptly, and in as much detail as possible so that the NOK receive as full an accounting as possible of the casualty incident. Dispatch the initial report within 12 hours from the time of the incident to CMAOC.

b. Casualty notification. The casualty notification officer (CNO) notifies the NOK of an individual who has been reported as a casualty in a timely, professional, and dignified manner. The CNO will notify NOK within 4 hours of his/her assignment as CNO. The method of notification varies, depending upon the type of casualty and circumstances surrounding the incident. This regulation specifies duties of a person designated as a CNO for deceased, missing, or duty status–whereabouts unknown (DUSTWUN) Soldiers at chapter 5, section I, and for injured or ill Soldiers at chapter 5, section II. Notification is made in person by a uniformed Soldier for deceased, missing, or DUSTWUN Soldiers and telephonically for injured or ill Soldiers (chap 5). If there is a chance that the NOK may learn of the casualty by other than official sources, the chief, CMAOC (AHRC–PEZ) may approve notification by the quickest means, normally the telephone. In such an event, a Uniformed Services representative will render official condolences (for death cases) or official expressions of concern (for missing or DUSTWUN cases) in person. The CAC should make every effort to provide a chaplain to accompany the CNO. When a chaplain is not available, a second Soldier will accompany the CNO on the notification mission.

c. Casualty assistance. Casualty assistance is always provided to those receiving benefits and/or entitlements in death, missing, or DUSTWUN cases and to those NOK who have need for ongoing exchanges of information with the Department of the Army (DA), such as parents who are secondary next of kin (SNOK). The casualty assistance officer (CAO) provides these services. The main objectives of casualty assistance are—

(1) Assist the NOK during the period immediately following a casualty.

(2) Assist in settling claims and applying for and receipt of survivor benefits.

(3) Assist in other personnel–related affairs.

(4) Serve as the Army's liaison to pass information relating to the Soldier or the incident between the Army and the family.

d. Casualty assistance officer length of service. Casualty assistance varies greatly by case. Therefore, there are no time limits on providing assistance. The person assigned casualty assistance duties will remain in contact until all actions related to settling the decedent's personal affairs have been completed and all benefits and entitlements have been applied for and begin to flow. Document assistance in an after action report (AAR). The CAO and the family member must agree to the completion of all CAO responsibilities, and the CAC will verify this agreement. During contingency operations or for training–related casualties, the duties of a CAO may last 6 to 12 months or more.

e. Mortuary affairs. The Army's Mortuary Affairs Program provides for the care and disposition of remains and for the disposition of personal effects. This program is closely related to and dependent upon the Army Casualty Program (see AR 638–2 and DA Pam 638–2 for detailed information about the Mortuary Affairs Program).

f. Line of duty determination. The Army's Line of Duty Determination Program establishes a Soldier's or surviving family member's eligibility for disability payments and other benefits provided by the Department of Veterans' Affairs (see AR 600–8–4).

1–5. Principles of support
The Army will—

a. Operate the casualty reporting system in peacetime and wartime to ensure CACs expeditiously report all individuals who become casualties to Director, CMAOC (AHRC–PEZ).

b. Operate the CMAOC 24–hours a day, 7 days a week. The CMAOC will manage the flow of all casualty information.

c. Develop procedures to ensure timely notification to the primary next of kin (PNOK) for all reportable casualties, as well as to the SNOK, the person authorized to direct disposition (PADD), and other designated beneficiaries for all deceased, missing, or DUSTWUN personnel.

d. Provide casualty assistance to PNOK, PADD, parents who are SNOK, and other designated beneficiaries in the case of all individuals who are reported as deceased, missing, or DUSTWUN through the casualty network.

1–6. Standards of service

a. Casualty Assistance Centers will expeditiously record, report, and account for every casualty in peacetime and wartime.

b. Casualty Assistance Centers will have 24–hours a day, 7 days a week casualty operations capability.

c. A Uniformed Services representative will notify the individual's PNOK, SNOK, and other designated beneficiaries in person in the event of death, missing, or DUSTWUN cases.

d. A designated CAO will assist those receiving benefits and or entitlements.

e. Casualty notification will include information concerning the date, location, and detailed circumstances under which the casualty occurred.

f. Every level of command (CMD) will initiate a heads–up phone call to the next higher level, then pass casualty information to the responsible CAC, which will continually reconcile, verify, consolidate, and pass information to the CMAOC.

1–7. Wartime reporting standards

a. Units will report all casualties found on the battlefield (that is, American civilians, personnel of other Services, Allied forces, and Soldiers from other units). When the unit suspects that a death may have resulted from possible friendly fire, it will report this possibility immediately to the CAC on an initial (INIT) or supplemental (SUPP) casualty report.

b. Units will record casualties on DA Form 1156 (Casualty Feeder Card) and submit to battalion level without delay or as the battlefield situation permits.

c. Units will forward each DA Form 1156 to the appropriate Adjutant (S–1) without delay or as the battlefield situation permits.

d. The Adjutant will, upon receipt of a DA Form 1156, ensure accuracy and completeness of the casualty report and forward it to the appropriate level headquarters without delay or as the battlefield permits.

e. The theater CAC will immediately place a heads–up phone call to the Army Human Resources Command (AHRC) OC and then verify information and dispatch casualty reports to the OC as soon as possible.

f. Casualty liaison teams (CLTs) will be assigned where best suited to capture all casualties (field hospitals, mortuary collection points, and so forth).

g. Wartime notification and assistance standards will be the same as peacetime until such time as the number of casualties exceeds the one–on–one notification and assistance capabilities of the CAC, or until the Director, CMAOC modifies standards.

1–8. Policies overview

This regulation provides an operating source document to the field. As such, it is binding on all communities involved in Army casualty operations. Everyone providing information to the casualty system should be aware that all documentation, reports, board findings, or investigative reports may be requested under the Freedom of Information Act (FOIA). All materials pertaining to a casualty should be well documented and properly filed and/or stored for immediate retrieval upon request, in accordance with AR 25–400–2.

1–9. Public release of casualty information

Army Regulation 360–1, chapter 5, gives guidelines for public release of casualty information and precludes public release of casualty information until the Army notifies NOK. In cases where there is or may be news media or public interest, the CAC must advise the OC as well as the appropriate public affairs officer (PAO) concerned after completing notification.

1–10. Requirements control exemption

The reports, notifications, and verifications prescribed in this regulation are exempt from requirements control action under AR 335–15, paragraph 5–2*b*(5).

1–11. Casualty and mortuary affairs open allotment

a. Operations and Maintenance, Army (OMA) fund is controlled by CMAOC, AHRC. This open allotment is established to provide funding for those expenses that are directly related to the casualty operations, disposition of remains, disposition of personal effects programs; travel in support of certain casualty and mortuary affairs requirements as authorized by AR 638–2, this regulation, and AR 600–34; and operational supplies and equipment during contingency and military operations. The open allotment is used only for those expenses that cannot be foreseen or programmed in advance. It is not intended to be used for normal or routine operating expenses.

b. The following expenses may be charged to the open allotment—

(1) Very seriously wounded, injured, or ill (VSI), seriously wounded, injured, or ill (SI), and not seriously injured, wounded, or ill (NSI) travel and per diem as prescribed in chapter 7.

(2) Casualty notification officer travel and per diem expenses when more than 3 hours one–way from the installation or place of residence for U.S. Army Reserve (USAR) and Army National Guard (ARNG) Soldiers.

(3) Reimbursement of CAO cell phone expenses.

(4) Casualty assistance officer travel and per diem expenses when more than 3 hours one–way from the installation or place of residence for USAR and ARNG Soldiers.

(5) Repatriation family travel for family members of Soldiers who are repatriated prisoners of war or recovered missing Soldiers (see chap 13).

(6) Gold star lapel pins (both types) presented to family members of deceased Soldiers in accordance with AR 600–8–22.

c. See AR 638–2 for detailed information concerning the casualty and mortuary affairs open allotment. Questions concerning the use of this allotment should be referred to Director, CMAOC.

Chapter 2
Responsibilities

2–1. The Deputy Chief of Staff, G–1

The Deputy Chief of Staff, G–1 (DCS, G–1) is the Army Staff proponent for the Servicemembers' Group Life Insurance (SGLI), Family SGLI (FSGLI) coverage, and Veterans' Group Life Insurance (VGLI) programs. The DCS, G–1 will establish personnel policies relating to Army casualty operations.

2–2. The Chief, National Guard Bureau

The Chief, National Guard Bureau (CNGB) will—

a. Establish policies and procedures within the National Guard to support the Army Casualty Program, based upon this regulatory authority for all casualties.

b. Establish procedures within the ARNG to implement the Army Casualty Program for National Guard Soldiers who die while not in an active duty status to—

(1) Properly dispose of the Soldier's personnel records according to AR 600–8–104.

(2) Issue or have issued at State level, DD Form 1300 (Report of Casualty) for all deceased Guardsmen except those identified in paragraph 3–1*b*, who are managed by DA CMAOC.

(3) Establish policies and procedures to ensure Soldiers are informed of their SGLI benefits.

(4) Establish procedures to ensure SGLI premiums are paid according to chapter 2, section III.

(5) Certify Soldier's eligibility in the SGLI and family member eligibility for FSGLI to the Office of Servicemember's Group Life Insurance (OSGLI).

2–3. The Chief, Army Reserve

The Chief, Army Reserve (CAR) will—

a. Establish policies and procedures within the Army Reserve to support the Army Casualty Program, based on this regulatory authority for all casualties.

b. Implement the Army Casualty Program within the Army Reserve to support Soldiers who die while not in an active duty status to—

(1) Properly dispose of the Soldier's personnel records according to AR 600–8–104.

(2) Issue or have issued by the commander (CDR), AHRC (AHRC–PAP–R), the DD Form 1300 for all deceased USAR Soldiers except those identified in paragraph 3–1*b*. Additionally, the CDR, AHRC (AHRC–PAP–R) will issue this form for all retired members, except those who die within 120 days of retirement and those identified in paragraph 3–1*b*.

(3) Establish policies and procedures to ensure Soldiers are informed of their SGLI benefits.

(4) Establish procedures to ensure OSGLI pays premiums according to chapter 12, section III.

(5) Certify Soldier's eligibility for SGLI and dependent eligibility to the OSGLI.

2–4. Department of Veterans' Affairs

The Department of Veterans' Affairs (DVA) will monitor all veteran and retirement insurance programs listed in this regulation.

2–5. Office of Servicemembers' Group Life Insurance

The Director, OSGLI will oversee SGLI, FSGLI, and VGLI payments.

2–6. U.S. Army Criminal Investigation Command

The CDR, U.S. Army Criminal Investigation Command (CID) will inform Director, CMAOC of initiation of all CID investigations involving a deceased Soldier and forward a copy of the completed report in redacted form to the CDR, AHRC (AHRC–PEZ). This regulation is not intended to provide the PNOK with information not otherwise releasable under 5 USC 552, 5 USC 552a, and the Act of 21 August 1996, Public Law 104–91, Health and Insurance Portability and Accountability (HIPAA) (Act of 21 August 1996, PL 104–91). When necessary, this copy can be redacted to limit confidential information.

2–7. U.S. Army Combat Readiness Center

The CDR, U.S. Army Combat Readiness Center will inform Director, CMAOC of initiation of all accident investigations involving a deceased Soldier and forward a copy of the completed accident report in redacted form to Director, CMAOC. The release of information from accident investigation reports is limited (see AR 385–40, para 1–11 for additional information on the proper release of information from accident investigation reports).

2–8. U.S. Army Human Resources Command

The CDR, AHRC (AHRC–PEZ) will establish standards and mandatory operating tasks for Army casualty operations. Specifically the CDR, AHRC (AHRC–PEZ) will—

a. Publish peacetime and wartime policies and procedures, and establish standards for the Army Casualty Program.

b. Ensure accurate and timely casualty reporting.

c. Ensure prompt, accurate, and professionally executed casualty notification.

d. Administer the Army Casualty Assistance Program to include establishing minimum training and performance standard for CAOs.

e. Designate CACs, in coordination with the Installation Management Agency (IMA), by geographical location.

f. Provide technical support and guidance to CACs worldwide.

g. Issue a DD Form 1300 on those categories of casualties identified in paragraphs 3–1*a* through 3–1*n*, except *l*.

h. Posthumously promote Soldiers according to applicable promotion regulations, and issue a DA Form 3168 (Posthumous Promotion).

i. Disseminate procedural guidance on the DVA laws concerning SGLI/FSGLI/VGLI/Traumatic Servicemembers' Group Life Insurance (TSGLI).

j. Certify eligibility for SGLI and FSGLI to the OSGLI for those persons listed in paragraphs 3–1*a* through 3–1*n*, except 3–1*l*.

k. Prepare letters of condolence for the Secretary of Army (SA) and the Chief of Staff, Army (CSA) signatures for all military–related deaths.

l. Manage the Fatal Training and Operational Accident Presentation Program in accordance with regulatory guidance (see AR 600–34, para 1–18 for the concept of collateral investigations of fatal training and/or operations accidents).

2–9. Commanders of all major Army commands and major subordinate commands

Commanders of major Army commands (MACOMs) and major subordinate commands (MSCs) will—

a. Monitor and assist in the administration of the Army Casualty Program to ensure compliance with policies and mandatory tasks of this regulation.

b. Ensure subordinate CDRs train basic casualty reporting procedures and standards, down to the individual Soldier.

c. Ensure CDRs directing the deployment of a task force from whose area Army Soldiers are deployed, have trained personnel to perform the casualty reporting functions.

d. Establish procedures to ensure Soldiers understand the purpose of the SGLI/FSGLI programs and the need to maintain a current certificate.

e. Provide Soldiers the opportunity to apply for or decline SGLI/FSGLI.

f. Monitor the records custodian to ensure that Soldiers prepare insurance election forms and certificates in accordance with chapter 12.

g. Ensure their Soldiers keep their DD Form 93 (Record of Emergency Data) and SGLI election form up–to–date at all times.

h. Commanders of deployed forces will initiate AR 15–6 collateral investigations (formal or informal) for all hostile deaths.

2–10. The commandant, Adjutant General School

The commandant, Adjutant General (AG) School will—

a. Appoint a casualty operations subject matter expert and doctrinal proponent.

b. Publish doctrinal literature for Army casualty reporting.

c. Serve as the branch proponent for the Army Casualty Program.

d. Develop doctrine and establish and conduct personnel training to support casualty operations, in coordination with Director, CMAOC, AHRC–PEZ.

2–11. Commanders of installations, overseas communities, and mobilization stations

Only those installations or commands identified in appendix B are authorized to implement and operate the casualty program (casualty reporting, notification, and assistance). These installations or CMDs will be called CACs. Installation Management Agency CDRs and CDRs of overseas communities and mobilization (MOB) stations will—

a. Establish, resource, and operate a casualty operations program that accomplishes the requirements established by this regulation.

b. Upon mobilization, activation, or deactivation of installations, the Director, CMAOC, in coordination with the IMA, designate other installations or commands as CACs in support of contingency operations, as required.

c. Identify and train Soldiers and DA civilians from local CMD resources who may work as augmentee casualty clerks during a mass casualty incident.

2–12. Casualty Assistance Centers

The CACs, as identified in appendix B (or as posted to the CMAOC Web site, https://www.hrc.army.mil/site/active/TAGD/CMAOC/cmaoc.htm), will—

a. Operate all aspects of the casualty program.

b. Maintain liaison with local veterans' hospitals regarding benefits for active duty service.

c. In fulfilling their responsibilities in casualty related matters, task both Active Army and Reserve Component (RC) commands within their geographical area of jurisdiction to provide support, which will include CNOs, CAOs, chaplains, unit escorts, summary court–martial officers, funeral honors details, and other funeral support.

c. Establish procedures within their geographical area of responsibility to designate and train individuals to perform casualty notification and casualty assistance duties in death, DUSTWUN, and missing cases prior to being assigned a notification or assistance mission.

d. Assist task force CDRs in all aspects of casualty reporting during a civil disturbance.

e. Develop and maintain a mass casualty operations plan (OPLAN) that identifies responsibilities in the event of a mass casualty situation within the CAC area of responsibility.

f. Establish and operate an installation and/or community casualty working group.

g. Establish procedures to issue travel orders to the NOK of Soldiers identified by proper medical authority as SI or VSI, or as otherwise determined eligible in accordance with chapter 5 of this regulation.

h. Establish procedures to maintain an accurate and current DD Form 93.

i. Assist task force CDRs in establishing a casualty reporting unit as an integral organizational element of the task force. The duties of this element will be—

(1) Institute effective procedures to ensure that the casualty information flows quickly and accurately from elements of the task force to the task force casualty reporting unit.

(2) Establish immediate communication with the CDR in whose area the task force is deployed, the CDR from whose area Active Army personnel are deployed, and the home unit CDR of the ARNG and USAR Soldier.

2–13. Battalion commanders

Battalion CDRs or field designee will—

a. Ensure the accuracy and completeness of the information submitted on the DA Form 1156, which captures the essential information used in making NOK notification.

b. Review and approve all initial or supplemental deceased, missing, and DUSTWUN casualty feeder reports with particular focus on timely casualty reports, detailed circumstances, and, in the case of hostile casualties, on verification of the accuracy of the reported inflicting force.

c. Request an exception of this requirement to Director, CMAOC, if units cannot meet this requirement due to personnel shortages or unit structure limitations.

d. Be responsible, during hostilities, normally, for sending the letters of sympathy which provide detailed circumstances surrounding death.

2–14. Unit commanders

a. Local Army CDRs in support of notification and assistance missions will—

(1) Have overall area responsibility for the Casualty Assistance Program.

(2) Appoint CNOs and CAOs.

(3) Release the CAO from all conflicting duties and requirements until the CAC reviews the CAO's AAR, confirms with the NOK that he or she is satisfied that all assistance matters have been properly completed, and releases the CAO back to his/her unit.

b. Commanders of deceased Soldiers will—

(1) When practical, contact the family of the deceased Soldier by telephone (or other electronic means) within 1 week of the death to offer their condolences and to relate to the family the full circumstances concerning the incident that resulted in the Soldier's death, consistent with AR 600–34, para 1–18*b*.

(2) When an investigation is still pending, inform the family of such and contact the family again as soon as the investigation is complete.

(3) When relating the circumstances to the family, be mindful of operational security. This should not greatly affect the information that the family needs to hear.

2–15. Casualty notification officer team

The CNO team represents the SA. Casualty notification may create in the NOK any number of possible emotional responses. Compassion and sensitivity to their loss will reflect the Army's concern for its personnel and their families. The CNO team will—

a. Be courteous, helpful, and compassionate toward the NOK while performing this sensitive mission.

b. Be trained and certified to perform this sensitive mission prior to conducting an actual CNO assignment.

2–16. Casualty assistance officer

The CAO represents the SA. The CAO's role is dependent upon the needs of the assigned beneficiary or family member. Refer to chapter 6 for specific guidance. The CAO will—

a. Be courteous, helpful, and compassionate toward the NOK while performing this sensitive mission.

b. Be trained and certified to perform this sensitive mission prior to conducting an actual CAO assignment.

c. Assist and counsel the PNOK or other designated beneficiary on all matters pertaining to the deceased.

Chapter 3
Casualty Reporting

Section I
Personnel Requiring a Casualty Report

3–1. Categories of reportable casualties

A casualty report is required when any of the personnel listed in the categories below becomes a casualty.

a. All Army members on active duty. The term "active duty" includes RC members in an Active Guard/Reserve (AGR) status, Reserve and National Guard members mobilized under 10 USC, and RC Soldiers serving in a "sanctuary" status or recalled retired Soldiers.

b. U.S. Army Reserve and ARNG Soldiers who die while en route to or from, or while participating in, any of the following authorized training activities—

(1) Annual training (AT).

(2) Active duty for training (ADT).

(3) Full-time National Guard duty (FTNGD).

(4) Temporary tour of active duty (TTAD).

(5) Initial active duty training (IADT).

(6) Scheduled inactive duty training (IDT).

(7) Active duty for special work (ADSW).

(8) Special active duty for training (SADT).

c. Soldiers who die while en route to or from or at a place for final acceptance for entry on active duty (AD) with the Army. This includes personnel in the Delayed Entry Program (DEP) en route to or from Recruiting Command approved activities.

d. Cadets and students enrolled in Reserve Officers' Training Corps (ROTC) performing authorized training or travel (5 USC 8140 or 36 USC 2110).

e. United States Military Academy (USMA) cadets.

f. Soldiers in an absent without leave (AWOL) status.

g. Soldiers in a deserter status.

h. Members of other Services (para 3–6).

i. Retired general officers of the Army.

j. Retired Soldiers who held the office of Sergeant Major of the Army.

k. Medal of Honor recipients.

l. Retired Soldiers with 100 percent disability who die within 1 year of separation from the Army (RETIRED—Temporary Disability Retired List/Permanent Disability Retired List (TDRL/PDRL) 100 percent).

m. Retired, separated, or discharged Soldiers who die within 120 days of separation from the Army. This Includes Soldiers with disability of less than 100 percent (released from active duty (REFRAD 120).

n. All other retirees, including those covered in accordance with 10 USC 1331 (grey area retirees—retired but not yet receiving retirement pay).

o. Retirees who die after being continuously hospitalized, including hospice care facilities and veterans' treatment facilities, since the date of retirement or separation from service.

p. Department of the Army employees paid from appropriated funds who die during travel status or temporary duty (TDY) within the 50 states and the District of Columbia.

q. Department of the Army employees paid from appropriated funds while assigned, deployed, or TDY outside the continental United States (OCONUS).

r. Family members of DA employees paid from appropriated funds residing with the employee stationed outside of the 50 states and the District of Columbia or while in transit to or from the 50 states and the District of Columbia.

s. Other U.S. civilians who become a casualty OCONUS and are—

(1) Non–appropriated fund employees of the DA.

(2) Contract field technicians or other contract employees working in support of the Armed Forces of the United States or other U.S. Government agencies in a deployed theater of operations.

(3) Visiting dignitaries.

(4) Representatives of DA–sponsored organizations (such as the American Red Cross, the United Services Organization (USO), and banking facilities).

(5) U.S. citizens for whom local State Department officials have requested the overseas CMD assume casualty reporting responsibilities.

(6) Contract representatives of the DVA and the Department of Labor.

(7) Reporters who are embedded with deployed U.S. armed forces.

(8) Any other category of interest so designated by the SA or CSA as reportable.

t. All family members of active duty personnel. Family members are those who are entitled to military identification (ID) cards or are claimed as dependents on the Soldier's tax returns.

u. Allied government personnel who die in continental United States (CONUS).

v. Foreign military trainees who die in CONUS.

w. Family members of retired personnel who die in a medical treatment facility (MTF) within the United States (does not include Alaska or Hawaii).

3–2. Reporting Army general officers, Sergeants Major of the Army, and Medal of Honor recipients

a. Casualty reports on personnel in the categories below will have additional information (3–2 *c*, below) included in item 61 (Remarks) of the casualty report. The Director, CMAOC will provide this information to HQDA (DACS–DSP) Protocol Office for release of an Army–wide message announcing the death of these personnel—

(1) Any general officer in active or retired status.

(2) Any past or present Sergeant Major of the Army.

(3) Any Medal of Honor recipient if the family requests a CAO.

b. Upon death of an active or retired 4–star general officer, if the family requests a CAS, appoint an active duty general officer as the CAO. Director, CMAOC may grant exceptions to this policy, only when it is clearly not feasible to appoint an active duty general officer.

c. Additional information required is as follows—

(1) Date, time, and location of the funeral.

(2) Date, time, and location of interment.

(3) The desires of the PNOK concerning expressions of sympathy, contributions, or memorials.

(4) The HQDA (DACS) statement in an Army–wide message that the NOK does or does not consent to the release of the preceding information announcing the death of the Soldier concerned.

d. Do not delay the INIT report if this information is not immediately available. Submit a SUPP report as soon as this information is available.

3–3. Reporting persons away from their station of assignment

When a person becomes a casualty while away from his or her permanent station (such as on leave), the CAC in whose area the casualty occurs will submit a casualty report. Since the CAC may not be able to supply all the required items of information, the following instructions apply—

a. Submit an INIT casualty report containing the items of information available to the—

(1) Normal addressees.

(2) Casualty Assistance Center responsible for the area in which the person's permanent station is located.

(3) Commander of the individual's permanent station.

b. Upon receipt of the casualty report, the CAC responsible for the area in which the individual's permanent station is located will obtain personal data from the Soldier's records. The CAC will then submit that data, in the form of a SUPP report, to the original addressees and to the CAC that submitted the INIT casualty report. Normal CAC responsibilities are then in effect.

3–4. Reporting deaths of civilians residing overseas

a. Director, CMAOC will coordinate with American Embassy or consulate officials to provide casualty notification or assistance for—

(1) Individuals listed in paragraph 3–1*l* through 3–1*r*.

(2) Their family members.

(3) Family members of active duty personnel.

b. When the NOK are not in reasonable distance to a CAC, CMAOC may request the Embassy or consulate personnel to make notification and provide assistance as needed.

c. If death occurs in a designated contingency operational area, the contingency CAC will report the death and coordinate with Embassy personnel as necessary.

d. After the initial report, should the deceased civilian be fond to be a retired Soldier or current RC member, the servicing CAC for disposition will prepare a supplemental report and forward to CMAOC and appropriate Service headquarters of the deceased.

3–5. Reporting U.S. Army members attached to another Service

Do not apply the reporting requirements of this regulation to Army members who become casualties while attached to another Service. That Service, under its regulations will report those members to Army Casualty (AHRC–PEC).

3–6. Reporting members of other Services

When a person from another Service becomes a casualty and the sponsoring Service is not in the immediate area, the CMD that would submit a report for Army personnel will handle the initial reporting. The format for these reports is the same as when reporting Army personnel. The CAC will address the reports to Director, CMAOC, so it can coordinate with the responsible Service.

3–7. Joint Service casualty message

When casualties occur in a situation involving personnel of more than 1 Service, each Service component will generate an initial casualty message for its casualties. If other Service casualty reporting elements are not present, the Service responsible for the area of incident will prepare reports for all casualties. The Joint operational CDR will ensure consistency and accuracy of all information reported by each Service component.

3–8. Reporting enemy prisoners of war and civilian internees in U.S. Army custody

a. In the case of enemy prisoners of war (EPW), the camp CDR, hospital CDR, or other officers charged with the custody of the EPW will report in accordance with AR 190–8.

b. When a civilian internee in U.S. Army custody dies or becomes seriously ill because of injury or disease, the camp or hospital CDR will report in accordance with AR 190–8.

Section II
Casualty Reporting—Special Circumstances

3–9. Casualty reporting during hostilities

a. Commanders will prepare and periodically review, both prior to deployment and thereafter as battlefield conditions permit, procedures for casualty reporting and casualty operations to determine how effective and responsive these procedures will be during hostilities. Plans for a casualty reporting system during hostilities must include and provide for—

(1) A method of collecting casualty data within the area of operation. The method will include using DA Form 1156 and the Defense Casualty Information Processing System–Forward (DCIPS–FWD).

(2) A means of verifying the casualty status of a person by comparing casualty information with military or civilian

personnel records. Such records include DD Form 93, strength reports, military police and straggler reports, prisoner of war (PW) reports, MTF admission and disposition reports, graves registration and mortuary interment reports, and intelligence information reports.

(3) A means of verifying the accuracy of all information reported on initial and supplemental casualty feeder reports.

(4) Preparation of letters of sympathy, condolence, and concern.

b. Commanders at brigade and higher level of CACs preparing to support a mass casualty incident should develop a memorandum of agreement (MOA) between each mortuary affairs collection point (MACP) and MTF within the CAC's or unit's area of responsibility to allow for CLT involvement in the administration and processing of casualties evacuated from an area of military operations or mass casualty incident site. This action will support DA casualty operations requirements. Commanders at brigade and higher level or CACs preparing to support a mass casualty incident should prepare and periodically review procedures to ensure—

(1) An effective mass casualty reporting system.

(2) Maintenance of a master casualty file.

(3) Maintenance of statistical data on casualties.

(4) Preparation of letters of sympathy, condolence, and concern.

(5) Timely determination of line of duty status for all casualties.

(6) Disposition of personnel records.

(7) Provision of cutoff and disposition instructions for casualty files.

3–10. Reporting suspected friendly fire casualties

Reporting units must report all suspected friendly fire incidents to the CMAOC as soon as evidence leads personnel on the ground to believe that enemy fire might not have caused a casualty incident during hostilities. Suspected friendly fire incidents will require—

a. Immediate telephonic heads up to the CMAOC.

b. An INIT or SUPP casualty report with detailed circumstances in item 39. Indicate either "Amigo" (Allied Forces), "Buddy" (U.S. Forces), or "UNK" (Unknown) in item 40 on the casualty report. If a casualty results from suspected friendly fire, but is unconfirmed, the casualty report will state "Unknown." In the event the suspected friendly fire is discovered after submitting the INIT casualty report or feeder report, the reporting unit must immediately submit a SUPP casualty report to the CMAOC to update or correct the information provided in the INIT report.

c. Notification of incident through CMD channels to combatant CDR.

d. Notification of incident to CONUS Replacement Center (CRC).

e. Initiation of an AR 15–6. The CDR having general courts–martial jurisdiction over the unit to which the casualty was assigned (or a higher authority designated by the combatant CDR or intermediate CDR authorized to make such designation) will appoint an officer or a board of officers under AR 15–6 to inquire into the suspected friendly fire incident. If a board is appointed, the board will consist of not less than 3 commissioned officers (field grade recommended). The investigating officer or board will conduct the inquiry in accordance with AR 15–6, and once approved by the combatant CDR, will submit proceedings, with the appropriate attachments, to the CMAOC on DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers).

f. As soon as the inflicting force is determined by the AR 15–6 or other investigation, the reporting unit must submit a SUPP casualty report to AHRC (AHRC–PEZ), updating items 39 and 40, as well as provide a detailed explanation in item 61.

g. Make presentations to next of kin in accordance with AR 600–34, paragraph 4–1. Units will coordinate with CMAOC prior to giving presentations to the family. Detailed guidance concerning the coordination and execution of these presentations is contained in AR 600–34, chapter 4.

3–11. Casualty reporting during movement by military air or sea, to or from overseas commands

Report casualties involving Army personnel occurring in the air, over water, or at sea, while traveling to or from an overseas CMD as directed by CMAOC.

3–12. Casualty reporting during field exercises

a. Actual casualty reports. When conducting maneuvers or major exercises of division–size or larger units, the maneuver or exercise director or the designated Army representative will establish a central casualty reporting agency. This central agency will prepare and process reports for the responsible CAC on actual casualties incurred during the exercise. Report actual casualties on DA Form 1156 and forward to the nearest CAC.

b. Simulated casualty reports. Simulated casualty reporting during field exercises is essential as a training device that adds depth and realism to CMD exercises. Exercise special care and handling of such simulated reports to ensure that exercise messages remain within exercise channels and are always clearly marked, "FOR EXERCISE ONLY" at the top and bottom of the simulated report. Closely follow AR 25–11.

c. Actual casualties will be reported on DA Form 1156 to be forwarded to the nearest CAC.

3–13. Casualty reporting during an attack on the continental United States

In the event of an attack on the United States, its territories, or possessions, the scope of military support of civil authorities in each geographical area will depend on the commitment of military resources to military operations, the extent of damage sustained by the civilian communities and the status of the Active Army and RC forces. The DOD will be prepared to provide forces and capabilities in support of civil authorities in domestic attacks. Casualty Assistance Centers will prepare casualty reports as outlined in this regulation and be prepared to assist civil authorities if directed to do so. In the event of an emergency—

a. Military personnel and their family members will be reported.

b. The DOD civilians will be reported by CAC in conjunction with the Civilian Personnel Office (CPO).

c. Other civilian persons will be the responsibility of civil authorities.

d. Soldiers on TDY will be reported by the CAC where incident took place and notification will be coordinated by the home station CAC (HSCAC) where the Soldier's records are located (see DODD 3025.1).

Section III
Special Interest Casualty Reporting

3–14. Special interest casualty matters

The following casualty incidents have been designated as special interest casualty matters:

a. Unique or bizarre circumstances resulting in a casualty that can be expected to generate media interest.

b. Any casualty incident involving a person subject to special interest. Persons subject to special interest include—

(1) Active duty general officers and general officer designees.

(2) Retired general officers.

(3) Officers commanding battalions (BNs)/brigades (BDEs) or higher units of similar size and responsibility in hostile fire areas.

(4) Field grade officers in an advisory position in hostile fire areas.

(5) Former or present Sergeants Major of the Army.

(6) Any government official or public figure that becomes a casualty while under Army sponsorship.

(7) Returned prisoners of war (PW).

(8) Other persons who the Director, CMAOC identifies as subject to special interest.

3–15. Reporting special interest casualty matters

Immediately upon receipt of information concerning a special interest casualty matter, the responsible reporting CDR will relay all available information by the fastest possible method (normally telephone) to Director, CMAOC. This advance report (heads up) is designed primarily to alert casualty personnel of the casualty incident. Do not delay to complete the details. The CMAOC may apply special interest designation in the DCIPS database after receipt of the casualty report

a. Prepare the initial report with minimum required data fields in accordance with chapter 4 within 12 hours of incident.

b. Report all persons involved in a multiple casualty event regardless of their desire or severity of the illness, injury, or the wounds sustained.

c. Prepare additional reports as necessary as soon as information is available.

d. Follow procedures for notification and assistance as outlined in chapters 5 and 6.

e. The Director, CMAOC may consider it appropriate to direct a notification be made to the NOK without regard to the normal hours of notification

Section IV
Casualty Report Types and Submissions

3–16. Types of reports

The casualty report is the source of information provided to the NOK concerning a casualty incident. The 4 types of casualty reports are—

a. Initial (INIT) is the first report submitted for each person involved in a casualty incident, whether hostile or non–hostile, as designated in paragraph 3–1.

b. Status change (STACH) reports casualty status change from any previously reported major casualty status to another.

c. Supplemental (SUPP) reports any change or addition to any previous report immediately upon receipt.

d. Prognosis or Progress (PROG) Report provides the initial prognosis and medical progress of hospitalized, injured,

or ill persons in an NSI, SI, or VSI casualty status in order to keep NOK not at bedside informed of the medical condition of casualties.

3–17. Submitting reports

a. The INIT casualty report is submitted by the responsible CAC in the area of incident within 12 hours of the incident. During hostilities, the CLTs provide medical information for any casualty, regardless of Service affiliation, to the established casualty channels. Prepare the INIT in accordance with chapter 4.

b. The STACH report is submitted for any major status change.

(1) Any status to deceased

(2) Missing to returned to military control (RMC).

(3) Duty status—whereabouts unknown to any other status.

c. The SUPP is submitted without delay as soon as information is available and verified. Specifically, submit a SUPP if friendly fire is suspected or whenever an investigation is initiated concerning a fatality. These changes may significantly change information necessary for the NOK.

d. The PROG report is submitted for injured, ill, and hospitalized personnel.

(1) Not seriously wounded, injured, or ill if hospitalized, at a minimum of every 5 days.

(2) Seriously wounded, injured, or ill and VSI every 24 hours until the status upgrade to NSI.

(3) On arrival at any MTF recording the admitting diagnosis.

(4) Final PROG is due upon discharge.

3–18. Reporting a person as deceased

The Armed Forces Medical Examiner will make official positive identification by means of deoxyribonucleic acid (DNA) dental records, fingerprints, or other approved methods of identification

a. Report a person as deceased for the following situations—

(1) When remains recovered are visually identified.

(2) When remains have not been recovered but conclusive evidence of death exists.

(3) When remains recovered are not or cannot be visually identified, include a 'believed to be' statement in Circumstances and "believed to be" notification will be conducted. This type of notification to the NOK will include an explanation as to why the remains are "believed to be" the deceased, based on—

(a) Witness.

(b) Manifest.

(c) No known suspected or possible survivors.

b. Keep NOK updated on any findings concerning identification.

3–19. Determination of date and time of death

a. Date and time of death will be the official date and time the deceased was pronounced by medical personnel or as determined by the medical examiner.

b. Explain any discrepancy between date and time of incident and date and time of death in the circumstances. Example: Soldier dies at incident site and must be transported to a medical facility a distance away to be officially pronounced deceased by medical personnel. Explain the difference in date and time of death and the date and time of incident in circumstances.

c. When all available evidence cannot establish an actual date and time of death, select the latest date that death can reasonably be presumed to have occurred. For example, death occurred in a particular month but can not determine day, select the last day of that month as the date of death.

d. Soldiers on authorized leave and disappears, and an exact date of disappearance cannot be established, select the last day of authorized leave so the Soldier will not be considered AWOL if determined to have died.

e. The date of death for individuals determined to be brain dead by competent medical authorities will be the date the Soldier was removed from life support. Notification to the PNOK, however, will occur as in any other death. Medical personnel will not, under any circumstances, contact the PNOK until after they receive confirmation from the responsible CAC that notification to the PNOK is completed.

3–20. Reporting a person as wounded, injured, or ill

a. To report a person as wounded, injured, or ill, medical authorities must properly classify the individual in 1 of the categories listed below. Medical facility CDRs will establish procedures for medical authorities to identify and report these patients promptly. The categories are—

(1) VSI.

(2) SI.

(3) NSI.

b. During hostilities, report and track all hostile categories of wounded. Record whether the casulaty was—

(1) Treated and returned to duty.

(2) Hospitalized and transferred out of theater.

c. Report and track non-hostile injury or illness.

(1) SI and VSI are reportable

(2) NSI is reportable only if hospitalized.

d. The CAC responsible for the area in which hospitalized will prepare the initial report and any PROGs required during hospitalization and upon final PROG on discharge or transfer.

Chapter 4
Preparing and Sending Casualty Reports

4–1. Security classification

Generally, casualty matters are unclassified, but they are assigned the protective marking of **FOR OFFICIAL USE ONLY (FOUO)** per AR 380–5. In cases other than missing status, remove these markings after notification to the NOK. A case concerning a person in a missing status will remain marked FOUO until the person is RMC or until his or her status is changed to deceased, or to any other status listed in table 4–4, message item 3a.

4–2. Dispatch of reports

a. Send casualty reports electronically, without delay, unless circumstances dictate otherwise. Table 4–1 contains the addresses of where to send casualty reports.

b. Electronically transmit casualty reports using DCIPS–FWD.

(1) The DCIPS–FWD is the casualty database subordinate reporting commands use to create casualty reports and transmit them forward through CMD channels to CMAOC.

(2) The DCIPS Headquarters (HQ) is a CMAOC–level database which receives the DCIPS–FWD reports. This is a much larger database enabling casualty personnel to manage all reported casualty cases.

Table 4–1
Addresses for casualty reports

Category of person: All reportable persons
Casualty Status: Wounded, injured, or ill
Action: DA CASUALTY:
tapcpec@hoffman.army.mil
cocopns@hoffman.army.mil
Home station CAC, if different from reporting CAC (see note 2)
Supporting CACs (see note 10)
Other ACTION addressees required by reporting CMD

Information: (See note 1)

Combat Readiness Center cssc@safetycenter.army.mil
USARC: casualtyar@usar.army.mil (see note 9)
HRC–STL: (see note 6)
State Adjutant General (see note 3)
Other information addresses required by reporting CMD

Category of person: All reportable persons EXCEPT U.S. Army retired, separated, or discharged.
Casualty Status: Deceased, DUSTWUN, missing, or returned to military control.
Action: DA CASUALTY: tapcpec@hoffman.army.mil cocopns@hoffman.army.mil
DA MORTUARY: tapcpedd@hoffman.army.mil
THEATER MORTUARY: tapcpedd@hoffman.army.mil
Supporting CACs (see note 10)
Home station CAC, if different from reporting CAC (see note 2)

Information: (See note 1)

DFAS (Active): dfas–incasualty@dfas.mil
DFAS (Retired): casualty@dfas.mil (see note 8)
EREC: pcre–ft@erec.army.mil
Armed Forces Medical Examiner: afipcme@afip.osd.mil
Combat Readiness Center
USARC: casualtyar@usar.army.mil (see note 9)

Table 4–1
Addresses for casualty reports—Continued

HRC–STL: (see note 6)
HRC–STL: (see note 7)
Other information addressees required by reporting CMD
State Adjutant General (see note 3)
Supporting CID (see note 4)

Category of person: AWOL and Deserters
Casualty Status: Deceased
Action: DA CASUALTY: tapcpec@hoffman.army.mil cocopns@hoffman.army.mil
DA MORTUARY: tapcpedd@hoffman.army.mil
THEATER MORTUARY: peddopn@hoffman.army.mil
Supporting CACs (see note 10)
Other ACTION addressees required by reporting CMD

Information: (See note 1)

DFAS (Active): dfas–incasualty@dfas.mil
DFAS (Retired): casualty@dfas.mil (see note 8)
State Adjutant General (see note 3)
USARC: casualtyar@usar.army.mil (see note 9)
HRC–STL: (see note 7)
Other information addressees required by reporting CMD

Category of person: Retired general officers and retired enlisted persons that have held position of Sergeant Major of the Army.
Casualty Status: Deceased
Action: DA CASUALTY: tapcpec@hoffman.army.mil cocopns@hoffman.army.mil
DA MORTUARY: tapcpedd@hoffman.army.mil
Supporting CACs (see note 10)
DFAS (Retired): casualty@dfas.mil

Information: (See note 1)

DACS (GOMO): gomo@us.army.mil (see note 5)
State Adjutant General (see note 3)
USARC: casualtyar@usar.army.mil (see note 9)
HRC–STL: (see note 7)
Other information addressees required by reporting CMD

Category of person: Retired, separated, or discharged person who dies within 120 days. Report those persons retired with 100 percent disability (TDRL) up to 1 year after retirement.
Casualty Status: Deceased
Action: DA CASUALTY: tapcpec@hoffman.army.mil cocopns@hoffman.army.mil
DA MORTUARY: tapcpedd@hoffman.army.mil
Supporting CACs (see note 10)
DFAS (Retired): casualty@dfas.mil

Information: (See note 1)

State Adjutant General (see note 3)
USARC: casualtyar@usar.army.mil (see note 9)
HRC–STL: (see note 7)
HRC–STL: (see note 6)
Other information addressees required by reporting CMD

Category of person: All other retired persons (includes persons on TDRL)
Casualty Status: Deceased
Action: DA CASUALTY: tapcpec@hoffman.army.mil cocopns@hoffman.army.mil
DA MORTUARY: tapcpedd@hoffman.army.mil
Supporting CACs (see note 10)
DFAS (Retired): casualty@dfas.mil

Information: (See note 1)

Table 4–1
Addresses for casualty reports—Continued

State Adjutant General (see note 3)
USARC: casualtyar@usar.army.mil (see note 9)
HRC–STL: (see note 7)
HRC–STL: (see note 6)
Other information addressees required by reporting CMD

Category of person: Family members of retired persons who die in a MTF within the United States.
Casualty Status: Deceased
Action: DA CASUALTY: tapcpec@hoffman.army.mil cocopns@hoffman.army mil
DA MORTUARY: tapcpedd@hoffman.army mil

Information: (See note 1) Other information addressees required by reporting CMD

Notes:
[1] Information addressees will not accomplish any notification action solely on the basis of a casualty report.

[2] For individuals who become casualties while away from their permanent station, the CAC having jurisdiction over the unit of assignment will be an action addressee (para 2–4). This also includes those individuals who are mobilized and deployed in support of a contingency operation. The MOB CAC is the home station CAC.

[3] The State Adjutant General will be an information addressee on all casualty reports pertaining to ARNG personnel of the State.

[4] The supporting CID activity will be an information addressee on all casualties when medical authorities cannot determine that a non–combat death resulted from natural causes.

[5] To be included ONLY for general officer casualties.

[6] CDR, AHRC–STL, ATTN: AHRC–AR will be an information addressee for all USAR Soldiers on active duty in an AGR status.

[7] CDR, AHRC–STL, ATTN: AHRC–PA will be an information addressee for all USAR deceased personnel.

[8] Do not include DFAS as an information addressee on reports of civilians who die overseas.

[9] The United States Army Reserve Command (USARC) will be an information addressee on all casualty reports pertaining to USAR personnel.

[10] Any CAC, other than the home station CAC or reporting CAC, which provides support (that is, notification or interment location, and so forth.)

4–3. Rules for preparing an initial casualty report

a. Prepare casualty reports using DCIPS–FWD for reportable casualties as described in paragraph 3–1.

b. Report items of information in table 4–5.

c. The CACs will electronically transmit casualty reports with, at minimum, addresses in table 4–1.

d. Prepare theater casualty reports in the above manner, using information recorded on DA Form 1156 or similar CMAOC–authorized checklist.

*CASUALTY TYPE	CASUALTY FEEDER CARD	* Indicates required fields.
[X] HOSTILE [ ] PENDING [ ] NON-HOSTILE	For use of this form, see AR 600-8-1; the proponent agency is DCS, G-1.	*PERSONNEL TYPE [X] MILITARY [ ] CIVILIAN [ ] CONTRACTOR [ ] OTHER
*CASUALTY STATUS [ ] NSI [ ] DECEASED [ ] SI [X] DUSTWUN [ ] VSI [ ] PENDING	*SSN 111-22-2333 / *RANK SP4	
	*NAME Jones, John J.	*INCIDENT DATE/TIME
	*SERVICE U.S. Army / UIC wawa12	*PLACE OF INCIDENT
DUSTWUN/MISSING LAST SEEN *(DATE/TIME/PLACE)*	*UNIT	GRID
	*INFLICTING FORCE *(hostile)* [X] ENEMY [ ] ALLY [ ] US *(buddy)* [ ] UNK	DEATH DATE/TIME 1/1/07 0100
IDENTIFYING MARKS *(tatoos, scars)*	REMAINS: VISUAL ID [ ] YES [ ] NO ID BY: MEANS USED:	PLACE OF DEATH Bahgdad, Iraq PRONOUNCED BY
*CIRCUMSTANCES While on patrol his vehicle detonated on IED		

DA FORM 1156, MAR 2007 REPLACES DA FORM 1156, MAR 2006, WHICH IS OBSOLETE. APD V1.00

BACK OF CARD	INTERCEPTOR BODY ARMOR (IBA)	HOSPITAL
VEHICLE GROUP/TYPE [X] HMMWV [ ] STRYKER [ ] APC [ ] TRACK [ ] ENG [ ] LAV [ ] MTV [ ] PLS [ ] ARTILLERY [ ] HELICOPTER [ ] OTHER	[ ] PASGT [ ] OTV [X] NONE [ ] OTHER	[ ] DIED IN [ ] DIED OUTSIDE
	ATTACHMENTS [ ] THROAT [ ] GROIN [ ] YOKE/COLLAR [ ] DAP [ ] SAPI	INVESTIGATION INITIATED [ ] YES [ ] NO [ ] PENDING
UP-ARMORED [ ] YES [X] NO	HELMET [ ] ACH [ ] MICH [ ] OTHER [ ] PASGT [ ] CVC [ ] NONE [ ] SHELL [ ] NO SHELL [ ] VISOR	TRAINING DUTY RELATED [ ] YES [ ] NO DUTY STATUS
LEVEL	EYE PROTECTION [ ] SWD [ ] BLPS [ ] SPECS [ ] OAKLEY [ ] WILEY [ ] FSS [ ] OTHER [ ] NONE	WEAPONS [ ] IED [ ] VBIED [ ] SVBIED [ ] RPG [ ] MORTAR [ ] SAF [ ] GRENADE [ ] OTHER
POSITION *(aboard)* passenger rt front		
HOR *(if known)* Alexandria, VA		
SIGNATURE OF PREPARER John Smith (signature)		DATE *(YYYYMMDD)* 20070101
APPROVED BY COMMANDER *(Field Grade Officer-Required all Deaths/DUSTWUN/Missing)* Richard Smith (signature)		DATE *(YYYYMMDD)* 20070101

DA FORM 1156, MAR 2007 APD V1.00

Figure 4–1. DA Form 1156 (Casualty Feeder Card)

4–4. Steps for preparing initial casualty reports

Table 4–2 shows the steps required for preparing an INIT casualty report for non–theater casualties.

Table 4–2
Preparing an initial casualty report

Step	Work Center	Required Actions
1	UNIT/BNS1/MTFA/HOSP/ Provost Marshal Office (PMO)	Receive information concerning a casualty incident.
2	UNIT/BNS1/MTFA/HOSP/ PMO	Pass casualty information to CAC.
3	CAC	Verify facts of the incident; obtain personnel data from records or personnel database
4	CAC	Telephonically inform CDR and CMOAC of the casualty incident. Provide names and SSNs of individuals involved in incident.
5	CMAOC/CAC/ HSCAC	Immediately transmit DD Form 93, SGLV Form 8285 (Request for Insurance), and SGLV Form 8286 (Servicemembers' Group Life Insurance Election and Certificate) to CDR and CMAOC (AHRC–PEZ). Extract appropriate personnel information from personnel records to prepare INIT casualty report.
6	CAC	Prepare casualty report, review for accuracy and completeness. Transmit within 12 hours in accordance with table 4–1. Establish suspense for SUPP, PROG, STACH reports as needed; dispatch report in accordance with table 4–1.
7	CAC/HSCAC	Prepare for notification and assistance in accordance with chapters 5, 6, and 7.
8	CMAOC	Review and submit casualty report into DCIPS. Transmit report to HSCAC and any supporting CAC. Oversee notification and assistance process.

Notes:
[1] Home station CAC is the permanent duty station for the source of records for the casualty.
[2] Non–hostile hospitalized injuries are reportable, as transportation and travel order (T&TO), may be extended to family members by the attending physician.
[3] Completion of a casualty case is addressed in other areas of this regulation.

4–5. Steps for preparing initial theater casualty reports

a. Using DA Form 1156 for casualty reporting.

(1) Use DA Form 1156 as a casualty checklist to assist creating reports, letters of sympathy, and awards documentation as well as a field casualty report in the event of electronic failure (see fig 4–1).

(2) The 2007 version of DA Form 1156 is also the witness card. Persons having firsthand knowledge of a reportable casualty should prepare the casualty feeder card.

b. Preparing DA Form 1156.

(1) Data fields align with the DCIPS–FWD (see table 4–4).

(2) Data fields marked by an asterisk (*) indicate minimum requirements to send a casualty report forward.

(3) Fill in all required fields (*) and include body armor worn at the time of the incident.

(4) Fill in as much information as available to include weapons causing injury, and vehicle information.

(5) "DUSTWUN/missing/captured." Include date, time, and place last seen, and identifying marks.

(6) "**Investigation required**" refers to all investigations conducted concerning the circumstances of a casualty incident (for example, a nonhostile fatal accident, AR 15–6 collateral investigation). **All hostile deaths require investigation**.

(7) "**Identification of remains**." Include the means of identification: ID tags, name tag, personal recognition, other.

(8) "**Date/time of death**." Enter the date and time of death that the medical officer provides, and the name of the medical officer who pronounced the person deceased. Also enter the place of death if outside a medical facility, and the name of the hospital if a medical facility. .

(9) Field grade battalion-level CDR , or field grade designee authenticates the casualty information for accuracy and thoroughness of casualty type, circumstances, and inflicting force for all deceased and DUSTWUN cases prior to submission of the report.

(10) Include the name of the preparer and the officer authenticating in remarks on the casualty report.

c. Table 4–3 shows the steps required to submit an INIT casualty report for theater casualties.

Table 4–3
Preparing an initial casualty report for the theater casualties

Step	Work Center	Required Actions
1	Soldier/Unit	Complete DA Form 1156 minimum required fields. Other information if available.
2	Unit/BNS1/ BDES1	Receive, review, and authenticate DA Form 1156. Telephonically alert next reporting level of casualty incident.
3	CLT/BNS1/BDES1	Prepare casualty report using DCIPS–FWD Transmit electronically to next reporting level.
4	Corps/Theater Army Area Command (TAACOM) AG	Review and prepare report to send forward using DCIPS–FWD, transmit to theater CAC.
5	Theater CAC	Theater CAC will dispatch within 12 hours of incident to AHRC–CMAOC and other distribution in accordance with table 4–1.
6	AHRC–CMAOC	Review and submit casualty report into DCIPS. Transmit report to HSCAC and any supporting CAC to prepare for notification and any additional reports (see note 2).
7	HSCAC/ MOB CAC	Transmit DD Form 93 and SGLV 8286 by fax or other electronic means to AHRC–CMAOC upon receipt of telephonic notification of incident.
8	CMAOC/HSCAC/ supporting CAC	Prepare for notification and assistance as appropriate in accordance with chapter 5,6, and 7. Oversee notification and assistance process.

Notes:
[1] Unit reporting levels are pre–defined by CMD level S–1. Theater reporting levels are defined by theater CMD.
[2] Each reporting level will telephonically contact the next level up to CMAOC. CMAOC will contact home station and supporting CACs of a casualty incident and request DD Form 93 and SGLV 8286.
[3] DCIPS is the CMAOC level database for casualty cases.
[4] CMAOC. Casualty and Memorial Affairs Operation Center.
[5] HSCAC. Home Station CAC.
[6] MOB CAC. Mobilization point for USAR and ARNG Soldiers.
[7] Completion of a casualty case is addressed in other areas of this regulation.

4–6. Rules for preparing a status change casualty report

a. Electronically transmit STACH casualty reports.

b. Submit STACH casualty reports when there is a definite change in the person's status from the initial report as described in paragraphs 3–16 and 3–17.

4–7. Steps for preparing a status change casualty report

Take the following required steps for preparing a STACH casualty report—

a. Upon notification that a change has occurred in the previously reported status of a casualty, verify the new status.

b. Once status has been verified, prepare a STACH casualty report in accordance with table 4–5.

c. Review the report for accuracy and completeness and dispatch in accordance with paragraph 4–2.

d. File a copy of the STACH in appropriate casualty file for the Soldier.

4–8. Rules for preparing a supplemental casualty report

a. The SUPP reports are submitted after an initial report to provide additional or corrected information, other than medical, previously submitted.

b. The SUPP reports are required whenever additional or corrected information is obtained for circumstances of the casualty incident.

c. No SUPP is required to be submitted if source document is in case file at AHRC–CMAOC and entered into DCIPS(HQ). Example: CMAOC case manager has current Enlisted Records Brief (ERB) and enters data into case file. Supporting CAC need not prepare a SUPP for verified information on the source document.

d. Number SUPP report sequentially using established format, that is, SUPP01, S01.

e. Electronically submit SUPP reports.

4–9. Steps for preparing a supplemental casualty report

Prepare a SUPP casualty report as follows—

a. As soon as additional information is available, prepare a SUPP casualty report in accordance with table 4–5.

b. Review the completed SUPP casualty report for accuracy and completeness; dispatch in accordance with table 4–1 without delay.

c. File a copy of the SUPP casualty report with the original in case file.

d. Supplemental reports should not include medical information which is reported on the PROG report.

e. Supplemental reports should only include excerpts of a CID or other investigative reports to update any changes of previously submitted reports.

(1) If additional or corrected information changed any information previously furnished to the NOK, determine if

the notifier should return to the PNOK and SNOK to provide the new information. Example: Date of death changed, status changed from DUSTWUN to deceased.

(2) If the notifier should revisit PNOK and SNOK, he or she will coordinate with the appropriate CAC for a briefing of the changed information, and revisit NOK immediately.

(3) Confirm notification to the PNOK of individuals who are reported injured/ill in accordance with chapter 5, section II.

(4) Confirm personal notification to PNOK and SNOK of deceased, DUSTWUN, and missing casualties in accordance with chapter 5, Section I.

4–10. Rules for preparing a prognosis or progress report

a. Casualty Assistance Centers will electronically transmit PROG reports.

b. Reportable items of information are in table 4–5 and paragraph 3–16.

c. Furnish PROG reports as paragraphs 3–16 and 3–17 require.

d. Establish contact with MTF or hospital (HOSP) in reporting area of responsibility. This applies to theater CAC and any supporting CAC.

4–11. Steps for preparing a prognosis or progress report

Prepare a PROG report as follows—

a. Use the PROG screen for *prognosis* of injured or ill on initial report.

b. Contact MTFA or HOSP for update of medical status. At a minimum, establish a 5–day suspense for PROG reports. For critical injuries, more often. Daily is suggested, in order to provide NOK with up to date status.

c. Use DCIPS–FWD, replicating the latest report, SUPP, or PROG for specific casualty, and update medical information.

d. Review the PROG report for accuracy and completeness, and submit.

e. Place a copy of the PROG report in the case file.

4–12. Preparation of prognosis or progress reports

a. Control. Each PROG report will deal with only 1 patient and will be sequentially numbered for control purposes.

b. Details. Reporting CMDs will include all relevant details about the health, well–being, and medical progress of patients.

c. Final. Clearly identify these reports as final.

4–13. Content of prognosis or progress reports

a. Report the initial prognosis and medical progress of hospitalized injured or ill personnel in an NSI, VSI or SI category.

b. In addition to the required PROG message items (table 4–5) also provide the following information—

(1) Patient's morale.

(2) Current and anticipated treatments, to include surgical operations (type and whether or not successful).

(3) Additional and terminal diagnosis.

(4) Anticipated period of hospitalization.

(5) Any evacuation plans, including dates and destination.

(6) If an OCONUS CMD has issued a transportation and travel order (T&TO) to the NOK, each PROG report will indicate whether the NOK is at bedside or has departed.

(7) Include any information that might reduce NOK anxiety. Examples are—

(a) State of consciousness and mental disposition.

(b) Degree of alertness.

(c) Whether the patient is taking nourishment.

(d) Whether the patient is ambulatory.

(e) Type of diet.

(f) Whether patient is on life support equipment (type of life support equipment and medical status).

c. In most cases, when a person becomes a casualty, the NOK are located a considerable distance from the person, particularly during the early and usually the most critical period of the person's medical treatment. As a result, the NOK are unable to obtain information regarding the person's status through their own resources. The PROG report is designed to furnish the NOK with information that they would normally acquire if they were physically present at the medical facility. Note that when the presence of the NOK is considered necessary for the health and welfare of a Soldier classified as VSI or SI, the Director, CMAOC, (AHRC–PEZ) may issue a T&TO. The T&TO may be extended to NOK of Soldiers classified as NSI and hospitalized in a CONUS MTF (see chap 7 for requirements and procedures for requesting T&TOs).

4–14. Health and welfare reports

a. Most health and welfare reports are generated at the request of the NOK as a result of a person having been—

(1) A casualty, but not injured severely enough for the Soldier to have been hospitalized.

(2) Hospitalized or medically evacuated.

(3) The subject of a hoax.

b. Only process health and welfare reports during peacetime.

4–15. Rules for casualty report preparation using DCIPS–Forward

a. There are 92 possible items of information involved in casualty reporting and 5 separate screens for body armor, awards, PROG, NOK, and CAO. Instructions for each item are in table 4–4. Not all of the items pertain to every type of casualty report. Table 4–5 lists those items required for each type of casualty report. Follow the information in these tables exactly.

b. Emphasize the accuracy and completeness of casualty reporting. These items may be the only sources of information for the NOK concerning the facts surrounding the person's death or injury.

c. "CASUALTY REPORT" is the subject of each report.

d. List message item numbers vertically in ascending order on the completed casualty report.

e. If manually preparing a report, list each item on a separate line using the same format as DCIPS–FWD. For example, date and time of incident DD MMM YYYY hh:mm.

4–16. Preparing the casualty report

Table 4–4 provides detailed instructions for each message item. For each item it gives the item name, data description (within parenthesis), item instructions, codes, and a format example. Follow the instructions exactly as shown. The DCIPS–FWD data fields are formatted for easy entry and drop–down menu selections keyed to the casualty status and type. All fields do not apply to every casualty.

Table 4–4
Instructions for completing the casualty report message, items 1 through 61

Message Item: 01
Item Name/Description: Casualty Report Type
Instructions: Enter 1 of the following casualty report type codes.
Codes: INIT initial report
SUPP supplemental report
STACH status change report
PROG progress report

Format Example: 01. INIT
01. SUPP

Message Item: 02
Item Name/Description: Type of Casualty
Instructions: Enter 1 of the following type casualty codes.
Codes: HOSTILE. A person who is the victim of a terrorist activity or who becomes a casualty in action. "In action" characterizes the casualty as having been the direct result of hostile action, sustained in combat or relating thereto, or sustained going to or returning from a combat mission, provided that the occurrence was directly related to hostile action. Included are persons killed or wounded mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force. However, do not consider as sustained in action and do not interpret as hostile casualties injuries or death due to the elements, self–inflicted wounds, combat fatigue, and except in unusual cases, wounds or death inflicted by a friendly force while the individual is in an AWOL, deserter, or dropped–from–rolls status, or is voluntarily absent from a place of duty.
NON–HOSTILE. A person who becomes a casualty under circumstances not qualifying as a hostile casualty. Casualties due to the elements, self–inflicted wounds, and combat fatigue are non–hostile casualties.
PENDING. A person whose casualty circumstances are insufficient to make a selection between "hostile" and "non–hostile." This type must be updated to "hostile" or "non–hostile" upon receiving sufficient information.

Format Example: 02. HOSTILE
02. NON–HOSTILE
02. PENDING

Message Item: 03
Item Name/Description: Casualty Status
Instructions: Enter 1 of the following casualty status codes and an applicable casualty category.
Codes: (Leave Blank)

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

BESIEGED—Besieged by a hostile force. The type casualty code must be hostile
BELEAGURED—Beleagured by a hostile force. The type casualty code must be hostile.
CAPTURED—Captured by a hostile force. The type casualty code must be hostile.
DETAINED—Individual is detained in a foreign country. The type casualty code can be either hostile or non–hostile.
DECEASED—Individual casualty is dead. The type casualty code can be either hostile or non–hostile.
DUSTWUN—Individual whereabouts unknown. The type casualty code can be either hostile or non–hostile.
INTERNED—Individual is interned in a foreign country. The type casualty code must be non–hostile.
MIA—Individual whose whereabouts and status are unknown but are attributable to hostile activity. The type casualty code must be hostile.
MISSING—Individual whose whereabouts and status are unknown, provided the absence appears to be involuntary. The type casualty code can be either hostile or non–hostile.
NSI—Not seriously injured or ill. Treated at a medical facility and released. The type casualty code can be either hostile or non–hostile.
RMC—Returned to military control. The type casualty code can be either hostile or non–hostile.
SI—Seriously injured, wounded, or ill. The type casualty code can be either hostile or non–hostile.
VSI—Very seriously injured, wounded, or ill. The type casualty code can be either hostile or non–hostile.

Format Example: 03. DECEASED
03. VSI

Message Item: 04
Item Name/Description: Report number (up to 8 characters)
INIT and STACH reports: Each agency submitting reports to CMAOC will establish, on a calendar–year basis, a sequential numbering system for INIT and STACH reports. Enter the current number in this item. SUPP reports: Enter the number of SUPP reports (including this one) submitted on the person. For example, if this was the 5th SUPP to the INIT report submitted, the correct entry would be "5" PROG reports: Enter the number of PROG reports submitted on the person, including this one, in the same manner as for SUPP reports.
Instructions: NA
Codes: No codes used.
Format Example: 04. 06–00001 04.SUPP01 or SO1
04. PROG01 or PO1

Message Item: 05a and 05b. Used only with the DCIPS–FWD stand–alone database.
Item Name/Description: Previous Casualty Status or Previous Category
Instructions: System will auto populate these fields for subsequent reports, SUPP or STACH.
Codes: Same as item 3.
Format Example: Same as item 3.

Message Item: 06 (6A)
Item Name/Description: Multiple Casualty Event Code
Instructions: Six to eight alpha and/or numeric characters. Used for 2 or more Soldiers in same incident.
Codes: NA
Format Example: 06. 06–001 FY and multiple casualty sequential number.
06. BH061 Blackhawk, FY and sequential number for Blackhawk incidents.

Message Item: 07a through c
Item Name/Description: Personnel Type (Component) Affiliation/Category
Instructions: Select from available options in DCIPS–FWD pull–down menu.
Codes: No codes used.
Format Example: 07a. ACTIVE DUTY/Reserve/Guard/Civilian
07b. Active/non–active/retired/DOD/Federal employee, and so forth.
07c. Obligated/voluntary; Recalled/mobilized, and so forth.

Message Item: 08
Item Name/Description: Social Security Number
Instructions: Enter the person's SSN, to include dashes.
Codes: No codes used.
Format Example: 08. 123–45–6789

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

Message Item: 09a through 09d
Item Name/Description: Name
Instructions: Enter the person's last name/first name/middle name/suffix (Jr., Sr., III, and so forth). Do not enter initials unless the initial is the complete first or middle name.
Codes: No codes used.
Format Example: 09. DOE/JOHN/PAUL/JR. (Complete name)
09. ROSE/MARIA/ROSANNA DANNA/ (Two middle names)
09. DOE/JOHN//JR. (No middle name)
09. DOE/JOHN// (No middle name, no suffix)

Message Item: 10*a* through 10*d*
Item Name/Description: Race/Ethnicity/Sex/Religious Preference
Instructions: Select from available options in DCIPS–FWD pull–down menu.
Codes: No codes used.
Format Example: 10a through 10d. Black/Latin/Female/Baptist
10a through 10d. White/None/Male/No Preference

Message Item: 11a through 11e
Item Name/Description: Date and Place of Birth (city, state, country), citizenship
Instructions: Enter the person's date and place of birth in the following manner– YYYYMMDD/birth city/birth state/birth country. Manually type birth city. Select state and country from the pull–down menu. Citizenship may be left blank if unknown or not verified.
Codes: No codes used.
Format Example: 11. 19521018/BALTIMORE/MD/US
11. 19521018//MD/US (birth city unknown)/US
11. 19521018///US (birth city/state unknown)
11. 19521018/KARLSRUHE/XX/GE (Individual was born in Germany)
11. //NY/US (date and birth city unknown)

Message Item: 12a and 12b
Item Name/Description: grade
Instructions: Select from available options in DCIPS–FWD pull–down menu. Includes historical grades for prior conflicts. Select correct grade for the casualty.
Codes: See DCIPS–FWD pull–down menu.
Format Example: 12a. SSG Staff Sergeant
12b.E6
12a. CPT Captain
12b. 03
12a. PFC Private First Class
12b. E3

Message Item: 13
Item Name/Description: Service
Instructions: Select from available options in DCIPS–FWD pull–down menu.
Codes: No codes used.
Format Example: 13. U.S. Army

Message Item: 14a and 14b
Item Name/Description: Military Unit of Assignment
Instructions: Enter the person's organization down to company level, including UIC, if applicable. Include installation name and state.
Codes: No codes used.
Format Example: CO B 307th ENGR BN (W3VS99), FORT BRAGG, NC
CO A, 1st BN, 8th INF, 3rd BCT, (101st AA), Fort Carson, CO

Message Item: 15a and 15b
Item Name/Description: Duty Military Occupational Specialty (DMOS)/Primary Military Occupational Specialty (PMOS)
Instructions: Enter the Soldier's DMOS. Use 5 characters in all cases (enlisted, warrant officer, and officer).
Codes: Enter valid DMOS.
Format Example: 15. Enlisted— 42A4O

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

15. Warrant officer—150AO
15. Officer—13A00

Message Item: 16 Deleted. See NOK Tab
Item Name/Description: For a family member casualty, enter as NOK on the NOK screen
Instructions: If the person being reported is a dependent or family member, enter the sponsor's grade.
Codes: NA
Format Example: NA

Message Item: 17
Item Name/Description: Deleted
Instructions: See NOK Tab
Codes: NA
Format Example: NA

Message Item: 18
Item Name/Description: Deleted
Instructions: See NOK Tab
Codes: NA
Format Example: NA

Message Item: 19
Item Name/Description: Deleted
Instructions: See NOK Tab
Codes: NA
Format Example: NA

Message Item: 20
Item Name/Description: Deleted
Instructions: See NOK Tab
Codes: NA
Format Example: NA

Message Item: 21a
Item Name/Description: Retirement/Separation Date
Instructions: Enter the retirement or separation date (YYYYMMDD) from the Service.
Codes: No codes used.
Format Example: 21a. 19671018

Message Item: 21b, c
Item Name/Description: TDRL or PDRL/Percentage
Instructions: If the person being reported was on the TDRL or the PDRL, enter the list that the casualty was on, including the percentage of disability.
Codes: TDRL Temporary Disability Retired List.
Format Example: 22.b.TDRL/c. 100
22.b. PDRL/c. 100

Message Item: 21d
Item Name/Description: Date Placed on TDRL/PDRL
Instructions: Enter the date the casualty was actually placed on the TDRL or PDRL.
Codes: No codes used.
Format Example: 21d. 19891018

Message Item: 24a
Item Name/Description: Died in an MTF
Instructions: Enter "YES" or "NO" as to whether the casualty died while a patient in an MTF.
Codes: No codes used.
Format Example: 24. YES

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

Message Item: 24b (Previously Item 62 in DCIPS–FWD)
Item Name/Description: Continuously hospitalized
Instructions: Select Yes or No whether the deceased was continuously hospitalized from onset of injury or illness.
Codes: No codes used.
Format Example: 24b. NO

Message Item: 25a through 25c
Item Name/Description: Home of Record (HOR)
Instructions: Enter the casualty's HOR in the following format: Home City/Home State/Country (city must be manually typed. Select state and Country from the pull–down menu.
Codes: No codes used.
Format Example: 25. BALTIMORE/MD/US
25. /MD/US (city unknown)
25. //US (city and state unknown)
25. KARLSRUHE/XX/GE (When person's HOR is in a foreign country use "XX" for the home state code). For the purposes of reporting, Alaska and Hawaii are OCONUS.

Message Item: 26a
Item Name/Description: Civilian Type
Instructions: Select from the DCIPS/DCIPS–FWD pull–down menu.
Codes: AFE Appropriated Fund Employee

DOD Dependent School Employee
FND Foreign National Direct Hire Employee
FNI Foreign National Indirect Hire Employee
NAF Non–appropriated Fund Employee

Format Example: 26a. AFE

Message Item: 26b
Item Name/Description: Civilian Pay Table
Instructions: Select from the DCIPS/DCIPS–FWD pull–down menu.
Codes: AFE, General Schedule, and so forth
Format Example: 26b. General Schedule

Message Item: 26c
Item Name/Description: Civilian Pay Grade
Instructions: Enter the pay grade of the civilian casualty. This may not apply to contractors.
Codes: No codes used.
Format Example: 26c. GS 12

Message Item: 26d
Item Name/Description: Civilian Contract Agency
Instructions: If the person being reported is a civilian, enter his or her name and address.
Codes: No codes used.
Format Example: 26d. AAFES, KARLSRUHE GE
26d. AEROSPACE TECHNOLOGY INC., DALLAS TX

Message Item: 26e
Item Name/Description: Civilian Organization
Instructions: If the person being reported is a civilian, enter his or her employer name and address. Abbreviate as necessary.
Codes: No codes used.
Format Example: 26e. KBR, 120 Wall Street, New York, New York
26e. DynCorp, 5021 Wise Street, Baltimore, Maryland

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

Message Item: 28 Item no longer numbered
Item Name/Description: NOK to be notified
Instructions: Enter the full name, social security number, relationship, date of birth, complete address (including zip code), and telephone number (including area code) of the NOK to be notified. Indicate if parents are deceased.
Codes: No codes used.
Format Example: 28. MRS. PAULA A. TENTPEG, 123–45–6789, WIFE, 5312 TERRACE COURT, BALTIMORE, MD 21221, (301) 684–8888; MRS. MARY E.TENTPEG, 456–56–7823, MOTHER, DECEASED; SGM–USA, THOMAS E. TENTPEG, 212–56–7897, FATHER, 2122 CUB HILL RD., FAYETTEVILLE, NC 28302, (717) 939–0092.

Message Item: 29 Item no longer numbered
Item Name/Description: NOK notification completed
Instructions: Select NOK Tab. Enter notification method, notifying CC, notifier name, date/time of notification.
Codes: No codes used.
Format Example: Same as Message NOK to be notified.

Message Item: 30a and 30b
Item Name/Description: Preparation/Review date of DD Form 93
Instructions: Enter the preparation date of the DD Form 93 and the latest review date. If no review date, repeat the preparation date.
Codes: No codes used.
Format Example: 30a. 19891018/b.19901018
30a. 20020315/b. 20020315

Message Item: 31a
Item Name/Description: Vehicular Group
Instructions: Select from available options in DCIPS–FWD pull–down menu.
Codes: No codes used.
Format Example: 31a. HMMWV

Message Item: 31b
Item Name/Description: Type of vehicle
Instructions: Select from available options in DCIPS–FWD pull–down menu.
Codes: No codes used.
Format Example: 31b. M1114

Message Item: 31c
Item Name/Description: Armor level
Instructions: Select from options in pull–down menu
Codes: No codes used.
Format Example: 31c. Level 1, Up–Armored

Message Item: 31d
Item Name/Description: Vehicle ownership
Instructions: Enter the code that reflects the ownership of the vehicle. Select from available options in DCIPS–FWD pull–down menu.
Codes: No codes used.
Format Example: 31d. COMMERCIAL

Message Item: 31e
Item Name/Description: Position aboard vehicle
Instructions: Enter the person's position aboard the vehicle. Select from available options in DCIPS–FWD pull–down menu.
Codes: No codes used.
Format Example: 31e. Passenger

Message Item: 34a–c
Item Name/Description: Duty status at time of incident/dates to and from
Instructions: Enter the person's duty status at the time of the incident in the following format– Duty status/from date/to date.
Codes: No codes used.

AWL Absent Without Leave
DFR Dropped from the Rolls
PDY Present for Duty
HOS Hospitalized
LEA Leave

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

OFF Off Duty
PAS Pass/Liberty
TDY Temporary Duty

Format Example: 34a–c. AWL/19891015/19891018
34a–c. LEA/19921015/19921018
34a–c. PDY//

Message Item: 35a–c
Item Name/Description: Training Type/Start Date/End Date
Instructions: This field is for Reserve and National Guard Soldiers performing duty other than recall/mobilized or AGR. Select the Soldier's Training Type at the time of the incident in the following from the pull–down menu. The end date should reflect the full period of duty for which there is an order, as the date of Casualty must fall within that date to be reportable.
Codes: AT, ADT, IDT, IADT, ADSW, SADT
Format Example: 35a. AT
35b. 2005/12/20
35c. 2006/01/07

Message Item: 36
Item Name/Description: Date/time of incident (YYYYMMDD/HHMM)
Instructions: Enter the local date and time (24 Hour) of incident. do not use zulu times.
Codes: No codes used.
Format Example: 36. 19921018/1203
36. 20030415/0125

Message Item: 37a
Item Name/Description: Place of incident/city/state/country
Instructions: Enter the city/state/country location of the incident in the following format—
Codes: No codes used.
Format Example: (a/b/c)

37a–c. BALTIMORE/MD/US
37a–c. /MD/US (Incident City Unknown)
37a–c. //US (Incident City/State Unknown)
37a–c. KARLSRUHE/XX/GE (If incident occurred OCONUS the incident state must be "XX"). For reporting purposes, Alaska and Hawaii are OCONUS.
37a–c. PACIFIC OCEAN/X112Y223 (If the incident occurred over water, enter the body of water name along with an 8–digit grid coordinate.)

Message Item: 38a–c
Item Name/Description: Grid Coordinates; Latitude/Longitude; Location
Instructions: Enter data provided by incident reporting element. If Item 37 is unknown, enter 1 of these data fields.
Codes: No codes used.
Format Example: 38a. MB 32120 87590
38b. 30NNW
38c. FOB Summerall

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

Message Item: 39
Item Name/Description: Circumstances
Instructions: Report all known facts. If circumstantial evidence exists that can't be confirmed, include it but clearly show where fact ends and supposition begins. Provide as much information as possible addressing the 5 Ws (who, what, when, where, and why). Include information on type of protective gear worn and details regarding protective equipment on any vehicle involved. Don't delay initial reports to gather more details, but continue to submit SUPP reports as circumstances become clear and complete. During hostilities enter the cause and circumstances here to include as much unclassified information about the mission and purpose as possible. During hostilites use of the "Hasty Report" or Tab 1 "Casualty" in web–based DCIPS–FWD (Edf) may be more beneficial. Include the place of incident and diagnosis or cause of death when using the "Hasty Report". Only edit for spelling/grammar errors. Don't change content provided by the DA Form 1156 or other approved incident statement. Include names of persons who pronounced and identified the deceased.
Codes: No codes used.
Format Example: 39. While performing unit PT, SGT Jones began having chest pains. He stopped running to rest. While resting along the road, he collapsed and apparently suffered a massive heart attack. Medical aid was summoned. Unit personnel performed CPR. He was transported to Womack Army Medical Center where he was pronounced dead.

Message Item: Body Armor Tab
Item Name/Description: Personal Protective Gear Worn by the Casualty
Instructions: Select from the Vest, Helmet, Eye pull–down menus and check–select attachments if appropriate.
Codes: No codes used.
Format Example: Vest: OTV Attachments: DAP, Groin, SAPI

Message Item: 40
Item Name/Description: Inflicting Force
Instructions: If casualty occurred as a result of hostile activities, enter the inflicting force code.
Codes: AMIGO Allied Forces, 15–6 investigation required
BUDDY U.S. Forces, 15–6 investigation required
ENEMY Enemy Force
UNK Unknown, 15–6 investigation required

Format Example: 40. ENEMY

Message Item: 41
Item Name/Description: Diagnosis
Instructions: For VSI, SI, NSI and SPECAT patients, enter complete diagnosis (to include all injuries and ailments) in non–technical language. Do not use medical abbreviations. Include causes and circumstances in the description of injuries. The NOK and their family physician extensively scrutinize the information reported. Be certain to report complete information and proper identification, such as right or left.
Codes: No codes used.
Format Example: 41. SGT Johnnie Jones has extensive burns over 40 percent of his body. The burns are mainly on left leg, stomach and lower left arm. Soldier has lost 10 pounds from not eating.

Message Item: 42 Item no longer numbered
Item Name/Description: Place hospitalized
Instructions: Select PROG Tab
Codes: NA
Format Example: NA

Message Item: 44 Item no longer numbered
Item Name/Description: Medical progress and prognosis report
Instructions: Enter the code that reflects the person's medical progress. Also enter a detailed narrative statement in lay terms, indicating the medical progress, dates placed on or removed from the VSI or SI list, period of hospitalization, evacuation plans, etc. On all VSI reports, include a statement whether the SM is or is not on life support and the type (such as respirator). Include name and commercial phone number of attending physician. Report codes are not required, but if not using them, the slash (/) is required. Other information can include: patient's morale; current and anticipated treatments, to include surgical operations (type and whether or not successful); anticipated period of hospitalization; state of consciousness and mental disposition; degree of alertness; whether the patient is ambulatory; and type of diet.
Codes: (Leave Blank)
A Making Normal Progress (AGATE)
L SI or VSI and evacuated or transferred (BROKE)
C Not Making Normal Progress (CRIMP)
I Released from Hospital (ERECT)
K VSI (previously SI) (IMPEL)
J SI (previously VSI) (PROVE)
M Removed from SI or VSI list and will be evacuated to United States (SCRAM)

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

D Condition Remains the Same (STALE)
H Removed from SI List, Not Placed on VSI List (WRITE)
F Complication Classified as Serious after Battle Wound (RHINO)
B Convalescing (BIBLE)
N Evacuated to the United States (EVENT)
E SI (Not SI or VSI Last Report) (RISKY)
G Sinking Rapidly (ROGUE)

Format Example: 44. AGATE/Patient is starting to come around. He is conscious and beginning to complain about the food, a sure sign of improvement. Patient will remain hospitalized for approximately 1 week. ECECT/Released from Hospital. Soldier was treated and returned to duty.

Message Item: 45 Item no longer numbered
Item Name/Description: Casualty Assistance
Instructions: Select CAO Tab.
Codes: No codes used.
Format Example: NA

Message Item: 46a and b
Item Name/Description: a. PEBD/b. BASD (YYYYMMDD/YYYYMMDD)
Instructions: Using the format shown, enter the Soldier's pay entry basic date (PEBD) followed by the Soldier's basic active service date (BASD). (Not required for ARNG/USAR Soldiers).
Codes: No codes used.
Format Example: 46a, b. 19901231/19901101
46a, b. /19901101(PEBD unknown)

Message Item: 47 See Item 10d
Item Name/Description: NA
Instructions: NA
Codes: NA
Format Example: NA

Message Item: 48 Deleted
Item Name/Description: NA
Instructions: NA
Codes: NA
Format Example: NA

Message Item: 49 Awards Tab Item no longer numbered
Item Name/Description: Decorations and Awards
Instructions: Select from the Menu in the database.
Codes: No codes used.
Format Example: 49. NDSM, VCM, Exp–M–16, VSM, MSM

Message Item: 50
Item Name/Description: Training related
Instructions: Enter "YES" or "NO" to indicate if the incident was training related.
Codes: No codes used.
Format Example: 50. YES
50. NO

Message Item: 51a
Item Name/Description: Date recommended/selected for promotion (YYYYMMDD)
Instructions: Enter the date recommended or selected for promotion. For Second Lieutenants and Warrant Officers 1, enter the date of the DA Form 78 (Recommendation for Promotion of Officer) (AR 624–100). For enlisted personnel, enter the date of the approved selection list on which the Soldier's name appears or the date the Soldier's CDR recommends. If Soldier hasn't been selected for promotion, don't report this item.
Codes: No codes used.
Format Example: 51a. 19911112

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

Message Item: 51b
Item Name/Description: Rank to which recommended
Instructions: Enter the grade to which recommended.
Codes: Refer to item 12 for valid military grade codes.
Format Example: 51b. SSG

Message Item: 53a–c
Item Name/Description: Held higher grade; dates held from and to
Instructions: If the individual previously held a higher grade enter the highest grade held.
Codes: Refer to Item 12 for valid grade codes.
Format Example: 53a. LTC
53b. 2003/04/24
53c. 2009/01/05

Message Item: 54
Item Name/Description: Servicemembers' Group Life Insurance (YYYYMMDD)
Instructions: Enter the date the Soldier's SGLV Form 8286 (Servicemembers' Group Life Insurance Election and Certificate) was last prepared or reviewed.
Codes: No codes used.
Format Example: 54. 19911231

Message Item: 55
Item Name/Description: Death GratuityRemarks
Instructions: Enter to whom the Death Gratuity should be paid and any other information necessary.
Codes: No codes used.
Format Example: Pay the Spouse of the Soldier. DFAS determination

Message Item: 56
Item Name/Description: Investigation Required
Instructions: Enter "YES" or "NO" to indicate whether any investigation has been initiated (for example, LOD, collateral 15–6, accident/safety, CID, and so forth). Enter type(s) of investigation(s) in item 61. When investigation(s) complete, submit a SUPP to update items 36, 37, 39, and 40, as necessary. (By law, NOK must be informed of any death investigations initiated by DOD and provided a redacted copy of the completed report. Therefore, it is essential to report any and all such investigations that have been initiated and to SUPP once those investigations have been completed)
Codes: YES, NO, PENDING
Format Example: 56. YES
56. NO
56. PENDING

Message Item: 57
Item Name/Description: Date/Time of Death (YYYYMMDD/HHMM)
Instructions: Enter the Date and Time (24 Hour) of death.
Codes: No codes used.
Format Example: 57. 19921018/1203

Message Item: 58A–C
Item Name/Description: Place of Death: City/State/Country
Instructions: Enter the Hospital/City/State/Country in which the death occurred in the following format--Hospital/Death City/Death State/Death Country.
Codes: State and country codes are listed in appendix C.
Format Example: 58. FRANKLIN SQUARE/BALTIMORE/MD/US
58. //MD/US (Hospital/Death City Unknown)
58. //US (Hospital/Death City/State Unknown)
58. /BALTIMORE/MD/US (Casualty died at the scene)
58. KARLSRUHE KLINK/KARLSRUHE/XX/GE (If death occurred OCONUS the death state must be "XX"). For the purposes of reporting, report Alaska and Hawaii as OCONUS.
58. PACIFIC OCEAN/X112Y223 (If the death occurred over a body of water, enter the body of water name along with an 8-digit grid coordinate).

Table 4–4
Instructions for completing the casualty report message, items 1 through 61—Continued

Message Item: 59
Item Name/Description: Cause of Death
Instructions: Enter the specific medical diagnosis and cause of death, once confirmed using diagnostic nomenclature. In cases where the person was previously reported as wounded, include a notation to that effect.
Codes: No codes used.
Format Example: 59. CARDIAC ARREST
59. GUNSHOT WOUND TO THE HEAD. INVESTIGATION PENDING.

Message Item: 60
Item Name/Description: Body recovered
Instructions: Select "Yes" or "No"
Codes: NA
Format Example: NA

Message Item: 61
Item Name/Description: Remarks. Will be mapped to the Journal in DCIPS
Instructions: Use this item for reporting data not recorded elsewhere, include for example—

Name of person who prepared the casualty report.
Name of person who prepared DA Form 1156.
Name of officer who authenticated DA Form 1156.
Any information needed to clarify the preceding items, explain corrections or additions.
Invitational travel order requests.
Names of other persons involved in the same incident.
Whether remains are pending individual identification, and so on.
For family members, indicate if sponsor desires notification.
If the report is on the death of a general officer in active service, a retired 3– or 4–star general, or a Soldier who holds or has held the position of Sergeant Major of the Army, include date, time, and location of funeral; date, time, and location of interment; a statement that surviving NOK information on the DD Form 93 is correct; the PNOK's desires regarding expressions of sympathy, contributions, or memorials; and a statement that the PNOK does or does not consent to release of preceding information in an HQDA Army–wide message, announcing the death of the concerned person.
If non–combat death and medical authorities cannot determine that death resulted from natural causes, state name, address, and telephone numbers of CID activity that will investigate the death.
In cases involving Soldiers of the USAR/ARNG who die while on active duty status or while participating in authorized training, the report will also contain the following additional information: type of training being performed, the training dates, sex, branch of service, date and place of last entry on active duty.
Describe any and all investigations initiated into the circumstances of death and indicate name and contact information of IO.

Codes: NA
Format Example: Report prepared by SGT Smith. Next of kin does not want information released by HQDA Army–wide message.

Table 4–5
Items to be included on a casualty report

Report Item	INIT REPORT										STACH REPORT			
	Military			Civilian			Family Member				Non to Hosp	RMC		
	Dead	MIS	WND	Dead	MIS	WND	Dead	Dead	MIS	WND				
War Conflict	X	X	X	X	X	X								X
Ops Incident	X	X	X	X	X	X								X
Event	X	X	X	X	X	X								X
Minimum Required fields to send an Initial report														
01Field Report Type	X	X	X	X	X	X	X	X	X	X	X	X	X	X
02 Casualty Type	X	X	X	X	X	X	X	X	X	X	X	X	X	X
03a Casualty Status	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Table 4–5
Items to be included on a casualty report—Continued

Report Item	INIT REPORT										STACH REPORT			
	Military			Civilian			Family Member				Non to Hosp	RMC		
03b Casualty Category	X	X	X	X	X	X	X	X	X	X	X	X	X	X
04 Field Report Number	X	X	X	X	X	X	X	X	X	X	X	X	X	X
06 Multiple Casualty Code (if applicable)	X	X	X	X	X	X					X	X	X	X
07a Personnel Type	X	X	X	X	X	X	X	X	X	X	X	X	X	X
07b Personnel Affiliation	X	X	X				X				X	X	X	X
07c Personnel Category	X	X	X				X				X	X	X	X
08 SSN	X	X	X	X	X	X	X	X	X	X	X	X	X	X
09a Last Name	X	X	X	X	X	X	X	X	X	X	X	X	X	X
09b First Name	X	X	X	X	X	X	X	X	X	X	X	X	X	X
09c Middle Name	X	X	X	X	X	X	X	X	X	X	X	X	X	X
09d Suffix	X	X	X	X	X	X	X	X	X	X	X	X	X	X
12a Military Rank	X	X	X									X	X	X
12b Military Grade	X	X	X									X	X	X
13 Service	X	X	X	X	X	X					X	X	X	X
14a Military Unit of Assignment	X	X	X											
14b Military UIC	X	X	X											
36 Date/Time of Incident	X	X	X	X	X	X	X	X	X	X	X	X	X	X
39 Circumstances	X	X	X	X	X	X	X	X	X	X	X	X	X	X
40 Inflicting Force[10] (Hostile Only)	X	X	X	X	X	X					X	X	X	
61 Remarks (used for any report)														
Items to be SUPPd if not included on the Initial Report														
10a Race	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10b Ethnicity	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10c Sex	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10d Religious Preference	X						X							
11a Birth Date	X	X					X	X	X	X	X	X		
11b Birth City	X	X		X			X	X	X		X	X		
11c Birth State	X	X		X			X	X	X		X	X		
11d Birth Country	X	X		X		X	X	X	X		X	X		
11e Citizenship	X	X		X		X	X	X	X		X	X		
14c In Support of Other Service	X													
15a DMOS/AFSC	X	X	X								X	X	X	X
15b PMOS	X	X	X								X	X	X	X
21a Retirement/Sep Date						X	X							
21b TDRL/PDRL	X	X	X	X	X	X	X				X	X		
21c TDRL/PDRL Percent	X	X	X	X	X	X	X				X	X		
21d TDRL/PDRL Date	X	X	X	X	X	X	X				X	x		
24a Died in/out of Medical Treatment Facility	X			X			X	X			X	X		
24b Continuously Hospitalized Y/N	X			X			X	X		X	X	X		
25a HOR City	X	X	X					X			X	X		

Table 4–5
Items to be included on a casualty report—Continued

Report Item	INIT REPORT										STACH REPORT			
	Military			Civilian			Family Member				Non to Hosp	RMC		
25b HOR State	X	X	X					X			X	X		
25c HOR Country	X	X	X					X			X	X		
26a Civilian Type				X	X	X								
26b Civilian Pay Table				X	X	X								
26c Civilian Pay Grade				X	X	X								
26d Civilian Contract Agency				X	X	X								
26e Civilian Organization				X	X	X								
30a DD Form 93 Date	X	X	X								X	X		
30b DD Form 93 Review Date	X	X	X								X	X		
31a Vehicle Group	X	X	X								X	X	X	
31b Vehicle Type	X	X	X	X							X	X	X	
31c Armor Level	X	X	X	X							X	X	X	
31d Vehicle Owner	X			X			X	X			X	X	X	
31e Position in Vehicle	X			X			X	X			X	X	X	
34a Training Type (ANG/USAR)	X	X	X								X	X	X	
34b Training Start Date (ANG/USAR)	X	X	X								X	X	X	
34c Training End Date (ANG/USAR)	X	X	X								X	X	X	
35a Duty Status	X	X	X								X	X	X	X
35b Start Date	X	X	X											
35c End Date	X	X	X											
37a Incident City	X	X	X	X	X	X	X	X	X	X	X	X	X	X
37b Incident State	X	X	X	X	X	X	X	X	X	X	X	X	X	X
37c Incident Country	X	X	X	X	X	X	X	X	X	X	X	X	X	X
38a Grid (required with no city)														
38b LAT/LONG (required with no city)														
38c Location (further detail of location)														
41 Diagnosis			X										X	
46a PEBD	X	X	X								X	X		
46b BASD/ADBD	X	X	X								X	X		
50 TRNG/Duty Related	X	X	X								X	X		
51a Posthumous Recommend Date	X										X	X		
51b Posthumous Rank Recommended	X										X	X		
53a Higher Rank Held	X										X	X		
53b Higher Rank Held from Date	X										X	X		
53c Higher Rank Held to Date	X										X	X		
54 SGLI Date	X										X	X		
55 Death Gratuity Remarks	X										X	X		
56 Investigation Required	X	X	X								X	X		X
57 Date/Time of Death	X			X			X	X			X	X		
58a Place of Death City	X			X			X	X			X	X		

Table 4–5
Items to be included on a casualty report—Continued

Report Item	INIT REPORT										STACH REPORT			
	Military			Civilian			Family Member				Non to Hosp	RMC		
58b Place of Death State	X			X			X	X			X	X		
58c Place of Death Country	X			X			X	x			X	x		
59 Cause of Death	X			X										
60 Body Recovered	X			X							X	X		
01b Closed Date (all reports at any reporting level)														
NEW Body Armor Tab	X	X	X											
NOK Tab (Sponsor of Dependents)	X	X	X					X	X	X	X	X	X	X
CAO Tab	X	X									X	X		
Prognosis and Progress Tab			X										X	
Awards Tab	X	X									X	X		

Legend for Table 4-5:
MIS—Missing, WND—Wounded, VIS, SI, NSI, RMC—Returned to Military Control, NON—Not VSI or SI, RET—Retired.

Chapter 5
Casualty Notification

Section I
Actions Required for Notification of Deceased, Duty Status–Whereabouts Unknown and Missing Casualties

5–1. Line of succession to establish next of kin

The person most closely related to the casualty is considered the PNOK for casualty notification and assistance purposes. This is normally the spouse of married persons or parents of unmarried individuals who have no children. The parent or legal guardian will exercise the rights of their minor children. Use the following order of precedence to identify the PNOK—

a. Spouse, even if a minor.

b. Natural, adopted, and illegitimate children (if acknowledged by the member or paternity/maternity has been judicially decreed). Children are considered PNOK along with spouse, if applicable.

c. Eldest parent, unless legal exclusive (sole) custody was granted to a person by a court decree or statutory provision.

d. Person standing in loco parentis at least 1 year.

e. Persons granted legal custody of the member by a court decree or statutory provision.

f. Brothers and sisters, to include half-blood and those acquired through adoption.

g. Grandparents.

h. Other relatives in order of relationship to the individual according to the laws of the deceased's state of domicile.

(1) If no other persons are available, the Secretary of the Military Department may be deemed to act on the behalf of the individual.

(2) The SNOK is any NOK other than the PNOK. The line of succession used to determine SNOK is the same line of succession in *a* through *h*, above. An example of SNOK would be the parents of a deceased Soldier who has a surviving spouse or the younger parent of a deceased Soldier without a surviving spouse or child.

(3) The adult next of kin (ANOK) is normally the adult who is highest in the line of succession listed in *a*, above, provided there is no adult PNOK or SNOK. Normally, to be considered an ANOK, a person must have reached the age of 18. An ANOK would be designated if there were surviving minor children, but no surviving spouse or parent.

5–2. Rules for making notification to the next of kin of a casualty

a. Make notification to the NOK within 4 hours of receipt of the INIT casualty report by the CAC. Communicate any delay in notification to the CMAOC promptly, with an explanation for the delay by the CAC responsible for notification.

b. A Uniformed Services representative in Class A uniform will make personal notification to the PNOK, SNOK,

and ANOK (if applicable) in ALL death, DUSTWUN, and missing cases. Making notification is a matter of highest priority, taking precedence over all other responsibilities.

c. If at the time of notification, it is known that the NOK is not fluent in the English language, obtain a qualified linguist to accompany the CNO team, if available. Instruct the linguist to interpret only what is spoken between the CNO and the NOK.

d. Make the visit as inconspicuous as possible without calling undue attention to the unusual presence of the military.

e. When notifying, be as natural as possible in speech, manner, and method of delivery.

f. Be alert for any adverse reaction to the news. If there seems to be no other adult member of the family at home and the news produces a shock, it may be helpful for someone to be with the NOK. If so, ask, "Is there anything I can do to assist you?" In case of severe reaction say, "May I call someone or ask a neighbor to step in?" The CNO should have on hand the name of the local hospital and the telephone numbers for the local ambulance service and fire department rescue squad.

g. Use good judgment by not passing gory or embarrassing details about the casualty incident.

h. Inform the PNOK that a CAO will contact them as soon as possible to provide assistance. However, do not specify the date or time of that contact.

i. In death cases, unless otherwise instructed, take the following action—

(1) If remains have been recovered, inform the PADD that the CAO will present them with information concerning the status of remains, information concerning identification and autopsy of remains, and burial entitlements, and will assist the PADD (use the PADD's given name) in staying apprised on the status of remains and in making burial arrangements.

(2) If a notification is based on "believed to be" identification and the NOK has asked whether or not remains were recovered, tell the NOK that the CAO may have additional information and will discuss how memorial services are conducted when he or she visits.

(3) Advise the NOK (if asked) that the CAO will have or may obtain information on the return of remains from an overseas area to the final destination.

j. If the NOK is not at home, get help from neighbors, friends, clergy, postmaster, or the police, if necessary. Take care not to disclose the full purpose of your mission except to the NOK. If the NOK's absence is temporary, you may await their return. If the NOK is out of town and not expected to return shortly, contact the CAC for further guidance.

k. Inform the PNOK that military personnel will personally notify the SNOK.

l. Inform the SNOK that military personnel have already informed the PNOK. (Ensure the PNOK is notified first unless the CAC directs otherwise.)

m. Provide the CAC the completed notification checklist immediately upon return.

n. After making notification, locate the nearest telephone away from the NOK premises and call the CAC to confirm that the notification has been made. Do this immediately after leaving the premises where notification was made and provide as much detail about the notification and family situation as possible so the CAC can update the CAO.

5–3. Casualty notification procedures (peacetime)

When a deceased, DUSTWUN, or missing casualty occurs, take the following actions—

a. The CAC in whose area the casualty occurred is the reporting CAC. The reporting CAC's first action upon learning of the casualty is to phone in a "heads up" to the AHRC CMAOC.

b. Upon receiving the heads up from the reporting CAC, CMAOC will verify personal data and contact the HSCAC.

c. The HSCAC will obtain the Soldier's DD Form 93 and SGLV 8286 certificate for use by the CMAOC to determine PNOK, SNOK, PADD, and other individuals that may require notification.

d. The CMAOC will identify the location of all people requiring notification and the corresponding supporting CAC in whose area of responsibility they reside.

e. The supporting CAC will identify a suitable trained CNO and make every attempt at obtaining a military chaplain to assist in the notification. If a chaplain cannot be located without unduly delaying notification, the CAC will identify a mature Soldier to accompany and assist the CNO.

f. Make no notifications until the CMAOC receives a hard copy casualty report unless otherwise directed by CMAOC in instances where there is danger of other sources revealing the casualty.

g. Upon receipt of the INIT casualty report, the supporting CAC responsible for notifying the PNOK will direct the CNO to make notification to the PNOK.

h. Upon successful notification of the PNOK, the CMAOC will authorize notification of the SNOKs and other designated beneficiaries residing in the other supporting CAC's area of responsibility.

i. Upon completion of notification, the supporting CACs will notify the CMAOC. Once all supporting CACs have completed the notification of all NOK, CMAOC will send the "notification complete" e-mail to all CACs involved in the notification mission.

5–4. Casualty notification procedures (contingency operations)

a. When a deceased, missing, or DUSTWUN casualty occurs, those individuals most knowledgeable about the casualty incident will complete DA Form 1156.

b. Casualty Feeder Cards are reported through unit personnel channels to BN and BDE Adjutants.

c. The BDE Adjutant is responsible for the preparation and accuracy of casualty reports.

d. Casualty reports will flow up through personnel channels to the contingency CAC.

e. The contingency CAC, as the reporting CAC, submits the casualty report to CMAOC.

f. See paragraph 5–3 for follow–on procedures.

5–5. Selection of the casualty notification officer/casualty notification team

The CNO represents the SA. The notification officer will be courteous, helpful and compassionate toward the NOK and will reflect the Army's concern for its personnel and their families while performing this sensitive mission. Casualty notification may create any number of possible emotional responses.

a. With few exceptions, use trained active duty officers in the grade of captain and higher, warrant officers in the grade of chief warrant officer two and higher, and senior noncommissioned officers (NCOs) in the grade of sergeant first class through command sergeant major to personally notify NOK. This group includes Army personnel assigned to DOD or Joint agencies and activities, USAR advisors, ARNG advisors, and ROTC instructors. The CMAOC will approve exceptions to this policy.

b. The grade of the CNO will, whenever possible, be equal to or higher than the grade of the casualty. If known that the PNOK is also a Soldier or retiree from any branch of Service, the grade of the CNO will be equal to or higher than the grade of the PNOK.

c. A casualty notification team is composed of the CNO and chaplain (or other clergy). When chaplain is not available or locating a chaplain may unduly delay notification, the second member of the team may be a staff sergeant or above. The purpose of the second soldier will be to support the CNO.

d. Do not use the personnel listed below as CNOs—

(1) Persons assigned to the U.S. Army Recruiting Command. Persons assigned to the Retention and Transition Force (Army Reserve/AGR, PMOS 79V).

(2) Persons assigned to the U.S. Army Military Entrance Processing Command.

(3) Students at military or civilian schools.

(4) Personnel whose duties do not require them to wear a uniform. (example: CID undercover personnel).

(5) Inspectors General.

(6) Chaplains (precluded by AR 165–1). However, chaplains should accompany the CNO as the second member of the CNO team to provide solace to the bereaved NOK whenever possible.

e. Members of the Army Medical Corps, except when they and the NOK are both present at the place of death.

5–6. Hours of notification

Make notification with urgency and with utmost sensitivity. Except when the NOK is physically present at the place of death, make personal notification from 6 a.m. to 10 p.m. local time. Director, CMAOC must approve exceptions to this time period. The CACs will maintain the capability to report and coordinate notification duties on a 24–hour–a–day, 7–day–a–week basis. Report casualties that occur during non–notification hours; and brief and dispatch CNOs so that they can notify NOK at 6 a.m. This means dispatching the CNO well before 6 a.m. The intent is to notify the NOK while at home, not while on the job.

5–7. Manner of notification

a. Procedures. A Uniformed Services representative will promptly notify the NOK in an appropriate and dignified manner. Make personal notification to the PNOK of separated and retired personnel when these personnel become a casualty overseas and the PNOK is located in CONUS or vice versa, if requested.

(1) Always notify the PNOK first unless all efforts to contact him or her have been unsuccessful. In cases where the PNOK are minors, notify the SNOK before the minor PNOKs.

(2) The same CNO will personally notify the SNOK who resides near the PNOK.

b. Deviations from prescribed procedures. It is important to spare the NOK the shock of learning unofficially of the casualty through public information sources. Exceptions may include lifting the restriction on hours for notifications or using the telephone for notification. If using telephonic notification, a uniformed Army representative will offer official condolences or expressions of concern at the earliest opportunity. Director, CMAOC must approve deviations to uniformed personal notification. Therefore with the Director, CMAOC's concurrence, apply the following notification deviations–

(1) When the news media may release specific casualty information before the notifying officer can personally notify the NOK (due to time and distance).

(2) When there is a strong likelihood that the NOK may learn of the casualty through unofficial sources.

(3) When a casualty dies in a military hospital, the hospital CDR will follow the notification procedures prescribed for notifying the NOK, if they are present at the time of death.

c. Adverse medical reaction caused by notification. Should an NOK suffer an adverse medical reaction that appears to be directly attributable to a casualty notification, after contacting appropriate emergency personnel, immediately notify the CAC.

d. Action when the NOK cannot be determined or located. If there is no record of a person to be notified and the NOK cannot be determined locally, immediately relay any information that may help in finding the NOK to the supporting CAC.

5–8. Notification information

The CAC will furnish the CNO with a copy of the casualty notification checklist and a script tailored to the specific casualty incident, using items 31 through 44 of the casualty report. The CNO will relay the information to the family member or beneficiary being notified and will exercise judgment to preclude passing gory or embarrassing details. The CNO will internalize the script provided by the CAC before proceeding to make notification and will relay the information orally and in person in a calm and sensitive manner to the person being notified.

5–9. Notification scripts

The CACs will provide the casualty notification team with individualized scripts tailored to the specific incident, based on items 31–44 of the casualty report, and to the family members being notified, using the following templates—

a. Death cases. "The Secretary of the Army has asked me to express his deep regret that your (relationship; son, John or husband, Edward; and so forth) (died/was killed in action) in (country/state) on (date). (State the circumstances.) The Secretary extends his deepest sympathy to you and your family in your tragic loss."

b. Suspected friendly fire death cases. "The Secretary of the Army has asked me to express his deep regret that your (relationship) (died/was killed in action) in (country) on (date). (State the circumstances). His/her death is a result of suspected friendly fire. A formal investigation is being conducted. You will be further advised as additional information is received. The Secretary extends his deepest sympathy to you and your family in your tragic loss."

c. Suspected friendly fire death cases–suspected after initial notification of death. "The Secretary of the Army has asked me to express his deep regret that information has come to light that indicates your (relationship) may have died as a result of suspected friendly fire. A formal investigation is being conducted. You will be further advised as additional information is received. The Secretary extends his sincerest condolences to you and your family in your tragic loss."

d. Casualties not involving death. "The Secretary of the Army has asked me to inform you that your (relationship; son, John or daughter, Janet; and so forth) has been reported duty status—whereabouts unknown in (country/state) since (date). (State the circumstances.) When we receive more information, you will be promptly notified. The Secretary extends his deepest sympathy to you and your family during this trying period."

e. Death, identification not complete. "The Secretary of the Army has asked me to express his deep regret that your (relationship of deceased to NOK—son/daughter/husband/wife) is believed to (have died) or (been killed in action) on (date of death). Preliminary investigations revealed that (state circumstances surrounding the death). (Whenever the Soldier's name or relationship is mentioned it must be preceded by "BELIEVED TO BE.") The investigation surrounding this incident is ongoing. You will be further advised as additional information is received. The Secretary extends his deepest sympathy to you and your family during this trying period."

5–10. Don'ts of personal notification

a. Do not notify PNOK by telephone unless the Director, CMAOC authorizes or unique circumstances dictate spontaneous telephonic release (for example, a Soldier is VSI, just died, and family calls for status update).

b. Do not call for an appointment prior to making the initial personal notification.

c. Do not hold your notes or a prepared speech in hand when approaching the residence of the PNOK.

d. Do not disclose your message except to the NOK concerned.

e. Do not leave word or notes with neighbors or other persons to have the NOK call you.

f. Do not speak hurriedly, or continuously refer to notes when talking to the NOK.

g. Do not use code words or acronyms that may have been used in the casualty report.

h. Do not touch the NOK in a manner that may be misunderstood. If the NOK faints or has an extreme emotional response, assist the NOK as required and request appropriate assistance.

i. Do not discuss entitlements for death cases at this time. If asked, advise the NOK that a CAO will be assigned to discuss such matters.

j. Do not discuss disposition of remains or personal effects at this time.

k. Do not inform the SNOK that they will receive a visit from the CAO. Do tell parents who are SNOK that the casualty notification team will remain available as needed to render assistance and to keep them updated on the situation.

l. Do not commit your organization or CDR, AHRC (AHRC–PEZ) to a given time to carry out an action or obtain

particular information. Promptly forward all requests for information or other assistance to the proper agency or through the casualty reporting chain of command.

m. The CNO team members should not have alcohol on their breath or be inebriated.

Section II
Actions Required for Notification on Injured or Ill Casualties

5–11. Rules for notification

a. Accomplish casualty notification to the NOK of an individual who has been reported as a casualty in a timely, professional, dignified and understanding manner.

b. Telephonically notify the Soldier's NOK in the event of illness or injury.

c. Accomplish notification within 2 hours of receipt of INIT casualty report. When 2 hours has lapsed with no indication that the PNOK has been notified, the CAC or CDR will explain the reason for the delay and describe those actions that have been initiated to preclude further delay.

d. Make notification with urgency between 6 a.m. to 10 p.m. local time in the area of the PNOK. No notification is required if the PNOK is physically present at the time of incident or accompanies the casualty to a medical facility. The CMAOC must approve exceptions to this time period.

e. Notify CMAOC immediately if—

(1) The PNOK cannot be identified or located.

(2) The DD Form 93 is unavailable or illegible.

f. If notification apparently causes an adverse medical reaction—

(1) Immediately contact the CAC and the CAC will contact the CMAOC.

(2) Provide the physician's name and contact information and condition of the PNOK.

5–12. Responsibility for notification

a. Peacetime.

(1) Primary responsibility for notification rests with the officials listed below—

(a) In CONUS (includes Alaska and Hawaii), it rests with the CDR of the MTF in which the casualty is located, or with the MTF CDR having administrative responsibility for the non–military medical facility in which the casualty is located.

(b) In overseas CMDs, it rests with the CDR of the major overseas CMD within whose area of responsibility the casualty is located.

(c) In other areas, it rests with the senior Army representative.

(2) When the responsible hospital CDR cannot notify the PNOK, relay the casualty information to the CAC. The CAC will send a casualty report to Director, CMAOC. The CMAOC will then assume responsibility to notify the PNOK when the casualty occurs in—

(a) CONUS and the NOK to be notified resides outside CONUS or vice versa.

(b) An overseas CMD and the PNOK to be notified resides in a different overseas CMD.

b. During hostilities.

(1) Primary responsibility rests with CMAOC.

(a) The CMAOC will contact the HSCAC to contact the rear detachment of the casualty.

(b) Rear detachment CMDs will be offered the opportunity to complete notification.

(2) Notification will be completed by CMAOC if—

(a) Rear detachment does not complete in reasonable time, normally 2 hours and unable to explain delay.

(b) Rear detachment elects to have CMAOC make notification.

(3) Responsible CAC will establish communication with the rear detachment to assist with notification and inform CMAOC immediately of completion or delay.

5–13. Identifying the primary next of kin

a. The HSCAC with access to personnel records will transmit DD Form 93 and SGLV 8286 to CMAOC.

b. Verify persons listed on the DD Form 93, and officially notify them when a person becomes a casualty.

5–14. Notification desires of the casualty victim

a. A Soldier listed as non–hostile, NSI, and returned to duty may elect, at the time of treatment, to have their PNOK notified.

b. A person may list on the DD Form 93 not to notify PNOK in the event of injury or illness, or that the individual identified as the PNOK not be notified due to ill health. The CMAOC will make the final determination for notification for casualties in status VSI, SI, or non–responsive Soldiers, regardless of their election stated on the DD Form 93.

c. The attending physician or CMAOC will notify PNOK of Soldiers listed in line 39 as under psychiatric care for attempted suicide. The unit will not make this notification.

5–15. Casualty status requiring notification

Notify the PNOK of the following categories of wounded, injured, or ill personnel—

a. Very seriously injured.

b. Seriously injured or ill.

c. Not seriously injured or ill as a result of hostile action.

d. Not seriously injured or ill as a result of non–hostile actions and hospitalized or subject to special interest (in accordance with DODI 1300.18, para 6.1.1.3).

5–16. Notification information

a. Notify PNOK of the information contained in the INIT report, precluding any gory or embarrassing details. Be careful to fully disclose all facts to lessen the concern and anxiety of the PNOK.

b. Casualty items to disclose—

(1) 31. Vehicle information (if applicable to the incident).

(2) 36. Date and time of incident.

(3) 37. Place of incident.

(4) 39. Circumstances.

(5) 41. Diagnosis.

(6) PROG screen–prognosis and place hospitalized or treated.

c. Provide SUPP and PROG information to the PNOK as soon as it is available.

(1) Seriously wounded, injured, or ill VSI at a minimum of every 24 hours.

(2) Not seriously injured as a minimum of every 5 days or until released from the medical facility.

d. Confirmation of notification.

(1) The CAC will prepare a SUPP using DCIPS–FWD transmitted DCIPS.

(2) Manual entry by CMAOC into NOK screen.

(3) Confirmation will contain—

(a) Date and time of notification.

(b) Who made the notification.

(c) Forty–five days address and phone number for PNOK.

5–17. Methods of notification

a. When a person is in an MTF and classified as VSI, it is always desirable for the attending physician to speak directly with the PNOK. In CONUS, the MTF CDR is responsible for the notification to the PNOK of an injury or illness. For an OCONUS MTF, if PNOK is in CONUS, either the attending physician or CMAOC will notify. After CMAOC notification, CMAOC will facilitate follow–up communication between the PNOK and the attending physician. It is imperative that notification be made expeditiously to PNOK and contact information be provided in order to aid connection with attending physician.

b. If a newsworthy person or other special interest case dictates haste in notification, use the quickest means possible that the PNOK does not learn of the incident through other than official channels.

c. The attending physician or CMAOC will notify PNOK of persons under psychiatric care or attempted suicide. Notification will not be made at unit level.

Chapter 6
Casualty Assistance Program

Section I
General

6–1. Objectives of the program

The objectives of the casualty assistance program are to—

a. Assist the PADD with coordinating funeral honors support, remains information, and filing of interment claims.

b. Assist the PADD and NOK receiving benefits or entitlements during the period immediately following a casualty.

c. Assist in settling claims and payment of survivor benefits to the NOK.

d. Assist the PNOK in other personal affairs.

e. Assist personnel eligible to receive effects (PERE) with shipping status and delivery of the personnel effects (PE).

f. Assist in keeping NOK informed on status of any ongoing investigations and assist with obtaining copies of final investigation reports.

6–2. Persons entitled to a casualty assistance officer

a. The PERE and NOK receiving benefits or entitlements of the persons described below are entitled to a CAO.

(1) All Army members on active duty. The term "active duty" includes Reserve members in an AGR status and Reserve and ARNG Soldiers mobilized under 10 USC.

(2) The USAR and ARNG Soldiers who die while en route or while participating in any of the following authorized training activities—

(a) Annual training.

(b) Active duty for training.

(c) Scheduled inactive duty training.

(d) Full time National Guard duty.

(e) Temporary tour of active duty.

(f) Initial active duty training.

(g) Active duty for special work.

(h) Special active duty for training.

(i) Soldiers who die while en route to or from or at a place for final acceptance for entry on active duty with the Army; includes personnel in DEP attending Recruiting Command sanctioned activities.

(j) Cadets and students enrolled in ROTC performing authorized training or travel (5 USC 8140 or 36 USC 2110).

(k) USMA cadets.

(3) Soldiers in an AWOL status.

(4) Retired general officers of the Army.

(5) Retired Soldiers who held the office of Sergeant Major of the Army.

(6) Retired Soldiers collecting retired pay as required in paragraph 6–6.

(7) Department of the Army civilian personnel who become a casualty while assigned, deployed, or TDY outside the 50 states and the District of Columbia. Department of the Army civilian personnel who become a casualty while TDY inside CONUS.

(8) Anyone as directed by Director, CMAOC

(9) Medal of Honor recipients, if requested.

b. While the Casualty Assistance Program provides assistance to the PNOK, a CAO may also provide advice and guidance to other NOK, if warranted by the situation. Some of the most common situations where additional assistance will be furnished are—

(1) The parents or children of a deceased or missing individual, who are not the PNOK.

(2) Separated or discharged persons who die within 120 days of discharge or separation. In this case, provide assistance to verify the death and to provide the CAC with the information needed to submit a casualty report and to assist the NOK in applying for any authorized benefits such as SGLV.

c. When 2 or more persons at different addresses should be provided assistance, more than 1 CAO may be necessary to provide assistance. Careful coordination in these cases is extremely important.

d. When parents die, are incapacitated or unavailable, and the their minor children are being returned to CONUS, a responsible person will be designated by the Soldier's CDR to accompany the children to their final destination (see JFTR, Vol 1).

e. Provide assistance to the NOK of those Soldiers who die while in a suspected of desertion status. However, if the CDR, U.S. Army Deserter Point (USADIP) determines that the Soldier was indeed a deserter, withdraw casualty assistance. When the CDR, USADIP makes an AWOL or a desertion determination and submits it to CMAOC (AHRC–PEZ), relay the determination to the appropriate CAC in the area nearest the NOK. The CAO or CAC will notify the NOK.

6–3. Selection of casualty assistance officers

a. The CAC having responsibility for the geographical area in which the PNOK or PADD resides will appoint a CAO from trained and certified active duty personnel. The CAOs will be knowledgeable, competent, dependable, sympathetic, and, if possible, able to communicate in the same language as the PNOK or PADD. Director, CMAOC may approve exceptions to qualifications, but CAOs should approximate the following qualifications:

(1) Mature Soldiers with 6 or more years of service.

(2) Officers in the grade of captain or higher, chief warrant officers in the grade of chief warrant officer two or higher, and NCOs in the grade of sergeant first class or higher.

(3) The grade of the CAO will, whenever possible, be equal to or higher that the grade of the casualty and equal to or higher than the grade of the PNOK when applicable.

(4) Of similar military or professional background as the deceased, especially when death is mission– or training–related.

(5) Possess a neat, military appearance and bearing.

(6) Commanders will release Soldiers appointed as CAOs from conflicting duties and/or requirements so that they can give the NOK all possible and meaningful assistance. The CAO duties will take precedence over peacetime military duties, to include TDY, duty roster and detail assignments, ordinary leaves and passes, and field exercise requirements.

b. Do not assign as a CAO—

(1) A relative.

(2) A close personal friend.

(3) Anyone scheduled for deployment, reassignment, retirement, or release from active duty within the next 6 months.

c. Do not use civilian personnel and retirees as CAOS for Army personnel without prior coordination with the Director, CMAOC.

d. The CDR of the installation nearest the residence of the NOK will assign DOD civilian casualty assistance personnel to provide casualty assistance to the PNOK of DOD civilian casualties. Where possible, they will abide by the same guidelines as for military casualty assistance.

e. Contracting agencies have the responsibility to provide their own casualty assistance personnel to provide casualty assistance to the PNOK of their contract employees.

f. The CACs may use Soldiers used in the casualty notification as CAOs, except those specifically listed in paragraph 5–5*d*(1) through 5–5*d*(6). However, do not assign an individual who was the CNO to a family as the CAO to assist the same family where they made a notification. Exception is use of CNOs for parents who are SNOK. The CNOs who notify parents who are SNOK, will stay on to provide continued assistance and information updates through the funeral and any investigation process.

g. Upon death of an active or retired 4–star general officer, appoint an active duty general officer as the CAO. Director, CMAOC may grant exceptions to this policy only when it is clearly not feasible to appoint an active duty general officer.

h. The CAOs will assist NOK as this regulation and the situation requires.

6–4. Continuity of assistance

When a CAO must be replaced because of reassignment, separation, extended absence, or by request of the NOK—

a. Provide explanation for the change of CAO request to CMAOC for decision.

b. Ensure that the NOK is prepared for the change.

c. Ensure that the new officer has time to become thoroughly familiar with the case and is ready to continue assistance without interruption. A 60–day lead time is desirable, when possible.

d. Ensure the CAO accompanies the new officer on initial contact with the NOK—

(1) Review CAO checklist thoroughly.

(2) Confirm status of benefits requests.

(3) Review contact list.

(4) Address any questions with the family.

6–5. Casualty assistance officer packets

To ensure consistency and appropriate standards within its geographical area of responsibility, each CAC will develop casualty assistance officer packets, and keep them up to date. These packets will include—

a. The HQDA Casualty Assistance Officer Guide.

b. The location and telephone number of the nearest Department of Veterans' Affairs CAO and Social Security Administration (SSA) offices and the centralized expedited claims offices of DVA and SSA.

c. Telephone numbers and addresses (e–mail) of officials who can coordinate and provide information on all aspects of the Casualty Assistance Program.

d. Appendix A and all forms listed therein, as appropriate, and make readily available to the CAO.

e. A list of organizations that can provide services, and the locations of the nearest Army Emergency Relief (AER) and American Red Cross.

f. The DFAS CAO Guide.

g. List of all Uniform Resource Locators (URL) relating to Army casualty assistance forms, procedures, guides, and support.

h. Guide For Surviving Family Members.

6–6. Assignment and transfer of person receiving casualty assistance

When the NOK relocates before casualty assistance actions are completed, reassign assistance as stated below. The

losing CAC responsible for casualty assistance, whether CONUS and overseas, will promptly notify CMAOC concerning such movement.

a. Actions to take when the NOK moves from a CAC's area of responsibility are—

(1) The losing CAC will telephone the CMAOC before the move and follow-up with an e-mail message and copy the gaining CAC. Provide the specifics of the case and what assistance the losing CAC has already rendered. CAOs from the losing and gaining CACs will communicate directly with one another to affect a formal handoff. The losing CAC will send a copy of the complete case to the gaining CAC. It will include the CAO's AAR, all casualty reports, and copies of pertinent personnel records to facilitate any pending claims or actions.

(2) E-mail will include whatever information is necessary to provide a smooth transition in continuing casualty assistance to the NOK. Also, the e-mail will include the NOK's time of departure, estimated time of arrival, mode of travel, and address at destination.

(3) When the NOK will need assistance at intermediate points en route to the final destination, the losing CAC will send an e-mail to all persons concerned, stating the NOK's itinerary and the assistance needed.

b. Ensure that the NOK is prepared for the change and that the new CAO has time to become thoroughly familiar with the case and is ready to continue assistance without interruption.

Section II
Assistance to the next of kin of deceased individuals

6–7. Role of the casualty assistance officer

a. The CAO will assist and counsel the PNOK on all matters pertaining to the deceased. The CAO as a minimum will—

(1) Communicate directly with the person making the personal notification to help ensure the first and subsequent contacts with the NOK are productive.

(2) Call the NOK within 4 hours (but not between 10 p.m. and 6 a.m.) following initial notification to schedule an appointment to visit the PNOK. The NOK will expect the telephone call, so any delay will cause them needless anxiety. Timing of the first visit should be based on the desires of the PNOK. Comply with any request to wait to have the first visit.

(3) Obtain a copy of a divorce decree, if applicable.

(4) Obtain a valid 45-day residence address and mailing address, if different from the residence address. Also, obtain additional information on dependents (children), not previously reported.

(5) Determine the immediate needs or problems facing the NOK and render prompt, courteous, and sympathetic assistance.

(6) Direct all inquiries on non-recovered remains or validity of identification of remains to CMAOC.

(7) When the PNOK is a surviving spouse, or the designated natural parents when there is no spouse or children, advise the PNOK of the status of the death gratuity payment. Assist in the payment of that gratuity.

(8) Initiate a CAO log.

(9) Arrange for emergency financial assistance with the AER and American Red Cross, if needed.

(10) Assist in arranging for military honors for the funeral, if desired by the PADD.

(11) When the decedent was married, also pass pertinent information regarding the return of the remains, the funeral arrangements, and similar information to the surviving parents and to the decedent's children by a former marriage (or their guardian).

(12) Advise the NOK of monetary benefits and entitlements for which they are eligible. Use local facilities, such as the Legal Assistance Office and Government copying equipment, in developing or supporting claims for benefits. When possible, use the DVA and SSA expedited benefits processing call centers or accompany the NOK to the Veterans Benefits Office and the SSA to discuss survivor benefits and to assist in completing applications for benefits.

(13) Advise the NOK that DFAS will mail claim forms for unpaid pay and allowances, with instructions for completion, to the designated beneficiaries.

(14) Inform NOK who are family members about the period of entitlement for transporting and shipping household goods and about procedures for requesting extension of entitlements (AR 55-46).

(15) Immediately notify CMAOC and the CAC of any move the NOK makes or contemplates. Include both the old and the new addresses and the effective date of the move in the notification, and record this information on the CAO AAR.

(16) Immediately inform CMAOC if the NOK requests a letter of sympathy from the deceased Soldier's unit CDR, in cases when another official would normally prepare the letter.

(17) When a death occurs in a combat zone make the NOK aware of section 2201of the Internal Revenue Services (IRS) code. This code grants forgiveness of all income tax for the year of death and any prior taxable year ending on or after the first day the member served in the combat zone. The CMAOC will certify the DD Form 1300 and forward it to the IRS.

(18) Coordinate closely with the Army Benefits Center (ABC) for all civilian Government employees' deaths

(19) Inform family members of, and if they desire, assist them in obtaining a copy of any fatality or investigative reports pertaining to the death of the Soldier in accordance with appendix D. Consult with CMAOC case manager to confirm which investigation reports apply to the case at hand prior to advising NOK of the existence of specific kinds of investigation reports.

(20) When applicable, coordinate with CMAOC for the delivery of findings of the accident investigation of fatal accident collateral investigation report to the NOK.

b. If needed and available, use Government vehicles to assist the NOK. You may operate beyond the normal permissible operating distance of the installation, activity or unit providing assistance. Use privately owned vehicles when that will avoid undue delay and is more advantageous to the Government.

6–8. Assistance to the next of kin of retired Soldiers

a. In honor of their retired service, CACs are encouraged to provide assistance to the NOK of a retiree who dies. In cases where notification of the death of a retiree is not very timely, it may not be necessary to provide assistance in person. When contacted concerning a deceased retiree, the CAC will contact the NOK to determine the extent of assistance needed. Whenever feasible, CACs should assign a CAO to NOK of a requests assistance. However, if a CAO is not available CACs should develop information packets to mail to the NOK containing the necessary forms and postage–paid return envelopes, along with instructions and telephone number to contact for further assistance. The CACs will follow up with the NOK after a mailing to ensure receipt of packet.

b. Retirees may be entitled to certain mortuary benefits as covered in AR 638–2 and table 2–1.

c. When a military retiree dies in a foreign country—

(1) Contact nearest military facility for assistance.

(2) Contact an American Embassy or Consulate responsible for the geographical area for assistance with disposition of remains, the estate, contact of nearest military facility and mortuary.

(3) The State Department's consular representative in the country concerned will be the official who assists in the disposition of the remains. The State Department's point of contact in Washington, DC on such matters is the Special Consular Services.

d. The CAC should contact Retired Pay Operations, DFAS, to obtain information concerning survivor benefits, allotments, and so forth.

6–9. Assistance to the next of kin of civilian employees

The Army will provide casualty assistance to the PNOK of all DA civilians who die while assigned, deployed, or TDY outside the 50 states and the District of Columbia, as well as to the overseas PNOK of all overseas–stationed DA civilians who die while TDY in CONUS. Commanders will ensure that the Civilian Personnel Advisory Center (CPAC) responsible for the area, in coordination with the local CAC, identifies a DA civilian to provide casualty assistance to the NOK. This assistance will be comparable to that prescribed in this regulation for military family members. The Army Benefits Center, in coordination with the appointed CAO, will provide assistance with the processing of all benefits and entitlements. After the family members enters CONUS, the gaining CPAC, in coordination with the local CAC, will normally provide for any remaining assistance that might be necessary. The responsible CDR will transfer the case to the proper CAC so that he or she may furnish pertinent information to the civilian personnel officer at the installation nearest the NOK. If a DA civilian is not reasonably available to serve as a CAO, the responsible CDR can appoint a military CAO to provide assistance and ensure the local CPAC and the ABC assist the military CAO in processing of all civilian benefits and entitlements.

Section III
Performance of Duties as the Casualty Assistance Officer in Deceased Cases

6–10. General

The local Army CDR with overall responsibility for the Casualty Assistance Program appoints the CAO as the SA's representative to the NOK. As the SA's representative, the CAO's CDR will release the CAO from all conflicting duties and requirements and will monitor Soldier's performance as a CAO until the CAC reviews the CAO AAR and releases the CAO back to his or her unit. The local casualty and mortuary affairs officer supervises the assistance program for the CAC (see appendix B for a listing of CACs). All of the CAC's resources, including the resources of its entire staff, are available to the CAO to carry out his or her duties.

a. The CAC and CMAOC will be the main points of contact and source of information. The CAC will assist in coordinating mortuary affairs. Other agencies, such as the Staff Judge Advocate, surgeon general, chaplain, provost marshal, public affairs office, retirement services officer and the finance, housing, and transportation offices may assist the CAO. The CAO is expected to make such contacts, when necessary, without CAC referral. The American Red Cross, AER, and regional offices of the Department of Veterans' Affairs and SSA will also help when needed. Department of Veterans' Affairs and SSA, prefer to provide specific information directly to the survivor. The CAO

will make necessary appointments with Department of Veterans' Affairs and SSA for those NOK who do not opt to use the centralized expedited call centers, and accompany the NOK when applicable. The CAO should call on these local service and support activities when necessary.

b. The SA charges the CAO to render all reasonable assistance needed to settle the claims and payment of survivor benefits. The quality of service must reflect full attention to duty and to the NOK. It will lessen the emotional and financial strain borne by the NOK during a period of great trauma. The CAO should pursue the assignment with a keen sense of urgency but conform to the NOK's time preferences. The CAO should take pride in conduct, military appearance, and services rendered; and keep the thoughts, feelings, and position of the NOK uppermost in mind.

c. The CAO will read and follow all guidance contained in the CAO Guide the CAC will provide.

6–11. Disposition of casualty assistance officer after action report

Forward the completed AAR through channels to the responsible CAC or major overseas CDR for review and corrective action. The CACs responsible for providing casualty assistance to the NOK of deceased active duty Soldiers will contact the NOK after receipt of the AAR to confirm the NOK is satisfied that all needed assistance has been rendered and to ensure NOK has the CAC's Toll–Free number if additional assistance is later requested. After verifying NOK's satisfaction with casualty assistance, CACs will submit the original CAO AAR to CMAOC. Complete the AAR on the form from the CAO Guide, and forward the AAR form not later than 120 days after submission of the INIT casualty report unless assistance is still ongoing. The CACs continue to maintain the form for retirees and maintain a copy of completed reports.

Section IV
Obtaining Personal Information from the Next of Kin of a Deceased Individual

6–12. Obtaining information

To settle a deceased individual's personal affairs and financial accounts, personal information pertaining to the decedent is normally required from the NOK. In order to protect both the deceased and the NOK, advise the NOK of the necessity to disclose the information covered by the provisions of the Privacy Act.

6–13. Advising the next of kin

Advise the NOK of a deceased individual of the reasons for disclosure of the requested information. Provide them a copy of DA Form 4475 (Data Required by the Privacy Act of 1974–Personal Information From the NOK of a Deceased Service Member). This form is the only manner of advisement required before requesting information from the NOK. To print DA Form 4475, go to http://www/army/mil/usapa/eforms/da4475–r_to_da4831–r_1.html.

Chapter 7
Transportation and Travel Orders for Family Members of Very Seriously Wounded, Injured, or Ill and Seriously Wounded, Injured, or Ill Soldiers

7–1. Very seriously wounded, injured, or ill, seriously wounded, injured, or ill, not seriously injured travel and transportation orders (invitational travel orders)

Department of the Army is permitted, within certain parameters of the USC, to extend an invitation for movement to the bedside of ill or injured Soldiers. Soldiers must be VSI, SI, or NSI (and are hospitalized and are in the United States) status as determined by a military physician. The USC does not authorize T&TO for the families of Soldiers who become NSI. Director, CMAOC is the approving authority for this invitation and extends it in the form of a travel order. The CMAOC will publish all T&TOs that result from war and contingency operations illness and injuries. Requests from CAC for all other T&TOs will be considered upon receipt of a valid DA Form 2984 (Very Seriously Ill/ Seriously Ill/Special Category Patient Report). One round–trip movement (travel, excluding in and about movement) for up to 3 family members (PNOK) (as designated by USC), and provides subsistence funds (transportation) as determined by the DOD Per Diem Committee. Initial orders will not extend beyond 15 days unless approved by CMAOC. Requests for extension to VSI or SI initial orders may be made to CMAOC through the servicing Patient Administration Division (PAD) to the CAC to AHRC–PEZ. The NSI (injured or ill) orders will not be extended. All orders will cease when a Soldier leaves initial inpatient status at the MTF caring for her or him. A DA T&TO does not follow a Soldier to a veteran's or specialty care center.

7–2. Outside continental United States travel and transportation orders for family members

Director, CMAOC may issue a T&TO to 3 family members of a Soldier who is hospitalized and classified as VSI, SI, or is retired for the illness or injury, whether or not electrical brain activity still exists or brain death is declared. The JFTR, Vol 1, paragraph U5246 governs T&TOs. The definition of a family member as defined in the JFTR, means the member's spouse, children (including step, adopted, and illegitimate children), parents of the member and siblings of

the member (includes fathers and mothers through adoption and persons who have stood in loco parentis to the member for a period of not less than 1 year prior to the member's entry into the U.S. Army). Only 1 father and 1 mother or their counterparts may be recognized in any one case. In addition, the following guidelines must be met—

a. The attending physician or surgeon and the CDR or head of the military medical facility exercising control over the Soldier determines that the presence of the family member may contribute to the Soldier's health and welfare.

b. The MTF will document this determination on a DA Form 2984. This form requires the signature of the MTF CDR and the attending physician, PAD or administration officer of the day (AOD).

c. The Soldier is hospitalized in an overseas area and the PNOK are in CONUS, Soldier is hospitalized in CONUS and the PNOK are OCONUS, or both Soldier and PNOK are OCONUS but in different overseas locations.

d. Restrictions on issuing T&TOs are as follows—

(1) The CMAOC will publish the T&TO for PNOK of injured or ill Soldiers in the combat zone.

(2) Travel to a hostile fire area is not authorized.

(3) The T&TO request made by a PNOK or on behalf of a PNOK that does not comply with the above criteria.

(4) The CMAOC may approve a T&TO for the PNOK of captured, missing, or detained Soldiers.

(5) Movement of the PNOK must be initiated within 24 hours of receipt of a valid DA Form 2984 from the MTF.

(6) The CMAOC will act as the approving authority for all T&TOs issued by it or on its behalf. The issuance of a DA Form 2984 by an MTF does not constitute approval of a T&TO. Funding for commitments made by other than CMAOC will not be reimbursed by DA. Only CMAOC will commit said organization to a DA T&TO.

(7) The T&TO will cease at the time a Soldier is discharged, becomes an outpatient, is transferred to a veteran's or specialty care medical center or when the PNOK leaves the bedside of the Soldier.

e. The CAC will review the request for a T&TO to ensure it meets the above criteria and verify PNOK information. The CAC will then send the request immediately by e–mail or fax (confirmed by follow–up telephone call) to CMAOC. Each request will contain the following information—

(1) The PNOK's name, address, telephone number, and relationship to the patient.

(2) Statement that the attending physician and the MTF CDR determine the presence of the PNOK is necessary and will contribute to the recovery of the Soldier.

(3) Passport and visa requirements of the PNOK.

(4) Instructions on what the PNOK is to do upon arrival (such as contact the staff duty officer).

(5) Information concerning the availability of Government quarters and dining facilities.

(6) Estimated cost per day for each PNOK while they are present in the CMD.

(7) Type of weather the PNOK should expect to encounter and suggested type of apparel to bring (for example, spring apparel or summer apparel). Coordination will be made with the Soldier's unit.

(8) The CAC or PAD at the MTF must promptly coordinate movement of PNOK to the bedside.

f. When CMAOC approves the T&TO arrangements and confirms the arrangements they will notify the CAC and provide an itinerary.

g. Once a T&TO is issued, the following restrictions apply—

(1) The Government will provide to the PNOK 1 round–trip transportation from place of residence to the overseas location of the hospital and return. In and around transportation is not authorized.

(2) The Government may reimburse expenses incurred for expedited passport processing.

h. Information on sending and completing reports on NOK travel is listed below—

(1) The appropriate CAC will fax or e–mail to the CMD that the PNOK will be visiting, and include all appropriate information, addresses, or the CAC may telephone CMAOC. The message or telephone conversation will announce the PNOK's estimated time of arrival (ETA), estimated time of departure (ETD), and all other pertinent travel information. If the CAC uses a telephone conversation, CMAOC will inform the CMD and other necessary activities that the NOK will visit.

(2) Include the date of the PNOK's arrival in the overseas CMD in the first PROG report following arrival. Include in subsequent reports that the PNOK remains in the CMD. Report the departure of the PNOK in the next PROG report following the departure.

i. Initial orders will not exceed 15 days without CMAOC approval.

(1) Requests for extension to VSI/SI initial orders may be made to CMAOC through the servicing PAD to the CAC.

(2) This T&TO will not be extended beyond the Soldiers' hospitalization.

j. The T&TO will not be issued to a family member once a Soldier recovers from SI status.

k. In extreme time–sensitive instances where CMAOC provides a voice approval, T&TO will be dated to reflect the date of the voice approval.

l. Primary next of kin (as defined in the Joint Federal Travel Regulation and chapter 6 of this publication) who are active duty Army personnel may be moved to the bedside of VSI OR SI Soldiers hospitalized OCONUS.

(1) The PNOK must coordinate with his/her unit CDR when requesting T&TO.

(2) Memorandum of approval and/or disapproval from the unit CDR must be forwarded to AHRC–PEZ operations.

The memorandum must state the number of days authorized at the bedside of VSI and SI Soldiers. Active duty Army personnel will be attached to the Medical Hold Unit (MHU) at the MTF if authorized timed is more than 30 days.

(3) Active duty personnel must bring required issued uniforms, CAC card, ID tags, and physical fitness uniforms.

(4) The PNOK who are active duty personnel from other branches of Service must coordinate with their respective Service for travel to the bedside of their casualty.

7–3. Continental United States travel and transportation orders for family members

The CONUS CAC identified in appendix B may issue a T&TO to 3 family members of a Soldier who is hospitalized in CONUS and classified as VSI, SI, NSI (for NSI only, injured in an operation or area designated as a combat operation or combat zone) hospitalized or retired for the illness or injury, whether or not tests show electrical brain activity or brain death. The JFTR, Vol 1, paragraph U5246 governs T&TOs. The definition of a family member (PNOK) as defined in the JFTR is the member's spouse, children (including step, adopted, and illegitimate children), parents of the member and siblings of the member (includes fathers and mothers through adoption and persons who have stood in loco parentis to the member for a period of not less than 1 year immediately prior to the member's entry in the U.S. Army). However, only 1 father and 1 mother or their counterparts may be recognized in any 1 case. In addition, the following guidelines must be met—

a. The attending physician or surgeon and the CDR or head of the military medical facility exercising control over the Soldier determines that the presence of the family member may contribute to the Soldier's health and welfare.

b. The MTF will document this determination on a DA Form 2984. The attending physician, PAD or AOD, and MTF CDR must sign the DA Form 2984.

c. The Soldier is hospitalized in an MTF in the United States.

d. Restrictions for CONUS T&TOs are as follows—

(1) The CMAOC will publish the T&TO for PNOK of hostile injured or ill Soldiers.

(2) The MTF personnel will not commit the Army to issuing a T&TO. Only CMAOC can approve and offer a T&TO.

(3) One round–trip transportation from place of residence to the MTF and return. In and about transportation is not authorized.

(4) A monetary allowance for the official distance between home and the MTF if travel is performed by privately owned conveyance.

(5) Movement of PNOK must be initiated within 24 hours of receipt of a valid DA Form 2984 from the MTF.

(6) The T&TO will cease at the time the Soldier is discharged, becomes an outpatient, is transferred to DVA or specialty care medical center, or when the PNOK leaves the bedside of the Soldier.

e. The JFTR, Vol 1, paragraph U5246 identifies the only reimbursable expenses in connection with this travel (such as taxis to and from airports, baggage handler tips, and so forth).

f. Upon approval from CMAOC, the CAC will provide AHRC–PEZ with the following information—

(1) The CAC responsible for the area in which the Soldier is currently hospitalized must send a facsimile copy of the completed and signed DA Form 2984 to the CMAOC and the names and relationship of the PNOK to the Soldier in the request for the T&TO. Also include INIT casualty reports for all SI/VSI Soldiers for which the CAC requests a T&TO.

(2) A copy of Soldier's DD Form 93, SGLV 8286, and MOB orders (USAR/ARNG) Soldiers.

(3) Estimated cost of the T&TO, to include air transportation and or mileage.

g. After review, CMAOC will telephonically provide the requesting CAC a control number and fund cite authorization.

h. Send a copy of the T&TO to AHRC–PEZ when issued.

i. The CACs will maintain a T&TO log that includes as a minimum—

(1) Soldier's name, grade, and SSN.

(2) Control number.

(3) Name of the PNOK to which the T&TO was issued.

(4) Name of CMAOC approving the individual.

(5) Estimated cost of the T&TO.

(6) Date T&TO was issued.

(7) Update DCIPS interested persons and benefits and entitlements.

j. Do not extend initial orders beyond 15 days unless CMAOC (AHRC–PEZ) approves.

(1) Make requests for extension to VSI/SI/NSI (injured or ill) (for NSI only, injured in an operation or area designated as a combat operation or combat zone) initial orders to AHRC–PEZ through the servicing PAD to the CAC to AHRC–PEZ.

(2) All requests for extension of NSI (injured or ill) (for NSI only, injured in an operation or area designated as a combat operation or combat zone) hospitalized in the United States past 30 days requires Secretarial approval and must be processed 10 days prior to end of T&TO.

(3) The T&TO will not be extended beyond the Soldiers' hospitalization.

k. In extreme time-sensitive instances where CMAOC provides a voice approval, T&TO will be dated to reflect the date of the voice approval.

Chapter 8
Preparation and Dispatch of Letters of Sympathy, Condolence, and Concern

Section I
Letters of Sympathy

8–1. Description of letters of sympathy

Letters of sympathy are designed to extend expressions of sympathy to the PNOK. They are also an instrument that CDRs or supervisors may use to advise the PNOK of the factual, detailed circumstances surrounding the person's death or missing status. AR 25–50 is the primary reference for preparing correspondence. When preparing letters of sympathy, use the following guidance—

a. Send a letter of sympathy to the PNOK of all deceased military Soldiers, including those in an AWOL status, except for those mentioned in paragraph 8–3 below. Also send a letter of sympathy to the PNOK of all DA civilians assigned or deployed overseas, who are CONUS in a TDY status, or who becomes a casualty in support of contingency operations. The Director, CMAOC (AHRC–PEZ) will determine whether to send a letter to the PNOK of deserters.

b. Send a letter to the parents when they are the PNOK. If they are separated or divorced, prepare and send individual letters to each parent.

c. Do not prepare letters of sympathy for any NOK who, by his or her presence or through some appropriate source (note: appropriate source does not include the official casualty notification which is made for all reported deaths), is fully aware of the circumstances surrounding the casualty.

d. Normally the individual or CDR most knowledgeable of the deceased and the circumstances surrounding the casualty incident prepares the letter of sympathy. The initiator will usually be the individual's supervisor or unit CDR (company, battery, troop, or detachment). However, during contingency operations, it is normally more appropriate for the first field grade CDR in the chain of command (who is also responsible for verifying the circumstances in the INIT casualty feeder report) to prepare and send the official letter of sympathy. Certain circumstances may require or even dictate that someone other than the CDR writes the letter, as outlined below—

(1) When an individual dies or becomes missing while in a transient status, the CDR responsible for the location where the incident occurred will prepare the letter of sympathy.

(2) When an individual dies in CONUS after evacuation from an overseas medical facility, the CDR of the medical facility where the death occurred will prepare the letter of sympathy. If death occurred in a non-military medical facility, the CDR having administrative responsibility for that area will prepare the letter of sympathy.

(3) When an individual who is being medically evacuated dies while en route to a CONUS medical facility, the CDR of the losing overseas medical facility will prepare the letter of sympathy.

e. Should the NOK express a desire to receive a letter of sympathy from the decedent's previous unit CDR, this information should be relayed for action to the CAC concerned.

8–2. Procedures for preparing letters

a. When a casualty occurs in CONUS, write a letter of sympathy within 24 hours after notification to the PNOK. The preparing CDR will coordinate the mailing with the appropriate CAC (or deployed G–1 when so designated by the contingency CAC concerned) to ensure that all aspects of the letter are proper and correct.

b. When the casualty occurs OCONUS, write the letter within 72 hours after the time of the incident or after submitting the INIT casualty report, except for contingency area deaths. Write letters for deaths occurring in contingency areas within 7 days after the time of the incident or after submitting the INIT casualty report. Do not date or send the letter until receiving confirmation that the PNOK has been notified. Upon confirmation of notification, date and send the letter. The preparing CDR will coordinate with the CAC to ensure that all aspects of the letter are proper and correct before sending it.

c. If the death, DUSTWUN or missing status resulted from an aircraft accident (see AR 385–95 for the procedures to follow).

8–3. Content of letters

Keep letters sincere and in simple language. Show a warm personal interest in the Soldier and the addressee. Extend condolences and describe the circumstances surrounding the Soldier's death or missing status. See further details on content below and sample commander's letters of sympathy at figures 8–1 and 8–2.

a. Tell the circumstances factually, tactfully, sympathetically, and logically. Besides supplying enough facts to

answer the "5 Ws" and any questions that the family would normally ask, give pertinent facts that would in some way comfort the NOK. These facts may include saying the Soldier did not suffer, the Soldier received the last rites of his or her faith, and memorial services were held. When appropriate, add information concerning the Soldier's work and efficiency and his or her adaptation to service life. If the NOK is informed that the effects will be sent to the person authorized by law to receive them, the letter may include a statement about the collecting, safeguarding, and disposing of the Soldier's personal effects. Avoid unfitting compliments and ghastly descriptions. Do not send photographs depicting casualties. The writer may include photographs and a tape recording of the memorial services.

b. In cases of death from hostile action and cases of missing in action, when security restrictions permit, provide facts describing the combat operation or action and other circumstances concerning the Soldier's status. Include details concerning the date, geographic location, and type of mission and actions taken once the incident occurred. Carefully describe how the incident occurred and, if appropriate, show that medical aid was immediately available. If significant results were obtained, state what the combat action accomplished, and describe the contribution of the Soldier in this and other actions.

c. When describing a missing case avoid statements that will either cause the NOK to lose all hope for or to become overly optimistic about the Soldier's return.

d. Ensure that information in the letter does not conflict with data previously provided in a casualty report.

e. Do not state that the Soldier is being or has been recommended for a posthumous promotion, decoration, or award.

f. Ensure that letters to members of the same family agree on circumstances surrounding the casualty, but change them somewhat so each is personalized.

g. When full and accurate details cannot be provided to the NOK until a thorough investigation or inquest has been conducted, prepare an interim letter of sympathy.

(1) Send interim letters every 4 to 6 weeks, giving whatever facts are available. Send letters sooner if significant facts are developed. Advise the NOK that they will be informed as soon as the full facts are known. The CAC and major overseas CDRs will ensure that these follow-up letters are sent promptly for death cases. Director, CMAOC will keep the family informed of the facts on missing persons.

(2) When no additional facts are available, and it cannot be determined when such facts will become available through investigations, interim letters of sympathy are not required. However, in the last such interim letter, include a paragraph assuring the NOK that they will be notified immediately upon receipt of any additional facts.

h. Do not use predominately military terms or abbreviations. (For example, 1300 hours should be expressed as 1 p.m.). Avoid using "line of duty" and "misconduct." Writers and reviewers make certain that the details given in each case agree with the findings of an investigation, if conducted.

i. In cases of homicide or suicide, include a brief, carefully worded statement of the circumstances of death. Write this statement so the addressee will not misconstrue the cause and manner of death. Be factual about the cause of death, but do not provide information that will unfavorably reflect on the decedent unless required to explain the cause of death.

j. Do not include any statements that might be the basis for a claim against the Government or another agency or person. Also avoid disclosing information that security regulations prohibit.

DEPARTMENT OF THE ARMY
HEADQUARTERS 52d INFANTRY BATTALION
FORT RILEY, KANSAS
67590

December 14, 2005

Mrs. Samuel Johnson Beckett
123 Redding Lane
Surtain, Florida 76558

Dear Mrs. Beckett:

Please accept my deepest sympathy on the loss of your husband, Private Samuel J. Beckett, who had recently volunteered to serve his country as an American Soldier, and who was a good man to all who knew him. This tragedy has taken this fine young man from his family and his friends. Words cannot and will not describe to you how sorry I am about this tremendous loss and how much Sam's death has and will continue to impact those of us still serving.

As you know, Sam had recently arrived here in Bravo Company, 52d Infantry Battalion from Advanced Individual Training at Fort Benning, Georgia. Sam was extremely proud to now be wearing his black beret and eager to join his new unit and family— the Bravo Company Bulldogs. He had settled into his brand-new barracks room, sharing it with PFC Darren Compton and preparing for the unit's first big training exercise at the Joint Readiness Training Center at Fort Polk, Louisiana. As Sam probably told you, the unit was training hard in preparation for this exercise. The First Infantry Division conducts three Warfighter exercises each year in order to stay finely honed for combat and this was the first for Sam. As a member of the second squad of the 3d platoon, he was setting the example for others as a fine rifleman and Soldier.

On Monday, December 13, 2005, the Soldiers of B Company awakened early for an esprit de corps physical training run. Sam proudly carried the guidon for his platoon that morning, leading the other 35 Soldiers on a five-mile run through Fort Riley. After breakfast, the company boarded buses for the ride to Range 31 to qualify with their individual weapons one last time before the trip to Fort Polk. Sam was in the third firing order at the seventh firing point, and his roommate PFC Compton was next to him. The Soldiers fired their familiarization rounds and then cleared their weapons in preparation for qualification. As the Soldiers left their firing positions and moved downrange to check their targets, another Soldier's weapon accidentally fell to the ground and discharged. The bullet struck Sam in the head, killing him instantly. The other Soldiers, his battle buddies, rushed to his side. A combat medic, trained in life-saving techniques, was there on the range in an ambulance. Although he tried extensively to revive Sam, he was unable to. A medical evacuation helicopter from the post hospital was on sight within fifteen minutes and transported Sam to Irwin Army Community Hospital where the doctors declared him deceased.

At this time, the incident is under investigation to determine how this tragic accident occurred and how to prevent a recurrence. Once the investigation has been completed, I will ensure that you have an opportunity to be briefed on the results of the investigation.

Figure 8–1. Sample commander's letter of sympathy to next of kin (non–hostile)

I think it is important that you know how much Sam loved the Army and what he was doing. Although he was only in our unit for a short time, he already stood out as one of my most motivated and promising young Soldiers. He was always first to volunteer for missions, kept his uniform and boots immaculate, and never missed a formation or a work call. He was an extremely promising Soldier, well-liked by all others in the platoon and the company. I have a very clear memory of Sam carrying the platoon guidon that last morning as the companies passed in review before me and my battalion staff. I remember how proud he was and how tall he marched carrying the Bulldog 3 flag. Sam was an American Soldier and an Infantryman – doing the job that he signed on to do. I am proud to have been associated with this outstanding American.

I cannot even begin to imagine the impact that this loss will have on you, his family. I don't know how much peace this will bring you, but I know that the Soldiers with whom Sam served have a great deal of respect and love for him. We had a memorial service at 10:00 a.m. today, where we remembered Sam and his fighting spirit. The comments made by those who served closely with Sam were spoken from the heart with a great deal of emotion. I think that Corporal Freeman, his squad leader, best summarized Sam's service when he said, "I am going to miss the sharpest, most motivated Soldier in my squad, the one who always yelled 'Yes, Corporal' the loudest, the one who I could always count on to get things done. But most of all, I'll miss the potential he had and all he could have been." Following the formal service as bagpipes played "Amazing Grace" in the background, each Soldier in turn rendered a solemn salute to an M16, laden with a set of Sam's identification tags (dog tags) that had been secured between a pair of his boots, and placed on a pedestal in front of us.

Please know that the unit is treating Sam's personal effects with the utmost care and will forward them to you, as the person eligible to receive his effects, very shortly. We will include in those personal effects the guidon that Sam carried the morning of his death.

It is very important to me that you know two things. First, Sam loved what he was doing. Second, Sam loved the Soldiers with whom he served; and they loved him. I wish you and your family the very best as you deal with this unthinkable tragedy. If there is anything I can do to help ease your pain during this time, I welcome that opportunity. Please know that you are, and always will be, part of the 52d Battalion, 1st Brigade, 1st Infantry Division, the "Big Red One."

With Deepest Sympathy,

ROGER G. CORBETT
Lieutenant Colonel, United States Army
Commanding

Figure 8–1. Sample commander's letter of sympathy to next of kin (non–hostile)—Continued

DEPARTMENT OF THE ARMY
HEADQUARTERS 123d ENGINEER BATTALION (FWD)
CAMP RAMADI, IRAQ
APO AE 09396

March 1, 2005

Mr. James J. Monroe and family
713 West Barnard Street #131
Ames, Idaho 12345

Dear Mr. Monroe:

Please accept my most personal regards and deepest sympathy on the recent death of your son, Sergeant Jason Warren Monroe, a Non-Commissioned Officer, an American Soldier, and a good man. This tragedy has taken a nephew from his Aunt, a son from his father, a brother from his siblings, a friend from hundreds here in Iraq, and untold hundreds back home, as well. Words cannot describe to you how sorry I am about this tremendous loss, and how much Jason's death has and will continue to impact those of us still serving.

As you know, Jason's unit was alerted on February 11, 2004. He mobilized on May 12, 2004, and went with the rest of the battalion to Fort Sill, Oklahoma, where we trained in preparation for deployment in support of Operation Iraqi Freedom III. Jason arrived at Forward Operating Base Salem, near An Najaf, Iraq, on September 1, 2005. The Battalion began displacement operations from Forward Operating Base Salem on September 20, 2005, and has been assigned to our current duty location of Camp Ramadi, Ar Ramadi, Iraq, since that time.

On Tuesday, February 27, 2005, at 7:12 a.m., 3rd Platoon, Company C, 123d Engineer Battalion, reinforced with Soldiers from Headquarters & Headquarters Company 456th Engineer Battalion, Company C 456th Engineer Battalion, a United States Marine Corps Explosives Ordnance Disposal Team, departed Camp Anzio, which is on the East Side of Ar Ramadi, to conduct route clearance operations in support of the 2d Battalion 9th Infantry, 2d Brigade Combat Team (Task Force Steel). The purpose of this operation was to clear improvised explosive devices and mined areas in the City of Ar Ramadi. At 9:50 a.m., two 155 millimeter howitzer rounds, primed but with no initiating system detected, were discovered by the scanning team. These rounds were placed by insurgents into a pothole in the road. As our primary ordnance removal vehicle, called a Buffalo, began retrieving these pieces of ordnance so that they could be detonated, both our advance guard and security team began pulling 360 degree perimeter security. Jason was one of four Soldiers in the M113A3 Armored Personnel Carrier, Bumper #C12, positioned approximately 200 meters in front of the Buffalo, scanning for snipers, vehicle-borne improvised explosive devices, and other activity in the area. At 10:03 a.m., Jason was engaged by one round from a sniper while standing in the troop hatch of the M113A3. Jason's Squad Leader was within two feet of Jason when he was shot. A Combat Medic assigned to the Platoon was on the site within two minutes, as were Jason's Platoon Leader and Platoon Sergeant. Jason was evacuated by the 3d Battalion 151st Ground Medical Evacuation Team very quickly, and received immediate care, but his wounds proved too severe to save his life.

I think it is important that you know how your loved one spent his last days. As the Battalion Commander, I participated in this mission with Company C in support of Task Force Steel. We linked up with this Task Force at Camp Anzio, on Sunday, February 25, 2005, and cleared routes in this City on the evening of the 25th and early morning of the 26th. The platoon then had approximately 36 hours of down time between missions, where they had time to enjoy each

Figure 8–2. Sample commander's letter of sympathy to next of kin (hostile)

others' company. I hung out with these Soldiers for this 36-hour period, and remember very clearly seeing Jason with a very content smile on his face on numerous occasions. The platoon enjoyed cooling off by swimming in a converted irrigation pond in the afternoon, joining Soldiers from the 2-9 Infantry. They sat around watching movies on portable DVD players, listening to music, and most of all talking amongst themselves. I do not recall Jason saying very much – at least when I was around. But, I do remember him glancing from person to person as his platoon communicated amongst themselves, hanging on the words that they used, and clearly being among people whom he truly loved, and who loved him. He was an American Soldier and a Combat Engineer – doing the job that he signed on to do. I am proud to be associated with this outstanding American.

I cannot even begin to imagine the impact that this loss will have on you, his family. I don't know how much peace this will bring you, but I know that the Soldiers with whom Jason served have a great deal of respect and love for him. We had a memorial service at 10:00 am today, where we remembered Jason and his contributions to this battalion. The comments made by those who served closely with Jason were spoken from the heart with a great deal of emotion. I think that Specialist Basker's comments best summarized the service when he said, "I am going to miss the person I ate every meal with, the person who would always bring me a cold drink when I needed one, the person who had so many great stories to tell and such a talent for telling them; but, most of all I am going to miss my friend." Following the formal service, I was provided the honor of rendering the first salute to an M16, laden with a set of Jason's identification tags (dog tags) that had been secured between a pair of his boots, and placed on a pedestal in front of us. As bagpipes played "Amazing Grace" in the background, I watched each Soldier follow suit over the next 15 minutes; I saw many tears – shed from Soldiers representing all of our companies, truly an indicator that he will never be forgotten.

Please know that an officer has been appointed to secure and inventory all of Jason's personal effects. Once that inventory is complete, his effects will be forwarded to you, as the person eligible to receive his effects, through the Joint Personal Effects Depot in Maryland. We will include in those effects pictures and a DVD of the memorial service.

It is very important to me that you know two things. First, Jason loved what he was doing. Second, Jason loved the Soldiers with whom he served; and they loved him. I wish you and your family the very best as you deal with this unthinkable tragedy. If there is anything I can do to help ease your pain during this time, I welcome that opportunity. Please know that you are, and always will be, part of the Idaho Army National Guard family. Know also that there are 503 Soldiers who will never forget Sergeant Jason Warren Monroe.

With Deepest Sympathy,

JACOB T. MACKS
Lieutenant Colonel, United States Army
Commanding

Figure 8–2. Sample commander's letter of sympathy to next of kin (hostile)—Continued

8–4. Review of letters

The CAC (or deployed Adjutant when so directed by the contingency CAC concerned), will review all letters of sympathy for compassion, clarity, accuracy, and completeness before sending to NOK.

Section II
Letters of Condolence and Concern

8–5. Description of condolence letters
Letters of condolence convey condolence on a Soldier's death from a higher level of CMD; however, do not describe the circumstances surrounding the death in a condolence letter.

8–6. Preparation of condolence letters
a. Commanders who would normally send a letter of sympathy will send a letter of condolence when the NOK—

(1) Was present at the time of death and knows the circumstances firsthand.

(2) Has been provided the details by some appropriate authority such as the local police or other member of the chain of command.

b. Appropriate CDRs in the chain of command (other than the CDR writing the letter of sympathy) such as medical facility CDRs and chaplains, while not required to prepare letters of condolence, may do so.

c. An immediate CDR (particularly overseas where retirees, family members, and DA civilian employees are part of the military community) may send a letter of condolence to the NOK of a family member of DA civilian employee who dies within his or her CMD.

8–7. Sending condolence letters
Do not mail letters of condolence prepared per paragraph 8–6 above until receipt of confirmation that NOK were notified. Do not mail any other letters of condolence until at least 24 hours after mailing the letter of sympathy.

8–8. Review of condolence letters
The CAC (or deployed Adjutant when so directed by the contingency CAC concerned), will review the letter of condolence to ensure compassion, clarity, accuracy, completeness, and that it is in compliance with paragraph 8–5, above. When the CAC does not prepare a letter of condolence, the preparing CMD will provide the CAC with an information copy of the letter.

8–9. Letters of concern
If they desire, CDRs of personnel hospitalized and listed as VSI, SI, or NSI, may correspond with the Soldier's NOK. If they write, they must follow the procedures for preparing and reviewing letters of sympathy.

8–10. Rules for preparing letters of sympathy, condolence, and concern
a. The CDR most knowledgeable of the Soldier and the facts and circumstances surrounding the casualty incident will prepare the letter of sympathy except as indicated in paragraph 8–1, above.

b. Send letters of sympathy to the PNOK in all death and missing cases except those mentioned in paragraph 8–1*c*.

c. Mail letters of sympathy only after receiving confirmation of notification.

d. The CAC (or deployed G–1 when so directed by the contingency CAC concerned), will review letters of sympathy prior to dispatch.

e. Prepare letters of condolence and concern in those situations as described in paragraph 8–6.

Chapter 9
Death gratuity benefit and unpaid pay and allowances

9–1. Eligibility
A beneficiary may be eligible for a death gratuity (DG) and/or the unpaid pay and allowances of a deceased Soldier. There are special rules to determine each category of beneficiary. For further information, consult DOD 7000.14–R, Volume 7A, paragraphs 40504, 40513, and 40514 for DG and unpaid pay and allowances, or consult the local Staff Judge Advocate's office.

9–2. Death gratuity
a. Death gratuity is payable to certain survivors of—

(1) Deceased active duty Soldiers.

(2) Soldiers who die within 120 days of separation or retirement from active duty, to include retirement for disability or length of service, may be eligible for payment.

b. One hundred–twenty day period begins on the day following the date of discharge or release.

c. Character of service must be under honorable conditions.

d. The DVA must determine that death resulted from disease or injury incurred or aggravated while the Soldier was—

(1) On active duty.

(2) While on authorized travel status to and from duty.

e. The DFAS will make payment of DG only after the DVA makes a determination.

f. Disbursement will be made by the field Finance and Accounting Office (FAO) through the CAO to—

(1) Surviving spouse (see DOD 7000.14–R, Volume 7A, para 40505) or natural parents as designated beneficiary on the DD Form 93.

(2) If there is no surviving spouse and there is a surviving child, DFAS will authorize the payment to children and Soldier designated natural parents as beneficiary on DD Form 93.

g. The CAO will discuss options for payment on the initial visit with the NOK, which is normally within the first 24 hours of the notification.

h. The responsible CAC will inform CMAOC of any delay in payment and reason for delay.

i. If there is no surviving spouse, children, or designated natural parent, DFAS will determine the eligible beneficiary and make payment within 45 to 60 days.

j. A DG is payable to certain survivors of deceased active duty Soldiers. Certain NOK of Soldiers who die during the 120–day period beginning on the date following date of discharge or release, under honorable conditions, from active duty (including retirement for disability or length of service) may be eligible for a DG. However, the DVA must determine that the death resulted from disease or injury incurred or aggravated while the Soldier was on active duty or while authorized travel status to or from duty. In 120–day cases DFAS will make payment of DG only after the DVA makes a determination.

k. When the deceased Soldier is survived by a spouse and payment is not restricted, the field FAO will make the DG payment via the CAO (see DOD 7000.14–R, Volume 7A, para 40505). The FAO will also make the DG payment when there is no spouse or children and the Soldier has designated the natural parents as beneficiary on the DD Form 93. The FAO will make payment within 72 hours after the initial notification of death, or within 72 hours of receipt of authorization, as applicable. When there is no surviving spouse or designated natural parent, DFAS will determine the eligible beneficiary and make payment within 45 to 60 days.

l. The DG is not payable to a beneficiary or survivor who is suspected in the death of a member, unless there is evidence that clearly absolves such beneficiary or survivor of any felonious intent.

m. The local FAO will make the DG payment directly to the eligible spouse or designated natural parents. The CAC must verify the DG recipients with 100 percent accuracy prior to payment. The CAO will assist in making this payment. When direct payment is not practical, the CAO will make payment as follows—

(1) The CAC in possession of the local personnel records will send a DG authorization memorandum to the CAC having geographical responsibility for the area in which the NOK resides. The responsible CAC will coordinate with the local DFAS to make payment.

(2) If the Soldier's records are not available, CMAOC or DFAS must grant the DG authorization.

n. The CAO will follow the detailed procedures below in assisting with payment of gratuities, pay, and allowances—

(1) Give the Army, Air Force, or Navy FAO serving the area where the NOK is located a duly certified DD Form 397 (Claim Certification and Voucher for Death Gratuity Payment) with items 5 through 11, 13, 14, and the claim certification portion of block 18 completed. (Beneficiaries need to add their SSN to item 5 to expedite process.) If applicable, submit copies of the document appointing the CAO as a Class A Agent with the DD Form 397. If the disbursing officer of another Service will obtain funds, also include a statement authorizing the CAO to obtain funds from that Service and the Army DG funds citation.

(2) For beneficiaries electing a paper check, obtain the gratuity check, the voucher, plus 1 copy of the DD Form 397 from the finance or disbursing officer and deliver them to the eligible payee.

(3) When the CAO presents the check to the payee, obtain the required certification and signature on the original and 1 copy of DD Form 397. If the payee does not sign the DD Form 397, return the voucher, the check, and a statement describing the details to the finance or disbursing officer for action.

(4) Once the CAO has delivered the DG to the authorized beneficiary, notify the servicing CAC of the amount paid, date paid, to whom payment was made, and who made the payment.

9–3. Claims for unpaid pay and allowances

a. The CAO will assist in completing SF 1174 (Claim for Unpaid Compensation of Deceased Member of the Uniformed Services), parts A and E, when the NOK is the beneficiary for both the DG payment and the unpaid pay and allowances. Ensure you have the full address of the beneficiary reflected in part A1 and both witness sections of part E properly completed. (Line through the portion of part E pertaining to funeral expenses, as it is no longer applicable.)

b. The CAO will return the signed original SF 1174 and, if applicable, 1 copy of the DD Form 397, to the finance or disbursing officer.

c. Where there is no surviving spouse or natural parents, and in the case of all other beneficiaries, DFAS will determine the eligible beneficiary and make payment. This decision may require the CAO to investigate and provide supporting documentation. When the beneficiary (other than spouse) is dependent on the Soldier and is found to be in urgent need of money, the CAO will contact—

(1) DFAS–IN, ATTN: PMTCBC–IN (CASUALTY), Indianapolis, IN 46249–0800, DSN: 699–7189 or 699–7190 for payment of the DG allowance.

(2) The nearest AER, local chapter of the American Red Cross, Air Force Aid Society, or Navy Relief Society Auxiliary.

Chapter 10
Report of Casualty

10–1. Report of death

Follow procedures in chapter 3 and those below when reporting the death of a Soldier of the ARNG or USAR—

a. The State Adjutant General for ARNG, unit CDRs for USAR, or both, will report unit personnel in training status identified in paragraph 3–1*a* and 3–1*b* to CMAOC. Promptly send the documents below (for SGLI purposes) to CDR, AHRC (AHRC–PEZ) via fax or electronic mail. Mail original forms to AHRC–STL ATTN: PAP–R, 1 Reserve Way St. Louis, MO 63132–5200.

(1) The DD Form 93 and the SGLV Form 8286 and SGLV Form 8285, if applicable.

(2) A copy of the training schedule for IDT, or a copy of orders to active duty, ADT, TTAD, or AT, as related to the circumstances of the death.

(3) When appropriate, a statement of the option elected by a non–prior service Soldier who was not in a pay status.

b. Report ARNG and USAR personnel not in training as stated below—

(1) Report ARNG personnel to the appropriate State Adjutant General. Documentation is prescribed in paragraph 10–2, below.

(2) Report USAR personnel to CDR, HRC–STL, ATTN: AHRC–PAP–R, 1 Reserve Way, St. Louis, MO 63132–5200.

c. Upon receipt of the official certificate of death, RC unit CDRs will send a copy to State Adjutant General or CDR, HRC–STL.

10–2. Documentation

Officials listed below may prepare DD Form 1300—

a. The CMAOC for the Soldiers below—

(1) State Adjutant General personnel, in all cases of death while Soldier was training or death resulted from such training (para 3–1*a* and 3–1*b*).

(2) U.S. Army Reserve personnel, in all cases of death while Soldier was in any status identified in paragraph (para 3–1*a* and 3–1*b*).

b. State Adjutant General, in death cases of a Soldier of the ARNG who is not listed in paragraph 3–1.

c. The USARC, in all cases of death where Soldiers are not on active duty.

10–3. Certification

Officials listed in paragraph 10–2, above, will certify a copy of the DD Form 1300 and supporting documents listed in paragraph 10–1, to the OSGLI. The OSGLI will then correspond directly with the beneficiaries.

10–4. Report of casualty

The CMAOC issues DD Form 1300 as the official certificate of casualty. The DD Form 1300 provides an official record of death or missing status of persons. Government agencies use the completed DD Form 1300 as a basis for paying benefits, collecting casualty data, and closing out active personnel files. The AHRC may provide persons, organizations, or agencies not connected with the Government a copy of this form for settling claims that require proof of death. Normally, AHRC sends 10 certified copies of the completed form to all beneficiaries and the PADD. The DD Form 1300 may be used for any matter where proof of death is required.

Chapter 11
DD Form 93 (Record of Emergency Data)

Section I
Casualty–Related Documents

11–1. Overview
The Army Casualty Program depends upon the DD Form 93 having accurate, up–to–date information. This extremely important form designates beneficiaries for certain benefits in the event of a Soldier's death. It is a guide for the disposition of that Soldier's pay and allowances if captured, missing, or interned. It also indicates the name and address of the persons the Soldier desires to be notified in case of emergency or death. The DD Form 93 for all Active Army Soldiers is stored on eMILPO database and available for retrieval with authorized access.

11–2. Confidential data
All Soldiers (Regular Army (RA), USAR, and ARNG) are required to have a completed DD Form 93 on file. Advise individuals that the data collected on the DD Form 93 is used only for official purposes, consistent with 5 USC 552a.

11–3. Importance of DD Form 93
This form is extremely important because—

a. When completed, it becomes an official and legal document that designates the beneficiaries of certain benefits in the event the individual is in a missing status or deceased.

b. It provides the name and address of the persons to be notified in case of an emergency, sickness, or death.

Section II
Preparation, Review, Update, and Disposition of DD Form 93

11–4. Preparing DD Form 93
Agencies responsible for preparing DD Form 93 and the categories of personnel for whom this form is prepared are shown in table 11–2. Except as specifically noted, complete all entries in eMILPO or by typewriter. If a typewriter or electronic form is not available, print in black or blue–black ink, ensuring a legible image on all copies. Table 11–1 provides instructions for item–by–item preparation.

a. Agencies preparing the DD Form 93 will ensure that—

(1) They submit a new, signed and authenticated, completed form when there is a change in any one of the items, except unit.

(2) They do not staple, fold, punch holes, or mutilate the completed form (original copy) for transmittal to CDR, AHRC (AHRC–PEZ).

(3) Members carefully read and fully understand the instructions and the statement before they sign in ink.

(4) Members complete any item that is the same as a previous entry by repeating the name and entering "SEE ITEM ...."

b. The preparing activity may require individuals filling out the form to present documented evidence of marriage, divorce, birth of family member, adoption of a family member, or any other significant change.

11–5. Review, update, and disposition of DD Form 93
a. Active Army Soldiers will review the form—

(1) During out–processing for permanent change of station (PCS) and pre–separation processing.

(2) Upon arrival at a new duty station.

(3) During any record audit.

(4) In conjunction with Soldier Readiness Program (SRP).

(5) Annually, in their birth month. Soldiers may accomplish this requirement in conjunction with any of the above.

b. Reserve Component (USAR and ARNG) Soldiers will review the form—

(1) During in–processing to a new troop program unit (TPU).

(2) In conjunction with a nationwide deployment or MOB readiness exercise.

(3) Annually, in their birth month. Soldiers may accomplish this requirement in conjunction with (1) or (2), above.

c. All DA civilians assigned to emergency essential (EE) positions, and all civilians deploying in support of military operations will complete or review the DD Form 93 as follows—

(1) Upon acceptance of assignment to a position designated as EE and annually while in that position.

(2) Prior to departure from home station en route to CRC or other central processing facilities.

(3) In conjunction with an emergency deployment readiness exercise (EDRE).

(4) During out–processing for PCS to an overseas assignment and annually while in the overseas area.

d. When reviewing, the person will enter the date of the review in pencil below item 16 (date signed) of the paper copy of the DD Form 93 filed in the local personnel record.

e. A new form is prepared when—

(1) There is a change in any item, except unit.

(2) Five years have elapsed since the latest form was submitted, or 5 years will have elapsed since the last regular annual review. This 5-year criterion applies only to Soldiers on active duty and DA civilians covered in paragraph *c*, above, whose original DD Form 93 is maintained at CMAOC.

f. Prepare the DD Form 93 in accordance with table 11–1 and distribute in accordance with table 11–2.

g. Within 2 working days of the casualty's death, remove the DD Form 93 from the local personnel records, make a copy for the local personnel file and forward the original by mail to CDR, AHRC (AHRC–PEZ), 200 Stovall Street, Alexandria, VA 22332.

Table 11–1
Preparation of DD Form 93 (Record of Emergency Data)

Step	Work Center	Required action
1	PSC/Military Personnel Division (MPD)	Complete the DD Form 93. Follow instructions contained in this chapter. Ensure that each item is explained and fully understood. Additional instructions are contained in table 11–2 .
2	PSC/MPD	Prepare a new form when there is a change in any of the items or 5 years have elapsed since the latest form was submitted.
3	PSC/MPD supervisor	Review and ensure that— a. All items are completed or marked as shown in the detailed instructions in table 11–2. b. Forms which include a continuation are secured with a paper clip. c. All members read and fully understand the instructions.
4	Individual	Promptly notify the unit/BNS1 when changes require an update to DD Form 93.
5	Unit/BNS1	Expeditiously arrange with the PSC/PSD to interview the Soldier and accomplish desired change.
6	PSC/MPD	Ensure that members review the form— a. During out-processing for PCS and pre-separation. b. Upon arrival at a new duty station. c. In conjunction with a unit-wide deployment or premobilization readiness exercise.
7	PSC/MPD	Enter date of review in pencil below item 16 of DD Form 93 on the copy filed in individual's records.
8	PSC/MPD	Verify the correctness and completeness of data contained on the DD Form 93. Refer to table 11–2 for complete dispositions instructions.
9	PSC/MPD	Periodically (at least once annually), during the personal affairs orientation, emphasize the importance of maintaining the DD Form 93 in a current condition.

Table 11–1
Preparation of DD Form 93 (Record of Emergency Data)—Continued

Step	Work Center	Required action
10	PSC/MDP	Upon death, remove the Soldier's record copy of the DD Form 93, SGLV 8286, and SGLV 8285, if applicable; make copies for the records, and forward the originals by mail to CDR, AHRC–PEZ, 200 Stovall Street, Alexandria, VA 22332–0001 within 2 working days.

Table 11–2
Preparation and distribution of DD Form 93

Category of personnel	Responsible agency	Initial distribution	Disposition when status changes
Active duty enlistees, inductees, and reenlistees from civilian life entering the Active Army	Military Enlistment Processing Station (MEPS)	Place all copies of completed DD Form 93 in Soldier's record, and handcarry to the Reception Battalion.	Upon death, mail original immediately to CDR, AHRC–PEZ, 200 Stovall Street, Alexandria, VA 22332
	Reception Battalion	Mail copy to CDR, send copy to record AHRC–PEZ, and provide copy to Soldier.	Upon death, mail original DD Form 93 with SGLV 8286 to CDR, AHRC–PEZ, 200 Stovall Street, Alexandria, VA 22332. Send copy of DD Form 93 last LES/MPV via the DFAS input station to CDR, DFAS, ATTN: Inquiries Division, Department 363, Indianapolis, IN 46249.
ARNG and USAR personnel on active duty for less than 6 months, or en route to or from or while participating in authorized training.	Responsible unit or organization to which attached or training site.	File copy in a separate file at unit. File copy in record, and give copy to Soldier and copy to FAO.	Upon death, mail copy of DD Form 93 with SGLV–8286 to CDR, AHRC–PEZ. Send personal financial record (PFR) with last MPV to DFAS via the servicing DFAS–RC input station.
ARNG and USAR on active duty for more than 6 months.	Responsible unit or organization.	Mail copy to CDR, AHRC–PEZ, 200 Stovall Street, Alexandria, VA 22332. File copy in record, give copy to Soldier and copy to servicing FAO.	Upon death, mail original with SGLV–8286 to CDR, AHRC–PEZ. Send PFR with last MPV to DFAS via the servicing DFAS input station.
ARNG and USAR unit member not in duty or training status	Responsible unit or organization	File copy in a separate file at unit. File copy in record, and give copy to Soldier and copy to FAO.	See paragraph 10–1.
USAR enlistees and reenlistees from civilian life entering the USAR and scheduled for IADT.	MEPS	File copy in Soldier's records and handcarry file to Reception Battalion. Send copy to USAR unit of assignment and a copy to Soldier.	Upon death, mail copy of DD Form 93 and SGLV 8286 to CDR, AHRC–PEZ, 200 Stovall Street, Alexandria, VA 22332.
	USAR Unit of assignment	Furnish copy to FAO.	Upon death, notify FAO to send last LES/MPV to DFAS via the servicing DFAS input station.
	Reception Battalion	File a paper copy in the record.	Upon death, mail copy of DD Form 93 and SGLV–8286 to CDR, AHRC–PEZ. Notify FAO to forward DD Form 93 with last LES/MPV to DFAS via the servicing DFAS input station.

Table 11–2
Preparation and distribution of DD Form 93—Continued

Category of personnel	Responsible agency	Initial distribution	Disposition when status changes
USMA cadets and newly commissioned graduates	USMA	File paper copy in cadet's records at the USMA. Give copy to cadet.	When commissioned, fill out new form and mail copy to CDR, AHRC–PEZ. File paper copy in record and give copy to Soldier. If death occurs in cadet status mail copy to CDR, AHRC–PEZ. With SGLV–8286. Send 1st paper copy to DFAS with last LES/MPV via the servicing DFAS station.
ROTC cadets attending summer camp and ROTC cadets receiving commission upon graduation.	ROTC Instruction Group.	File paper copy in cadet's record and give copy to cadet.	When commissioned, fill out a new form and mail copy to CDR, AHRC–PEZ. File original in record and give copy to Soldier. While at summer camp, send copy to Installation CDR of camp. Return copy to Professor of Military Science at school upon completion of camp. If death occurs at camp, mail original with SGLV 8286 to CDR, AHRC–PEZ, and mail copy to DFAS with last LES/MPV via the servicing DFAS input station..
2LT's commissioned under the early commission program (assigned to USAR Contingency Group Delayed)	Army HQ processing the appointment	Home unit will file original, file a paper copy in record, and give a copy to Soldier.	Upon death, send original of DD Form 93 with SGLV 8286 to CDR, AHRC (PEZ). Send a copy with last LES/MPV to DFAS via the servicing DFAS input station.
Active Duty, USAR, and ARNG Soldiers needing changes to their DD Form 93.	Agency responsible for individual record.	Mail copy to CDR AHRC–PEZ. File paper copy in record and give a paper copy to Soldier.	Upon discharge (except to reenlist or REFRAD), destroy paper copy. Upon death, mail original of DD Form 93 with SGLV–8286 to CDR, AHRC–PEZ. Send copy of DD Form 93 with last LES/MPV to DFAS via the servicing DFAS input station.
DA civilians assigned OCONUS, not designated EE.	Home station CPO	Mail copy to CDR, AHRC–PEZ. File copy in employee's OPF, give a copy to employee.	Upon deployment in support of military operations, place paper copy in out–processing packet to take to central processing center. Upon death, mail original to CDR, AHRC–PEZ.
DA civilians assigned OCONUS, designated as EE.	Home station CPO	Mail copy to CDR, AHRC–PEZ. File copy in employee's OPF, forward a copy to theater AHRC. Give copy to employee.	Upon death, mail a original to CDR, AHRC–PEZ.
DA civilians in CONUS assigned to EE.	Home station CPO	File copy in employees OPF and give a copy to employee.	Upon deployment, mail copy to CDR, AHRC–PEZ. 200 Stovall Street, Alexandria, VA 22332. File copy in OPF, place copy in employee's out–processing packet.
DA civilians in CONUS or OCONUS deploying TDY	Home station CPO	Mail copy to CDR, AHRC–PEZ. File copy in OPF, place copy in employee's processing packet, and give a copy to employee.	Upon death, mail original to CDR, AHRC–PEZ.

Table 11–2
Preparation and distribution of DD Form 93—Continued

Category of personnel	Responsible agency	Initial distribution	Disposition when status changes
	CRC or other central processing center	Upon deployment, forward paper copy with employee to theater	Upon arrival in theater, turn copy over to the in–processing center.

Notes:

[1] Upon death of a Soldier, documents to be sent to CDR, AHRC–PEZ will be mailed immediately (within 2 working days). Agencies responsible for preparation and initial distribution of DD Form 93 will send the forms to CDR, AHRC–PEZ, when applicable, within 72 hours of preparation.

[2] Forms prepared by MEPS and the Army recruiting battalion will retain the record for a minimum of 15 days and then destroy it.

[3] The DD Form 93 will be completed at least 30 days before the opening date of camp or entry on active duty (AR 145–1).

[4] Prepare a new DD Form 93 when there is any change on the old form, that is, unit, marriage, divorce, birth of children, a family member deceased, home address changes, and so forth.

[5] If Soldier's pay and allowances are processed by DFAS, then send the 2d copy to the Soldier's BNS1for filing in Soldier's readiness file or other POR screening/MOB file.

11–6. Person authorized to direct disposition designation

a. All Soldiers will designate their PADD selection in the remarks portion of the DD Form 93.

b. In compliance with 10 USC 1482, the order of precedence for determining the PADD is as follows—

(1) The first person in the PADD order of precedence for both married and unmarried Soldiers will be the person designated on the DD Form 93. The Soldier can designate any blood relative or the spouse (if married).

(2) When the person designated by the Soldier declines to be the PADD or the designated person does not survive the Soldier, then the order of precedence prescribed below will take effect.

(a) Surviving spouse, even if a minor.

(b) Sons or daughters who have reached the age of majority in the order of seniority (age).

(c) Parents in order of seniority (age) unless legal custody was granted to another person by reason of court decree or statutory provision. The person to whom custody was granted remains the PADD despite the fact that the Soldier had reached the age of majority at the time of death. Stepparents serve in loco parentis and are not parents.

(d) That blood or adoptive relative of the individual who was granted legal custody of the individual by reason of a court decree or statutory provision. The person to whom custody was granted remains the PADD despite the fact that the individual had reached the age of majority at the time of death.

(e) The elder sibling who has reached the age of majority in the order of seniority (age). When the deceased person has full siblings, half–siblings, or step–siblings; the order of precedence is the full siblings by seniority then the half–siblings by seniority. Step–siblings are not eligible to direct disposition of remains. Adopted siblings are treated the same as full siblings when adopted by both of the deceased person's biological parents. Adopted siblings are considered as half–siblings when adopted by only 1 of the deceased person's biological parents.

(f) Grandparents in order of seniority (age).

(g) Other adult blood relatives in order of relationship to the individual under the laws of the deceased's domicile. When 2 individuals are of equal relationship, priority will be determined by age.

(h) Remarried surviving spouse. For this directive, the remarried surviving spouse is one who was not divorced from the deceased and has remarried at the time disposition of remains is to be made. The latter would apply to the case of a Soldier who has been declared deceased, body not recovered, and whose remains are later recovered and identified.

(i) Person in loco parents.

(j) Legal representative of the estate may make disposition of remains when all efforts to identify or locate a person designated on the DD Form 93 or in categories (*a*) through (*i*) are unsuccessful. The legal representative must be properly appointed by a civil court having jurisdiction of the decedent's estate. The legal representative of the estate will submit a claim to direct disposition of the remains through the casualty assistance center to MACS.

(k) Personal friend of the deceased when the remains are not claimed by a person designated on Soldier's DD Form 93 or in (*a*) to (*j*) above. The Chief, Disposition Branch (AHRC–PED–D) will determine the PADD whenever the PADD will be someone other than a blood relative of the decedent.

(l) When the person designated in Soldier's DD Form 93 and all known persons in categories (*a*) through (*k*) relinquish disposition authority or cannot be identified or located, then disposition of the remains will be made by the administrative determination of Chief, Disposition Branch.

(m) When the person designated by the Soldier on the DD Form 93 and the highest in the order listed in (*a*) through (*j*) declines in writing to direct the disposition of remains DA Form 7302 (Disposition of Remains Statement), the authority will be offered to the next person in order of priority.

c. Other members of the decease Soldier's family may not necessarily agree with the Soldier's designated PADD. The Army will not become involved with this family issue and will comply with the Soldier's wishes to the extent

possible. However, the Army will comply with a civil court order enjoining the Army from transferring custody of the remains or granting control or custody of the remains to a person other than the person the Soldier designated.

d. Personnel offices assisting Soldiers with the completion of the DD Form 93 will ensure Soldiers make a PADD designation in the remarks section and include name, relationship, address with zip code, and telephone number for the person designated as the PADD. When a Soldier designates a blood relative other than the spouse, if married or a parent if single, the Soldier will be counseled by an officer, warrant officer, senior NCO (SFC–CSM), or civilian employee (GS–5 equivalent or higher) or contract employee, and the counselor will attach a copy of the counseling to each copy of the DD Form 93. If the Soldier insists on designating a relative other than the PNOK, the counselor will annotate the following comments in the counseling form: On (date) this Soldier was counseled regarding this unusual PADD designation.

e. Currently PADD information may be entered in eMILPO under the additional emergency information category. After this selection is made, the system will display the data related to the selected Soldier's PADD information. You may select individual authorized to direct disposition of the Soldier's remains and enter the address with zip code and telephone number in the general remarks block. Additional emergency notification data will currently print in the continuation/remarks block of the DD Form 93. A change to eMILPO will be published in the near future to modify the mandatory recording of PADD information and make this information a separate line item.

Chapter 12
Life Insurance

Section I
Servicemembers' Group Life Insurance

12–1. Establishment

The Servicemembers' Group Life Insurance Program became effective on 29 September 1965 with the enactment of PL 89–214. Since its inception, the SGLI program has had several amendments. The major changes have been the amount of coverage, the persons eligible to be insured, the conditions under which persons are eligible for SGLI, and the continuation of such insurance after the Soldier's transition from the Service. These laws are codified as 38 USC 1965–1980. The SGLI is a group life insurance policy purchased by DVA from a commercial life insurance company. The program is operated under an arrangement with commercial companies through the OSGLI.

12–2. Soldier responsibilities

a. Soldiers will ensure the amount of insurance coverage and beneficiary designations on their SGLV Form 8286 are current.

b. Soldiers will promptly inform the personnel officer of any—

(1) Election to increase or decrease coverage.

(2) Election not to have coverage.

(3) Change or addition to beneficiaries.

(4) Legal name change.

12–3. Application, type, and amount of insurance

a. Eligible Soldiers apply for SGLI coverage and designate beneficiaries with SGLV Form 8286.

b. The insurance issued under the SGLI is term life insurance. SGLI does not pay dividends. There are no loans, cash, paid-up, or extended insurance values, or any provision for waiver of premiums or benefit because of total disability, accidents, and so forth, except for disability.

c. As of 1 September 2005, all Soldiers are automatically insured under SGLI for the maximum $400,000 amount of coverage, unless they elect in writing to be covered for a lesser amount, or not to be covered at all. They may purchase lesser amounts in increments of $50,000.

d. The SGLI coverage does not affect the right to retain any other Government or private insurance, except VGLI. This coverage is in addition to any other benefits payable in case of death (including any other Government life insurance that the Soldier may have in force, except VGLI).

12–4. Soldiers eligible to be insured

a. Full-time coverage is provided for the following Soldiers while performing full-time active duty or ADT under calls or orders that do not specify a period of less than 31 days—

(1) Commissioned, warrant, and enlisted Soldiers.

(2) Members of the Ready Reserve who are assigned to a unit or position in which they may be required to perform

active duty or ADT and each year will be scheduled to perform at least 12 periods of IDT that is creditable for retirement purposes under 10 USC.

(3) Cadets of the United States Military Academy.

b. Cadet members of ROTC while taking part in field training or practice cruises, under calls or orders that do not specify less than 31 days (full–time coverage) or orders specifying less than 31 days (part–time coverage)

c. Members of the Individual Ready Reserve (IRR) who volunteer for assignment to a MOB category under 10 USC 12304(i)(1).

d. Part–time coverage is provided to the following eligible Soldiers of the Reserves who do not qualify for full–time coverage while performing AD or ADT under calls or orders specifying period of less that 31 days—

(1) Commissioned, warrant, and enlisted Soldiers.

(2) Soldiers in the IRR during 1–day call–ups.

(3) Soldiers in the ARNG while performing duty under 32 USC 316, 32 USC 502, 32 USC 503, 32 USC 504, or 32 USC 505.

(4) Cadets of the ROTC, while attending field training exercises.

12–5. Termination of coverage

a. Absent without leave. When a Soldier is determined to be AWOL, the CDR will promptly submit DA Form 4187 (Personnel Action) to the DFAS. The DFAS will automatically terminate the Soldier's pay if the AWOL continues for 31 consecutive days. The SGLI coverage is terminated at the end of the 31st day of absence. Deductions for SGLI will also cease as of the 31st day of absence.

b. Court–martial sentence. The SGLI coverage terminates at the end of the 31st day of continuous confinement when a Soldier is under court–martial sentence, including total forfeiture of all pay and allowances. (As an exception, see offenses listed in paragraph 12–7, below which would result in prompt termination of coverage.)

c. Arrest or confinement by military authorities. Arrest or confinement by military authorities does not terminate SGLI coverage, except as stated in *b*, above.

d. Civilian confinement. The SGLI coverage terminates at the end of the 31st day of civilian confinement if a Soldier is confined under a sentence adjudged by a civilian court.

12–6. Restoration of terminated coverage

The CDR will ensure that the DA Form 4187 is forwarded to DFAS so that premium deductions can be resumed for any insurance terminated under the provisions of paragraph 12–5 *a*, 12–5*b*, and 12–5 *d*. The DFAS will automatically restore coverage as of the date the Soldier is returned to duty with pay. Beneficiary designations or elections of settlement in effect at the time of termination will remain the same as before coverage termination.

12–7. Forfeiture of coverage

a. The persons below will forfeit all rights to SGLI.

(1) Those guilty of mutiny, treason, spying, or desertion.

(2) Those who, because of conscientious objections, refuse to perform service in, or wear the uniform of, the Armed Forces of the United States.

b. No insurance will be payable for death inflicted as a lawful punishment for crime, or for military or naval offenses. However, it will be paid for death inflicted by an enemy of the United States.

12–8. Payment of claims

The OSGLI manages all SGLI claims payments. Send claims to OSGLI.

Section II
Servicemembers' Group Life Insurance for Active Duty Soldiers

12–9. Premium rates

Soldiers of the Uniformed Services pay the cost for full–time coverage under the SGLI program. A monthly premium charge is deducted from the Soldiers' pay. Premiums will not be prorated; a full monthly premium will be deducted for the month in which a Soldier enters or leaves active duty or ADT unless he or she declines coverage under this program.

12–10. Continuity of elections and designations

a. Following active duty, if the Soldier becomes obligated or must become obligated for duty in the ARNG or USAR, he or she must make a new election or designation by completing a new SGLV Form 8286. When a Soldier is on continuous active duty, ADT, or TTAD for more than 1 year, any reserve obligation will be considered a new obligation and will require a new election or designation.

b. Any election or designation within the 120 days following transition from active duty, ADT, or ADSW will

replace an election made while on AD. It will continue for the remainder of the 120 days. During this time the Soldier may not reduce or increase the amount of coverage to which entitled.

c. Individual Soldiers of the IRR who are not eligible for full–time SGLI coverage must complete a new SGLV Form 8286 each time they enter on active duty, AT, ADT or ADSW, of 31 days or less.

Section III
Servicemembers' Group Life Insurance for the U.S. Army Reserve, the Army National Guard, and the Reserve Officers' Training Corps

12–11. Who is covered

a. The SGLI coverage is provided for all unit Soldiers of the ARNG and USAR and unit Soldiers in pay status.

b. Soldiers of the IRR or individual mobilization augmentee, attached for training in a non–pay status to units that are scheduled for at least 12 periods of IDT annually, that is, reinforcement training unit, MOB designation detachment, or an Army Reserve Forces School student detachment.

c. Soldiers who have completed at least 20 years of satisfactory service creditable for retirement purposes (if they are assigned to, or on application would be eligible for assignment to, the Retired Reserve; and have not received the first increment of retired pay or reached age 61).

d. Cadet members of ROTC while taking part in field training or practice cruises, under calls or orders that do not specify less than 31 days (full–time coverage) or specifying less than 31 days (part–time coverage).

e. Soldiers of the IRR or individual mobilization augmentee, not included in *b*, above, during AT, ADT or ADSW for a period of less than 31 days (part–time coverage only).

12–12. Periods of coverage

Coverage under the SGLI Program is provided as follows—

a. Full–time coverage.

b. Part–time coverage.

12–13. Beginning and ending dates of coverage

The periods during which a Soldier is insured under the SGLI Program will begin and end as follows—

a. Beginning dates of coverage.

(1) The first day of active duty, ADT, ADSW.

(2) The beginning of IDT scheduled in advance by competent authority.

(3) The first day a Soldier of the IRR is assigned or attached to a unit.

(4) Upon application and payment of 1 month's premium for Soldiers who complete 20 years of satisfactory service.

b. Termination of coverage. Insurance terminates as stated below, unless the insured aggravates or incurs a disability during his or her period of coverage (see (3), below).

(1) Full–time coverage will terminate 120 days after transition from duty. This does not apply if the Soldier is eligible for transfer to Retired Reserve for having completed 20 years of satisfactory service creditable for retirement purposes. The Soldier must send an application to OSGLI before the end of the 120–day period.

(2) Part–time coverage terminates as stated below. (The insurance continues in force while the Soldier is returning directly from the place of duty).

(a) At midnight, local time, on the last day of a period of active duty, ADT, ADSW, TTAD, for 31 days or less.

(b) At the end of IDT scheduled in advance by competent authority.

(3) The insurance coverage will cease if terminated or forfeited under the conditions listed in paragraphs 12–5 and 12–7.

(4) The automatic insurance coverage of a Soldier who either cancels or elects reduced coverage will end at midnight of the last day of the month in which the custodian of the local personnel records received the new completed SGLV Form 8286.

c. Extensions of coverage for disabled Soldiers.

(1) The insurance of a Soldier will continue in force if on the date of separation or release from eligible status, he or she is totally disabled. Termination dates in *b*(1), above will be extended to 1 year after separation or release; or to the date the Soldier ceases to be totally disabled, whichever is earlier. The insurance will not terminate during the 120–day period following separation or release from an eligible status.

(2) The insurance of a Soldier with part–time coverage will continue in force for 120 days after the end of a period of duty during which he or she becomes disabled or aggravates a pre–existing disability which causes him or her to be uninsurable at standard premium rates. This will be according to the good health

(3) The insurance is payable if death results from the incurred or aggravated disability within 120 days following the period of duty. Standards approved by DVA.

12–14. Applying for insurance

The maximum amount of insurance is $400,000. Eligible Soldiers are automatically covered for $400,000, unless they elect in writing to be covered for a lesser amount, or not to be covered at all. To prevent restoration of maximum coverage when the Soldier completes a new SGLV Form 8286, he or she must write the desired amount of insurance requested in the amount of coverage field. If the Soldier is paying for insurance less than $400,000 and the amount of coverage field is left blank on the SGLV Form 8286, the Soldier is essentially requesting maximum coverage.

12–15. Payment of premiums

Premium rates cannot be prorated. They are not reduced if coverage is provided for less than 1 full month or less than 1 full year. Soldiers of the IRR and Standby Reserve who have completed 20 years of creditable service will also be charged these same rates when assigned or attached to a unit. Rates for all other eligible Soldiers will be the same regardless of age. Premiums are as follows—

a. Automatic payroll deduction. The DFAS will automatically deduct premiums from the Soldier's pay. Deductions will continue unless the member waives the insurance or reduces coverage.

(1) Those assigned to ARNG and USAR in pay status.

(2) Those on active duty, ADT, ADSW, TTAD under call or order for not less than 31 days.

(3) The ROTC cadets on ADT for not less than 31 days while attending summer field training.

b. Annual payment. Premium rates for Soldiers on brief periods of duty will be collected at the site of AT, ADT, ADSW, or TTAD of 31 days or less. The DFAS will automatically deduct premiums from the Soldier's training pay. Soldiers who have already paid the current fiscal year premium must present proof of payment at the training site to preclude automatic deduction.

c. Waived or reduced coverage. A new premium deduction (or no deduction) for reduced or waived full–time coverage begins on the first day of the month. It will be following the date the FAO or custodian of the Soldier's records received the completed SGLV Form 8286. Insurance coverage cannot be waived or reduced for a Soldier who has part–time coverage with premium rate paid semiannually (2), above or annually (3), above).

d. Premium collection. The CDR, HRC–STL is responsible for collecting premiums for attached personnel. The HRC–STL will compute and collect premiums semiannually.

12–16. Counseling for Army National Guard and U.S. Army Reserve coverage

a. Counseling. Counsel ARNG and USAR members according to paragraph 2–2 and 2–3 of this regulation.

b. Twenty qualifying years–Retired Reserve. The unit CDR will counsel ARNG and USAR Soldiers who completed 20 qualifying years of service before transfer to Control group or before transition.

Section IV
Servicemembers' Group Life Iinsurance Election and Certificate

12–17. Beneficiary designations

a. All Soldiers electing SGLI coverage are required to designate each principal and contingent beneficiary by name. Soldiers may not designate beneficiaries "BY LAW" or "BY WILL."

b. A Soldier may designate as beneficiary any person, firm, corporation, or legal entity, including a charitable organization or a trust. The Soldier may designate a principal (first) and a contingent (second) beneficiary. A contingent beneficiary receives the SGLI proceeds if the principal beneficiary dies before the Soldier. When a Soldier designates more than 1 beneficiary, the SGLV Form 8286 must clearly show each beneficiary designated as either "principal" or "contingent." When the Soldier designates 2 or more beneficiaries as principal or contingent, the Soldier should specify in fractions, percentages, or monetary amounts the share to be paid to each beneficiary shown on the form.

12–18. Counseling on beneficiary designations

a. Initial requirement. Explain the rights, benefits, and privileges available under SGLI to all eligible Soldiers entitled to coverage upon initial entry on active duty, and to USAR or ARNG. Advise all Soldiers that servicing legal assistance attorneys are available to counsel Soldiers on the impact of their beneficiary

b. Designations on payment. Designations on the payment of proceeds or on their estate plan as a whole, at no expense to the Soldier. Written handouts will provide all counseling this paragraph requires except for the unusual beneficiaries designations (para 12–18*b*, below). Servicing staff and CMD judge advocates must review and provide legal advice on the content of such handouts (see AR 27–3).

c. Initial requirement, unusual designation. The installation AG will appoint an officer, warrant officer, senior NCO (E7–E9), or civilian (GS 5 or higher) employee or contract employee to counsel Soldiers who name some person or organization other than family members or parents as a beneficiary. The appointed officer will sign the SGLV Form 8286 in the "Witnessed and Received By" block. If an appointed Federal contract employee signs, enter the word "Contractor" in the "Rank, Title, or Grade" block of the SGLV Form 8286. Appointment of a contract employee will

be in writing and will include the statement that the contractor is authorized to sign "for" the delegating official as a ministerial act based upon objective criteria as set forth in existing regulations or policy requiring no exercise of discretion. At a minimum, the counselor will advise the Soldier that SGLI is intended to provide some form of financial security for family members or parents. Additionally, inform the Soldier that election of beneficiaries is a personal choice requiring careful consideration. If the Soldier insists on an unusual designation, the person providing the counseling to the Soldier will insert the following notation near the bottom of the SGLV Form 8286: "On (date) this Soldier was counseled regarding this unusual beneficiary designation." The person who counseled the Soldier will sign and date the form.

d. Married Soldiers. While the selection of a beneficiary is a matter of free election for the insured, and the insured should never be forced to designate otherwise, under PL 190–80, if a married Soldier elects reduced insurance coverage from the maximum amount or designates a beneficiary outside of his or her spouse or family members, the servicing personnel unit (representing the DOD) must provide the spouse with written notification of the designation change.

e. Designation of minors directly by name. Counsel a Soldier who wishes to name a minor as a principal or contingent beneficiary directly by name that SGLI proceeds cannot be directly paid to a minor. Further advise the Soldier of the following—

(1) Advantages are—

(a) The probate of a will is not required in order to pay SGLI proceeds. If the SGLI proceeds are the only major asset in the Soldier's estate, the delay and expense involved in probate may be avoided altogether.

(b) A court will determine the person best qualified to serve as guardian of the SGLI proceeds for the benefit of the minor.

(2) Disadvantages are—

(a) Before the SGLI proceeds may be released and used for the benefit of a minor (other than a minor spouse), an adult acting on behalf of the minor (or appointed by a court to do so) must petition a court to appoint the guardian for the SGLI proceeds. Since the appointment of a guardian takes place after the Soldier's death, the Soldier has no input about the person selected to act for the minor. In many cases, the person appointed guardian for a child who is designated as an SGLI beneficiary may be the Soldier's spouse or former spouse.

(b) Most courts will require the guardian to pay for a surety bond to ensure payment of the SGLI proceeds.

(c) Under some state laws, only a certain amount of money may be spent on behalf of a minor each month or year, despite the Soldier's election. If more is needed, a judge must approve.

(d) Certain bond, court, and legal expenses are paid out of the SGLI proceeds, initially, as well as while the designated beneficiary remains a minor.

(e) The distribution of SGLI proceeds are delayed pending the appointment of a guardian.

(f) All SGLI proceeds must be paid to the minor at age 18, regardless of the minor's maturity, or lack thereof.

f. Designations of custodians and trustees. Designating a custodian for minor beneficiaries or a trustee for minor and/or adult beneficiaries may be preferable to designating some persons directly by name as SGLI beneficiaries. These methods require taking certain steps before such designations can be made. A Soldier should be counseled to not delay completing the SGLV 8286 in order to complete these steps. For example, it is preferable that Soldiers designate a minor beneficiary directly by name and later execute a new SGLV Form 8286 after they have found a person who has agreed to serve as the minor's custodian or trustee.

g. Designating a custodian. Advise a Soldier who desires to name a custodian for a minor as the principal or contingent beneficiary under the UGMA or the UTMA that before completing the SGLV 8286, they should obtain the approval of the friend, relative, or financial or other institution they want to serve as the UGMA/UTMA custodian for distribution of the SGLI proceeds. Transfer of SGLI benefits under the UGMA/UTMA may be for the benefit of a minor child or children, regardless of their relationship to the Soldier. Further advise the Soldier that—

(1) Advantages are—

(a) There is no requirement for court involvement. The court appointment of a custodian and the probate of a will is not required in order to pay SGLI proceeds. If the SGLI proceeds are the only major asset in the Soldier's estate, the delay and expense involved in probate may be avoided altogether.

(b) The Soldier, not a court, determines who will act in the minor's best interest with regard to the use of SGLI proceeds.

(c) The UGMA/UTMA custodian can use the SGLI proceeds, as the UGMA/UTMA custodian determines is appropriate, for the benefit of the children during the time the children remain minors.

(d) Ordinarily the UGMA/UTMA custodian will not be required to pay for a surety bond to receive the SGLI proceeds.

(e) There ordinarily will be no delay in the distribution of SGLI proceeds to the designated UGMA/UTMA custodian.

(2) Disadvantages are—

(a) All SGLI proceeds must be paid to the minor at age 18, regardless of the minor's maturity, or lack thereof.

(b) There is no automatic court supervision of the UGMA/UTMA custodian.

(c) There is no surety bond required that could protect the minor's funds from theft, fraud, waste, and other such acts by the UGMA/UTMA custodian.

h. Designating a trustee under a trust established in a will. Advise a Soldier who wishes to designate a trustee under a trust established in a will (a testamentary trust) as a primary or contingent beneficiary that before completing the SGLV 8286, the Soldier must have a will prepared that contains a trust, and the Soldier must sign (execute) the will. The trust in the will may be established for minors or adults, regardless of their relationship to the Soldier. Further adviser the Soldier the following—

(1) Advantages are—

(a) The will may waive a surety bond and related expense.

(b) The trustee can use the SGLI proceeds for the benefit of the minor for the period of time, and in the manner specified, in the will. Direct distribution of SGLI proceeds may be delayed beyond the 18th birthday of the minor (for example, upon completion of college, or age 25, which ever occurs first).

(2) Disadvantages are—

(a) The will, which might not have otherwise required probate (for example, because of the small amount of other property in the Soldier's estate), will be probated and the court must appoint the trustee before the designated trustee may receive the SGLI proceeds. Court and legal expenses must be paid.

(b) The distribution of SGLI proceeds will be delayed.

(c) There is no surety bond required that could protect the minor's funds from theft, fraud, waste, and other such acts by the trustee.

i. Designating a trustee under a trust established in a trust document (outside a will). Advise a Soldier who wishes to designate a trustee under a trust established in a trust document as a primary or contingent beneficiary that before completing the SGLV 8286, the Soldier must have a trust document prepared, and the Soldier must sign (execute) the trust document. The trust document may be established for minors or adults, regardless of their relationship to the Soldier. Further advise the Soldier of the following:

(1) Advantages are—

(a) Court involvement is not required. The court appointment of a guardian and the probate of a will are not required in order to distribute SGLI proceeds. This usually avoids court costs and attorney's fees.

(b) A surety bond (and related expense of maintaining the bond) is not required.

(c) There ordinarily is no delay in the distribution of SGLI proceeds to the trustee.

(d) The trustee can use the SGLI proceeds for the benefit of the minor for the time specified in the trust document in the manner stated in the trust document. Direct distribution of SGLI proceeds may be delayed beyond the 18th birthday of the minor (for example, upon completion of college, or age 25, which ever occurs first).

(2) Disadvantages are—

(a) The court does not supervise the trustee.

(b) Surety bond that could protect the minor's funds from theft, fraud, waste, and other such acts by the trustee is not required.

(c) The Soldier must usually pay a civilian lawyer to draft and execute a trust document.

j. Failure to properly name beneficiary. Advise Soldiers that if they do not designate beneficiaries, or their designation fails, (for example, the designated beneficiary dies before the Soldier dies; a trustee is designated, but no trust was established) 38 USC 1970 determines the payment of SGLI proceeds in the following order—

(1) Widow or widower; if none, to—

(2) Child or children in equal shares with the share of any deceased child distributed among the descendants of that child; if none, to—

(3) Parents in equal shares; if none, to—

(4) The executor or administrator of the Soldier's estate; if none, to—

(5) Other NOK.

12–19. Change or cancellation of beneficiary designation

a. Advise Soldiers that they must execute a new SGLV 8286 to change a beneficiary designation and that any event occurring after the Soldier completes the SGLV 8286 (for example, divorce, annulment) will not change their beneficiary designation. A last will and testament, a power of attorney, or any other document will not and cannot change or cancel any SGLI beneficiary designation. To change a beneficiary, the Soldier must complete a new SGLV 8286.

b. An insured Soldier may designate a beneficiary or change a prior designation any time without knowledge or consent of the beneficiary (exception noted in paragraph 12–19*f* of this regulation. The Soldier must complete SGLV 8286. In part 2, the Soldier will enter the names of principal or contingent beneficiaries.

c. Any Soldier who desires to change beneficiaries and is on an authorized leave, TDY, or approved administrative absence, and cannot report to the custodian of the local personnel records, may go to the nearest Army, ARNG, or

USAR installation. The Soldier will report to the CDR or agency responsible for preparing, revising, or making changes to SGLI benefits. With proper identification, he or she may prepare a new SGLI election. That agency will give the Soldier the proper copy and promptly send the original and other copy to the custodian of the Soldier's local personnel records.

d. Soldiers may change beneficiaries after transition for as long as coverage is in effect. A copy of DD Form 214 (Certificate of Release or Discharge from Active Duty) is required as proof of coverage. The Soldier may make beneficiary changes by sending a letter with his or her signature and a copy of his or her DD Form 214 to OSGLI requesting the desired change. Include a statement that the change of beneficiary applies to the 120 days following transition from active duty or other applicable period.

e. A designation or change of beneficiary will not be valid unless it is received by OSGLI, the custodian of the Soldier's records, or authorized representative prior to payment.

f. The unit personnel center will notify the member's spouse in writing if the Soldier chooses 1 of the following elections—

(1) When the member is eligible for insurance and makes and election not to be insured.

(2) When the member makes an election for coverage less the maximum amount.

(3) When the member makes a designation of any persons other than the spouse or child of the Soldier.

12–20. Automatic termination of beneficiary designation

A beneficiary designation will automatically terminate for 1 of the following reasons—

a. Insurance under the group policy terminates 120 days following transition from all duty, or there is no longer an obligation to perform duty in a Uniformed Services.

b. The Soldier re–enters on active duty, or assumes an obligation to perform duty, in another Uniformed Services.

c. The Soldier re–enters on active duty, ADT, IDT, or TTAD in the same Uniformed Services after a break in service.

d. At the end of an extended period of disability coverage, not to exceed 1 year.

12–21. Election and review of coverage

a. To elect options, every eligible Soldier must have on file a properly completed SGLV Form 8286. Personnel officials ensure all entries are typed or printed legibly in ink, except for the following, which must be in the Soldier's handwriting—

(1) Signature (First, MI, Last).

(2) Reduction or refusal of insurance.

b. A Soldier's election on or before the first day of entry on active duty is effective starting that date and for subsequent months, unless he or she changes or terminates it.

c. If a Soldier waives the right to SGLI or reduces the amount of coverage from the maximum allowable to a lesser amount, it must be in his or her own handwriting.

d. Coverage in effect on the day a Soldier waives or reduces SGLI will end at midnight of the last day of the month in which the custodian of the Soldier's personnel file or authorized representative receives the revised SGLV 8286, as stated above.

e. A waiver or reduction of SGLI ends on discharge and immediate reenlistment (in the same or another Uniformed Services) or when discharged to accept a commission or warrant officer appointment, with or without a break in service. A Soldier who has a waiver or reduction of SGLI terminated by the foregoing is automatically reinsured for the $400,000 amount of SGLI after changing status. At that time, the Soldier must complete a new SGLV 8286. He or she must again specify the waiver or reduction desired.

f. Review and update SGLV 8286 anytime there is change or during any records audit. A new SGLV 8286 is not required when the only change is the Soldier's unit of assignment. If no update is required during any records audit, the Soldier will initial and enter date in ink, on the bottom right margin of the form.

12–22. Restoration or reinstatement of waived coverage

a. When a Soldier who waived the right to be insured under SGLI or elected reduced insurance coverage now wants to obtain coverage or increase the amount, the Soldier must apply with the OSGLI, in writing, by completing SGLV 8285.

b. Soldiers desiring to reinstate or increase current SGLI coverage will complete and sign SGLV 8285, part I. The Soldier's CDR or equivalent superior (person should have general knowledge of the Soldier's general health condition) will certify part II. Retain the original completed SGLV 8285 and a new SGLV 8286 in the local personnel records if the Soldier answers "NO" to item 11, and all parts of items 12 and 13, and forward a copy to DFAS to deduct premiums from the Soldier's pay. Do not send a copy of the SGLV 8285 to the OSGLI. In the event of the Soldier's death, forward a copy of the completed SGLV 8285 and SGLV 8286 to CDR, AHRC–PEZ, 200 Stovall Street, Alexandria, VA 22332.

c. If the Soldier answers "YES" in item 11, or to any part of items 12 or 13 on the SGLV 8285, file the original

SGLV 8285 in the local personnel records and send a copy of the completed form to the OSGLI, 290 West Mt Pleasant Avenue, Livingston, NJ 07039, or fax to (877) 832–4943. The OSGLI will review the application and return an annotated copy to the Soldier's unit showing whether they approved or disapproved the request. File the copy the OSGLI returns in the Soldier's local personnel records. Do not submit a new SGLV 8286 to DFAS until the OSGLI returns the "APPROVED" SGLV Form 8285. Upon receipt of the "APPROVED" SGLV 8285, submit the completed form to DFAS with an effective date as of the date the SGLV 8285 was submitted to the OSGLI. If the request for insurance is disapproved, notify the Soldier and advise that he or she may write OSGLI for an explanation of the disapproval.

Section V
Family Servicemembers' Group Life Insurance

12–23. General

Public Law 107–14, effective 1 November 2001, established Family Servicemembers' Group Life Insurance coverage for members of the Uniformed Services who are eligible for SGLI coverage. This law allows for elected SGLI insurance coverage of the member's spouse for up to $100,000, in $10,000 increments, and automatic coverage of the member's dependent children for $10,000 for the time that they have full–time SGLI coverage. Dependent spouses also have the opportunity to convert FSGLI to a private life insurance policy.

a. The FSGLI is a program extended to the spouses and dependent children of Soldiers insured under the SGLI program. The FSGLI program provides up to a maximum of $100,000 of insurance coverage for a spouse, not to exceed the amount of SGLI the insured Soldier has in force, and $10,000 for dependent children. Spousal coverage is issued in increments of $10,000.

b. The FSGLI coverage is provided under a group life insurance policy purchased from a commercial life insurance by DVA. The DVA supervises the OSGLI, who administers the FSGLI program.

c. The FSGLI provides life insurance protection only. It does not provide disability or other supplementary benefits. It has no cash, loan, paid–up, or extended insurance values and does not pay dividends.

d. Soldiers with FSGLI coverage also have access to up to 50 percent of the face value of the spousal coverage through the Accelerated Benefits Option (ABO). To qualify for the ABO, the spouse must have a medical prognosis of life expectancy of 9 months or less. Only the Soldier can apply for and receive the accelerated benefits.

e. If an insured Soldier declines FSGLI coverage for a spouse or elects an amount less than the maximum amount available, the Soldier may later apply for coverage or an increase in coverage up to the $100,000 maximum, or the amount of SGLI held by the insured Soldier, whichever is less. The DVA requires proof of spouse insurability (proof of good health) in these cases.

f. The Soldier is the beneficiary of the FSGLI coverage, so no beneficiary need be named. A Soldier is not entitled as beneficiary if he/she is convicted or pleads guilty to involvement in the death of the spouse or the dependent child.

g. A Soldier married to another Soldier can be insured under both the FSGLI and SGLI programs at the same time, for a maximum coverage amount of $500,000.

12–24. Eligible persons to be insured

a. Persons eligible to be insured in the FSGLI program are the current spouse and the dependent children of all Soldiers (active duty and Ready Reserve) who are covered under the SGLI program on a full–time basis.

b. Dependent children are defined as follows—

(1) All natural born children and legally adopted children under the age of 18.

(2) All stepchildren under the age of 18 who are members of the Soldier's household.

(3) Any dependent child between the ages of 18 and 23 who is a full–time student.

(4) Any dependent child who has been declared legally incompetent before the age of 18.

12–25. Coverage levels

a. Spousal coverage is a maximum of $100,000 and can be in lesser amounts in increments of $10,000. Spousal coverage cannot exceed the Soldier's level of SGLI coverage.

b. Dependent child coverage is the set amount of $10,000 for each dependent child.

12–26. Effective date of coverage

a. The FSGLI coverage begins automatically when the Solder—

(1) Enters service and is married/has dependent children, or

(2) Gets married or gains a dependent child during service, and

(3) Has full–time SGLI coverage.

b. Spousal coverage is automatically at the maximum level of $100,000 or the Soldier's SGLI coverage level, if it is less than $100,000. Automatic coverage begins with the following events—

(1) The date of induction into service.

(2) The date of a marriage while in service.

(3) The date a child becomes a dependent (that is, date of birth, date of adoption, date entered the household).

12–27. Premiums

The Soldier pays premiums for the spousal coverage. The dependent child coverage is free.

a. For all Soldiers entitled to SGLI coverage, DFAS will deduct the premium amount from the Soldiers pay, or otherwise collect from the Soldier.

b. Spousal premiums are based on 7 age brackets. Premiums increase as the spouse reaches each successive age bracket. The increase is effective the month of the spouse's birthday.

12–28. Termination of insurance

The Soldier can choose to decline FSGLI spousal coverage at any time. The FSGLI dependent child coverage is not affected by the declination of FSGLI spousal coverage. The FSGLI dependent coverage will remain in effect as long as the Soldier has full–time SGLI coverage and the child qualifies as an insurable dependent. The FSGLI coverage will also end due to any event that causes the Soldier's full–time SGLI coverage to end, or if the spouse or child becomes ineligible to be covered under FSGLI.

a. The following events end FSGLI spousal coverage—

(1) Soldier declines SGLI coverage.

(2) Soldier declines FSGLI spousal coverage.

(3) The marriage ends due to divorce.

(4) The Soldier dies.

(5) The Soldier is discharged or released from active duty.

b. Soldiers who desire to not have SGLI coverage must complete an SGLV 8286. When completing SGLV 8286, the Soldier should also complete an SGLV 8286A (Family Coverage Election declining FSGLI coverage).

c. The Soldier must complete SGLV 8286A in order to decline FSGLI coverage. Elections made on SGLV 8286A take effect upon the date the Soldier's personnel office receives the form. The Soldier may decline coverage prior to automatic issue or after coverage has been in effect.

d. The FSGLI coverage for both spouses and dependent children will terminate 120 days after termination of the Soldier's full–time SGLI coverage.

12–29. Reduction and cancellation of Family Servicemembers' Group Life Insurance

If a Soldier chooses to have less than the maximum spousal coverage of $100,000, he or she can elect a lower coverage level. Lower coverage levels range from $90,000 to $10,000, in increments of $10,000. Spousal coverage cannot exceed the level of the Soldier's coverage. While the spousal FSGLI coverage can be reduced, the dependent child coverage level is fixed at $10,000.The Soldier pays no premium on child dependent coverage.

a. Spousal coverage. An insured Soldier may elect to reduce or cancel spousal coverage at any time. If the Soldier elects to reduce the amount of spousal coverage, the reduced amount of coverage remains in effect until the Soldier requests an increase in coverage or cancellation of coverage. Where spousal coverage is cancelled, it will terminate as follows—

(1) 120 days after the date of an election made in writing by the Soldier to terminate the coverage.

(2) 120 days after the date of the Soldier's death.

(3) 120 days after the termination of the insurance on the Soldier's life.

(4) 120 days after the termination of the marriage.

b. Dependent child coverage. Dependent child coverage may not be reduced for any reason while the Soldier is insured. Dependent child coverage automatically terminates when the insured Soldier is no longer insured or when the dependent child no longer qualifies as a dependent. Dependent child coverage will terminate at the earliest of either—

(1) 120 days after the date of the Soldier's death.

(2) 120 days after the date of termination of the insurance on the Soldier's life.

(3) 120 days after the termination of the dependent's status as an insurable dependent of the Soldier.

12–30. Restoring and increasing Family Servicemembers' Group Life Insurance coverage

To restore and increase FSGLI coverage, the Soldier must request in writing on SGLV 8285A (Request for Family Coverage for Spouse) and SGLV 8286A through the unit personnel office. The "good health" of the spouse is an issue in being eligible to restore and increase FSGLI coverage, and the Soldier must answer health questions. Election to restore or increase coverage made on SGLV 8285A takes effect upon the date the Soldier's unit receives the form if "good health" is not an issue. If the OSGLI must determine "good health," the coverage does not go into effect until the OSGLI makes an affirmative decision. Once the OSGLI establishes "good health," a premium is due for the month the unit received the election. The OSGLI will advise both the Soldier and the unit of the acceptance or rejection of the application.

a. The Soldier and the Soldier's spouse will complete and sign SGLV 8285A, parts I and II. Upon receipt, the unit CDR or equivalent or designee will then complete the certification in part III.

b. If all medical questions are answered "NO" file the SGLV 8285A in the Soldiers local personnel records with completed SGLV 8286A.

c. If any of the medical questions are answered "YES," send the SGLV 8285A directly to the OSGLI, or fax for review and decision.

d. Upon receipt of the OSGLI decision, file SGLV 8285A and SGLV 8286A, if applicable, in the Soldier's local personnel records. Do not deduct premiums until the OSGLI returns its decision.

12–31. Accelerated Benefits Option

The ABO permits a Soldier to receive up to 50 percent of the spousal FSGLI coverage for a spouse whose physician has diagnosed him or her as being terminally ill. In order to qualify for the ABO, the spouse must have a valid written medical prognosis from a physician of life expectancy of 9 months or less to live. Only the Soldier can apply for and receive the spousal or servicemember ABO benefit. Write for the SGLV Form 8284 (Servicemember/Veteran Accelerated Benefits Option Form) or SGLV 8284a (Servicemember Family Coverage Accelerated Benefits Option Form) at: The OSGLI, 290 West Mt. Pleasant Avenue, Livingston, NJ 07039 or call the office Toll-Free at 1–800–419–1473. The application is also available for downloading from the Internet at: **http://www.va.insurance.gov**.

12–32. Other Government life insurance policies

The DVA administers various types of Government life insurance policies. The type of insurance policy in force depends upon the law that authorized its issuance and is identified by the letters preceding the policy number. In addition to SGLI, Government life insurance policies include VGLI, United States Government Life Insurance (USGLI–policy letter prefix K), National Service Life Insurance (NSLI–policy letter prefixes V and H), Veterans Special Life Insurance (VSLI–policy prefixes RS and W), Veterans Reopened Insurance (VRI–policy letter prefixes J, JR, and JS), Service-Disabled Veterans Insurance (S–DVI) (S–DVI–policy letter prefix RH and ARH) and Veterans Mortgage Life Insurance (VMLI). The VMLI is designed to provide financial protection to cover an eligible veteran's home mortgage in the event of death. This insurance is restricted to those severely disabled veterans who have received grants for specially–adapted housing from DVA. They are automatically eligible for up to $90,000 decreasing term insurance. That is, as the mortgage balance reduces below $90,000, so does their coverage. They cannot have more than the amount of their mortgage. Upon death, the proceeds are payable only to a mortgage lender. The other DVA life insurance program other than SGLI and VGLI available to current Soldiers is S–DVI. The S–DVI policy is available to persons separated on or after 25 April 1951, who are granted a service–connected disability, but are otherwise in good health. Eligible individuals may apply directly to the DVA for up to $10,000 life insurance coverage at standard insurance rates within 2 years of notice by DVA of service–connected rating. The S–DVI policyholders under the age of 65 who are eligible for waiver of premiums can purchase up to an additional $20,000 in supplemental coverage at standard rates base on the insured's current age. Purchase supplemental coverage in increments of $500 for a total of between $1000 and $20,000. All individuals receiving a waiver award are notified of their eligibility to increase their coverage. They have 1 year from the date of the letter to apply for the additional amount. Premiums on Supplemental S–DVI cannot be waived.

a. The DVA Life Insurance offers VGLI. The VGLI program commenced 1 August 1974 with the enactment of PL 93–289. A Soldier entitled to SGLI coverage may convert his or her SGLI to renewable 5–year term coverage known as VGLI. The DVA supervises the program. This insurance is 5–year renewable term coverage with the right to either convert to an individual policy with any of the participating companies licensed to do business in the veteran's state, or to renew the coverage for another 5–year term at the premium rate for the veteran's age group.

b. Government life insurance is administered at DVA Regional Office and Insurance Centers in St. Paul, MN, and Philadelphia, PA. For information concerning a policy, write directly to the DVA office administering it, furnishing the insured's policy number, if known, or the insured's full name, date of birth, and SSN. Use the following addresses when corresponding with the DVA offices in Philadelphia, PA and St. Paul, MN.

(1) Department of Veterans' Affairs Center, PO Box 8079, Philadelphia, PA 19101–8079.

(2) Department of Veterans' Affairs Center, Federal Building, Fort Snelling, St. Paul, MN 55111–4050.

c. A dependent spouse of a Soldier has 120 days of free coverage and can convert to a commercial life insurance policy when the FSGLI policy terminates. The dependent spouse decides whether and where to convert the FSGLI policy. Conversion takes place upon the dependent spouse's written application to the participating company and payment of the required premiums. The FSGLI policy cannot be converted to a VGLI policy. Where the insurable dependent is a child, that policy may not be converted to another individual policy of insurance. To obtain information about conversion contact the OSGLI by telephone or letter.

d. As Soldiers transition from active duty, reenlist, and make other changes in duty status, some will be eligible for both SGLI and VGLI. Any veteran insured under VGLI who may again become eligible for SGLI is automatically insured under the SGLI program. The Soldier can participate in both plans, but the combined amount of SGLI and VGLI cannot exceed $400,000. Upon regaining SGLI coverage, if a Soldier desires to retain VGLI, he or she must decline the proportionate amount of SGLI. Under these circumstances, the Soldier may also convert some or all of the

VGLI coverage to an individual commercial policy. The Soldier must accomplish this within the 60–day period and before conversion. VGLI will be payable only in an amount which, when added to the SGLI payable, does not exceed $400,000.

12–33. Amount of insurance

The Soldier may obtain coverage in increments of $50,000 up to a maximum of $400,000, but not more than the amount of SGLI in force at the time of separation from military service. Premiums may be paid monthly or annually; rates are shown separately on the SGLV 8714 (Application for Veteran's Group Life Insurance).

12–34. Eligibility

The VGLI is available to—

a. Individuals being released from active duty, ADT, or ADSW under call or orders specifying not less than 31 days.

b. Reservists who, while performing active duty, ADT, or IADT under call or order specifying a period of less than 31 days, have their SGLI continued in force for an additional 120 days for a disability incurred or aggravated during their period of duty. In this case, the Soldier may convert their SGLI to VGLI during the 120–day period.

c. Members of the IRR and Inactive National Guard.

d. Members who have part–time SGLI and who, while performing duty, suffer an injury or disability which renders them uninsurable at standard premium rates. This includes travel directly to and from duty. They are eligible to covert their active duty SGLI coverage to VGLI coverage.

12–35. Application of Veteran's Group Life Insurance

a. Soldiers on active duty entitled to full–time SGLI coverage may convert to VGLI by submitting SGLV 8714 with the premium to within 120 days of separating from active duty. If the veteran, unless totally disabled, does not submit the premium within 120 days, VGLI may be granted within 1 year after SGLI coverage is terminated. However, if the veteran waits beyond the 120 window, he or she must include evidence of insurability, that is, (current physical examination) along with the SGLV 8714 and initial premium. Insurance will be effective the date the OSGLI receives the premium.

b. Soldiers with full–time SGLI coverage who are totally disabled at the time of separation and whose service makes them eligible for VGLI may purchase this insurance while remaining totally disabled up to 1 year following separation. To apply for VGLI, totally disabled Soldiers must submit proof of disability with an application within 1 year of separation. The effective date of VGLI will be at the end of the 1–year period following separation or the date the disability ends, whichever is earlier, but in no event prior to 120 days after separation.

c. Soldiers insured under part–time SGLI coverage who incur a disability or aggravate a pre–existing disability during AD, ADT, or IADT can apply for VGLI within the 120–day period following the period during which the disability was incurred or aggravated. The insurance would be effective on the 121st day if the disability—

(1) Results in his or her death.

(2) Renders the member uninsurable at standard premiums, in which event the insurance will continue in force to death, or for the 120 days after separation or release from active duty or ADT, whichever is the earlier date.

d. Coverage will cease 120 days after separation or release from assignment for a member of the IRR who meets the criteria in paragraph 12–13.

(1) Unless the member is totally disabled on the day of separation or release, in which case the insurance will cease 1 year from the date of separation or release, unless the insured ceases to be totally disabled, whichever is earlier, but in no event prior to 120 days; or

(2) Unless on the date of separation or release the member has completed at least 20 years of satisfactory service creditable for retirement purposes and would upon application be eligible for assignment to or is assigned to the Retired Reserve, in which event the insurance, unless converted to an individual policy will, upon timely payment of premiums, continue in force until the member receives the first increment of retirement pay or the member reaches age 61, whichever comes earlier.

e. Coverage ceases for the Retired Reserve Soldier who meets the criteria in paragraph 12–13 when the member receives the first increment of retirement pay or the member reaches age 61, whichever is sooner. This insurance is contingent upon the member making timely payment of the initial and subsequent premiums.

12–36. Notification of insurance

The OSGLI will send a certificate of coverage to the veteran as confirmation of the approved application, and will also provide premium notices as needed.

12–37. Traumatic injury protection

Public Law 109–13 signed by the president on 11 May 2005 established a traumatic injury protection insurance program under the auspices of the SGLI program..

a. Post 1 December 2005. The effective date for this program is 1 December 2005. As of 1 December 2005, all Soldiers covered by the SGLI program will automatically be covered by TSGLI. Soldiers include active duty, Army Reserve, and National Guard Soldiers.

b. Pre 1 December 2005. The TSGLI is designed to provide financial assistance to Soldiers during the recovery period from a serious traumatic injury.

(1) A retroactive provision is provided for any Soldier who suffered a qualifying loss as a direct result of injuries incurred in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) on or after 7 October 2001, but before 1 December 2005.

(2) For the purpose of this provision, retroactive refers to those injuries that are incurred in the theater of operations of OEF. For such purpose, a Soldier must have been deployed outside of the United States on orders in support of OEF or OIF or serving in a geographic location that qualified the Soldier for the Combat Zone Tax Exclusion (CZTE) (see PL 109–13).

(3) Soldiers entitled to retroactive payments do not need coverage under SGLI. Entitlements to TSGLI payments for a traumatic loss after 30 November 2005 requires SGLI coverage.

c. Seven full days. Soldiers must serve for a period not less than 7 full days from the date of the traumatic event. (The 7 day period begins on the date and time of the traumatic event, as measured by zulu (Greenwich) time and ends 168 full hours later.)

d. Non–taxable benefit. The 38 USC 5301 exempts all benefits paid under any law administered by the DVA from taxation. The TSGLI is a benefit administered by the DVA, therefore any and all TSGLI benefits paid are not taxable.

e. Frequently asked questions. To view frequently asked questions, download claim applications, or to determine eligibility criteria, visit the U.S. Army Wounded Warrior (AW2) Program Web site at https://www/aw2.army.mil/TSGLI/index.htm, write to U.S. Army Warrior (AW2) Program, 200 Stovall Street, Alexandria, VA 22332–0470, or call 1–800–237–1336, option 2.

Chapter 13
Procedures for Casualties Involving Missing Persons (Non–Hostile and Hostile)

Section I
General

13–1. Implementation

a. This chapter provides guidance for implementing the provisions of 10 USC 1501 through 10 USC 1513, also known as the Missing Service Personnel Act (MSPA), 37 USC 551 through 37 USC 558, also known as the Missing Persons Act (MPA), DODI 1300.18 and DODI 2310.5.

b. Only the SA or his designee may make a status determination. The SA delegates authority to AHRC, The Adjutant General (TAG) for making status determinations. The authority includes responsibility to make determination of death, status, and essential facts and dates necessary to administer the MSPA. The SA's or his designee's determinations are conclusive on all departments and agencies of the United States.

c. The board of inquiry instructions apply to any member of the Army on active duty and RC members performing official duties, a U.S. civilian officer or employee of the Army and any other person the SA determines to be a "covered person" as defined by DODI 2310.5, paragraphs E2.1.7; E3.1.5 (for example, contractors; non–U.S. citizen officers and DOD employees) who serve in direct support of or accompany the Army in the field under orders and who become involuntarily absent as a result of hostile action or under circumstances suggesting that the involuntary absence is a result of hostile action and whose status is "undetermined" or who is "unaccounted for" as defined by DODI 2310.5, enclosure 2.

d. While DODI 2310.5 implements the provisions resulting from an involuntary absence as a result of a hostile action, for purpose of this regulation, the implementing instructions found in DODI 2310.5 also apply to involuntary absences that result from a non–hostile action.

e. Continental United States non–hostile missing cases that involve DA civilians or DA contractors will be handled by civil authorities.

13–2. Explanation of terms

The explanation of terms below only applies to terms used in this chapter and the Military Postal Service Agency (MPSA).

a. Primary next of kin. In accordance with 10 USC 1482(c) and 10 USC 1513(4), in the case of a missing person, the PNOK is the individual who is authorized to direct disposition of the remains.

(1) In accordance with Office of the Under Secretary of Defense Memorandum, dated 14 July 2005, 10 USC 1482 order of precedence for the PADD prescribed in AR 638–2, paragraph 4–4, has been amended to allow the Soldier to

designate any blood relative or spouse (if married) on the DD Form 93. Where no designation has been made the prescribed order of precedence will apply.

(2) For cases of missing persons, the PNOK will have the rights addressed in paragraph 13–8 of this regulation.

(3) The designated PADD is responsible for the disposition of remains.

b. Immediate family member. In the case of a missing person, immediate family members are the following—

(1) Spouse.

(2) Natural child, adopted child, stepchild, or illegitimate child (if acknowledged by the person or parenthood has been established by a court) of the person, except that if such child has not attained the age of 18 years, the term means surviving parent or legal guardian of such child.

(3) Biological parent of the person, unless legal custody of the person by the parent has been previously terminated by a court decree.

(4) Brother or sister if they have attained the age of 18.

c. Previously designated person. The person or persons (other than the missing person's PNOK or immediate family) who the missing person specified in writing on the DD Form 93 to receive information on the whereabouts and status of the missing person.

d. Missing person's counsel. The Secretary concerned appoints counsel to represent the interests of the person covered by the inquiry (excluding any member of the person's family or other interested parties).

e. Responsible commander. Commander having Summary Court Martial jurisdiction over the unit to which the missing Soldier is assigned (or a higher authority designated by a CDR authorized to make such a designation).

f. Duty status—whereabouts unknown. The DUSTWUN is an interim/temporary status only designated to allow the responsible CDRs enough time to recommend a person's duty status. The CAC should submit supplemental reports as additional information or corrected information becomes available.

13–3. Reporting a person as duty status–whereabouts unknown

a. If, after 24 hours, the person's status is still unknown the CAC will coordinate telephonically with the CMAOC for permission to submit a DUSTWUN report. Normally, a person is retained in a DUSTWUN status for a maximum of 10 days. If an involuntary absence cannot be determined from the facts, report the person as AWOL as required by AR 630–10. The CAC will submit a SUPP immediately when additional or corrected information becomes available. The CAC and CMAOC should maintain telephonic contact.

b. The CAC coordinates with responsible CDR of the missing person for submission of DD Form 2812 and an informal investigation within 10 days of the incident.

c. The responsible CDR initiates DD Form 2812 (Commanders Preliminary Assessment and Recommendation Regarding Missing Person) and an informal investigation under the provisions of AR 15–6. Within 10 days, the CDR will forward the DD Form 2812 and the informal investigation through the CAC to the CMAOC. The SA or his designee can grant an extension on any time limit.

d. Upon receipt of the DD Form 2812 and 15–6 investigation report, the SA or his designee will appoint an initial board of inquiry as outlined in section II, below.

e. On day 10, the SA or his designee appoints an initial board of inquiry. The SA or his designee can grant an extension on any time limit.

f. A DD Form 2812 is only required in hostile missing cases. An informal investigation is required in both hostile and non–hostile cases.

13–4. Personnel files

The CDR will forward a copy of the following documents to Director, CMAOC.

a. Soldier's records, to include—

(1) Enlisted Records Brief or DA Form 4037 (Officer Record Brief), as applicable.

(2) Record of court–martial conviction.

(3) Any other forms of personnel records used by the Service component or home station CPO.

b. Original health and dental records.

c. A copy of unit assignment orders for Active Army or MOB orders for ARNG and USAR personnel.

d. The person's DD Form 93 and SGLV 8286

Section II
Boards of Inquiry

13–5. Appointment of boards of inquiry

a. The SA or his designee appoints boards of inquiry (including a legal advisor who provides counsel to the board and counsel for the missing person or persons), reviews board's findings, and makes status determinations in accordance with 10 USC 1503 through 10 USC 1505.

b. Board composition, qualifications, and duties will be as prescribed in DODI 2310.5 and as follows.

13–6. Initial board of inquiry

a. Appointment of an initial board of inquiry is not always required. For instance, evidence regarding a "covered person" may be received through news coverage or discovered through diplomatic channels. That evidence may be sufficient to enable the SA or his designee to make a determination regarding the "covered person's" whereabouts and status and whether the absence of the person is involuntary. In all cases, however, record and preserve the evidence upon which this determination is made. Receipt of additional evidence could require SA or his designated representative to appoint an initial board of inquiry. The DODI 2310.5, paragraph E4.1.3–E4.2.3 contains further clarification regarding conditions requiring an initial board of inquiry.

b. The number of board members will correspond to the number of individuals whose whereabouts are unknown, except that no board is required to consist of more than 3 members.

c. Appoint to the board at least 1 individual who has experience with, and understanding of, military operations or activities similar to the operation or activity in which the persons disappeared. This individual will be a military officer in the case of an inquiry regarding a member of the U.S. Army, or a civilian in the case of an inquiry regarding a civilian employee or DOD contractor.

d. Appoint at least 1 military officer and 1 civilian to the board in the case of inquiry regarding 1 or more members of the Army and 1 or more civilian employees or DOD contractors. The ratio of such officers to such civilians on the board will be roughly proportional to the ratio of the number of members of the Army and the number of civilian employees of DOD contractors who are the subjects of the board's inquiry.

e. Individuals appointed as members of the board must have a security clearance that allows them access to all information relating to the whereabouts and status of the personnel covered by the inquiry.

f. In the case of a board that will inquire into the whereabouts and status of 1 or more military personnel (and no civilians or contractors) the SA or his or her designee will appoint at least 3 officers in the grade of major or above. The senior board member will serve as President of the board.

g. In the case of a board that will inquire into the whereabouts and status of 1 or more civilian employees or contractors of the Army (and no military personnel), the board will be comprised of 3 civilian employees equal to or greater than the grade GS–13.

13–7. Subsequent board of inquiry

a. Appoint a subsequent board of inquiry to inquire into the whereabouts and status of a missing person on or about the anniversary date of the incident. However, a subsequent board of inquiry may be convened if any credible evidence becomes available that may change the missing person's status.

b. The board will be composed of at least 3 members as follows—

(1) In the case of a board that will inquire into the whereabouts and status of 1 or more military personnel (and no civilians), the board members will be in the grade of major or above. At least 1 of these officers will be senior to the person whose status is being reviewed. The senior board member will serve as President of the board.

(2) In the case of a board that will inquire into the whereabouts and status of 1 or more civilian employees or DOD contractors (no military personnel), the board members will be DOD employees in the grade of GS–13 or above. At least 1 of these members will be senior in grade to the most senior individual whose status the board is reviewing. The board may include military members as the SA or his designee considers advisable. The senior board member will serve as President of the board.

(3) In the case of a board that will inquire into the whereabouts and status of 1 or more military personnel and 1 or more civilians, the board will include at least 1 military member in the grade of major or above and 1 DOD employee in the grade of GS–13 or above. The ratio of such officers to such civilians on the board will be roughly proportional to the ratio of the number of military personnel and civilian personnel who are the subjects of the board's inquiry. The senior board member will serve as the President of the board.

(4) The board will include at least 1 member who has an occupational specialty similar to that of 1 or more of the persons covered by the inquiry and who has an understanding of and expertise in the type of official activities in which 1 or more such persons where engaged at the time such persons disappeared.

c. The provision of this regulation relating to board of inquiry actions and to the SA or his designated representative actions on those reports will cease to apply in the case of a missing person, at the time the person becomes accounted for, or if the board of inquiry otherwise determines the person to be in a status other than missing.

13–8. Next of kin rights

a. The individual who is PNOK of any person covered by DODI 2310.5 may designate another individual to act on his or her behalf as the PNOK. The person who made the designation may revoke it at any time.

b. For boards of inquiry under DODI 2310.5, the PNOK of a missing person and any other previously designated person will have the identity of the missing person's counsel made known to him or her, and have the right to submit information to the missing person's counsel relative to the disappearance or status of the missing person.

c. The proceedings of a board during an initial board of inquiry under DODI 2310.5 will be closed to the public (including the PNOK, other members of the immediate family, and the previously designated person of the missing individual).

d. Dependents of a person in a missing status who are currently receiving the person's pay and allowances (including allotments benefiting these dependents) which could be reduced or terminated by the contemplated status change (such as a change from "missing" to "AWOL" or "deceased") are entitled to notice that the person's missing status will be reviewed.

e. The SA or his designee will notify each individual referred to in paragraphs *a*through *d*, above, by certified, return–receipt mail that an initial board of inquiry is going to convene.

f. For subsequent boards of inquiry under DODI 2310.5, the PNOK of a missing person, other members of the immediate family and any other previously designated person of the missing individual may attend the proceedings of the board during the inquiry with private counsel, if desired, at no cost to the government. Not less than 60 calendar days before the convening of the board the SA or his designee will notify each individual referred to in paragraph 13–8 *d.* by certified, return–receipt mail of the opportunity to attend the proceedings of a subsequent board of inquiry. The notification will include a letter of election to attend or not to attend the board (see fig 13–1). If they attend they will—

(1) Have access to the case resolution file of the missing person, unclassified reports of the initial board of inquiry, and to any other unclassified information or documents relating to the whereabouts and status of the missing person.

(2) Be allowed to present information to the board that such individual considers relevant to those proceedings.

(3) Be allowed to submit in writing objections to any recommendation of the board by providing the board a letter of intent not later than 15 calendar days after the date on which the recommendations are made. They must submit written objections to the President of the board no later than 30 calendar days after the date on which the recommendations are made.

(4) Not be entitled to reimbursement by the Government for any costs (including but not limited to, travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses that the individual incurred attending such proceedings).

TO: Department of Army
U.S. Army Human Resources Command
(ATTN: AHRC-PED)
200 Stovall Street
Alexandria, Virginia 22332

(I/We) understand that the Army will, upon (my/our) completion of this letter, proceed with a review of the case of John Doe who is (my/our) Husband.

(I/We) understand the rights which have been afforded to (me us) and have indicated by checking the appropriate block the rights desired in connection with the review to be made.

Please check one of the boxes below.

I. [ ] Board of Inquiry Rights (10, USC § 1504 or 1504): (I We) desire to attend the board of inquiry and understand that a civilian attorney may attend with (me us). (I We) desire reasonable access to the information upon which the review will be based. A summary of the information which (I we) desire to be considered by the board (is is not) attached. (I We) understand that (I we) will not be entitled to reimbursement by the United States for any costs (including but not limited to, travel, lodging, meals, local transportation, legal fees, transcription costs, and witness expenses) (I we) incurred in attending the proceedings.

II. [ ] Waiver or Rights: (I We) hereby waive (my our) right to attend the board of inquiry.

III. [✓] Election of Waiver to Attend with Right to Submit Information: (I/We) hereby waive (my/our) right to attend the board of inquiry, but have attached information which (I/we) desire to be considered by the board.

Signature(s)	Relationship to Soldier	Date
Susan Doe	Wife	March 7, 2006

Figure 13–1. Letter of election board procedures

13–9. Board procedures

a. The Army is required to place before the board all relevant evidence in its possession on the absence or status of the missing member. If it appears that the absence or missing status of 2 or more persons is factually related, the SA or his designee may appoint a single board to conduct the inquiry into the whereabouts and status of all such persons. Neither the Army nor those having board rights are required to call witnesses.

b. The board will—

(1) Collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (classified and unclassified) relating to the whereabouts and status of each person the inquiry covers.

(2) Gather information relating to actions taken to find the persons, including any evidence of the whereabouts and status arising from such actions.

(3) Arrive at its findings and recommendation by majority vote, and ensure that a preponderance of the evidence supports its findings.

(4) Maintain a record of its proceedings.

(5) Submit to the SA or his designee a complete report, using DD Form 2811 (Report of Proceedings by Initial/Subsequent Board of Inquiry or Further Review Board), which will include—

(a) A discussion of the facts and evidence the board considered.

(b) The board's recommendation with respect to each person the report covers.

(c) Disclosure of whether the board reviewed or otherwise used classified documents and information in forming its recommendations.

(d) The missing person's counsel's independent review of the board's report.

(e) A legal review of the board's report.

13–10. Legal advisor and counsel for missing persons

For the purposes of a board of inquiry conducted in accordance with DODI 2310.5 inquiry into hostile cases, the SA or his designee will—

a. Provide a legal advisor by assigning a judge advocate, or appointing an attorney who has expertise in the law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons. The legal advisor will represent the interests of the United States, advise the board on questions of law or procedures pertaining to the board, instruct the board on governing statutes and directives, and monitor the deliberations of the board.

b. Appoint counsel to represent each person the board of inquiry names. If the absence or missing status of 2 or more persons may be factually related, SA or his designee will appoint 1 counsel to represent all such persons. If a conflict of interest results, then the missing person's counsel will report this to the SA or his designee, who will appoint additional counsel as necessary.

(1) Counsel appointed under this paragraph may be referred to as "missing person's counsel" and represents the interest of the missing persons and not those of any member of the person's family, previously designated person, or any other interested parties.

(2) Qualifications and duties of "missing person's counsel" are prescribed by DODI 2310.5.

13–11. Board findings and recommendations

a. Findings.

(1) The person is declared missing.

(2) The person is declared to have deserted.

(3) The person is declared to be absent without leave.

(4) The person is declared to be dead.

b. Recommendations. A preponderance of evidence must support a finding of missing, deserted, or absent without leave. The board may not recommend a finding of dead unless—

(1) Credible evidence exists to suggest that the person is dead.

(2) The United States possesses no credible evidence that suggest the person is alive.

(3) Representatives of the United States have made a complete search of the area where the person was last seen and have examined the records of the Government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to the area or to the records, the representatives are not granted access).

c. Submittal of information of death. If a board appointed under DODI 2310.5 recommends that a missing person be declared dead, the board must include the following in the report with respect to the missing person—

(1) A detailed description of the location where the death occurred.

(2) A statement of the date on which the death occurred.

(3) A description of the location of the body, if recovered.

(4) A certification by a forensic pathologist that the body recovered is that of the missing person, if the body has been recovered and is not identifiable through visual means.

13–12. Record of board proceedings and legal review

a. Any member of the board or missing person's counsel may request a verbatim record for any part of the proceedings or the entire proceedings. SA or his designee is the approval authority for such requests. In those cases, record the hearing with a mechanical recording device and prepare a verbatim transcript of the proceedings. The legal advisor will certify the record as accurate before it is distributed to anyone and will resolve any disagreement as to the accuracy.

b. The legal advisor will prepare a legal review for each board conducted.

13–13. Final board action

a. The board will forward its findings and legal reviews to the SA or his designee not later than 30 calendar days after its appointment.

b. The SA or his designee will determine whether or not the report is complete and free of administrative error. If the SA or his designee determines that the report is incomplete, or that the report is not free of administrative error, SA or his designee may return the report to the board for further action. If SA or his designee determines that the report is complete and free of administrative error, the SA or his designee will make a determination concerning the status and whereabouts of each person the report covered. The SA or his designee will declare the person dead or missing. If declared missing, the SA or his designee will designate the appropriate missing category in which to place the person, will issue a DD Form 1300, and will notify the CAC concerned of the determination.

c. The SA or his designee will review the report not later than 30 calendar days following its receipt.

d. Not later than 30 calendar days after the date on which the SA or his designee determines the status, he or she will provide to the PNOK, other immediate family members, and any other previously designated person—

(1) An unclassified summary of the unit commander's preliminary assessment and recommendations (DD Form 2812).

(2) The report of the board (DD Form 2811) including the names of the board members.

(3) In the case of the initial board of inquiry, a notice that the Army will conduct a board of inquiry into the whereabouts and status of the missing persons upon the earlier of—

(a) On or about the 1 year after the date of the first official notice of the disappearance; or

(b) When information becomes available that may result in a change in status.

(c) In the case of a subsequent board of inquiry, a notice that the Army will conduct a further review board into the whereabouts and status if the board receives information in the future that may change the missing person's status.

13–14. Further review board

a. Following a subsequent board of inquiry, SA or his designee will appoint a further review board to inquire into the whereabouts and status of the person whenever—

(1) The U.S. Government receives information.

(2) The information may result in a change to the missing person's status.

(3) The SA or his designated representative deems it appropriate.

b. The procedures for further review boards are identical to those of the subsequent board of inquiry. (See fig 13–2 for flow chart of the missing report process.)

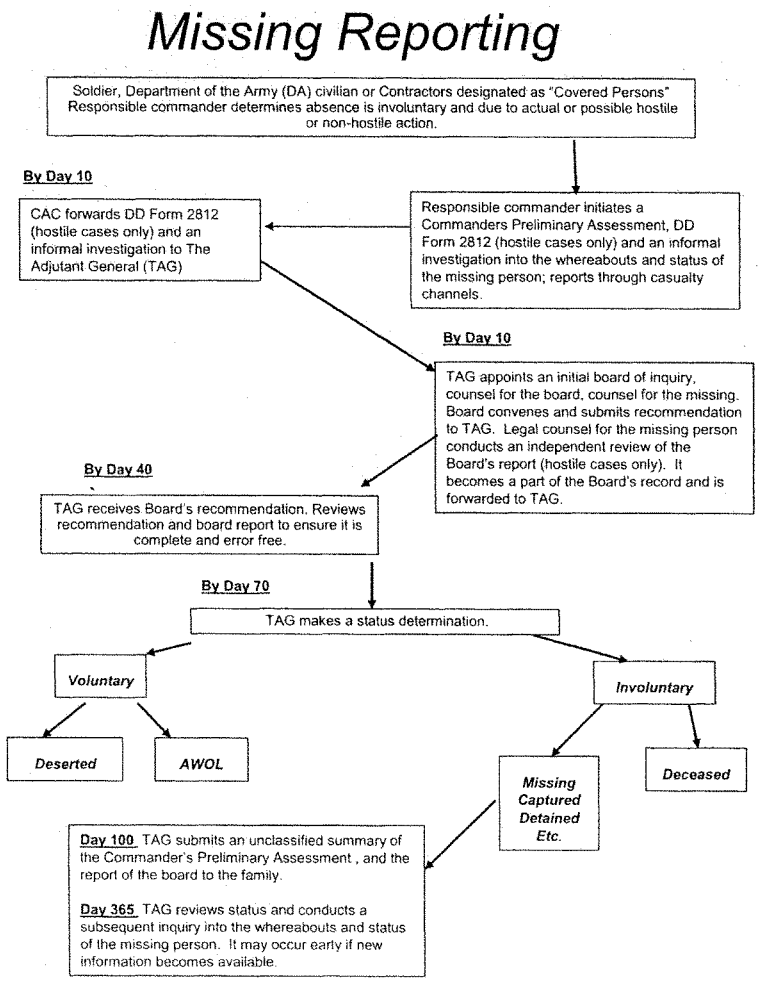

Figure 13–2. Flow chart of the missing report process

Appendix A
References

Section I
Required Publications

For casualty assistance contacts, questions, and other links, visit the CMAOC Web site at https://www.hrc.army.mil/site/active/tagd/cmaoc/cmaoc.htm

AR 15–6
Procedures for Investigating Officers and Boards of Officers (Cited in paras 2–12d, 8–3b, 8–4b, 8–7a, 8–13, 8–21, and 8–26c.)

AR 25–11
Record Communications and the Privacy Communications System (Cited in para 2–14b.)

AR 25–50
Preparing and Managing Correspondence (Cited in para 5–1.)

AR 25–400–2
The Army Records Information Management System (ARIMS) (Cited in para 1–16.)

AR 27–3
The Army Legal Assistance Program (Cited in para 11–31a.)

AR 55–46
Travel Overseas (Cited in para 6–11a(14).)

DA Pam 638–2
Procedures for the Care and Disposition of Remains and Disposition of Personal Effects (Cited in para 1–4e.)

H–98.98–1
Servicemembers' and Veterans' Group Life Insurance Handbook (Available at http://www.insurance.VA.gov) (Cited in para 11–25c(1).)

Section II
Related Publications

A related publication is a source of additional information. The user does not have to read a related publication to understand this regulation.

AR 11–2
Management Control

AR 12–15
Joint Security Assistance Training (JSAT)

AR 15–185
Army Board for Correction of Military Records

AR 25–52
Authorized Abbreviations, Brevity Codes, and Acronyms

AR 25–55
The Department of the Army Freedom of Information Act Program

AR 27–20
Claims

AR 27–26
Rules of Professional Conduct for Lawyers

AR 40–1
Composition, Mission, and Functions of the Army Medical Department

AR 135–200
Active Duty for Mission Projects, and Training for Reserve Component Soldiers

AR 145–1
Senior Reserve Officers' Training Corps Program: Organization, Administrations, and Training

AR 165–1
Chaplain Activities in the United States Army

AR 190–8
Enemy Prisoners of War—Retained Personnel, Civilian Internees and Other Detainees

AR 210–50
Housing Management

AR 210–190
Post Cemeteries

AR 290–5
Army National Cemeteries

AR 335–15
Management Information Control System

AR 340–21
The Army Privacy Program

AR 360–1
The Army Public Affairs Program

AR 380–5
Department of the Army Information Security Program

AR 385–40
Accident Reporting and Records

AR 385–95
Army Aviation Accident Prevention

AR 600–20
Army Command Policy

AR 600–25
Salutes, Honors, and Visits of Courtesy

AR 600–34
Fatal Training/Operational Accident Presentations to the Next of Kin

AR 600–8–2
Suspension of Favorable Personnel Actions (Flags)

AR 600–8–4
Line of Duty Policy, Procedures, and Investigation

AR 600–8–10
Leaves and Passes

AR 600–8–14
Identification Cards for Members of the Uniformed Services, the Family Members, and Other Eligible Personnel

AR 600–8–24
Officer Transfers and Discharges

AR 600–8–104
Military Personnel Information Management/Records

AR 600–8–29
Officer Promotions

AR 600–8–105
Military Orders

AR 608–1
Army Community Service Program

AR 630–10
Absence Without Leave, Desertion and Administration of Personnel involved in Civilian Court Proceedings

AR 635–5
Separation Documents

AR 635–40
Physical Evaluation for Retention, Retirement, or Separation

AR 635–200
Active Duty Enlisted Administrative Separations

AR 638–25
Armed Services Graves Registration Office

AR 680–29
Military Personnel, Organization and Type of Transaction Codes

AR 700–84
Issue and Sale of Personal Clothing

AR 840–10
Flags, Guidons, Streamers, Tabards, and Automobile and Aircraft Plates

AR 930–4
Army Emergency Relief

AR 930–5
American National Red Cross Service Program and Army Utilization

CTA 50–900
Clothing and Individual Equipment

DA Pam 55–2
It's Your Move (Personal Property Shipping Information)

DA Pam 600–8
Management and Administrative Procedures

DA Pam 608–4
A Guide for the Survivors of Deceased Army Members

DA Poster 608–10
Soldier—Record of Emergency Data

DFAS–IN Reg 37–1
Finance and Accounting for Installations Travel and Transportation Allowances

DOD 1000.21.R
Passport Agent Services Regulation

DOD 4500–35
Personal Property Traffic Management Regulation (Supplement to DOD 4500–34)

DOD 4515.13–R
DOD Air Transportation Eligibility

DOD 7000.14–R, Vol. 7, Part A
Department of Defense Financial Management Regulations (Military Pay Policy and Procedures—Active Duty and Reserve Pay)

DOD 5030.49
DOD Customs and Border Clearance Program

DODD 3025.1
Strategy for Homeland Security

DODI 1300.18
Military Personnel Casualty Matters, Policies, and Procedures

FAR
DOD Federal Acquisition Regulation (FAR) Supplement (available at http://www.Diskbook.OSD.mil

FM 3–21.5
Drill and Ceremonies

FM 4–20.65
Identification of Deceased Personnel

JFTR, Vol. 1
Joint Federal Travel Regulations

JP 4–06
Joint Tactics, Techniques, and Procedures for Mortuary Affairs in Joint Operations

JTR, Vol II
DOD Civilians

MACR 76–1, Volume I
Air Mobility Command, Regulation Military Airlift Transportation

NAVPEPS 15560D
Naval Military Personnel Manual

NGB Pam
Unit Level Military Pay Manual

NGB Pam
State Level Military Pay Procedures–Army National Guard

NGR 600–3
Line of Duty Determinations

NGR 600–200
Enlisted Personnel Management

NGR 638–40
Care and Disposition of Remains

NGR 640–100
Officers and Warrant Officers Military Personnel Records Jacket

PL 89–214
Established the Servicemembers' Group Life Insurance (SGLI) Program, effective 29 September 1965.

PL 93–289
A bill to amend title 38, United States Codes, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemembers' Group Life Insurance for such members and certain members of the Retired Reserve.

PL 107–14
An act to amend title 38, United States Code, to expand eligibility for CHAMPVA, to provide for family coverage and retroactive expansion of the increase in maximum benefits under Servicemembers' Group Life Insurance, to make technical amendments, and for other purposes.

PL 109–13
An act to making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

PL 109–80
Servicemembers' Group Life Insurance Enhancement Act of 2005. Made the increase in maximum SGLI and VGLI coverage to $400,000, and the change in SGLI increments to $50,000 permanent. Also, it provided for spousal notification of change in SGLI beneficiary and reduction or declination of coverage.

5 USC
Government Organization and Employees

10 USC
Title 10 U.S. Code Armed Forces

10 USC 1482c
Expenses incident to death

10 USC 1503
Actions of Secretary concerned; initial board inquiry

10 USC 1504
Subsequent board of inquiry

10 USC 1505
Further review

10 USC 1513
Definitions

10 USC 12304(i)(1)
Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency.

32 USC 316
Detail of members of Army National Guard for rifle instruction of civilians

32 USC 502
Required drills and field exercises

32 USC 503
Participation in field exercises

32 USC 504
National Guard schools and small arms competitions

32 USC 505
Army and Air Force schools and field exercises

36 USC 2110
Claims against the Commission

37 USC 551–558 and 37 USC 1501–1513
Missing Persons Act (MPA)

38 USC 1965
Definitions

38 USC 1966
Eligible insurance companies

38 USC 1967
Persons insured; amount

38 USC 1968
Duration and termination of coverage; conversion

38 USC 1969
Deductions; payment; investment; expenses

38 USC 1970
Beneficiaries; payment of insurance

38 USC 1971
Basic tables of premiums; readjustment of rates

38 USC 1972
Benefit certificates

38 USC 1973
Forfeiture

38 USC 1974
Advisory Council on Servicemembers' Group Life Insurance

38 USC 1975
Jurisdiction of District Court

38 USC 1976
Effective date

38 USC 1977
Veterans' Group Life Insurance

38 USC 1978
Reinstatement

38 USC 1979
Incontestability

38 USC 1980
Option to receive accelerated death benefit

VA–DMA–IS–1
Interments in National Cemeteries. (This Publication is available from the VA Department of Memorial Affairs, Directors of National Cemetery Area Offices, All VA National Cemeteries, and the Nearest VA Regional Office or Facility.)

Section III
Prescribed Forms

Except where otherwise indicated below, the following forms are available as follows: DA Forms are available on the Army Electronic Library (AEL) CD–ROM (EM 0001) and the APD Web site (http://www.apd.army.mil); DD Forms are available from the OSD Web site (http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm); Standard Forms (SF) are available from the GSA Web site (http://www.gsa.gov); SGLV Forms are available from the DVA Web site (http://www.insurance.va.gov/sglisite/forms/forms.htm); VA Forms are available from the VA Web site (http://www.va.gov/vaforms/).

DA Form 1156
Casualty Feeder Card (Prescribed in para 1–7.) (Also available through normal forms supply channels.)

DA Form 4475
Data Required by the Privacy Act of 1974–Personal Information From the NOK of a Deceased Service Member (Prescribed in para 6–11.)

DD Form 93
Record of Emergency Data (Prescribed in para 2–9.)

DD Form 1300
Report of Casualty (Prescribed in para 6–5.)

SGLV 8285
Request for Insurance (SGLI) (Prescribed in para 10–1.)

SGLV 8286
Servicemembers' Group Life Insurance Election and Certificate (Prescribed in para 4–2.)

SGLV 8286A
Family Coverage Election (Prescribed in para 12–28.)

SGLV 8714
Application for Veterans Group Life Insurance (Prescribed in para 12–33.)

VA Form 21–535
Application for Dependency and Indemnity Compensation by Parents (Prescribed in para K–3.)

Section IV
Referenced Forms

DA Form 78
Recommendation for Promotion to 1LT/CW2

DA Form 1574
Report of Proceedings by Investigating Officer/Board of Officers

DA Form 2984
Very Seriously Ill/Seriously Ill/Special Category Patient Report

DA Form 3168
Posthumous Promotion (Enlisted)

DA Form 4037
Officer Record Brief

DA Form 4187
Personnel Action

DA Form 7302
Disposition of Remains Statement

DD Form 214
Certificate of Release or Discharge from Active Duty

DD Form 397
Claim Certification and Voucher for Death Gratuity Payment

DD Form 1172
Application for Uniformed Services Identification Card – DEERS Enrollment

DD Form 1173
Uniformed Services Identification and Privilege Card

DD Form 1375
Request for Payment of Funeral and/or Interment Expenses

DD Form 2656
Data for Payment of Retired Personnel

DD Form 2811
Report of Proceedings by Initial/Subsequent Board of Inquiry or Further Review Board

DD Form 2812
Commander's Preliminary Assessment and Recommendation Regarding Missing Person

SF 1174
Claim for Unpaid Compensation of Deceased Member of the Uniformed Services

SGLV 8283
Claim for Death Benefits

SGLV 8284
Servicemember/Veteran Accelerated Benefits Option Form

SGLV 8284A
Servicemember Family Coverage Accelerated Benefits Option Form

SGLV 8285A
Request for Family Coverage for Spouse

VA Form 21–534
Application for Dependency and Indemnity Compensation, Death Pension and Accrued Benefits by a Surviving Spouse or Child

VA Form 21–4138
Statement in Support of Claim

VA Form 29–4125
Claim for One Sum Payment

VA Form 29–4125A
Claim for Monthly Payments

VA Form 40–1330
Application for Standard Government Headstone or Marker

Appendix B
Casualty Assistance Centers

Casualty Assistance Center areas of responsibility are detailed on the CMAOC Web site at https://www.hrc.army.mil/site/active/tagd/cmaoc/cmaoc.htm.

B–1. Casualty Assistance Centers—continental United States

a. Fort Belvoir, VA 22060–5016 (MDW) (BEL)
b. Fort Benning, GA 31905–5010 (TRADOC) (BNG)
c. Fort Bliss, TX 79916–0058 (BLI)
d. Fort Bragg, NC 28307–5000 (BRA)
e. Fort Campbell, KY 42223–5000 (CAM)
f. Fort Carson, CO 80913–5014 (CAR)
g. Fort Dix, NJ 08640–5162 (DIX)
h. Fort Drum, NY 13602–5009 (DRU)
i. Fort Eustis, VA 23604–5082 (EUS)
j. Fort Gordon, GA 30905–5020 (GOR)
k. Fort Hood, TX 76544–5056 (HOD)
l. Fort Huachuca, AZ 85613–6000 (HUA)
m. Fort Jackson, SC 29207–5240 (JAC)
n. Fort Knox, KY 40121–5000 (KNO)
o. Fort Leavenworth, KS 66027–5080 (LEW)
p. Fort Lee, VA 23801–5152 (LEE)
q. Fort Leonard Wood, MO 65473–5000 (LNW)
r. Fort Lewis, WA 98433–5000 (LEW)
s. Fort McPherson, GA 30330–5000 (MCP)
t. Fort George G. Meade, MD 20755–5073 (MEA)
u. Fort Polk, LA 71459–5000 (POL)
v. Fort Riley, KS 66442–6621 (RIL)
w. Fort Rucker, AL 36362–5127 (RUC)
x. Fort Sam Houston, TX 78234–5000 (FSH)
y. Fort Sill, OK 73503–5100 (SIL)
z. Fort Stewart, GA 31314–5000 (STE)

B–2. Casualty Assistance Centers—outside continental United States

a. Alaska (Fort Richardson), Alaska (ALA) — The state of Alaska
b. Europe (1st Personnel Command) (EUR)
c. Hawaii (Schofield Barracks) (HAW) — 25th INF DIV (L)
d. Japan, Camp Zama (JAP) — USAR, 9th TSC
e. Korea (KOR) — 8th Personnel Command (PROV), Korea
f. Okinawa (OKI) — 10th Area Support Group, UNIT 35115, APO 96376–5115, Okinawa Philippines
g. Puerto Rico (PUE) — U.S. Army Garrison, Fort Buchanan, Puerto Rico
h. Kuwait (KUW) — CENTCOM controlled areas

Appendix C
Location Codes

C–1. State codes

a. A–H

(1) AK–Alaska
(2) AR–Arkansas
(3) AZ–Arizona
(4) CA–California
(5) CT–Connecticut
(6) CO–Colorado
(7) DC–District of Columbia
(8) DE–Delaware
(9) FL–Florida
(10) GA–Georgia
(11) HI–Hawaii
b. I–M
(1) IA–Iowa
(2) ID–Idaho
(3) IL–Illinois
(4) IN–Indiana
(5) KS–Kansas
(6) KY–Kentucky
(7) LA–Louisiana
(8) MA–Massachusetts
(9) MD–Maryland
(10) ME–Maine
(11) MI–Michigan
(12) MN–Minnesota
(13) MO–Missouri
(14) MS–Mississippi
(15) MT–Montana
(16) NC–North Carolina
(17) ND–North Dakota
(18) NE–Nebraska
(19) NH–New Hampshire
(20) NJ–New Jersey
(21) NM–New Mexico
(22) OK–Oklahoma
(23) NV–Nevada
(24) NY–New York
(25) OH–Ohio
(26) OR–Oregon
(27) PA–Pennsylvania
(28) RI–Rhode Island
(29) SC–South Carolina
(30) SD–South Dakota
(31) TN–Tennessee
(32) TX–Texas
(33) UT–Utah
(34) VA–Virginia
(35) VT–Vermont
(36) WA–Washington
(37) WI–Wisconsin
(38) WV–West Virginia
(39) WY–Wyoming

C–2. Country codes

a. A–H
(1) AA Aruba
(2) AC Antigua and Barbuda

(3) AF Afghanistan
(4) AG Algeria
(5) AL Albania
(6) AN Andorra
(7) AO Angola
(8) AQ American Samoa
(9) AR Argentina
(10) AM Armenia
(11) AS Australia
(12) AT Ashmore/Cartier Islands
(13) AU Austria
(14) AV Anguilla
(15) AY Antarctica
(16) AZ Azerbaijan
(17) BF Bahamas
(18) BA Bahrain
(19) FQ Baker Island
(20) BG Bangledesh
(21) BB Barbados
(22) BS Bassas Da India
(23) BO Belarus
(24) BE Belgium
(25) BH Belize
(26) BN Benin
(27) BZ Berlin, Germany
(28) BD Bermuda
(29) BT Bhutan
(30) BL Bolivia
(31) BK Bosnia–Herzegovina
(32) BC Botswana
(33) BV Bouvet Island
(34) BR Brazil
(35) IO British Indian Ocean Territories
(36) VI British Virgin Isles
(37) BX Brunei
(38) BU Bulgaria
(39) UV Burkina (formerly Upper Volta)
(40) BM Burma
(41) BY Burundi
(42) CB Cambodia
(43) CM Cameroon
(44) CA Canada
(45) CV Cape Verde
(46) CJ Cayman Islands
(47) CT Central African Republic
(48) CD Chad
(49) CI Chile
(50) CH China
(51) KT Christmas Island
(52) IP Clipperton Island
(53) CK Cocos (Keeling) Islands
(54) CO Colombia
(55) CN Comoros
(56) CF Congo
(57) CW Cook Islands
(58) CR Coral Sea Islands

(59) CS Costa Rica
(60) HR Croatia
(61) CU Cuba
(62) CY Cyprus
(63) EZ Czech Republic
(64) CZ Czechoslovakia (historical)
(65) DA Demark
(66) DJ Djibouti
(67) DO Dominica
(68) DR Dominican Republic
(69) EC Ecuador
(70) EG Egypt
(71) ES El Salvador
(72) EK Equatorial Guinea
(73) U4 Estonia
(74) ET Ethiopia
(75) EU Europa Island
(76) FA Falkland Islands
(77) FO Faroe Islands
(78) FM Federal States of Micronesia
(79) FJ Fiji
(80) FI Finland
(81) FR France
(82) FG French Guiana
(83) FP French Polynesia
(84) FS French Southern and Antarctic Lands
(85) GB Gabon
(86) GA Gambia
(87) GZ Gaza Strip
(88) GG Georgia
(89) GE Germany
(90) GC German Democratic Republic
(91) GH Ghana
(92) GI Gibraltar
(93) GO Glorioso Islands
(94) GR Greece
(95) GL Greenland
(96) GJ Grenada
(97) GP Guadeloupe
(98) GT Guatemala
(99) GQ Guam
(100) GK Guernsey
(101) GV Guinea
(102) PU Guinea–Bissau
(103) GY Guyana
(104) HA Haiti
(105) HM Heard/McDonald Isles
(106) HO Honduras
(107) HK Hong Kong
(108) HQ Howland Islands
(109) HU Hungary
b. I–M
(1) IC Iceland
(2) IN India
(3) ID Indonesia
(4) IR Iran

(5) IZ Iraq
(6) IY Iraq–Saudi Arabia Neutral Zone
(7) EI Ireland
(8) IM Isle of Man
(9) IS Israel
(10) IT Italy
(11) IV Ivory Coast
(12) JM Jamaica
(13) JN Jan Mayan
(14) JA Japan
(15) DQ Jarvis Island
(16) JE Jersey
(17) JQ Johnston Atoll
(18) JO Jordan
(19) JU Juan de Nova Island
(20) KZ Kazakhstan
(21) KE Kenya
(22) KQ Kingman Reef
(23) KR Kiribati
(24) YU Kosovo
(25) KU Kuwait
(26) KG Kyrgyzstan
(27) LA Lao
(28) U8 Latvia
(29) LE Lebanon
(30) LT Lesotho
(31) LI Liberia
(32) LY Libya
(33) LS Liechtenstein
(34) U9 Lithuania
(35) LU Luxembourg
(36) MC Macau
(37) MK Macedonia
(38) MA Madagascar
(39) MY Malaysia
(40) MI Malawi
(41) MV Maldives
(42) ML Mali
(43) MT Malta
(44) MB Martinique
(45) MR Mauritania
(46) MP Mautitius
(47) MF Mayote
(48) MX Mexico
(49) MQ Midway Islands
(50) MD Moldova
(51) MN Monaco
(52) MG Mongolia
(53) MV Montenegro
(54) MH Montserrat
(55) MO Morocco
(56) MZ Mozambique
c. N–Z
(1) WA Namibia
(2) NR Nauru
(3) BQ Navassa Island

(4) NP Nepal
(5) NL Netherlands
(6) NA Netherlands Antilles
(7) NC New Caledonia
(8) PP Papua New Guinea
(9) NZ New Zealand
(10) NU Nicaragua
(11) NG Niger
(12) NI Nigeria
(13) NE Niue
(14) NF Norfikj Uskabd (Norfolk Island)
(15) KN North Korea
(16) VN North Vietnam
(17) CQ N. Mariana Islands
(18) NO Norway
(19) MU Oman
(20) PK Pakistan
(21) PS Palau
(22) LQ Palmyra Atoll
(23) PM Panama
(24) PF Paracel Islands
(25) PA Paraguay
(26) PE Peru
(27) RP Philippines
(28) PC Pitcairn Islands
(29) PL Poland
(30) PO Portugal
(31) RQ Puerto Rico
(32) QA Qatar
(33) RE Reunion
(34) RO Romania
(35) RU Ruislip
(36) UR Russia (USSR)
(37) RW Rwanda
(38) SH St. Helena
(39) ST St. Lucia
(40) SB St. Pierre and Miguelon
(41) VC St. Vincent and the Grenadines
(42) SM San Marino
(43) TP Sao Tome and Principe
(44) SA Saudi Arabia
(45) SG Senegal
(46) SP Serbia
(47) SE Seychelles
(48) SI Sicily
(49) SL Sierra Leon
(50) SN Singapore
(51) LO Slovak Republic
(52) BP Solomon Islands
(53) SO Somalia
(54) SF South Africa
(55) KS South Korea
(56) SP Spain
(57) PG Spratly Islands
(58) CE Sri Lanka
(59) SU Sudan

(60) NS Suriname
(61) SV Svalbord
(62) WZ Swaziland
(63) SW Sweden
(64) SZ Switzerland
(65) SY Syria
(66) TW Taiwan
(67) TI Tajikistan
(68) TZ Tanzania
(69) TH Thailand
(70) TL Tokelau Islands
(71) TN Tongo
(72) TO Togo
(73) TD Trinidad and Tobago
(74) TE Tromelin Island
(75) NQ Trust Territory of the Pacific Islands
(76) TS Tunisia
(77) TU Turkey
(78) TX Turkmenistan
(79) TK Turks and Caicos Islands
(80) TV Tuvalu
(81) UG Uganda
(82) UP Ukraine
(83) TC United Arab Emirates
(84) UK United Kingdom
(85) US United States
(86) UY Uruguay
(87) VQ US Virgin Islands
(88) UZ Uzbekistan
(89) NH Vanuatu
(90) VT Vatican City
(91) VE Venezuela
(92) VM South Vietnam
(93) WQ Wake Island
(94) WF Wallis and Futuna
(95) WC West Bank
(96) WI Western Sahara
(97) WS Western Samoa
(98) YE Yemen (Aden)
(99) YS Yemen (Sanau)
(100) YO Yugoslavia
(101) CG Zaire
(102) ZA Zambia
(103) ZI Zimbabwe

Appendix D
Reports of Investigations and Autopsy Reports

D–1. Reports of investigations

a. Section 1072, Public Law 102–484, requires that fatality reports and records in redacted form pertaining to any member of the Armed Forces who dies in the line of duty be made available to family members of the Servicemember. This requirement may be waived on a case–by–case basis but only if the Secretary of the Army determines that compliance with this requirement is not in the interest of national security. Within a reasonable period of time after family members of a service member are notified of the member's death, but not more than 30 days after the date of notification, the CAO will give the family members—

(1) The names of the agencies within the Department of Defense conducting the investigations, and the existence of any reports by such agencies that have been or will be issued as a result of the investigations, in any case in which the cause or circumstances surrounding the death are under investigation, and

(2) A redacted copy of any completed investigative report and any other completed fatality reports that are available at the time the family members receive the information described in paragraph *b*1 (if the family members so desire). If the family members desire such reports and the reports are not available at the time the family members receive the information in paragraph *b*(1), the reports will be furnished to the family members when they are completed and become available. These reports are required to be furnished only to the extent that such action is consistent with the Freedom of Information Act (5 USC 552) and the Privacy Act (5 USC 552a).

b. In any case in which an investigative report or other fatality report cannot be released at the time the family members receive the information described in paragraph *b*(1), because of the Freedom of Information Act or the Privacy Act, the CAO will inform family members of the requirements and procedures necessary to request a copy of such reports and are assisted, if they so request, in submitting a request for such reports. Assistance with obtaining these reports will be provided to family members until a copy of each report is obtained or until access to any such report is denied by competent authority within the Department of Defense. Should the family members desire assistance in submitting a Freedom of Information or Privacy Act request, the CAO should consult his servicing Staff Judge Advocate.

D–2. Line of duty investigation reports

a. When a Soldier dies from natural causes, an investigation is not required; therefore, there is no report. If an investigation is required, it could be done by several different agencies simultaneously, depending on the cause and the circumstances of the death. If a line of duty investigation is made, the NOK may request a copy of the report of investigation by sending a written request to HQDA (AHRC–PED–S), Alexandria, VA 22332.

b. A line of duty determination is not made by DA on death cases. However, the DVA uses the line of duty report to determine the NOK's benefits from that agency.

c. Responsible agencies will forward a copy of the report to HQDA (AHRC–PED–S) about 60 to 90 days after the date of death.

D–3. Criminal investigation reports

a. If a criminal investigation of a Soldier's death was conducted and the NOK desires a copy of the report, assist the NOK by writing to the Director, U.S. Army Crime Records Center, USACIDC, ATTN: CICR–FP, 6010 6th Street, Fort Belvoir, VA 22060–5585. Explain to the NOK that the Commanding General, U.S. Army Criminal Investigation Command is the releasing authority for the report.

b. Safety investigation reports

c. If a Soldier dies in an accident involving Army equipment or operations, two investigations will be conducted.

d. Safety personnel will conduct an investigation for accident prevention purposes within the DOD, under the provisions of AR 385–40.

e. Members of the public, to include the NOK, may request copies of this report under the provisions of the Freedom of Information Act (AR 25–55). However, only limited portions of the investigation are released in response to such a request. Confidential witness statements, evidence derived from confidential statements that would reveal the identity of the witness, the investigation board's analysis, or the findings and recommendations for corrective action will not be released.

f. All requests for this report must be in writing and should be sent to the CDR, U.S. Army Combat Readiness Center, Freedom of Information Act, 5th Avenue, Building 4905, Fort Rucker, AL 36362–5363. This report is usually not available until 120 to 180 days after the accident. Reports of safety investigations may not be released, even to the NOK, by either the local safety office or the Soldier's chain of command; they can only be released by the U.S. Army Combat Readiness Center.

g. A separate administrative investigation, known as the collateral investigation, is conducted on all fatal Army accidents.

h. The collateral investigation board is appointed by the CDR who exercises general court–martial convening authority over the unit or installation that was responsible for the equipment, personnel, or operations involved in the accident.

i. This investigative report is used to determine if any administrative and or disciplinary actions will be taken. It is also used to prepare press releases, to adjudicate claims and lawsuits, and to prepare the Fatal Accident Presentation in accordance with AR 600–34.

j. Request for copies of the collateral investigation should be made under the Freedom of Information Act (5 USC 552) and should be addressed to the appointing authority. If a Soldier is killed in a civilian aircraft accident, request the report from the Federal Aviation Agency, National Transportation Safety Board, Public Inquiries Section, Washington, DC 20594–9998.

D–4. Autopsy reports

a. The Armed Forces Medical Examiner (AFME) performs autopsieson deceased Soldiers who are killed or die within the United States. The attending pathologist will prepare a preliminary report within 24 to 48 hours of the examination. In most cases a final report will be issued in approximately 4 to 6 weeks. A copy of the final report is available upon request. The CAO will draft the NOK's request for a copy of the final report and obtain the NOK's signature if the report of autopsy is desired by the NOK. Once signed it will be faxed to (301) 319–0635, or mailed to The Office of the Armed Forces Medical Examiner, 1413 Research Blvd, Rockville, MD, 20850, along with a copy of the DD Form 1300 and a picture ID (for example, drivers license, family member ID card) in order to comply with the Act of 21 August 1996, PL 104–91.

b. In those cases where a Soldier dies within the United States and is not autopsied by a representative of the AFME, the CAC will obtain from PAD of the responsible military hospital, the address where the NOK is able to send the request for autopsy report if an autopsy had been conducted. The address will be provided to the CAO who, in turn, will assist the NOK drafting the letter requesting the autopsy report.

Appendix E
Survivor Benefit Plan/Reserve Component Survivor Benefit Plan

E–1. General

The Survivor Benefit Plan (SBP) was established by Congress in 1972 to allow military retirees to voluntarily elect to receive a reduced amount of retired pay in order to provide an annuity for qualified survivors. The qualified survivors of all Soldiers who die on active duty in the line of duty are eligible to receive SBP. The retirement services officers (RSO) are trained and experienced in SBP counseling and assisting survivors. The Reserve Component Survivor Benefit Plan (RCSBP) was established by Congress in 1978 to allow Reservists who qualified for retired pay, except for not yet being age 60, to voluntarily elect to provide to qualified beneficiaries a monthly annuity based on their future retired pay. The AHRC–STL, Transition and Separation Branch, counsels survivors on RCSBP issues and assists eligible survivors with applying for RCSBP annuities.

E–2. Role of the Casualty Assistance Centers

a. The CAC will direct survivors of retirees to the installation RSO for assistance with applying for the SBP annuity and Arrears of Pay.

b. The CAC ensures that the survivors of all Soldiers who die on active duty are counseled by an RSO on SBP. After the RSO's SBP counseling, the CAC will ensure that the CAO has assisted qualified survivors with the completion of the SBP annuity paperwork. The CAC will review the completed SBP annuity request and forward to the DFAS–Cleveland for establishment of the SBP annuity.

c. The CAC will direct survivors of Reservists who qualified for retired pay, but are not yet age 60, to contact the AHRC–STL, Transition and Separation Branch, for RCSBP counseling and assistance with applying for the RCSBP annuity.

Appendix F
Social Security Payments

F–1. Eligibility

Social security payments may be made to eligible survivors of deceased Soldiers if survivors meet the following requirements– –

a. Widow or widower of the decedent at any age if he or she has care of a natural or legally adopted child under 16 or a disabled child.

b. Widow or widower on reaching age 60.

c. Surviving divorced husband or wife at age 60 if he or she was married to the Soldier for at least 10 years.

d. Surviving divorced mother or father who is not married and has in care a natural or legally adopted child who is under age 16 and entitled to social security benefits on the Soldier's record.

e. Dependent parents on reaching age 62 if they were receiving at least one–half of their support from the deceased Soldier (VA IS–1 Fact Sheet).

f. Student benefits payable at age 18 to age 22 are being phased out. However, benefits are payable up to age 19, if the child is a full–time student at an elementary or secondary school.

g. Students' eligibility should be discussed with the local social security office.

F–2. How to apply

Call the Toll–Free number 1–866–777–7887 to get started. The widow or widower will need some of the following documents—

a. The DD Form 214.

b. Previous year's W–2 Form.

c. Marriage certificate (original or certified copy).

d. Divorce papers of previous marriages for both widow or widower and deceased member (if applicable).

e. Birth certificates of children (original or certified copies) and widow or widower.

f. Civilian death certificate or DD Form 1300.

g. Social security lump sum payment.

h. A lump sum death payment of $255 is payable if the deceased Soldier at the time of death was fully or currently insured for social security payments. The lump sum death payment is paid in the following order of priority—

i. The widow or widower living in the same household of the deceased at the time of death.

j. The widow or widower who was eligible for benefits based on the deceased member's record for the month of death.

k. In equal shares to each child who was eligible for benefits based on the deceased member's record for the month of death.

l. The CAO will escort the NOK to the nearest social security office.

Appendix G
Education Benefits

G–1. Eligibility

a. These benefits generally apply to—

(1) Survivors of deceased veterans.

(2) Spouses of living veterans.

(3) Children of either (1) or (2), above, who are between age 18 and 26, when the death or permanent and total disability was the result of Service in the armed forces after the start of the Spanish–American War (21 April 1898).

b. Spouses and children of Soldiers are eligible if the Soldier has been listed in 1 of the following categories for more than 90 days, and remains in 1 of the categories—

(1) Missing in action.

(2) Captured in line of duty.

(3) Forcibly detained or confined in line of duty by a foreign power.

(4) If eligible children under age 18 have graduated from high school or are above the age of required school attendance, the DVA may begin this schooling before they reach age 18.

G–2. Programs

a. Veterans Education Assistance Program. Soldiers who initially entered the Service after 1 January 1977 may deposit money through the Joint Uniform Military Pay Systems (JUMPS) allotment (coded EDSAV) under the Veterans Education Assistance Program (VEAP). The VEAP is administered by DVA. The CAO will review deceased Soldier's Personal Financial Record to determine if the EDSAV allotment was in effect. The NOK may apply in writing to the nearest DVA regional office for reimbursement of VEAP deposits. The request may be in letter form or on VA Form 21–4138 (Statement on Support of Claim) and must include a copy of the DD Form 1300. The Montgomery GI Bill established a program of education benefits for individuals entering military Service after June 30, 1985. Service persons entering active duty after that date had their basic pay reduced by $100 a month for 12 months of their service, unless they specifically elected not to participate in the program. A death benefit may be payable to a designated survivor if the Service person's death is in Service and is Service–connected. The Service person must have been eligible at the time of death, or would have been eligible but for the high school diploma and or length of service requirements. Any monthly contributions made by the Soldier to the VEAP are reimbursable to his or her family in the following order of precedence—

(1) Spouse.

(2) Children.

(3) Parents in equal share (or other persons who stood in loco parentis).

(4) To other relatives in equal shares.

b. Army Emergency Relief educational assistance program. AER has an undergraduate level educational assistance

program for spouses and unmarried dependent children of deceased Soldiers (active or retired). The program includes loans and a limited number of scholarships. Obtain detailed information from National Headquarters, AER.

Appendix H
Civil Service Employment for Survivors

H–1. Employment preference

a. Unmarried widow or widowers are entitled to a 10–point preference for Federal Civil Service employment if the Soldier served on active duty—

b. During any war or during the period 28 April 1952 through 1 July 1955.

c. In a campaign or expedition for which a campaign or service medal was authorized.

d. Employment information.

H–2. Information

For more information, contact the Federal Job Information Center nearest the home of the survivor.

Appendix I
Lapel Buttons

I–1. Gold Star Lapel Button for next of kin of deceased personnel

a. The Gold Star Lapel Button was established by an Act of Congress to provide an appropriate identification for widows, widowers, parents, and NOK of members of the Armed Forces of the United States who lost their lives during the following periods—

(1) World War I, 6 April 1917 to 3 March 1921.

(2) World War II, 8 September 1939 to 25 July 1947.

(3) Any subsequent period of armed hostilities in which the United States was engaged before 1 July 1958 (United Nations action in Korea, 27 June 1950 to 27 July 1954).

(4) After 30 June 1958, while engaged in an action against an enemy of the United States.

(5) While engaged in military operations involving conflict with an opposing force.

(6) While serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force.

b. Any incident in which the service member was killed as a result of an international terrorist attack.

c. The Gold Star Lapel Button consists of a gold star on a purple circular background, bordered in gold and surrounded by gold laurel leaves. On the reverse is the inscription, "United States of America, Act of Congress, August 1966" with space for engraving the initials of the recipient.

d. One Gold Star Lapel Button will be furnished without cost to the widow or widower, to each of the parents, each child, stepchild, child through adoption, brother, half–brother, sister, and half–sister of a member of the armed forces who lost his or her life while in the active military service during the periods indicated in *a*, above. The term "widow or widower" includes those who have since married, and the term "parents" includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis. The CAC will stock the Gold Star Lapel Button and ensure the CAOs are provided them for issue to eligible NOK.

e. There is no best time to present the buttons to the NOK; when to present them depends on the judgment of the CAO. If the CAC has scheduled a presentation ceremony for a posthumous decoration for the NOK, and other immediate family members are to be present, experience has shown that this is a good time to give out the buttons. If a posthumous decoration has not been awarded or a ceremony is not planned, the CAO may distribute the buttons just prior to or shortly after the funeral. Do not force the buttons on NOK who may be angry or bitter; they can always apply for the lapel button at a later date.

I–2. Lapel Button for next of kin of deceased personnel

a. The Lapel Button for NOK of Deceased Personnel is provided to widows or widowers, parents and primary NOK of armed services members who lost their lives while serving on extended active duty or while assigned in an Army Reserve or Army National Guard unit in a drill status.

b. The button consists of a gold star within a circle (commemorating honorable service) surrounded by sprigs of oak (referring to the Army, Navy, Air Force and Marine Corps).

c. One lapel button will be furnished without cost to the widow or widower, to each of the parents, each child, stepchild, child through adoption, brother, half–brother, sister and half–sister of a member of the armed forces who lost

his or her life while on active duty. The term widow or widower includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in place of a parent.

d. The Lapel Button for NOK of Deceased Personnel is authorized for issue retroactive to 29 March 1973. The NOK of Soldiers who became deceased since that date may request issue of the button by writing to the CDR, HRC–STL, ATTN: AHRC–CC–B, 1 Reserve Way, St. Louis, MO 63132. The name, grade, SSN, and date of death of the deceased Soldier should be furnished. The names and relationships of the NOK must also be provided.

e. The CAC will stock the Lapel Button for NOK of Deceased Personnel and ensure the CAOs are provided them for issue to eligible NOK.

f. There is no best time to present the button to the NOK; when to present the button depends on the judgment of the CAO. If the CAC has scheduled a presentation ceremony for a posthumous decoration for

g. the PNOK, and other immediate family members are to be present, this is a good time to give out the buttons. If a posthumous decoration has not been awarded or a ceremony is not planned, the CAO may distribute the buttons just prior to or shortly after the funeral. Do not force the buttons on NOK who may be angry or bitter. These persons can always apply for the button at a later date. These lapel buttons should be provided to the NOK free of charge by the CAO. For more information, contact your CAC's casualty section. The servicing CAC will ensure adequate quantities are on hand.

Appendix J
Posthumous Awards and Decorations

J–1. General

Frequently, deceased Soldiers are recommended for posthumously awarded decorations. If asked by the NOK, the CAO should contact the losing unit CDR to ascertain whether a recommendation is in process or whether a decoration has been approved. As a matter of information, deceased first–term enlisted Active Army Soldiers, if otherwise qualified, may be awarded the Good Conduct Medal regardless of the time spent on active duty, provided the death occurred in the line of duty. This is a common question and the Good Conduct Medal may be the sole medal to which a Soldier may be entitled.

J–2. Role of the casualty assistance officer

The CAO should never indicate to the NOK that a specific level of award has been recommended, but only that the Soldier is being considered. If the CAO receives official notification that a decoration has been approved, the CAO should assist in arranging a presentation ceremony if desired by the NOK. If the NOK does not wish a presentation ceremony, the award elements may be given to the NOK at the most opportune time and in a setting they and the CAO agree on. Should conflict arise among NOK as to who is entitled to the deceased Soldier's awards, the CAO should request guidance from the CAC or AHRC (PDO–PA).

J–3. Awards not received or presented and request for replacements

Periodically, a PNOK will ask about obtaining or receiving awards that were not presented to the deceased prior to death or seek to replace awarded emblems that the deceased Soldier received. The NOK should address these questions to the National Archives Records Administration, 1 Reserve Way, St. Louis, MO 63132–5100. The NOK should be advised to wait 6 months following the death before submitting a written request. The request must contain the name, grade, and SSN of the deceased Soldier. (The delay is necessary because the deceased's records are first consolidated by a central records custodian before filing at National Archives and Records Administration (NARA).)

Appendix K
Checklist and Information for the Survivor

K–1. General

The checklist in K–3 is provided for use by the NOK of active duty deceased Soldiers, CAOs, and contact representatives of Government agencies counseling and/or assisting survivors in the preparation and submission of claims for survivors' benefits.

K–2. Directions for inquiries and letters

a. For convenience in directing letters and inquiries in the event additional information is required, points of contact and addresses are shown below.

b. For information on the death gratuity, arrears of pay, and other financial questions or requests, contact your local finance office.

c. For information on interment allowances and personal effects, contact the installation casualty office.

d. For information on transportation of dependents and personal property, contact the nearest activity having a transportation officer.

e. For information on decoration and awards, contact the CDR, AHRC–STL ATTN: AHRC–CC–B, 1 Reserve Way, St. Louis, MO 63132.

f. For information on government insurance (USGLI or NSLI), contact the Department of Veterans' Affairs, P.O. Box 8079, Philadelphia, PA 19101–0001.

g. For information on SGLI, contact the Office of Servicemen's Group Life Insurance, 213 Washington Street, Newark, NJ 07102–2999.

h. For information on Dependency and Indemnity Compensation (DIC), contact the nearest DVA regional office.

i. For social security information contact the nearest social security office.

j. For information on investigations, contact the local CAC.

k. For Federal Income Tax information contact, Director, Internal Revenue Service, Bureau of Internal Revenue Service, Washington, DC 20224–0001 or the IRS office that services your area.

l. For State Income Tax information, contact the commission that services your area.

m. For information on Federal Civil Service employment, contact the Office of Personnel Management, 1900 E Street, NW, Washington, DC 20006–5017; the state employment office, or local post office.

n. For information on emergency assistance while awaiting receipt of any survivor benefits and/or financial assistance for pursuit of undergraduate level educational schooling, contact the National Headquarters, Army Emergency Relief, 200 Stovall Street, Alexandria, VA 22332–6000, telephone: (703) 325–0184 or 325–0185.

K–3. Checklist for preparing benefits claims

a. VA Form 21–535 (Application for Dependency and Indemnity Compensation from Veterans' Affairs. (Widow(er) and children)).

(1) Date received.

(2) Date submitted.

(3) Submitted to: (Department of Veterans' Affairs office address).

(4) Name and address of person assisting.

b. VA Form 21–535 (Application for Dependency and Indemnity Compensation from the Veterans' Affairs. (Parents)).

(1) Date received.

(2) Date submitted.

(3) Submitted to: (DVA office address).

(4) Name and address of person assisting.

c. SGLV Form 8283 (Claim for Death Benefits (SGLI and VGLI)). To be completed for those eligible and/or designated as beneficiaries.

(1) Date received.

(2) Date submitted.

(3) Submitted to: Office of Servicemen's Group Life Insurance, 213 Washington Street, Newark, NJ 07102–2999.

(4) Name and address of person assisting.

d. VA Form 40–1330 (Application for Standard Government Headstone or Marker).

(1) Date received.

(2) Date submitted.

(3) Submitted to: Director, Monument Services (42), National Cemetery System, Department of Veterans' Affairs, 810 Vermont Avenue, NW, Washington, DC 20420–9999.

(4) Name and address of person assisting.

(5) DD Form 1375 (Request for Payment of Funeral and/or Interment Expenses) (Reimbursement in the amount applicable by the Department of the Army).

(6) Date received.

(7) Date submitted.

(8) Submitted to: (Office of Mortuary Affairs having responsibility).

(9) Name and address of person assisting.

e. DD Form 397 (Claim Certification and Voucher for Death Gratuity Payments).

(1) Date received.

(2) Date submitted.

(3) Submitted to: local finance office.

(4) Name and address of person assisting.

f. DD Form 2656 (Data for Payment of Retired Personnel).

(1) Date received.
(2) Date submitted.
(3) Submitted to: Local finance office.
(4) Name and address of person assisting.

g. DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) (furnished widow,eligible dependent children, and dependent parents of the deceased).

(1) Date received.
(2) Date presented for issue of DD Form 1173 (Uniformed Services Identification and Privilege Card).

h. VA Form 29–4125 (Claim for one sum payment) (National Service and United States Government Life Insurance) Person eligible or designated as beneficiaries.

(1) Date received.
(2) Date submitted.
(3) Name and address of person assisting.
(4) VA Form 29–4125A (Claim for monthly payments) (National Service Life Insurance) (Persons eligible or designated as beneficiaries).
(5) Date received.
(6) Date submitted.
(7) Submitted to: Department of Veterans' Affairs, Regional Office and Insurance Center, P.O. Box 7208, Philadelphia, PA 19101–0001, or Department of Veterans' Affairs Regional Office and Insurance Center, Bishop Henry Whipple Federal Building, Fort Snelling, St. Paul, MN 55111–4050.
(8) Name and address of person assisting.
(9) Point of contact at CAC.
(10) Name and address.
(11) Telephone.
(12) Other Items of Information (remarks).

Appendix L
Uniformed Services Identification and Privilege Card

L–1. Applying for a DD Form 1173

a. Survivors eligible for DD Form 1173 should have new cards issued under their new status as soon as possible.

b. When applying for the new DD Form 1173, the following is required—

(1) A copy of the death certificate.
(2) Marriage certificate.
(3) Retirement orders.
(4) Birth certificates of children.
(5) For a child over 21 (attending an accredited school full–time), a letter from the school verifying the status.

c. If dependents are unable to visit a military installation to get the DD Form 1173, they may mail a properly completed DD Form 1172 with the proper documents and a small photo to the CDR of the nearest military installation. DD Form 1173s are not transferable; take extreme precaution to avoid theft or mutilation. The DD Form 1173 will be replaced on the following instances—

(1) On expiration, loss, or mutilation.
(2) To correct an error when there is a significant change in the identification data.
(3) To reflect the sponsor's SSN.

L–2. Need information

Replacing DD Form 1173—

a. Application for replacement may be made to the CDR of the nearest military installation, using DD Form 1172. Application should include a statement concerning the circumstances surrounding the loss, action taken to affect recovery, and the card number, if available.

b. The DD Form 1173 is the property of the U.S. Government and is not transferable; a sponsor or dependent must surrender it upon any change in status affecting eligibility, expiration of the card, or on request of military authorities.

L–3. Effects of remarriage

At remarriage, military benefits are ended (except that Retired Servicemen's Family Protection Plan (RSFPP)/SBP payments continue if remarried after age 55). If that subsequent marriage ends, the following benefits can be reinstated:

SBP, PX, commissary, motion picture theaters, and CHAMPVA (through DVA). Medical care from Uniformed Services facilities or CHAMPUS will not be reinstated.

Appendix M
Checklist and Information for the Survivor

M–1. General

The checklist in N–3 is provided for use by the NOK of active duty deceased Soldiers, CAOs, and contact representatives of Government agencies counseling and/or assisting survivors in the preparation and submission of claims for survivors' benefits.

M–2. Directions for inquiries and letters

For convenience in directing letters and inquiries in the event additional information is required, points of contact and addresses are shown below.

a. For information on the DG, arrears of pay, and other financial questions or requests, contact your local finance office.

b. For information on interment allowances and personal effects, contact the installation casualty office.

c. For information on transportation of dependents and personal property, contact the nearest activity having a transportation officer.

d. For information on decoration and awards, contact the CDR, HRC–STL, ATTN: DARP–PSE–AW, 9700 Page Boulevard, St. Louis, MO 63132–5260.

e. For information on government insurance (USGLI or NSLI), contact the Department of Veterans' Affairs, P.O. Box 8079, Philadelphia, PA 19101–0001.

f. For information on SGLI, contact the Office of Servicemen's Group Life Insurance, 213 Washington Street, Newark, NJ 07102–2999.

g. For information on Dependency and Indemnity Compensation, contact the nearest DVA regional office.

h. For social security information contact the nearest social security office.

i. For information on investigations, contact the local CAC.

j. For Federal Income Tax information contact, the Director, Internal Revenue Service, Bureau of Internal Revenue Service, Washington, DC 20224–0001 or the IRS office that services your area.

k. For State Income Tax information, contact the commission that services your area.

l. For information on Federal Civil Service employment, contact the Office of Personnel Management, 1900 E Street, NW, Washington, DC 20006–5017; the state employment office, or local post office.

m. For information on emergency assistance while awaiting receipt of any survivor benefits and/or financial assistance for pursuit of undergraduate level educational schooling, contact the National Headquarters, Army Emergency Relief, 200 Stovall Street, Alexandria, VA 22332–6000, telephone: (703) 325–0184 or 325–0185.

M–3. Checklist for preparing and submitting survivor's benefits claims

a. VA Form 21–534, Application for Dependency and Indemnity Compensation from the DVA (widow or widower and children).

(1) Date received.

(2) Date submitted.

(3) Submitted to: (Department of Veterans' Affairs office address).

(4) Name and address of person assisting.

b. VA Form 21–535, Application for Dependency and Indemnity Compensation from the Department of Veterans' Affairs. (Parents).

(1) Date received.

(2) Date submitted.

(3) Submitted to: (Department of Veterans' Affairs office address).

(4) Name and address of person assisting.

c. SGLV Form 8283, Claim for Death Benefits (SGLI and VGLI). To be completed for those eligible and/or designated as beneficiaries.

(1) Date received.

(2) Date submitted.

(3) Submitted to: Office of Servicemen's Group Life Insurance, 213 Washington Street, Newark, NJ 07102–2999.

(4) Name and address of person assisting.

d. VA Form 40–1330, Application for Headstone or Marker (PNOK or person controlling remains).

(1) Date received.

(2) Date submitted.

(3) Submitted to: Director, Monument Services (42), National Cemetery System, Department of Veterans' Affairs, 810 Vermont Avenue, N.W., Washington, DC 20420–9999.

(4) Name and address of person assisting.

e. DD Form 1375, Request for Payment of Funeral and/or Interment Expenses (Reimbursement in the amount applicable by the Department of the Army).

(1) Date received.

(2) Date submitted.

(3) Submitted to: (Office of Mortuary Affairs having responsibility).

(4) Name and address of person assisting.

f. DD Form 397, Claim Certification and Voucher for Death Gratuity Payments.

(1) Date received.

(2) Date submitted.

(3) Submitted to: Local finance office

(4) Name and address of person assisting.

g. AS–IN Form 20–258R, Application for Annuity and/or Final Pay.

(1) Date received.

(2) Date submitted.

(3) Submitted to: Local finance office.

(4) Name and address of person assisting.

h. DD Form 1172, Application for Uniformed Services Identification and Privilege Card (furnished widow or widower, eligible dependent children and dependent parents of the deceased).

(1) Date received.

(2) Date presented for issue of DD Form 1173.

i. VA Form 29–4125, Claim for one sum payment (National Service and United States Government Life Insurance) Person eligible or designated as beneficiaries.

(1) Date received.

(2) Date submitted.

(3) Name and address of person assisting.

j. VA Form 29–4125A (Claim for Monthly Payments) (National Service Life Insurance) (Persons eligible or designated as beneficiaries).

(1) Date received.

(2) Date submitted.

(3) Submitted to: Department of Veterans' Affairs, Regional Office and Insurance Center, P.O. Box 7208, Philadelphia, PA 19101–0001, or Department of Veterans' Affairs Regional Office and Insurance Center, Bishop Henry Whipple Federal Building, Fort Snelling, St. Paul, MN 55111–4050.

(4) Name and address of person assisting.

k. Point of contact at CAC—

(1) Name and address.

(2) Telephone.

l. Other Items of Information (Remarks).

Appendix N
Preparation for Visit to Department of Veterans' Affairs and Social Security Offices

N–1. Preparing to visit Department of Veterans' Affairs and Social Security offices

a. If the NOK are remaining in an overseas area, contact the DVA and social security sections and departments of the nearest Embassy or consuls for assistance with survivors' benefits under their programs.

b. Prepare the widow or widower for the visit to DVA and social security offices by making certain he or she has the following:

(1) The DVA claim number if the deceased Soldier has ever filed a Department of Veterans' Affairs claim. This will permit DVA to identify the Soldier quickly and expedite processing of claims. If the widow or widower cannot locate the claim number, DVA can identify the Soldier by name, original service serial number or social security number, and date of birth. If no prior claim has been filed with DVA, the data below will be necessary for the widow or widower to complete the required claim forms.

(a) Full name of the deceased.

(b) Original service serial number or social security number (whichever is applicable).

(c) Rank.

(d) Branch of Service.

(e) Organization.

(f) Date and place of birth.

(g) Date, place, and cause of death.

(h) Date and place of burial.

(i) Total expense of burial, funeral, transportation, and, if claimed, burial plot.

(j) Dates entered into and separated from active service.

(k) Dates all expenses paid.

(2) Data relating to marriage of Soldier.

(a) Marriage certificate. This will only be necessary if the widow or widower or deceased Soldier had a prior marriage. However, proof of marriage may be requested.

(b) The number of times that the Soldier was married.

(c) Date and place of marriage(s).

(d) Name(s) of person(s) to whom the Soldier was married.

(e) How the marriage ended (death, divorce, and so forth). (Take documents relating to dissolution of marriage. The same data will be required relating to marriage of the widow or widower).

(f) If legally separated, a certified copy of the court order.

(3) Data concerning children.

(a) Names of children.

(b) Dates of birth.

(c) Social security numbers.

(d) Names of those not in custody of the widow or widower and name and the address of persons having custody.

(e) Children's birth certificates.

(4) Annual income and life insurance (including life insurance policy numbers) if the Soldier was retired at the time of death.

(5) The Soldier's birth certificate if the Soldier's parents wish to establish eligibility.

(6) Copies of DD Form 1300 or the civilian death certificate. The DD Form 1300 is the official record of death and is prepared by the CMAOC; the CDR, HRC–STL; or the State Adjutant General, depending on the status of the Soldier at the time of death.

c. Veterans' benefits are paid effective the first day of the month following application for benefits. They are not retroactive; therefore, the NOK should be advised to apply for veterans' benefits as soon as possible. Normally the application can be submitted immediately, and additional supporting documentation, such as a death certificate, can be added at a later date.

N–2. Department of Veterans' Affairs offices

a. Addresses and telephone numbers change frequently. Consult the telephone directory to confirm the address and telephone number of a DVA regional office.

b. Beneficiaries residing or traveling overseas that require information or assistance relative to DVA benefits, should contact the nearest American Embassy or Consulate.

N–3. Social Security offices

There are more than 1,400 social security offices located throughout the 50 States and in Puerto Rico and the District of Columbia. These offices will give information on social security matters. The address and telephone number of the nearest social security office can be found in the telephone directory (may be listed under U.S. Government, Department of Health and Human Services) or from the postmaster of any U.S. Post Office. The military personnel office can also help. Much time can be saved by calling the social security office before visiting. The social security office may be able to transact business completely by phone. Before the NOK can get any social security benefits, they must apply for them. If the NOK is a surviving spouse, he or she should not delay filing a claim.

Appendix O
Reimbursement of Funeral Expenses

O–1. Cost

When the NOK of a person entitled to mortuary benefits elects to personally make all arrangements for the disposition

of remains, the Army will reimburse the NOK for expenses incurred for the removal, preparation including embalming, casket and transportation to common carrier, in the amount of the contract price (if one is in effect) or $1,750.00, whichever is less. The Army will reimburse the amount it would have cost the Government to ship the deceased to final destination and the interment allowance. In most cases, the family will be responsible for a substantial payment if they elect to assume responsibility.

O–2. Preparation

When the Army assumes responsibility for the remains, it will provide for the removal, preparation including embalming, casket, military escort to accompany the remains, and transportation to the funeral home selected by the NOK, or to a Government cemetery of their choice that has grave space available. The Army will also make arrangements for cremation if the NOK requests it in writing.

O–3. Internment allowances

Whether the Army makes all arrangements or if the NOK personally makes all arrangements, an interment allowance will be paid to help defray burial expenses. The NOK will indicate on the DD Form 1375 to whom the interment allowance will be paid to, (either the NOK or funeral home).

O–4. Non–reimbursable expenses

Some non–reimbursable expenses are—

a. Certified death certificates.

b. Food or catering.

c. Cars for other than the Soldier's parents, spouse, and children or stepchildren.

d. Perpetual care.

e. Services or merchandise not directly related to the interment.

Appendix P
Personal Effects

P–1. Personal effects and property

a. Personal effects include all personal property of the deceased. Effects include those personal items that are normally with the person such as watches, rings, jewelry, wallets containing personal papers, pictures, and money. Personal effects also include household goods and automobiles.

b. Personal effects are authorized shipment to the place directed by the NOK, with certain limitations. Automobiles are authorized to be shipped to the destination directed by the NOK, provided it is operable and the value of the automobile is commensurate with the cost of shipment.

c. Shipment of effects must normally be accomplished within 1 year of death. When shipment to a destination cannot be made due to uncertainty of the NOK about a permanent address or other considerations, the effects may be placed in non–temporary storage for a period not to exceed 1 year after death.

d. Shipment of a house trailer may be authorized at Government expense, in lieu of shipment of household goods, if the house trailer will be used as a residence at the place to which it is shipped. The cost of shipment is subject to certain limitations.

e. Contact the transportation officer to obtain exact authorizations and limitations on shipment, and storage, if applicable, of effects, automobiles, and house trailers.

P–2. Disposition of personal effects

a. When the NOK is present at the place of death, the NOK will normally be in possession of effects of the deceased except those items found on the remains and those items which are located in the unit area. Under these circumstances, the items not already in possession of the NOK will be inventoried by the deceased's CDR, or his representative, and delivered to the NOK. The CAO may be designated to deliver these effects to the NOK, and obtain the signature of the NOK for the effects.

b. When the NOK is present at the place of death, the CAO will assist the NOK with the shipment of household goods. If the NOK departs prior to shipment, the CAO will complete application for shipment of household goods and act as the agent of the NOK for the shipment. It will be necessary for the CAO to obtain a limited power of attorney from the NOK for this purpose.

c. When the NOK is not present at the place of death, a Summary Court Officer is appointed to collect, inventory, safeguard, and send the effects located on post or in Government quarters to the place requested by the NOK. The Summary Court Officer has authority to complete all applications for shipment of effects without further authority from the NOK. The detailed duties and responsibilities of a Summary Court Officer are contained in AR 638–2.

d. The Army does not determine ownership of the deceased's effects. The effects are sent to the person highest on the list of authorized recipients contained in chapter 4, for disposition according to the laws at the deceased's domicile.

P–3. Effects of missing Soldiers

The effects of Soldiers officially determined as missing for 30 days may be shipped to the NOK at Government expense.

Appendix Q
Disposition Authority

Q–1. Right to direct disposition

a. The right to direct disposition of remains is a highly emotional issue in many families. On occasion each family member will have a different opinion on what to do. The Army does not negotiate with committees or intervene in family disputes. Accordingly, the CAO must ensure that he/she is talking only with the person authorized to give disposition instructions. Normally the PNOK has the authority to direct disposition. AR 638–2, paragraph 4–4, provides specific guidance to determine who is authorized to direct disposition. Before requesting or accepting disposition instructions the person's authority to make disposition must be established by determining—

(1) The exact relationship to the deceased of the person attempting to direct disposition.

(2) If there are any other living relatives who may have a higher precedence to direct disposition.

(3) If the individual had authorized a specific person to make disposition, AR 638–2, paragraph 4–4*c*.

b. On occasion the person authorized to direct disposition may be unwilling, unable or unavailable to do so. In these cases, the person with primary disposition may relinquish their authority. However, they may not name someone to act on their behalf or in lieu of them. The next person in the order of precedence assumes the authority to direct disposition.

Q–2. Designation of disposition next of kin

In some cases, unmarried Soldiers are permitted to authorize a specific relative to direct disposition. This designation is found on the DD Form 93. However, before contacting the named individual, verify with the CAC that the designation has not been overridden by a change in the Soldier's family status. For example, a marriage would give the spouse precedence over a named individual on the DD Form 93.

a. It is important that the CAO verify that the person with whom they are talking has authority to direct disposition. For example, the CAO may be talking with the elder parent when he/she learns about the Soldier's spouse. A spouse has a higher precedence to direct disposition. The disposition provided by the parents cannot be used. If the disposition was directed by the parents, the spouse could require the Army to disinter the remains and reinter them elsewhere at the Government's expense.

b. When in doubt, contact the CAC and the local Judge Advocate General.

Appendix R
Viewability

R–1. Condition of remains

The family will ask about the condition of the remains and specifically if the remains are viewable. Do not attempt to answer this question until you verify the condition of the remains with the CAC. The final decision to view the remains or not, always rests with the NOK.

R–2. Classification

Generally speaking, there are 3 classifications of viewability: viewable, viewable for ID, and non–viewable. Final determination of the remains viewability must be made at the receiving funeral home.

a. Viewable remains are presentable and will in themselves not cause further distress. It is believed the appearance of the remains is similar to the deceased's normal appearance.

b. Viewable for ID remains are less presentable than viewable and may cause additional distress when viewed. However, the remains still show identifiable features and characteristics.

c. Non–viewable remains are not presentable and may cause additional distress when viewed. Frequently non–viewable remains have been severely disfigured and bear no resemblance to the deceased. The family should be asked to allow the funeral home staff or family physician to view the remains first and to advise them whether viewing the remains is in their best interest.

Glossary

Section I
Abbreviations

2LT
second lieutenant

AAFES
Army and Air Force Exchange Service

AAR
after action report

ABC
Army Benefits Center

ABO
Accelerated Benefits Option

ACS
Army Community Services

AD
active duty

ADSW
active duty for special work

ADT
active duty for training

AER
Army Emergency Relief

AFE
appropriate fund employee

AFIP
Armed Forces Institute of Pathology

AAFES
Armed Forces Medical Examiner

AG
Adjutant General

AGR
Active Guard/Reserve

AHRC
U.S. Army Human Resources Command

ANOK
adult next of kin

AOD
Administration Officer of the Day

APO
Army Post Office

APOD
Aerial Port of Debarkation

APOE
Aerial Port of Embarkation

ARC
American Red Cross

ARIMS
Army Records Information Management System

ARNG
Army National Guard

ARNGUS
Army National Guard of the United States

AT
annual training

AUTOVON
automatic voice network

AUS
Army of the United States

AWOL
absent without leave

BASD
basic active service date

BN
battalion

BNS1
battalion S–1

BDE
brigade

BDES1
brigade S–1

CAC
Casualty Assistance Center

CAO
casualty assistance officer

CAR
Chief, Army Reserve

CAS
casualty

CAT
crisis action team

CDR
commander

CID
U.S. Army Criminal Investigation Command

CHAMPUS
Civilian Health and Medical Plan of the Uniformed Services

CLT
casualty liaison team

CMAOC
Casualty and Memorial Affairs Operations Center

CMC
Commandant of the Marine Corps

CMD
command

CNGB
Chief, National Guard Bureau

CNO
casualty notification officer

CFR
Code of Federal Regulations

CONUS
continental United States

CONUSA
the numbered armies in the continental United States

CPAC
Civilian Personnel Advisory Center

CPO
Civilian Personnel Office

CRC
CONUS Replacement Center

CSA
Chief of Staff, Army

CWG
casualty working group

CZTE
Combat Zone Tax Exclusion

DA
Department of the Army

DAC
Department of the Army Civilian

DCIPS–FWD
Defense Casualty Information Processing System–Forward

DCS, G–1
Deputy Chief of Staff, G–1

DDN
Defense data network

DEERS
Defense Enrollment Eligibility Reporting System

DEP
Delayed Entry Program

DFAS
Defense Finance and Accounting Service

DFR
dropped from rolls

DG
death gratuity

DIC
Dependency and Indemnity Compensation

DMOS
duty military occupational specialty

DNA
deoxyribonuclic acid

DOD
Department of Defense

DODI
Department of Defense Instruction

DSN
Defense Switch Network

DUSTWUN
duty status–whereabouts unknown

DVA
Department of Veterans' Affairs

E–7
sergeant first class

E–9
sergeant major

eDCIPS–FWD
electronic DCIPS–FWD

EDRE
emergency deployment readiness exercise

EDSAV
educational savings allotment

EE
emergency essential

EFT
electronic fund transfer

EPW
enemy prisoner of war

ERB
Enlisted Records Brief

EREC
Enlisted Records and Evaluation Center

ETA
estimated time of arrival

ETD
estimated time of departure

ETS
expiration term of service

FAO
Finance and Accounting Office

FND
Foreign National direct hire employee

FNI
Foreign National indirect hire employee

FOIA
Freedom of Information Act

FORSCOM
U.S. Army Forces Command

FOUO
For Official Use Only

FSGLI
Family SGLI

FTNGD
full-time National Guard duty

FY
fiscal year

GCMA
general court-martial authority

GCMCA
general court-martial convening authority

GTR
Government Transportation Request

hh:mm
hour minute

HIPAA
Health and Insurance Portability and Accountability

HOSP
hospital

HQ
Headquarters

HQDA
Headquarters, Department of the Army

HRC
Human Resources Command

HS
home station

HSCAC
home station Casualty Assistance Center

IAW
in accordance with

IADT
initial active duty for training

ID
identification

IDT
inactive duty training

IMA
Installation Management Agency

ING
inactive National Guard

INIT
initial

INSCOM
Intelligence and Security Command

IRR
Individual Ready Reserve

IRS
Internal Revenue Service

ITO
invitational travel orders

JFTR
Joint Federal Travel Regulations

JTR
Joint Travel Regulations

KIA
killed in action

LES
leave and earnings statement

LOC
letter of condolence

LOD
line of duty

LOS
letter of sympathy

LRA
local reproduction authorized

MACOM
major Army command

MACP
mortuary affairs collection point

MACS
Mortuary Affairs Casualty Support

MDW
Military District of Washington

MEPS
Military Entrance Processing Station

MIA
missing in action

MPD
Military Personnel Division

MPV
military pay voucher

MOCC
Major Overseas Casualty Command

MOA
memorandum of agreement

MOB
mobilization

MOS
military occupational specialty

MOSC
military occupational specialty code

MPA
Missing Persons Act

MPR
military pay record

MPRJ
Military Personnel Records Jacket

MPSA
Military Postal Service Agency

MPV
military pay voucher

MSC
major subordinate command

MSPA
Missing Service Personnel Act

MTF
medical treatment facility

MTFA
medical treatment facility authorities

NA
not applicable

NAF
non–appropriated fund

NAFE
non–appropriated fund employee

NARA
National Archives and Records Administration

NCO
noncommissioned officer

NCOIC
noncommissioned officer in charge

NPS
no prior service

NSI
Not seriously wounded, injured, or ill

NSLI
National Service Life Insurance

NB
nonbattle

NGB
National Guard Bureau

NOK
next of kin

OCONUS
outside continental United States

OEF
Operation Enduring Freedom

OIC
officer in charge

OIF
Operation Iraqi Freedom

OMA
Operations and Maintenance, Army

OPF
official personnel folder

OPLAN
operations plan

Ops
operations

OSGLI
Office of Servicemembers' Group Life Insurance

PAO
public affairs officer

PAD
Patient Administration Division

PADD
person authorized to direct disposition

PAP
personnel assistance point

PCS
permanent change of station

PDRL
Permanent Disability Retirement List

PE
personnel effects

PEBD
pay entry basic date

PERE
personnel eligible to receive effects

PFR
personal financial record

PID
positive identification

PL
Public Law

PM
provost marshal

PMO
Provost Marshal Office

PMOS
primary military occupational specialty

PNOK
primary next of kin

POB
place of birth

PROG
prognosis or progress

PSB
personnel service battalion

PSC
Personnel Service Center

PSD
Personnel Service Division

PT
physical training

PW
prisoner of war

RA
Regular Army

RC
Reserve Component

RCSBP
Reserve Component Survivor Benefit Plan

REFRAD
released from active duty

RMC
returned to military control

ROTC
Reserve Officers' Training Corps

RSFPP
Retired Servicemen's Family Protection Plan

RSO
retirement services officer

S–1
Adjutant

SA
Secretary of the Army

SADT
special active duty for training

SBP
Survivor Benefit Plan

SCOMO
summary court martial officer

S–DVI
Service–Disabled Veterans Insurance

SGLI
Servicemembers' Group Life Insurance

SI
seriously wounded, injured, or Ill

SIDPERS
Standard Installation/Division Personnel System

SNOK
secondary next of kin

SPECAT
special category

SPEINT
special interest

SRP
Soldier Readiness Program

SSA
Social Security Administration

SSN
social security number

STACH
status change

SUPP
supplemental

T&TO
transportation and travel order

TAACOM
Theater Army Area Command

TAG
The Adjutant General

TDA
tables of distribution and allowances

TDRL
Temporary Disability Retired List

TDY
temporary duty

TIS
time in service

TOE
term of enlistment; table(s) of organization and equipment

TPU
troop program unit

TRADOC
U.S. Army Training and Doctrine Command

TTAD
temporary tour of active duty

UGMA
Uniform Gifts to Minors Act

UIC
unit identification code

URL
Uniform Resource Locator

USACID
U.S. Army Criminal Investigation Command

USADIP
U.S. Army Deserter Point

USAEREC
U.S. Army Enlisted Records and Evaluation Center

USAR
U.S. Army Reserve

USARC
U.S. Army Reserve Command

USC
United States Code

USGLI
United States Government Life Insurance

USMA
United States Military Academy

USO
United Services Organization

USPFO
U.S. Property and Fiscal Officer

UTMA
Uniform Transfer to Minors Act

VEAP
Veterans Education Assistance Program

VGLI
Veterans' Group Life Insurance

VMLI
Veterans Mortgage Life Insurance

VRI
Veterans Reopened Insurance

VSI
very seriously wounded, injured, or ill

VSLI
Veterans Special Life Insurance

Section II
Terms

Active duty (AD)
Full-time duty in the active military Services of the United States. A general term applied to all active military service with the active force without regard to duration or purpose. The term "active duty" also applies to ROTC applicants, cadets, and midshipmen participating in practical military training; service academy cadets and midshipmen; and members of the RC serving on AD, ADT, or IDT.

Active duty for training (ADT)
A tour of AD that is used for training members of the Reserve components to provide trained units and qualified persons to fill the needs of the Armed Forces in time of war or national emergency and such other times as national security requires. The tour of duty is under orders that provide for return to nonactive duty status when the period of ADT is completed. It includes annual training, special tours of ADT, school tours, and the initial tour performed by non-prior military service enlistees.

Adopted child
Individual whose adoption has been legally completed before the child's 21st birthday. A child for whom the member has a final decree of adoption.

Adoptive parent
A person who has a final decree of adoption of the military member or the member's spouse.

Adult next of kin
The adult highest in the line of succession will be considered the adult next kin.

Annulment
The status of an individual whose marriage has been declared annulled by a court of competent jurisdiction. This restores unremarried status to a widow, widower, or former spouse for purposes of reinstatement of benefits and privileges.

Age of majority
18

Beleaguered
The casualty is a member of an organized element which has been surrounded by a hostile force to preclude escape of its members.

Beneficiary
The person (or persons) who, according to law or written designation of the Soldier, is entitled to receive certain benefits. A beneficiary may be 1 person for the death gratuity, while another person may receive the decedent's unpaid pay and allowances. The designation of beneficiaries for death gratuity and unpaid pay and allowances does not, for instance, affect the designation of beneficiaries of life insurance, either commercial or Government sponsored, or for benefits administered by agencies outside the Army. Beneficiaries for life insurance as designated by the insured person on the policies.

Besieged
The casualty is a member of an organized element that has been surrounded by a hostile force for compelling it to surrender.

Blue Bark
A term used to designate members of DOD and their family members who are (returning from overseas) traveling in connection with the death of a Soldier or civilian employee's immediate family, and who are otherwise authorized transportation under the Joint/Federal Travel Regulations. The term "Blue Bark" also is used with emergency leave or emergency curtailment of an overseas tour based on the death of a member of a Soldiers immediate family residing in the Soldier's household.

Body recovered
The remains of a deceased casualty have been recovered by U.S. military authorities.

Captured
The casualty has been seized as the result of action of an unfriendly military or paramilitary force in a foreign country.

Casualty
Any person who is lost to the organization by reason of having been declared belcaguered, besieged, captured, dead, diseased, detained, DUSTWUN, injured, ill, interned, missing, missing in action or wounded.

Casualty Assistance Center (CAC)
The CAC assigned responsibility for the area in which the casualty occurs or the area in which the NOK resides, and who has casualty reporting responsibilities to AHRC. This term applies to both CONUS and OCONUS CACs.

Deceased
A casualty status applicable to a person who is either known to have died, determined to have died based upon receipt of conclusive evidence, or declared dead based upon a presumptive finding of death. The recovery of the person's remains is not a prerequisite to determining or declaring a person deceased.

Dependent or family member
Individuals whose relationship to the sponsor leads to entitlements to benefits.

Detained
A casualty status applicable to a person who is prevented from proceeding or is restrained in custody for alleged violation of international law or other reasons claimed by the government or group under which the person is being held.

Disability
Any type of injury or disease whether mental or physical.

Documentation
Properly certified birth certificate (of live birth) which includes the names of both parents or certificate of live birth with the name of at least 1 parent issued from the hospital; marriage certification; includes the names of both parents; marriage certification; final decree of divorce dissolution, or annulment of marriage; court order for adoption or guardianship; statement of incapacity from physician; retirement orders (providing entitlement to retired pay is

established) or DD Form 214; DD Form 1300; certified death certificate; certification from the DVA of 100 percent disabled status; order awarding Medal of Honor; civilian personnel records, military personnel records, DD Form 93, SGLV 8286, SGLV 8285, SGLV 8714, unit training orders, TDY orders, training schedules, invitational travel orders and, DA Form 31 (Request Authority for Leave).

Duty status–whereabouts unknown (DUSTWUN)
A transitory/temporary casualty status, used when the reason for a member's absence is uncertain and it is possible that the member may be a casualty whose absence is involuntary, but there is not sufficient evidence to make a determination that the member's actual status is missing or deceased.

Full–time coverage
A Soldier who has full–time coverage is insured regardless of when death occurs.

Hostile casualty
A person who is the victim of a terrorist activity or who becomes a casualty "in action. " "In Action " characterizes the casualty as having been the direct result of hostile action, sustained in combat or relating thereto, or sustained going to or returning from a combat mission provided that the occurrence was directly related to hostile action. Included are persons killed or wounded mistakenly or accidentally by friendly fire directed at a hostile force of what is thought to be a hostile force. However, not to be considered as sustained in action and not to be interpreted as hostile casualties are injuries due to elements, self–inflicted wounds and, except in unusual cases, wounds or death inflicted by a friendly force while the individual is in AWOL, deserter, or dropped from the rolls status or is voluntarily absent from a place of duty.

Inactive duty training (IDT)
Authorized training performed by a member of a Reserve component not on AD or ADT and consisting of regularly scheduled unit training assemblies, additional training assemblies, periods of appropriate duty or equivalent training, and any special additional duties authorized for Reserve component personnel by the Secretary concerned, and performed by them in connection with the prescribed activities of the organization in which they are assigned with or without pay. Does not include work or study associated with correspondence courses.

Initial active duty for training (IADT)
Initial active duty for training (IADT) is defined as:

a. Includes basic military training and technical skill training.

b. Is required for all USAR or ARNG accessions. Active duty for special work (ADSW).

c. Used when the purpose of the tour is to accomplish organizational mission, support, and administration, or for critical reserve component unique projects.

d. Training for the individual Soldier is incidental.

Interned
Any person definitely known to have been taken into custody of a non–belligerent foreign power as the result of and for reasons arising out of any armed conflict in which the Armed Forces of the United States are engaged.

Killed in action (KIA)
A casualty category applicable to a hostile casualty, other than the victim of a terrorist activity, who is killed outright or who dies as a result of wounds or other injuries before reaching a medical treatment facility.

Missing
A casualty status applicable to a person who is not at his or her duty location due to apparent involuntary reasons and whose location may or may not be known.

Missing in action (MIA)
The casualty is a hostile casualty, other than the victim of a terrorist activity, who is not present at his or her duty location due to apparent involuntary reasons and whose location is unknown.

Next of kin (NOK)
The person most closely related to the casualty is considered primary NOK for casualty notification and assistance purposes. This is normally the spouse of married persons and the parents of single persons who have no children. The precedence of NOK with equal relationships to the member is governed by seniority (age). The rights of minor children shall be exercised by their parents or legal guardian. The below order of precedence is used to identify the primary

NOK. All other persons are considered secondary NOK. For the order of precedence used concerning the disposition of remains and personal effects, consult appropriate statutes and Service regulations.

a. Spouse.

b. Natural, adopted, step, and illegitimate children (if acknowledge by the member or paternity/maternity has been judicially decreed.)

c. Parents, unless legal exclusive (sole) custody was granted to a person by reason of a court decree or statutory provision.

d. Persons standing in loco parentis.

e. Persons granted legal custody of the member by a court decree or statutory provision.

f. Brothers or sisters, to include half-blood and those acquired through adoption.

g. Grandparents.

h. Other relatives in order of relationship to the member according to civil laws.

i. If no other persons are available, the Secretary of the Military Department may be deemed to act on behalf or the member. In those cases involving missing service members found dead pursuant to 37 USC, the remarried surviving spouse should be notified when remains are recovered. Although the remarried surviving spouse has no blood relationship to the members, the prior marital relationship and the continuing interest in the members are the determining factors. The term remarried surviving spouse does not include one who obtained a divorce from the member or who remarried before a finding of death pursuant to 37 USC.

Non-hostile casualty
A person who becomes a casualty due to circumstances not directly attributable to hostile action or terrorist activity. Casualties due to the elements, self-inflicted wounds, and combat fatigue are non-hostile casualties.

Not seriously wounded, injured, or ill (NSI)
The casualty status of a person whose injury or illness may or may not require hospitalization, medical authority does not classify as VSI, SI or III, and the person can communicate with the NOK.

OSGLI
Office of the Servicemembers' Group Life Insurance, 213 Washington Street, Newark, NJ 07102. The administrative office of SGLI and VGLI for veterans.

Overseas
All locations, including Alaska and Hawaii, outside the continental United States.

Parent/loco parentis
This means in the place of or instead of a parent charged factitiously with a parents duties and responsibilities. The natural father or mother, father or mother through adoption, or person who stood in relationship of a parent to the deceased for a period of at least 5 years prior to the Soldier reaching 18 years of age.

Part-time coverage
A Soldier who has part-time coverage is insured only during the specified duty periods and while proceeding directly to or from the place of duty. Coverage is not provided during work or study in connection with correspondence courses or while attending educational institutions in an inactive status.

Presumptive finding of death
A declaration by the Military Service Secretary or designee of the Military Service concerned, based upon a recommendation by a board or other official body that a person who was placed in a missing casualty status is dead.

Primary next of kin (PNOK)
The legal NOK. That person of any age most closely related to the individual according to the line of succession. Seniority, as determined by age, will control when the persons are of equal relationship.

Personnel Service Company (PSC)
The office that maintains a Soldier's DA Form 201, (Military Personnel Records Jacket)

Personnel Service Center/Division (PSC/PSD)
The personnel office that maintains an individual's Personnel Records

Posthumous promotion
Promotion to a higher grade following a casualty's death; however, this promotion is not for pay purposes.

Returned to military control (RMC)
The status of a person whose casualty status of DUSTWUN or missing has been changed due to the person's return or recovery by U.S. military authority.

Secondary next of kin (SNOK)
Any NOK other than the primary NOK.

Seriously wounded, injured, or ill (SI)
Casualty status of a person whose illness or injury is classified by medical authorities to be of such severity that there is cause for immediate concern, but there is no imminent danger to life.

Service–connected
A service–connected death must have occurred in the line of duty, and not a result of the deceased Soldier's willful misconduct or negligence. It is not necessary that death occur while actually performing military duties or during military operations to be service–connected.

Terrorism
The unlawful use or threatened use of force or violence against individuals or property to coerce or intimidate governments or societies, often to achieve political, religious, or ideological objectives. A victim of a terrorist act directed against the United States or its allies is a hostile casualty.

Total disability
Any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation.

Very seriously wounded, injured, or ill (VSI)
The casualty status of a person whose illness or injury is classified by medical authorities to be of such severity that life is imminently endangered.

Unmarried spouse
A widow or widower who has remarried and through annulment, divorce, or death is no longer married.

Unremarried spouse
A widow or widower of a deceased Soldier who has not remarried.

Wounded in action
A casualty category applicable to a hostile casualty, other than the victim of a terrorist activity, who has incurred an injury due to an external agent or cause. The term encompasses all kinds of wounds and other injuries incurred in action, whether there is a piercing of the body, as in a penetration or perforated wound, or none, as in the contused biological and chemical warfare agents, and the effects of exposure to ionizing radiation or any other destructive weapon or agent. The hostile casualty's status may be VSI, SI, III, or NSI.

Section III
Special Abbreviations and Terms
This section contains no entries.

Mr. ISSA. It is also my understanding as someone who has 44,000 Marines, some of them on their fourth deployment in Afghanistan and Iraq at Camp Pendleton, that the Marines have the opposite policy, that in fact if Corporal Tillman had been a Marine the policy is not to inform until the completion of the investigation period. Is that also on your understanding to the extent that you know?

General ABIZAID. Yes, that is the Marine policy as I understand it.

Mr. ISSA. Then I certainly think from the dais here today we would hope, General Brown, to the extent that you convey it and for those behind you taking notes that we can't have two policies. There has to be one policy because it is the only way that in a joint world that we're going to have the kind of joint understanding of what to do. And Secretary Rumsfeld, you are one of the big cheerleaders and author of jointness. Wouldn't you agree that we have to, much as possible, not have two standards when people are fighting side by side?

Mr. RUMSFELD. Congressman, we have different policies in the respective services on literally dozens and dozens of things.

Mr. ISSA. I know, Secretary Rumsfeld.

Mr. RUMSFELD. You know that.

Mr. ISSA. I know, but the question here because we have this O&R oversight we want to know why a legitimate hero who died a hero, whose Silver Star should say he stood up to protect his men while they were under friendly fire because he tried to stop that firing from killing the rest of his unit, every bit as deserving of that or even greater award, why that wasn't correct. That is the oversight. We can't change that. Others will have to.

But on the reform side—and I will ask indulgences for a moment since we are a little short anyway—isn't it appropriate that today we consider or ask the DOD to consider as much as possible unifying those things? And General Brown, I will ask it to you because you are the only one still on active duty. As a supreme commander, as a combatant, as whatever role you are in the future when you have multiple different forces, wouldn't it be extremely desirable for the Department of Defense to undertake unifying these standards to prevent the kind of misunderstanding that clearly Colonel Nixon and others had in this process.

General BROWN. Absolutely, and I will be glad to take that back to the Department of Defense and ask them to take a look at that.

Mr. ISSA. Thank you.

Chairman WAXMAN. Thank you, Mr. Issa.

Mr. Cummings.

Mr. CUMMINGS. Thank you very much. Secretary Rumsfeld, I want to ask how is it possible that you didn't know before May 20th that Corporal Tillman died by friendly fire? And I will ask you—we developed a chart which I will put up now on the wall. In this chart, we show what the committee had learned up to that point, which was that at least nine Pentagon officials, including three generals, either knew or were informed of the suspected fratricide in the first 72 hours after it occurred. We have continued to investigate.

And now I would like to put up another chart. Here we identify Pentagon officials who knew of the fratricide before the American public and the Tillman family at the end of May 2004.

This chart shows that at least 30 people knew, including some of the highest ranking military officials in our government. Even this is not comprehensive. The committee interviewed Lieutenant General John Craddock on July 27th. In 2004 he was your Senior Military Assistant. He is now the head of NATO. He told us that he didn't learn of the fratricide in any official capacity but rather from his neighbor, General Jim Lovelace, who was the Director of the Army Staff. This is how General Craddock described it and we will put that on the board. He said, Jim Lovelace is my neighbor at Fort Myer. Because he was my neighbor, in a social setting we had, I would say frequent, when a couple of times a month we talked to each other outside or something on the weekend. The best that I can recollect was over the fence at my quarters 1 weekend Jim Lovelace said something to me that Tillman may have been killed by friendly fire. I recall being surprised and taken aback quite frankly.

If this was common knowledge among the top military ranks, Secretary Rumsfeld, something that was talked about across the backyard fences, how is it possible that you did not know?

Mr. RUMSFELD. You have a date, Congressman, on when this backyard fence discussion took place?

Mr. CUMMINGS. No, he didn't give us a specific date, Mr. Secretary.

Mr. RUMSFELD. You're talking about an institution of something like 3 million people. Active duty, reserve, guard, civilians, contractors. There are so many things going on in that Department in any given year, there is something like 7,000 courts martial with probably that many investigations going on at any year.

It isn't possible—it is like a city of 3 million people, it is not possible for someone to know all the things that are going on.

Mr. CUMMINGS. I understand, Mr. Secretary. Believe me, I would not be asking you these questions if it were not for the fact that we had a hero here, one that you were well aware of, and so I thought maybe you might have knowledge of it.

I don't want my time to run out because I have a rather more pointed question that I want to get to. In our hearing in April, Pat Tillman's mother, Mary Tillman, and this is one of the most wrenching hearings I have attended in 11 years, was asked about the possibility that you didn't know and this was her response. And I want you to listen to it. This is from a mother whose son had been killed in war. She said, I've been doing a lot of reading about former Secretary of Defense Rumsfeld. And I believe just from what I learned about him as a person, and his expectations for his staff, that he would have had this information.

I think what Mary Tillman said capsulates what many Americans feel. It does not seem credible that you didn't know this information. But let me go back to what you said in your opening statement. And I was so impressed with the statement that you said—that you put out. You said this and you wrote it. It says, when you talk about what you expected of the military, you said: DOD officials must tell the truth and must be believed to be telling the

truth or our important work is undermined. And then you said something that was very interesting. You went on to say in the closing remarks: Any errors in such a situation are most unfortunate. The Tillmans were owed the truth, delivered in a forthright and a timely manner.

And then General Geren yesterday said that he didn't believe that there was a cover-up. I ask you, sir, most respectfully, do you think that the Tillmans received the truth? And I ask all of you, do you think there was a cover-up by DOD?

Mr. RUMSFELD. Let me respond this way. First, the words—I read the testimony of your previous hearing. I agree with you that they are—it was a heartwrenching hearing. And the words that you cited from his mother obviously were the words of a grieving mother. And as I recall the testimony, she did go on to say that she has no facts nor paper, no information to confirm her belief, which I thought was gracious of her, because I know of no facts to confirm her belief. And I know of no one else who has any facts or paper to confirm her belief.

Mr. CUMMINGS. Sir, are you claiming there was an error? You mentioned error, error. Is there a difference between a lie and an error, Mr. Secretary?

Mr. RUMSFELD. Well, certainly there is a difference between the two. And I don't know how many investigations—some people have said five, some six, some seven—but every single one of them has suggested that was badly handled and errors were made. But in no instance has any evidence of a cover-up, to use the phrase you use, been presented or put forward. I know of nothing that suggests that.

I know that I would not engage in a cover-up. I know that no one in the White House suggested such a thing to me. I know that the gentlemen sitting next to me are men of enormous integrity and would not participate in something like that. So of course there is a difference between error and cover-up.

Chairman WAXMAN. Mr. Cummings, your time is up but you did ask a question that you wanted all of the witnesses to answer. And I guess the question would be since the information was distorted and O'Neal's—Staff Sergeant O'Neal's statement was rewritten to give a different statement than what he put forward, and the family wasn't informed for the longest time, and all these other problems, do any of you think there was a cover-up of the errors or actions below?

General MYERS. Mr. Chairman, I can only say that in the places that I worked, I would agree totally with Secretary Rumsfeld that whether it was the White House or in the Secretary's office or when the Joint Chiefs of Staff met or when I talked to General Abizaid, there was no—never any attempt to cover up anything. In fact this was not an issue that we discussed. I just didn't discuss this issue. We had a lot of issues. We mourn every death. We really do. We cry with the parents and the friends and family.

Chairman WAXMAN. I guess the question is different. I am not asking you whether you were a part of a cover-up. Do you think there was a cover-up?

General MYERS. I have no way of knowing. I don't have all the information.

Chairman WAXMAN. General Abizaid, do you have any comments?

General ABIZAID. No, sir, I don't think there was a cover-up. I think people tried to do the right thing and the right thing didn't happen.

General BROWN. I agree with General Abizaid, I don't think there was a cover-up.

Chairman WAXMAN. OK. Thank you. Mr. Mica has arrived. So we will recognize you now.

Mr. MICA. Thank you. Is that another vote? In any event, thank you for yielding to me. Welcome, Mr. Secretary, and the generals.

I didn't get a chance to make an opening statement but just a couple of comments and a quick question or two. First, welcome back, Secretary Rumsfeld. I have been around this place since 1970. My first boss was Congressman Cramer from Florida who passed away some time ago. But I've never seen more dedicated public servants—dedicated servant or service to this country than Donald Rumsfeld has provided.

I think on my dying day I will remember September 11th when I was with Donald Rumsfeld in the Pentagon for breakfast that morning. He invited me and half a dozen Members, I think, over to the Pentagon. And the subject of the conversation Donald Rumsfeld was interested in was the military had been downsized during the nineties since the fall of the Berlin Wall, and what we were going to do about a situation if we had another—the word used was "incident." I remember in the conversation sitting in the room right off of his office for coffee that morning, and he was trying to make certain that we were prepared for something that we might not expect.

I was with Pete Geren, too, who is now the Secretary of the Army and Pete has done an excellent job. He did an excellent job for you then and he has done an excellent job for you too. I can't remember if he was a Democrat or a Republican. I think he was a Democrat that you enlisted as an aide, well respected by everyone on both sides of the aisle.

There is a hero sitting right there, because that morning I left just a few minutes—we learned together of the attack on the World Trade Center. And this Secretary rolled up his sleeves and went down to save people who had been victimized by the terrorist attack on the Pentagon. I just made it back here as the plane hit. I will never forget that morning or your service to our Nation.

The purpose of this is, you know we do have a responsibility to look into this, just as you do. But from the information you provided, I don't see a cover-up. I see—and they are looking for the higher level, I mean they are trying to get the trail to the generals and to the Secretary and the White House if they can.

Let me read from this comment Pete Geren said: We have made a number of mistakes. In fact, I cannot imagine the situation could have been more poorly handled. And he does go on and tell how I believe this is appropriately handled and those who made errors were held accountable. 99.9 percent of the military do an outstanding job. And I thank you for setting an example. These folks were held accountable; is that correct, General Myers, all generals?

General MYERS. From what I understand, that's correct.

Mr. MICA. Pete Geren said here: But at no time did the Army try to cover up the truth or deceive the American public about how Colonel Tillman died. Would you say that is correct Mr. Secretary?

Mr. RUMSFELD. Congressman, thank you very much for your comments. As you, I have a lot of respect for Pete Geren. And I have every reason to believe that his investigation was thorough and proper and that his remarks are correct. I was not involved. I'm out of the Department now for many, many months, and I have not reviewed the investigation by General Wallace and therefore I can't comment.

Mr. MICA. OK. Also in this memo from Pete Geren it says, it's important to note that consistent with the DOD's Inspector General's report, General Wallace found no evidence that anyone in the chain of command sought to cover up the fact that Corporal Tillman died by friendly fire. General Myers, any of the generals know anything other than this?

General MYERS. I know nothing other than that. I have not seen the Secretary's statement, but it is consistent with other things I have seen.

Mr. MICA. OK. And when we held the last hearing on this, of course our hearts go out to the Tillman family. The loss of anyone—any life is a tragedy. But I remembered at the hearing when we first held this it was at the time of the Corzine accident in New Jersey and the first media accounts came out that somebody had cutoff the driver and some bad driver had caused the accident. And then we found out through some investigation that they were actually going 90 miles an hour and the Governor didn't have a seat belt on.

Here is an incident that happened halfway around the world, and in a combat situation and sometimes it is difficult to get those reports and the information back. Is that not correct, General? General Myers.

General MYERS. I think that's absolutely correct. And you know, around the Department of Defense we usually say the first reports, just like aircraft accidents, other mishaps, are probably wrong and we generally don't react to first reports. We wait for other data.

Chairman WAXMAN. Thank you, Mr. Mica.

Mr. MICA. May the other gentlemen respond.

General ABIZAID. I would just say that reports initially of a combat action always have some inaccuracies of some sort and we always say the first report is always wrong. But I think again we tried to clarify this as quickly as we could, and that's where the difficulties took place.

Mr. MICA. Thank you.

Chairman WAXMAN. Anybody else want to respond? If not, Mr. Tierney is recognized.

Mr. TIERNEY. Thank you very much. If we direct our attention back to the P–4, the P–4 memo that General McChrystal sent out, you said he had become aware, "of suspected reports that POTUS, the President of the United States, and the Secretary of the Army might include comments about Corporal Tillman's heroism and his approved Silver Star medal in speeches currently being prepared, not knowing the specifics surrounding his death." So obviously the objective of that P–4 was to get those specifics, the fact that there

was a fratricidal investigation going on, to the appropriate people to the White House.

General Abizaid, you were the primary addressee on the memo, and I think it was not uncommon for the President to direct conversations with the combatant commander such as yourself. Did you take any steps to alert the White House that Corporal Tillman's death was suspected as friendly fire?

General ABIZAID. No, sir. I talked directly to the chairman.

Mr. TIERNEY. Having that direct relationship with the President and knowing that it was specifically put in the P–4, that in fact there was a concern that the President might make a statement about the conditions surrounding that event, why didn't you take it up yourself to make sure that the White House was informed?

General ABIZAID. I did not take it upon myself to inform the White House directly nor did I ever when I was in command. When something would come up in our normal meetings with the President, I would have a free flowing conversation, but I usually commented through the chairman or directly with the Secretary.

Mr. TIERNEY. And that's the case even when there is some immediacy in the memo indicating that the President might be in the position to make an embarrassing statement unless he was warned otherwise?

General ABIZAID. First of all, I received the message late, which is clearly a problem within my own headquarters. When I received the message late, I talked to the chairman. I also saw the two other addressees, General Brown and the Army, and after having talked to the chairman, it became clear to me that the chairman knew about it and I presumed that the information flowed in Washington through Army channels as I might have expected. Those assumptions were obviously incorrect.

Mr. TIERNEY. General Brown, what about you? Did you notify the White House about the possibility that Corporal Tillman was killed by his own unit after you saw that memo?

General BROWN. No, sir. I didn't.

Mr. TIERNEY. And why didn't you do that knowing that there was some immediacy to the memo?

General BROWN. Well, sir, first of all on the P–4, I was an info addressee, which is not the primary addressee.

Mr. TIERNEY. If I could interrupt, I understand. But General Abizaid said the reason that he didn't do it was because you were on the memo. So he must have expected that you would do something. That was ill placed?

General BROWN. No, I don't think anybody would expect me to call the President of the United States based on the comment made on an info message where I was an info addressee.

Mr. TIERNEY. General Myers, at that time you were the Chairman of the Joint Chiefs of Staff. You were the principal military adviser to the President and the National Security Council, the Secretary of Defense. Did you advise the President or anyone at the White House that there was a fratricide investigation?

General MYERS. Bear in mind again I had not seen the P–4. All I knew was that there was potential for fratricide, there was an investigation ongoing. I do not recall and am fully certain I didn't talk to anyone at the White House about that.

Mr. TIERNEY. Did anybody at your staff talk to anybody at the White House?

General MYERS. I can't tell you that. There are some things, by the way, that circulate in public affairs channels that could be like that. But I wasn't aware of that.

Mr. TIERNEY. Who on your staff would have been in that loop, the public affairs loop?

General MYERS. My public affairs officer was then Captain Frank Thorpe, and I do remember talking to him about the potential of fratricide and saying we have to be cautious here; if we make any comments, we have to bear that in mind.

Mr. TIERNEY. And who would that person's contact at the White House be?

General MYERS. I don't know. Routinely he would never talk to the White House. They would talk to the services' public affairs officers. He would also talk to the Office of Secretary of Defense's public affairs folks. But I can't imagine him ever talking to the White House, unless it was on a conference call where he was included.

Mr. TIERNEY. Secretary Rumsfeld, let me ask you the same question to close things out. Did you advise the President or anyone at the White House that there was evidence that Corporal Tillman was killed by friendly fire at any time?

Mr. RUMSFELD. I don't recall. Clearly it would be logical that I would have or someone in my office would have after the information became readily available and the family was notified and it became a subject of interest. Then one would want to know—make sure that the White House was aware of it and there were daily calls back and forth between the National Security Council and the office.

Mr. TIERNEY. General Myers indicated at one point there was fairly common knowledge around this. Who in your office or the Secretary's office would have had the kind of contact with the National Security Council staff or the White House on a subject like that?

Mr. RUMSFELD. There are multiple contacts each day and they would happen throughout military assistants, they would happen through the civilian assistants, they would happen through the public affairs. General Myers and I would meet with the President at least once a week.

Mr. TIERNEY. Setting aside——

Mr. RUMSFELD. Just a second, please, and let me just complete the thought. And in addition, we were in National Security Council meetings and principal committees meetings on a regular basis during the week. Probably five times a week.

Mr. TIERNEY. You are telling me that neither you or General Myers have any recollection of either of you gentlemen telling anybody, so who on your staff—who would you suggest on your staff that we could talk to that might have had conversations with the White House on that?

Mr. RUMSFELD. I just don't know other than my response to you as to the kind of contacts that took place on a regular basis.

General MYERS. I would agree. I wouldn't know who to say.

Mr. TIERNEY. You don't know who made those contacts on a regular basis?

General MYERS. There were multiple people depending on the subject. But on this subject, I wouldn't know of anybody.

Chairman WAXMAN. Mr. Tierney, your time has expired. Mr. Platts.

Mr. PLATTS. Thank you, Mr. Chairman. I appreciate you holding this hearing as we continue to address this very important matter. And I know that all of us here, both our witnesses, those in the audience and committee and staff, continue to have the Tillman family and all the families of our courageous men and women who have given their lives in defense of our country in our prayers. And I know certainly with the four of our witnesses, given your distinguished careers and patriotic service to our Nation, that you all share in the regret that we all feel in how the Tillman family learned of the true manner in which their loved one gave his life. And I certainly appreciate your volunteering to be here today so that we can get to the bottom of this.

I want to followup, I know my colleague Mr. Issa of California asked the question about uniformity and, General Brown, you stated that you would take that recommendation back. I want to add my support for the services coming together as one who has followed up with 17 families in my district, either whose loved ones gave their lives in Iraq, Afghanistan, off the coast of Djibouti, and knowing how those families want as much information as possible and have followed up with me, and we worked with the various military branches.

Sometimes it is difficult as a Member in working with families because of the variances in the branches, in how we get noticed and when we get noticed and how we can then help the families. I want to echo Mr. Issa's suggestion that this be pursued. And in addition, General Brown, you doing it within the ranks of Secretary Rumsfeld and General Myers and General Abizaid, given your historic and great service and your knowledge of the importance of these issues, would encourage you to even on the civilian side to join in in helping to push that issue forward for uniformity within the branches.

Secretary Rumsfeld, I want to followup a question that Ranking Member Davis asked. A memo of March 2006 where you, in communicating to the Secretary of the Army and the Chief of Staff of the Army, of the unacceptable nature of how things played out and that they need to address it. As we are here today—because I think the reminder that we're Oversight and Government Reform and to me what I hope we get out of today is how to make sure this never happens again—is with, Secretary Rumsfeld, you or other witnesses, your knowledge of what changes have been made to ensure this does not repeat itself.

Mr. RUMSFELD. Well, I very briefly, I am sure there have been a great many changes made that I am not aware of. But in the aftermath of the early investigations, I am told that the Army instituted a number of changes and adjustments in how they handled things and that those have been reported to the committee and the Congress.

Mr. PLATTS. General Brown, could you comment on that?

General BROWN. Well, I think the big—I think Secretary of the Army Geren said yesterday the changes are important, but you have to execute the changes and execute the process the way it is designed if you are going to change the process.

And the fact that the Army regulation we talked about earlier, 600–8 I think it is, that requires the family to be notified and I think in that regulation it also says to keep them constantly updated and no later than 30 days, I think that regulation is the answer to a lot of these problems, having been through fratricide problems before in my career; that proper execution of that process will help us not to have these kind of problems in the future.

While I'm on it, I would also totally agree with you. I think the way that is written today sounds to me, and I am not familiar at all with the Marines' policy or Air Force policy or any of those, but it sounds to me like the right policy or the right regulation for all the services.

So I think you can—they have made changes, I think, but you have to execute the changes the way they are designed if you want to solve, fix this very difficult process.

Mr. PLATTS. General Abizaid.

General ABIZAID. Congressman, if I may, we found out a lot of things in the course of this conflict about systems that we have in place that really don't make sense for the modern world. In the world of e-mail and in the world of telecommunication, phones with the soldiers in the field, cameras, etc., that it is almost impossible to stop the flow of information from the field.

I can remember when my daughter was informed about her husband's being wounded it came not from the Department of the Army initially, but from an e-mail that came from somebody in the field. Not only was it incorrect in the way that was initially conveyed to her but it had some other bad information in there.

Nevertheless, what we have to do is figure out how to deal with these communications means that are ubiquitous in the field and figure out how we are going to deal with them when these bad things happen which will continue to happen.

Mr. PLATTS. Thank you, General Abizaid. My time has expired. My sincere thanks for each of you being here and my thanks for your service to the Nation.

Chairman WAXMAN. Thank you very much, Mr. Platts. Ms. Watson.

Ms. WATSON. I want to address my questions to Secretary Rumsfeld. On July 26, 2007, you wrote a letter to the committee which I'd like to make part of the record. And in that letter you made the following statement: The Tillmans were owed the truth, unvarnished and delivered in a forthright manner, and the Department owed it to the memory of a man who sacrificed his life, gave up a very lucrative career, to serve his country.

And I certainly could not agree more. And in fact I believe it is the standard that everyone in the Department should be held to—everyone, including yourself. But my question is whether or not you met this standard. We sent you a list of six questions and you did not address those questions. And within your letter you said I don't recall and I've not been here the full time, but quite frequently you have said I don't recall.

Now I have a document here that the IG sent, and there is a copy of it probably up on the marquees for all of you to see. And it is a memo, six pages, with over two dozen specific investigative questions, many with subparts, about your involvement in handling the case. Do you remember the Inspector General's questions? Do you remember this document that was sent to you?

Mr. RUMSFELD. I do.

Ms. WATSON. OK. And I won't read all of them. But here is one particular one. When you were told friendly fire——

Mr. RUMSFELD. What number is that?

Ms. WATSON. Let's see, I am just going to read it to you. They are listed here, and there is a number. Let's see if I can find the one I am reading. Let me read it to you.

When you were told friendly fire was suspected, did you know the family was told that enemy fire caused Corporal Tillman's death?

Mr. RUMSFELD. I'm sorry, could you repeat that? Your voice dropped and I missed a word or two.

Ms. WATSON. Sorry, I'm a little ways from the mic. When you were told friendly fire was suspected, did you know the family was told that enemy fire caused Corporal Tillman's death and the family was not to be informed the death was under investigation? Do you recall that?

Mr. RUMSFELD. No, I did not know that the family—I did not know what you just said.

Ms. WATSON. OK. You did not know that the family—I just want to get it for the record. You did not know that the family was told that enemy fire caused Corporal Tillman's death and the family was not to be informed that death was under investigation? You did not know that?

Mr. RUMSFELD. I have no recollection that anyone ever said to me that the family should not be told the truth or that it was possibly friendly fire or friendly fire. I have no recollection of anyone suggesting that.

Ms. WATSON. You were unaware the family was told that it was enemy fire that caused Corporal Tillman's death?

Mr. RUMSFELD. I think everyone was told that.

Ms. WATSON. No, did you?

Mr. RUMSFELD. I was aware from the press and I knew nothing other than in those early days, April 22nd, when he was killed. I did not have knowledge other than what was in the press that he was killed by enemy fire.

The information that it first was a possibility of fratricide came later and in no instance was I told that people had the belief that it might have been fratricide and that no one should tell the family that. I had no knowledge of that, which I believe was your question.

Ms. WATSON. OK. I'm just giving you an example of what was asked of you and my question is whether you remember these questions.

Mr. RUMSFELD. I've got them in front of me.

Ms. WATSON. Do you remember them?

Mr. RUMSFELD. I remember—I do not remember them from the time they apparently were originally provided. But I do—have seen

them, I've read them and I believe I have answered all of those that I am able to answer.

Chairman WAXMAN. Thank you, Mrs. Watson, your time is up.

Ms. WATSON. Maybe he can answer—I just wanted to mention this so maybe he can respond while he is answering some other questions.

Mr. RUMSFELD. Mr. Chairman, could I make a comment on a couple of things that have gone prior to this? One is there were a couple of charts shown up there. I couldn't read any of it and I don't want to have anyone to believe that I could read those two charts that were put up.

Second, the Congressman asked the chairman if he was in the chain of command and of course he answered he was not. I would not want that to leave anyone with the question that he did not have the same standard of care with respect to his public or private utterances with respect to the risk of command influence. Because in his position as chairman, clearly he had to exercise the same degree of care that I did with respect to that issue.

[The information referred to follows:]

Office of Donald Rumsfeld

July 26, 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
Washington, DC 20515-6143

The Honorable Tom Davis
Ranking Member
Committee on Oversight and Government Reform
United States House of Representatives
Washington, DC 20515-6143

Dear Chairman Waxman and Congressman Davis:

I write in response to your letter of July 13, 2007, inviting me to testify before your Committee at a hearing scheduled for August 1, 2007. Although I will be out of the city on that date, I do welcome the opportunity to respond to your request for information concerning the death of U.S. Army Corporal Patrick Tillman.

First, I wish to again extend my deepest sympathies to the Tillman family, as I did in my letter to the family dated May 3, 2004. Theirs is the grief shared by the thousands of others whose sons and daughters, husbands and wives, fathers and mothers have given their lives in our nation's service. And it is the grief shared by all who have had the solemn duty and privilege of working alongside those in uniform. Words cannot fill the void that those losses have created in the lives of their families and loved ones. The valor of Corporal Tillman's decision to step forward and volunteer for service to our nation was an example for all. It remains so today.

The handling of the circumstances surrounding Corporal Tillman's death could only have added to the pain of losing a loved one. And certainly I personally, and all connected with the Department of Defense, extend our deep regrets.

I have always believed that the American people -- and particularly the military families who sacrifice so much -- deserve the truth. In March 2002, as the then-Secretary of Defense, I wrote a memo for Department of Defense employees entitled "Principles for the Department of Defense." The very first principle was:

> "Do nothing that could raise questions about the credibility of DoD. DoD officials must tell the truth and must be believed to be telling the truth or our important work is undermined."

Mr. Chairman and Congressman Davis, in your invitation, you asked that I discuss how I learned of the circumstances surrounding Corporal Tillman's death, when I learned of it and with whom I discussed it. I will, to the best of my ability, respond to your request.

In December of 2006, I sent a letter to the Acting Inspector General of the Department of Defense, Mr. Thomas Gimble, describing my best recollection of those events, which had occurred approximately 32 months before. A copy of my letter is attached. I would like to quote part of it:

> "I am told that I received word of this development sometime after May 20, 2004, but my recollection reflects the fact that it occurred well over two years ago. As a result, I do not recall when I first learned about the possibility that Corporal Tillman's death might have resulted from fratricide. I am confident that I did not discuss this matter with anyone outside the Department of Defense."

What I wrote in December of 2006 remains my best recollection today of when I was informed, and whom I talked with, before May 20, 2004. I understand that the May 20, 2004, date was shortly before the Tillman family was informed of the circumstances on May 26, 2004.

Your letter also asked about my knowledge of a "Personal For" or "P-4" message dated April 29, 2004. That message was not addressed to me. I do not recall seeing it. I am told that Acting Inspector General Gimble testified to this Committee in April of this year that "the addressees on the P-4 were the three generals, and you know, I can't explain why they chose not to move that up."

That is what I recall regarding the circumstances surrounding the death of Corporal Tillman.

I understand that the Acting Inspector General's report concluded that there were some "critical errors" and raised questions about the judgment of some of those responsible for the handling of matters surrounding Corporal Tillman's death. The Tillmans were owed the truth -- unvarnished and delivered in a forthright and timely manner. And the Department owed it to the memory of a man who sacrificed his life serving his country.

Thank you for allowing me to submit this information.

Sincerely,

Donald Rumsfeld K.U.

Enclosure

THE SECRETARY OF DEFENSE
WASHINGTON

DEC 15 2006

Mr. Thomas Gimble
Acting Inspector General
for Department of Defense
400 Army Navy Drive
Arlington, VA 22202

Dear Mr. Gimble:

I understand that you have requested my recollection of the manner in which I learned of the details involving the tragic death of Corporal Patrick Tillman.

I am told that I received word of this development sometime after May 20, 2004, but my recollection reflects the fact that it occurred well over two years ago. As a result, I do not recall when I first learned about the possibility that Corporal Tillman's death might have resulted from fratricide. I am confident that I did not discuss this matter with anyone outside of the Department of Defense.

I trust that this information will be of assistance as you conclude your review. I hope your review brings some additional element of closure for friends and family of this courageous young man. I appreciate the effort that you and your team have devoted to this matter.

Sincerely,

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Chairman WAXMAN. Thank you very much.

Mr. McHugh.

Mr. MCHUGH. Thank you, Mr. Chairman. Thank you, gentlemen, for being here. I appreciate deeply your service. Just to kind of fill in the blank a little bit for some who may not be aware of the military parlance. Let me start with General Abizaid. General Abizaid, what is a P–4? What exactly does that designate?

General ABIZAID. A "personal for" communication is usually a direct command communication from one commander to another or to a series of commanders designed to pass information that is considered very, very important.

Mr. MCHUGH. And this P–4——

General MYERS. If I can, Mr. McHugh, it is also my understanding of the P–4 as well is that it is supposed to be pretty closely held. It is personal for the addressees to and the info columns.

Mr. MCHUGH. An e-mail for eyes only?

General MYERS. Pretty much. It's not supposed to get wide distribution.

Mr. MCHUGH. This particular e-mail, this particular P–4 was addressed to whom now? General Abizaid, General Brown?

General ABIZAID. It was addressed to me and it was addressed personal for U.S. Commander CENTCOM, commander U.S. SOCOM, commander USASOC.

Mr. MCHUGH. Secretary Rumsfeld, would it be the normal course of business in the Pentagon for the Secretary of Defense to review or have synopses of or be informed of on a routine basis P–4s at combatant command level?

Mr. RUMSFELD. I don't recall in 6 years every seeing one until this hearing—prior to this hearing. It may be that I have, but I just don't recall them. And there is certainly no one who reaches in and grabs communications that are addressed to other people and then gives me a synopsis of them. It just doesn't happen that way.

Mr. MCHUGH. So it would not? I heard Secretary Rumsfeld—and if others have responded, I apologize, this vote schedule has been an inconvenience to our guests, certainly, but to Members as well. I heard Secretary Rumsfeld say that at no time does he recall having a conversation early in the process about the fratricide involved with—in the Tillman case, but I didn't hear the same question directed to General Myers.

General, did you ever have a discussion with the White House, with the President prior to the final determination as to this case?

General MYERS. I cannot recall any time that I had a conversation with the White House with anybody.

Mr. MCHUGH. Speechwriters included?

General MYERS. Speechwriters included, about this case one way or the other.

Mr. MCHUGH. General Abizaid, you were a frequent visitor to the Hill, we were always bringing you back here time and time again. I suspect while you were under command performance at Capitol Hill you perhaps stopped by and had a chat at the White House. Do you recall addressing this case with the President or any of his key operatives?

General ABIZAID. I didn't expect once I retired I would continue this, but so it is. I was in Washington from the 18th to the 20th and I talked with the Secretary during that period, and I believe during that period I discussed with him the fratricide investigation.

Mr. MCHUGH. The Secretary of Defense?

General ABIZAID. Right. I don't recall mentioning it to the President except perhaps after the period where I signed off on the report that said it was absolutely friendly fire. Once we confirmed the friendly fire, which was on the 28th.

Mr. MCHUGH. Have you had a chance to review General Wallace's report?

General ABIZAID. I have not seen General Wallace's report.

Mr. MCHUGH. General Brown, I see you shaking your head.

General BROWN. No, sir.

Mr. MCHUGH. General Myers, have you?

General MYERS. No, sir, I haven't.

Mr. MCHUGH. This is perhaps in that context not the fairest question I might ask, but I'm going to ask it anyway. Welcome to Congress. Based on what you heard about it, do you have any exceptions, objections, comments, anything that you find remarkable about it or just merit having it entered upon this record? Let's go from the right to the left, no political indication intended.

General BROWN. Is the question—I'm not sure I understand the question. I haven't seen——

Mr. MCHUGH. You haven't seen it, but you have heard about it. Based on what you have heard would you like to make any comments?

General BROWN. No, I don't think I would like to make any comments.

Mr. MCHUGH. It is not the fairest question without having had it before you. General Abizaid.

General ABIZAID. No, sir, I don't have any comments on it.

Mr. MCHUGH. General Myers.

General MYERS. No, sir, I don't have any comments on it. Back to my previous statement on the White House. It would have been logical in our many meetings with the White House for the President or the Secretary or I to regret the Tillman death, because it was widely known. But it would have been a 5 or 10-second affair. And I don't recall that, but it would have been logical that we would have done something like that.

Mr. MCHUGH. But not about the questions was this a friendly fire or other kind of death?

General MYERS. I don't recall that we ever talked about that.

Mr. MCHUGH. I see my time is up. Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. McHugh.

Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman. Corporal Pat Tillman committed to serve his country, not to serving as a symbol for promoting President Bush's war. Corporal Tillman's mother, Mary, believes that this has been a complete donkey show and I certainly agree with her assessment.

The Tillman family gave the ultimate sacrifice for their country and they deserve to know the full truth behind Corporal Tillman's death.

Let me ask the entire panel, on April 30, 2004, the Army Special Operations Command announced that Corporal Tillman has been posthumously awarded the Silver Star. The award of a Silver Star was a major development. It was rushed through so it would be ready in time for the memorial service for Corporal Tillman on May 3, 2004, which was widely covered by the press.

According to Pentagon regulations, the Silver Star is to be awarded for gallantry in action against an enemy of the United States. And before I turn to the specifics of the award, can anyone on the panel tell me who officially awarded the Silver Star to Corporal Tillman? Can anyone answer that? Mr. Secretary?

Mr. RUMSFELD. I have no idea who the individual was who actually awarded the Silver Star. I do know that the process does not include the Secretary of Defense at all. It is signed off on only by the Secretary of the Army and the recommendation comes up from the command to the Secretary of the Army and the Secretary of the Army signs the certificate. Who was physically present to present that to the extent it was presented posthumously, I don't know. But I wasn't involved in the Silver Star at all.

Mr. CLAY. General Myers, would you know?

General MYERS. My understanding was it came up from the Department of the Army channels and was approved by the Secretary or the Acting Secretary at the time. In my prep for this I was told that there was a board that usually meets on those high level awards to approve the award. The chairman's office was not involved in this award in any way. It was an Army matter.

Mr. CLAY. General.

General ABIZAID. Sir, the awards go through service channels, not through joint channels.

General BROWN. Sir, I agree with everything they said, but I do not know who awarded the Silver Star at the memorial service.

Mr. CLAY. The answer is President Bush. And let me put up a copy of the Silver Star citation. As you can see, it says the President of the United States of America has awarded the Silver Star to Corporal Patrick Tillman. So this is important. I know the President didn't actually review the supporting documentation for this award, but this award was given in the President's name. And that authority should be exercised only with the utmost care. But that didn't happen. Instead the Silver Star citation was false.

And here is what it says: Corporal Tillman put himself in the line of devastating enemy fire as he maneuvered his fire team to a covered position from which they could effectively employ their weapons at known enemy positions.

In his March 26, 2007, report, the Defense Department Inspector General concluded that the Silver Star citation and supporting documents had materially inaccurate statements and erroneously implied that Corporal Tillman died by enemy fire. Everyone on this panel learned before the Tillman family and the American public that Corporal Tillman was likely killed by his own unit.

Can each of you please explain why you did not intervene to correct the record? I guess we will start with you, Mr. Secretary.

Mr. RUMSFELD. As I said, the Office of the Secretary of Defense is not involved in the Silver Star award at all. I was not knowl-

edgeable about it, did not sign off on it, did not know of the language at all.

Mr. CLAY. Do you think he should have been awarded it?

Mr. RUMSFELD. I think from what I understand, the language of the award is to be reviewed or has been reviewed in view of the facts that are subsequently available.

Mr. CLAY. Thank you. General Myers.

General MYERS. My response is essentially like Secretary Rumsfeld's. The chairman's office, the Joint Staff is not involved in these awards. This is an Army responsibility. And like the Secretary, I understand that the wording is being looked at and I also understand—and I can't tell you where I heard this—it may have been in the prep—that General McChrystal thought the actions were heroic whether or not they came from enemy fire or friendly fire. That was his determination.

Mr. CLAY. Thank you. General.

General ABIZAID. Sir, in General McChrystal's personal forward he said the potential that he might have been killed by friendly fire in no way detracts from his witnessed heroism or the recommended personal decoration for valor in the face of the enemy. I believe that the Army has looked at the award on several different occasions. They have upheld it on every occasion. Whether or not the wording was correct or not in the initial stage, I do believe that the Corporal Tillman deserved the award that he received.

Mr. CLAY. Thank you for your response. General, please?

General BROWN. Sir, I believe that I agree with General Abizaid. I have talked to General McChrystal several times and the actions of Corporal Tillman, based on the discussion I had with General McChrystal, certainly would warrant a Silver Star. Awards goes through service channels, as everyone else here has mentioned here, and do not go through Special Operations Command, Tampa, FL. It is an administrative command, goes through the administrative chain, which is U.S. Army, not Special Operations Command.

Mr. CLAY. Thank you for your response, and over and over and again what we have heard—Mr. Chairman, may I conclude?

Chairman WAXMAN. If you will conclude.

Mr. CLAY. We have heard the excuse that the military did not want to tell the Tillman family and the American public about the fratricide until the investigation was complete. As General McChrystal put it, they didn't want to put out a half baked story. But they did put out a half baked story. It was the Silver Star. They didn't wait for the results of the investigation. They rushed forward with false statements, and that is why the military now faces such skepticism about its motives.

Thank you, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Clay.

Mr. Bilbray.

Mr. BILBRAY. Thank you, Mr. Chairman. You know, Mr. Chairman, it is sad that the incidence of what historically has been called blue-on-blue is as old as warfare itself. And it doesn't make it any easier to address this issue.

You know, Mr. Chairman, this hearing really strikes home in a lot of ways. I was just sitting here thinking about the Tillman family and, let's face it, when you lose a child, you lose a son or a

daughter, in the best of situations it is a tragedy and a family crisis. Add blue-on-blue and it just adds that much weight on your back.

And I must apologize, Mr. Chairman, I don't know how much of this hearing I'm going to sit through. I just realized that today is the 23rd anniversary of my first son dying and I just kind of relate to what would happen if Philip had been the young man who died in a blue-on-blue incident.

But let me just sort of back up and say, Mr. Secretary, we've always give the different branches of the armed services flexibility to create a lot of their own internal policies, but on this one and the notification and the procedures on not just blue-on-blue but also any armed service death, do you think we should be developing a uniform strategy that will be required to be carried out by the Marines the same as the Army or any other armed services or do you believe that we should still maintain the flexibility allowing the individual services to handle the situation in their manner?

Mr. RUMSFELD. I think the views of the general officers here and their indication that they think this is something that might best be handled in a uniform manner are persuasive to me. I do think that I am not in a position to say that all of the differing positions and policies that the services have necessarily ought to be exactly the same. I am a great believer in jointness and we have given enormous effort to that over the past 6 years.

But as one example, the tours of Army people tend to be a year and the tours of Marines tend to be 7 months, and that creates a perceived inequity on the part of some families and other people. And I have had meeting after meeting on it suggesting that they find a common length of time for a tour, and they believe very deeply that the differences fit the respective services properly. So I think one size doesn't fit all, necessarily.

Mr. BILBRAY. Let me say as somebody who was raised in a military family, I support that concept that the services are different and they are designed to be different. The big decision we made after World War II was not to make them a uniform service, specifically to give that kind of diversity of service.

Mr. Chairman, I would just like to close by saying that I think the frustration of any family that loses a child is that you always look around and say what went wrong? Who is lying to me? What information doesn't happen? And with a blue-on-blue situation it is just really aggravated and I hope that we have learned from this.

But as somebody who has now reflected after 23 years of loss of a child that if there is anything that we ought to understand is that it is not only a responsibility of us to inform properly, but it is the right of the family. Nothing else, no matter how much you may think you are trying to protect them, the worst thing you can do is not give the family the truth up front as soon as possible. And I think that is a right that every family has and that every armed service member has earned for their family, that the truth is something that is the minimum that the families are deserving of.

And I yield back to the gentleman from California, Mr. Issa.

Mr. ISSA. I thank the gentleman. And because in recognition of the Tillman family being here today, we have talked about them a lot without fully trying to do what we can to correct what is left

of the situation. I would like to go back to the Silver Star. My understanding, correct me if I am wrong, Corporal Tillman stood up to identify his unit, left a position where he could have survived, in order to stop the friendly fire. Is that correct? Anyone dispute that? OK.

So the bottom line is one of the most heroic acts anybody could do is what Corporal Tillman did that day. Is there anything in our regulations that would prevent him from receiving a Silver Star simply because he stood up to protect his people from friendly fire?

General MYERS. No.

General ABIZAID. No.

Mr. ISSA. So as we sit here today, Corporal Tillman is every bit entitled to and will continue to be a person who earned a Silver Star, and maybe more. And the point of how he died is that, and not who fired the shots. Is that correct for the record?

General MYERS. I believe that is correct. Absolutely correct.

General ABIZAID. I agree.

Mr. ISSA. Mr. Secretary?

Mr. RUMSFELD. Yes.

Mr. ISSA. Thank you, Mr. Chairman.

Chairman WAXMAN. The gentleman's time has expired. Mr. Braley.

Mr. BRALEY. Secretary Rumsfeld, does the name Michael Mullen mean anything to you?

Mr. RUMSFELD. Of course.

Mr. BRALEY. And can you tell us how you became aware of the name of Michael Mullen?

Mr. RUMSFELD. Oh, I can't. He was the, as I recall, the deputy to Admiral Vern Clark, if you are talking about the father. There is also a son named Mike Mullen who is, I believe, a lieutenant junior grade.

Mr. BRALEY. The Michael Mullen I am referring to was a young man who was killed in 1970 while serving with the 198th Light Armored Americal Division near Chu Lai. His mother, Peg Mullen, is a constituent of mine, who lives in Waterloo, IA, and was the subject of a book called Friendly Fire, that traced the history of fratricide, and specifically the problem of fratricide in Vietnam.

And as part of a congressional delegation who went to Vietnam early in the 1960's during the Americanization effort there and was part of a comprehensive investigation of some of the U.S. economic, military, and assistance programs, and came back to Congress as a young Member of Congress very critical of the way some of those programs were being operated, I just was wondering whether during this period of time you were aware of the problem of fratricide, specifically because of the visibility that this one particular incident presented?

Mr. RUMSFELD. Obviously, I was responding to the name Mike Mullen referring to the current Chief of Naval Operations and his son, as opposed to the individual you are referring to. Needless to say, I have been aware of fratricide as a problem for many, many decades.

Mr. BRALEY. In fact, General Stonewall Jackson was an early example of fratricide that a lot of people in the military are taught during military history courses. So this concept of fratricide and

the impact it has on unit morale is something that has been known a long time. Would you agree with that?

Mr. RUMSFELD. Yes.

Mr. BRALEY. One of the concerns that Peg Mullen raised when she embarked on this crusade to educate the American public about the problem of fratricide in Vietnam, was a concern that the American people, and specifically American families, were not being given the whole truth about the circumstances of their loved one's death. And yet the example that we have been covering during these two hearings seems to suggest that very little has been learned in terms of how the military chain of command is dealing with fratricide.

What lessons would you like us to take away, as the body responsible for oversight, on what we can do better to make sure that future families, like the Tillman family, don't have to go through this?

Mr. RUMSFELD. You are addressing that to me?

Mr. BRALEY. Yes, sir.

Mr. RUMSFELD. I think the comments that have been made, and some of the corrections that have been taken by the Army, and the indication that General Brown has discussed with respect to greater degree of uniformity in reporting requirements are probably all steps in the right direction. I think what you are dealing with here is you are always dealing with human beings, and human beings make mistakes, and human beings do things they shouldn't do. And it is tragic and it is unfortunate, but it is reality.

Mr. BRALEY. And isn't it one of the most important lessons we teach our children that when you make a mistake, you become accountable for that mistake and you vow not to repeat the mistake?

Mr. RUMSFELD. Absolutely.

Mr. BRALEY. And do you feel that the Army's response to this tragedy has been a good example to the children of this country of accepting responsibility and accountability for how this evolved?

Mr. RUMSFELD. I expressed myself on a number of occasions in memorandums that were read earlier in the hearing that indicated my concern about the way the Army was handling the matter. I am not in a position to comment on the most recent effort that Secretary Geren and General Wallace have undertaken, because I just simply have not read what they have decided to do. But there is no question but that there were—that this has been a terribly unfortunate matter, and the handling of it has contributed to the grief that fine family has experienced.

Mr. BRALEY. General Myers, my next question is for you. You made the comment during your testimony, we need to keep this in mind—this reference to fratricide that we have been discussing and the P–4 memo. In case we go before the press, we need to calibrate this thing with that in mind. Do you recall that testimony?

General MYERS. Absolutely.

Mr. BRALEY. What steps did you take, as the Chairman of the Joint Chiefs, once you became aware that the dissemination of information about this event was inaccurate and potentially misleading?

General MYERS. Well, I didn't become aware of that until much, much later. All I was referring to at that point was, as the Sec-

retary discussed, and I think I discussed as well, is that we knew two things. We knew that Corporal Tillman had been killed, and then a few days later we knew that there was a possibility of fratricide.

So my comment was on, given that there is an investigation ongoing, we have just got to be careful how we speak about this because of the command influence. And that is what defense lawyers use to get people off, when there is undue command influence. You have to be very careful what you say.

Mr. BRALEY. In fact——

General MYERS. That was the context of what——

Mr. BRALEY [continuing]. Those are similar to the precise concerns raised in this P–4, where the author said suspected reports that POTUS, the President of the United States, and the Secretary of the Army might include comments about Corporal Tillman's heroism in speeches currently being prepared. And then it says, "I felt that it was essential that you receive this information as soon as we detected it in order to preclude any unknowing statements by our country's leaders which might cause public embarrassment if the circumstances of Corporal Tillman's death become public." And the circumstances he is referring to here are the circumstances involving fratricide. Correct?

General MYERS. The possibility of fratricide, right.

Mr. BRALEY. So if you had access to the potential that fratricide was involved and you were aware that public statements were being made by the President and others about Corporal Tillman's heroism, can you explain to the committee what steps you took, as Chairman of the Joint Chiefs, to raise concerns that this information might be misleading?

General MYERS. Bear in mind I did not see the P–4, so I didn't have the benefit of General McChrystal's wisdom.

Mr. BRALEY. Let's eliminate the P–4.

Ms. NORTON [presiding]. Let him answer the question, and then the gentleman's time has expired.

General MYERS. Can I finish answering?

Ms. NORTON. You can finish answering the question.

General MYERS. What logically I would have done, and I do not recall this nor does the Secretary recall, that we would have had a discussion that there is potential for fratricide. And that would have been probably—I didn't know the President was speaking about Corporal Tillman. I mean, that would not be something I would know.

Ms. NORTON. The gentleman's time has expired. Mr. Shays for 5 minutes.

Mr. RUMSFELD. Madam Chairman, may I just make a comment on that same point?

Ms. NORTON. Yes, you may. Go ahead.

Mr. RUMSFELD. I indicated that I have been reading some of the materials, and there has been some confusion, I think, about the White House. I have never heard of this person who apparently sent an e-mail to the Pentagon. But the person who responded from the Pentagon was described in a hearing as a speechwriter. And she was actually a fact-checker, not a speechwriter.

And second, my understanding of the e-mails that went back and forth, which I was not aware of at the time but I have familiarized myself with since, is that the subject that they were discussing in the e-mails was not the nature of his death, but rather the nature of his enlistment, and that was the subject that was being asked, apparently, by the White House of a fact-checker in the Pentagon.

Thank you, Mrs. Chairman. Thank you.

Ms. NORTON. Mr. Shays for 5 minutes.

Mr. SHAYS. Thank you. We all agree that Pat Tillman is a true American hero, however he died. He died in battle risking his life, and he volunteered for service. And it is also clear he was such a high-profile member of the Army and the Special Forces, it is understandable his death would have gotten special attention. And frankly, it would be surprising if it didn't.

Mr. Secretary, I want to thank you for being here today. I want to thank you for rearranging your schedule to be here. I think this is perhaps one of the first appearances you have had in Congress since you have retired as Secretary. And I want to thank you, Chairman Myers, and Generals Abizaid and Brown, for being here.

And I want to say I did not choose to ask questions at the beginning. I think it centers around, you know, two issues. Who knew what when, and who did they tell? And those answers have come by pretty quickly. So, you know, it is almost like let's get on with it. And we have General Kensinger, who clearly needs to be here. But you really answered the questions. And you are on record, and you are under oath, and so—but what I wrestle with in this committee is we had one hearing where we were going to subpoena Condoleezza Rice on yellowcake to try to determine that—we had a hearing this week on the embassy in Iraq, and the whole focus was on a temporary structure that wasn't built as well as it could have been electronically for $6,000, when we have learned that the embassy in fact is on schedule and is built under cost. And now we have this hearing.

And what I am wrestling with, and I just want to say this, Madam Chairman, is there are a lot of important issues. I mean I have had differences with the Secretary and others that it would have been interesting to have a dialog about that. Our men and women are risking their lives every day. I mean I wrestled with Abu Ghraib, one, that it should never have happened, but we spent a whole year exposing our dirty laundry while our men and women are risking their lives. I am hard-pressed to know how this is going to save one American life. I am hard-pressed to know how this is going to help us achieve the results that we need to achieve in Iraq or Afghanistan. And we have asked some of our best and brightest to come and spend their time talking about this.

And so as far as I am concerned, gentlemen, you have answered the question. And I am particularly grateful, Mr. Rumsfeld, that you called their bluff, because really what they wanted is for you to not show up, in my judgment. For you not to show up, and then they could keep criticizing you.

So is there anything that you all would like to put on the record that you think needs to be put on the record that isn't part of the record? And I would be happy to use my time that way.

Mr. DAVIS OF VIRGINIA. Would you yield?

Mr. SHAYS. Absolutely.

Mr. DAVIS OF VIRGINIA. Let me ask a question. General Abizaid, you said personal e-mails from the field are a common method of communication. I think we have all been there and seen that and talked to families. Do you or any of you know whether the Inspector General or the CID investigation looked at personal e-mails about the Tillman matter sent from the battlefield?

General ABIZAID. Sir, I don't know. I believe that every record was open to them. They came to my headquarters. I think they went to all the headquarters.

Mr. DAVIS OF VIRGINIA. Personal e-mails wouldn't have been part of that necessarily, would they?

General ABIZAID. I can't tell you whether they looked at that or not, sir.

Mr. DAVIS OF VIRGINIA. That could be a source of information from the committee dealing with what happened down on the ground, Mr. Shays, not what happened here. I think these members, they have come up here and they have spent the morning with us, but I am not sure they have a lot to share. But thank you very much.

General ABIZAID. Although I would say, Congressman, that I think from Afghanistan it is a lot different than Iraq. Afghanistan is very, very isolated, and it is difficult for information to flow as freely from that theater as Iraq.

Mr. SHAYS. Reclaiming my time, I want to be on record with the fact that I think this was a huge screw-up, bordering on the lines of malfeasance, and I think we all agree with that. So I am not belittling the issue. I am just simply saying this committee should be spending time dealing with some other issues that we clearly have to wrestle with.

Ms. NORTON. The gentleman's time has expired. Mr. Kucinich.

Mr. KUCINICH. I thank the gentlelady. I think it is very important for this committee to put into context the Tillman case, because there is an underlying question here that I don't believe has been probed adequately. With respect to my good friend on the other side of the aisle, when you are talking about matters of fact and fiction in a war, it is incumbent upon this Congress in its oversight capacity to be able to determine whether or not there was a particular type of management of the news of the war.

And so in connection with that, Mr. Rumsfeld, can you tell this committee whether or not in your capacity as Secretary of Defense you had discussions within the White House regarding press strategies that would be involved in the communication of the events of the war to the American people?

Mr. RUMSFELD. I can say without qualification that I can't recall ever having a discussion with anyone in the White House on press strategy relating to the Tillman matter in any aspect of it.

Mr. KUCINICH. Did you ever have discussions in the White House, generally speaking, about press strategies with respect to the conduct of the war in Iraq?

Mr. RUMSFELD. I am sure that the subject of the press and the government's dealing with the press has come up on a number of occasions. I can recall one when General Casey was out there and there were questions raised about the relationship that the com-

mand had with some Iraqi press people. And there was a criticism, for example, of the fact that stories were ending up in the articles which were accurate, but would not have been in there had there not been some relationship between his command and the reporter. And there was a big debate on that.

I remember another example, which General Myers will remember well, and that is the very phrase "global war on terror" and the differences that some people had, thinking that terror is not—you don't war on terror. Terror is a technique of choice, a weapon of choice for a terrorist, but it is not something you necessarily war against. And that type of thing would be discussed. And I frequently would end up using the phrase that this was the first conflict of the 21st century, and it was really a struggle against violent extremists.

Mr. KUCINICH. Was there a press strategy in the White House with the war in Iraq?

Mr. RUMSFELD. You would have to ask the White House. I am not——

Mr. KUCINICH. Was there a press strategy that the Department of Defense was expected to be mindful of with respect to the conduct of the war in Iraq?

Mr. RUMSFELD. To my knowledge there was no White House press strategy that the Pentagon was told to be mindful of.

Mr. KUCINICH. Was there a Department of Defense press strategy with respect to the war?

Mr. RUMSFELD. If there was, it obviously wasn't very good.

Mr. KUCINICH. You know, maybe it was very good, because you actually covered up the Tillman case for a while, you covered up the Jessica Lynch case, you covered up Abu Ghraib. So something was working for you. Was there a strategy to do it, Mr. Rumsfeld?

Mr. RUMSFELD. Well, Congressman, the implication that you said "you covered up," that is just false. You have nothing to base that on. You have not a scrap of evidence or a piece of paper or a witness that would attest to that. I have not been involved in any coverup whatsoever, and I don't believe there is an individual at this table, who I know well and observed at close quarters in very difficult situations, who had any role in a coverup on this matter.

Mr. KUCINICH. Thank you for acquitting yourself. I was speaking of the Department of Defense, and I was speaking of things that are manifest and obvious.

We held a hearing on the Tillman case, we held hearings on Abu Ghraib, and the hearing on this. You have not been able to establish how is it that this news could get out; no one managed it, no one communicated it to the American public, it just happened. I mean you haven't really given this committee a good explanation as to how it happened, Mr. Rumsfeld.

Mr. RUMSFELD. This committee has held many hours of hearings on the subject, and they have had the witnesses of the people who were responsible for the management of this issue, and it was the U.S. Army.

Mr. KUCINICH. Was there any outsourcing of that message? Was the Rendon or Lincoln Group involved in communicating any messages——

Mr. RUMSFELD. You would have to ask them. You would have to ask the Army.

Mr. KUCINICH. Did the Department of Defense have any connection at all with any outside individuals to communicate messages to the general public to help in the shaping of that message? Was there a press strategy involved?

Mr. RUMSFELD. On this subject, not to my knowledge.

Mr. KUCINICH. Was there a press strategy involved?

Mr. RUMSFELD. On this subject, not to my knowledge.

Mr. KUCINICH. Was there a press strategy involved generally that you used——

Mr. RUMSFELD. I have already answered that question.

Mr. KUCINICH. Well, I don't think you have. Not to my satisfaction.

Mr. RUMSFELD. To the best of my ability.

Mr. KUCINICH. Was the Rendon Group involved in communicating a press strategy on behalf of the Department of Defense with respect to the war in Iraq?

Mr. RUMSFELD. You would have to ask the people in the Department.

Mr. KUCINICH. You have no knowledge of this whatsoever?

Mr. RUMSFELD. I am aware that there have been, over the years, contracts with that organization from various entities within the Department and outside of the Department. Whether there was in a manner that would fit your question, I am not in a position to answer.

Mr. KUCINICH. You just said that you have some awareness of it. Could you elaborate on that, sir?

Mr. RUMSFELD. I elaborated to the extent of my ability. I know that there are some entities in the Department that have used contractors for some things of that type over the years. And you would have to ask experts on that subject, not me.

Mr. KUCINICH. Mr. Chairman, I think it is very important that this committee determine whether or not the outsourcing of press was one of the elements responsible for communicating to the public something that seemed to be beyond the understanding of the Department of Defense.

Chairman WAXMAN [presiding]. Thank you, Mr. Kucinich.

Mr. KUCINICH. Thank you.

Chairman WAXMAN. Mr. Yarmuth.

Mr. YARMUTH. Thank you, Mr. Chairman, and thanks to all the witnesses. I apologize if the questions I ask will cover ground that has already been covered.

Secretary Rumsfeld, you testified on a number of occasions that you don't remember when you were first alerted to the fact that the Tillman death had been mischaracterized. Do you remember whether you were satisfied or dissatisfied as to whether you had been notified in a timely fashion?

Mr. RUMSFELD. You are directing the question to me?

Mr. YARMUTH. Yes, sir.

Mr. RUMSFELD. I tell you, earlier on in this hearing I indicated that there was the problem of command influence. And I think I indicated that it is not a surprise to me that the Secretary is not

brought into periodic reports on what is taking place with various investigations of a criminal nature—potentially criminal nature.

Mr. YARMUTH. I am speaking before there would have been any reason for an investigation. When you were—at some point you obviously knew that—you came to know that there was suspicion that the Tillman death had not been characterized appropriately or accurately.

Mr. RUMSFELD. True. And at that moment there was already an investigation going on, because it was a——

Mr. YARMUTH. My question, though, sir, is do you remember whether you were upset that you had not been notified, or was this something that you would have expected not to be notified about? Did this bother you that you weren't notified?

Mr. RUMSFELD. As I say, the fact that I was not an addressee on the P–4 did not surprise me. There are all kinds of communications that I was not engaged in.

Mr. YARMUTH. So you would not necessarily have expected to be notified about this on a timely fashion. That is the question I am asking.

Mr. RUMSFELD. It does not surprise me that I was not. It was not something that I would have had a voice in or a role in.

Mr. YARMUTH. How did people who worked for you know when to tell you about things that they thought you ought to know?

Mr. RUMSFELD. Oh, goodness. How did they know? You would have to ask them. But what we had is frequent meetings. We had a roundtable session almost every day. And the senior people from the various entities within the Department were there, and their task was to raise issues that they thought the group and I ought to be aware of. And General Myers participated in those every day.

Mr. YARMUTH. So you didn't have any policy as to what people should bring to your attention and what they shouldn't?

Mr. RUMSFELD. Except the one I mentioned earlier, which is the one of command influence, where the general counsel issued regulations—not regulations, recommendations for the senior people in the Department to be very careful about getting into and commenting on, internally or externally, investigations and matters that potentially could end up in the Uniform Code of Military Justice, as indeed this has.

Mr. YARMUTH. General Abizaid, what about you? Did you have policies as to when you should be informed about things such as whether a casualty had been mischaracterized?

General ABIZAID. Yes, sir. I wanted to know right away what happened. Of course.

Mr. YARMUTH. And were you satisfied in this case that you were?

General ABIZAID. No, I was not satisfied.

Mr. YARMUTH. Some of this seems—and maybe I am naive—but seems surprising to me, because we have this perception of there being fairly rigid lines of command in the military. And it seems to me it would be fairly simple—and I hope you will explain to me why I am wrong—to go down that line of command, starting at the top, and say, basically, did you know? Why didn't you know? And to follow that line down. Is that not a reasonable expectation?

General ABIZAID. I think that this was a simple case that should have been transmitted efficiently and quickly. It was not. It should

have been transmitted the day after the P–4 arrived in my headquarters. But as I have testified, there was a problem somewhere between the 28th, and I guess that probably the earliest I would have told the chairman is the 6th. But I called him from Qatar. I was in Qatar the 6th, 7th, 8th, 9th, 11th. And when I called him I was embarrassed about it. And I do take responsibility for the fact that my headquarters screwed up. I didn't punish anybody. We fixed the problem. It wasn't the first P–4 that went astray and it wasn't the last one. But it happened, and that is all I can say about it.

Mr. YARMUTH. I know my time is about to expire, so I just want to ask one further question of Secretary Rumsfeld. Was there ever, other than this particular—you talked about the investigation. Was there any other circumstance in which the people who worked for you were directed not to inform you about certain things? Were there things that they were told you weren't supposed to be informed about?

Mr. RUMSFELD. No. And I did not want to leave the impression in this instance that I was—instructed anybody to not inform me of something like that. What I was describing was the admonitions that the general counsel issued directly to me and to others that you must not get—you should not get involved in matters where, as the general said, a defense attorney could allege that you had exerted undue command influence in a way that damaged the case or polluted the environment for the defendant, either favorably or unfavorably. And that is something that people were aware of. Not that they shouldn't tell me something, but that I shouldn't get involved in those things. And people watched a pattern of behavior, I suppose, and I didn't get involved with them, except one time.

Mr. YARMUTH. Thank you.

Chairman WAXMAN. The gentleman's time has expired. Mr. Burton, do you seek recognition?

Mr. BURTON. I am sorry, Mr. Chairman, I am late. Mr. Secretary, it is nice seeing you again.

Mr. RUMSFELD. Thank you.

Mr. BURTON. June 25, 2002, you wrote a snowflake to Army Secretary Tom White, and you wrote, "Here is an article on a fellow who is apparently joining the Rangers. He sounds like he is world class. We might want to keep our eye on him." Can you tell us what you meant by that?

Mr. RUMSFELD. Exactly what I wrote. That a fine individual who was quite prominent had joined the Rangers. And that was a good thing.

Mr. BURTON. Well, when you said to Secretary White keep his eye on him, you meant that he has potential?

Mr. RUMSFELD. I wouldn't know that. I just think here is an individual who is serving his country and is prominent and gave up a good deal to do that; and that we, as people in the Department, ought to acknowledge that and be grateful for his service, as I was.

Mr. BURTON. You didn't single him out asking for progress reports or anything like that?

Mr. RUMSFELD. No. Of course not.

Mr. BURTON. OK. Thank you very much.

Chairman WAXMAN. Let's see, the next one in line is Mr. Hodes.

Mr. HODES. Thank you, Mr. Chairman.

Gentlemen, as I understand it, there have been at least six different investigations into this matter. It appears that each of those investigations had serious flaws. First there was Captain Scott's investigation, completed within 2 weeks of the incident. Second, Colonel Kauzlarich's investigation—I don't know whether I have butchered his name—which was finished on May 16, 2004.

The DOD IG concluded that these two investigations were, "tainted by the failure to preserve evidence, a lack of thoroughness, and the failure to pursue investigative leads."

Third was an investigation by General Jones completed 6 months later. The IG had similar criticisms of that report.

Fourth, the IG report itself, issued in March of this year. But the IG was unable to determine who doctored key witness statements supporting the Silver Star award.

And fifth, was an Army Criminal Investigation Division investigation finished at the same time as the IG investigation. This report inexplicably concluded there were no rules of engagement violations, even though there was a friendly fire fatality and multiple injuries.

And finally, as of yesterday, General Wallace has completed his investigation. General Wallace's investigation apparently suffered from an overly narrow scope, failing to examine the actions of key military leaders. And we have before us the top military brass involved in these questions at the time: General Brown, General Abizaid, General Myers, and Secretary Rumsfeld.

Now, let's put aside for a moment the merits of each of the individual investigations. Do you all, gentlemen, agree that it should not take six different investigations, 3 years, congressional investigations, and millions of taxpayer dollars to address the significant failures that have occurred in this case?

Mr. RUMSFELD. Absolutely.

General MYERS. Agree.

General BROWN. Yes, sir.

General ABIZAID. Agree.

Mr. HODES. Secretary Rumsfeld, the approach of ordering a series of military investigations that are limited in scope and that do not address the question of what top officials knew appears to be the Department of Defense's MO when it really doesn't want accountability.

When the allegations of abuse at Abu Ghraib arose in 2004, the Pentagon took the same approach. First, there was the Taguba investigation, limited to the conduct of the military police at Abu Ghraib. Second was the Fay investigation that examined the conduct of the military intelligence personnel at Abu Ghraib, but there was no inquiry into the involvement of the civilian leadership. Third was the Army Inspector General's investigation, which focused on interrogation practices in general in Iraq and Afghanistan, without examining the role of top Pentagon leadership. In all there were over a dozen investigations by the Pentagon into detainee abuse issues, but none has resulted in a full understanding of the civilian leadership's involvement in the abuses. None has resulted in a full understanding of your involvement or the involvement of the White House.

Mr. Secretary, do you see the parallels here? Do you see why some would think that in the case of both Abu Ghraib and in the Tillman investigation there were deliberate efforts to avoid accountability? And if you see that, the manner in which this serial kind of narrow investigating, never answering the questions about who at the top knew what is a problem, what do you think ought to be done so that the American people can be assured that the top leadership in this country is accountable, is willing to come forward and tell the truth, and is going to take the actions to reassure the American public that abuses won't happen again?

Mr. RUMSFELD. Congressman, I don't obviously agree with your characterization of the history of this. There was an independent panel that looked at Abu Ghraib at the senior level and issued a report. There is a problem, I don't disagree at all, with the perception that you end up in a situation like the Tillman case, where you have five, six or seven separate investigations. And there are a variety of reasons as to how they got from where they were to where they are today with the most recent Army investigation and announcement.

None of the answers are satisfactory. It is unfortunate. It is harmful. It causes exactly the perception that you are promoting. And it is regrettable.

Mr. HODES. What should be done about it?

Mr. RUMSFELD. I don't know. I wish I had some brilliant answers. One of the things I might just mention is that under Goldwater-Nichols, the command responsibility is separated from the organized train-and-equip responsibility. And as a result, you end up with people who are down one of those chains of accountability and responsibility, and some people who are down the opposite chain, the administrative as opposed to the command. However, in the middle at various places, there are individuals who have a hat, if you will, in both of those. And you end up frequently with a long pause as to who should do what, who has the responsibility. Should it go up? Should the court martial or the investigation be done at this level or that level? Should it be done in the administrative chain or the command chain? Obviously, the problems usually happen in the command chain, so there is a tendency to be biased toward that.

On the other hand, you take a man like John Abizaid, who was the combatant commander in that case, he was fighting a war. He was busy. He was traveling all over the world. And there is an attraction to moving the responsibility for such an investigation over to the administrative chain, because those individuals are not engaged in the actual chain of command and wrestling with those problems.

I don't know what the answer is. But I know that there is a tension there that I find confusing as to who is going to take responsibility for it from the bottom up. And you end up—possibly one of these gentlemen who have lived it can make a better analysis than I have, but I have been concerned about it, and expressed concern about it within the Department, and I think it in some way contributes to the problem that you are talking about.

Mr. HODES. Thank you. I see my time is up.

Chairman WAXMAN. The gentleman's time is up, but General Abizaid, did you want to comment on that point?

General ABIZAID. Sir, I think it is very important to understand that the way the warfighting system is designed is to keep the operational commanders' hands free with forward-looking battlefield activities and operational decisions. The administrative chain of command in this case, going through the Department of the Army, handles things like notification of families, awards, logistics, etc. And I think it would not be beneficial to try to saddle the combatant commander with all the administrative functions, because it would cause his staff to become too big, too unwieldy, and would frequently cause that person to take their eye off of the immediate actions going on in the battlefield.

And I would like to point out that during this time period, if it had been the only event that was occurring in the theater, it could hardly be understood that the information didn't flow freely. But the battle of Fallujah was taking place around this time, all sorts of various military activities, both in Iraq and Afghanistan, 27 different countries in the region responding to various political-military activities, etc.

It is absolutely essential that we keep track of what is happening in order to make sure that the right resources are applied at the right place and that lives are preserved in the way that we conduct our military operations.

Chairman WAXMAN. Thank you, General. Mr. Shays.

Mr. SHAYS. I have had my time.

Chairman WAXMAN. Oh, you have had your time. So the next would be Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Secretary Rumsfeld, I understand that Mr. DiRita was one of your closest advisers. And I would like to ask about your knowledge of Mr. DiRita's actions with respect to the White House. In the 1970's you issued your famous Rumsfeld's Rules, with lessons for the Secretary of Defense. Here was one of those lessons: "Manage the interaction between the Pentagon and the White House. Unless you establish a narrow channel for the flow of information and tasking back and forth, the process can become quickly chaotic."

Was Mr. DiRita your channel to the White House?

Mr. RUMSFELD. No, Mr. Congressman, he was not. He was a link in the sense that he was in charge of the Public Affairs Office. And the public affairs officers in the executive branch of the government do communicate on a regular basis, including the White House. There were multiple channels to the White House. There was not a single one. There can't be, regrettably. I mean the chairman has already indicated he not only was the senior military adviser to me, but also to the President, to the Secretary of State, the National Security Council, and the Vice President. But the principal link tended to be my senior military assistant.

Mr. DAVIS OF ILLINOIS. This may have been mentioned earlier, but we have a copy of an e-mail dated April 23, 2004, the day after Corporal Tillman was killed, from Jeanie Mamo, the White House——

Mr. RUMSFELD. From whom?

Mr. DAVIS OF ILLINOIS. Mamo. From Jeanie Mamo, who was the White House Director of Media Affairs, to Mr. DiRita. The e-mail asked for information about the circumstances surrounding Corporal Tillman's death. The question I wanted to ask, though, is were you aware that the White House contacted Mr. DiRita and requested information?

Mr. RUMSFELD. I have no recollection of that from that time, and I have not heard of this e-mail even in the preparation for this hearing.

Mr. DAVIS OF ILLINOIS. Let me ask, could there have been some reason that Mr. DiRita didn't inform you of these communications, or would it be normal for him to inform you that he had been contacted by the White House?

Mr. RUMSFELD. When he was head of Public Affairs, which I think is the case at this time, he met in the roundtable, he met every day with the chairman and with me. What he decided to inform me of was his call.

But someone just put this in front of me, and I have not read it. It says, "Jeanie, is there anyone who can hook me up with someone at the Pentagon that can give me an off-the-record brief on the mission in Afghanistan where the former NFL star Pat Tillman was killed yesterday?" and that was from a press person, I believe. Jeanie Mamo, I don't know who that person is. I think it is a press person, not the White House, but I just don't know. It says Sports Illustrated.

Mr. DAVIS OF ILLINOIS. Well, when he replied to the White House, Mr. DiRita stated, "See what we can do. Details are sketchy just now."

Mr. RUMSFELD. Apparently this is a request from someone in the press for him to give him some information. And the—it looks like the request, this Jeanie Mamo is from the press or else—and sent it to the White House or to DiRita. I just don't know. I don't know anything about it.

Mr. DAVIS OF ILLINOIS. Except that memo is actually a White House official.

Mr. RUMSFELD. She is?

Mr. DAVIS OF ILLINOIS. Yes.

Mr. RUMSFELD. OK.

Mr. DAVIS OF ILLINOIS. But my question is did Mr. DiRita ever tell you what information, if any, he ultimately gave to the White House?

Mr. RUMSFELD. No, I have no idea. Normally what he would do would be to talk to the Army and see what the Army had to say, was saying publicly about it, and then have the Army talk to the White House or the press person.

Mr. DAVIS OF ILLINOIS. One person the committee interviewed was NATO Supreme Allied Commander General Vance J. Craddock, who previously served as your senior military assistant.

Mr. RUMSFELD. Right.

Mr. DAVIS OF ILLINOIS. General Craddock told us bluntly that Mr. DiRita often cut him out of the loop on military matters. And here is what General Craddock said, "I will tell you there could have been discussions and meetings that I would not have been privy to, because occasionally that happens. The fact of the matter

is, and I will just tell you that DiRita and I occasionally got into a bit of a dither over the fact that I felt he was not informing me of military issues or that he felt I was usurping his authority to deal with political issues."

General Craddock told us there were oftentimes events that happened in Public Affairs that were, quite frankly, between Mr. DiRita and the Secretary. And I guess what we are trying to find out here is were there communications back and forth between you and Mr. DiRita that the military people were not getting?

Mr. RUMSFELD. I am sure that if you take the senior 8 or 10 people that reported to me, that in each case there were activities that I would deal with them individually on and not include the whole group. There is no way the whole group could be involved in every single thing that was going on.

For example, the senior military assistant might be involved in military personnel matters, whereas DiRita would not be in Public Affairs. And vice versa. There might be some Public Affairs issue that the senior military assistant might not be involved in.

Chairman WAXMAN. The gentleman's time has expired.

Mr. DAVIS OF ILLINOIS. It has expired?

Chairman WAXMAN. Yes.

Mr. DAVIS OF ILLINOIS. So it is possible that Mr. DiRita and yourself could have had discussions or communications about military matters that——

Mr. RUMSFELD. No. No. That would be highly unlikely. I just can't imagine it. No. The military matters I dealt with basically were through General Myers and General Pace. And to the extent the senior military assistant was appropriate to have him involved, he was involved. But there was generally a division of labor. It is not a perfect division. There is no way you can say this matter was only military or only public affairs. Obviously, the Tillman matter was a combination of military and public affairs problems. And so too with any number of things. So frequently the group discussed things in the roundtable meetings.

Mr. DAVIS OF ILLINOIS. So you disagree with General Craddock. Thank you very much.

Mr. RUMSFELD. I can't do that. General Craddock is a terrific officer. I don't know what he said. I don't know the context of the questions he was asked. And therefore, to say I disagree with him, I think probably wouldn't be accurate unless I invested some time to really understand what he was saying.

Mr. DAVIS OF ILLINOIS. Thank you very much.

Chairman WAXMAN. Thank you, Mr. Davis. Mr. McHenry.

Mr. MCHENRY. Thank you, Mr. Chairman. I appreciate you all testifying today.

The one thing that has not been read into the record—it has been submitted to the record—is the chairman at the beginning of this meeting, of this hearing, spoke of the word "embarrassment" in the P–4 memo. What he did not actually highlight, which I think we all should highlight, is that there was a man involved here. And I say this to my colleagues and I say to all of those who were listening, there was still heroism involved in this incident. And I think some of this is about trying to point fingers and score political points.

I don't think that is what it should be about. Let's talk about who Corporal Tillman was. And from this P–4 memo, the potential that he might have been killed by friendly fire in no way detracts from his witnessed heroism or the recommended personal decoration for valor in the face of the enemy. I think that is what this hearing should be about, that valor in the battlefield of putting himself in harm's way, not about pointing fingers after the fact.

I think this has been much covered, that there were screw-ups in the bureaucracy. And there were screw-ups. And I think everyone agrees. I don't think there was a coverup. I think there was a screw-up, and that has had a lot of coverage.

Corporal Tillman was killed in a complicated battlespace geometry involving two separate Ranger vehicle serials traversing through severe terrain along a winding 500- to 600-foot defile in which friendly forces were fired upon by multiple enemy positions. This is a complicated battlefield environment. And I know from the gentlemen testifying here today who are generals or retired generals, you have been under fire. And you know how complicated this is.

So let us think and give Corporal Tillman his due for that heroism in the battlefield. Let us give him his due, and let's properly quote the record of what he submitted himself to in the battlefield.

And so with this, I would be happy to yield to my colleague from California, Mr. Issa.

Mr. ISSA. I thank the gentleman. I think you characterized a lot of what this committee hearing should be about. I want to take note of how it was advertised, to be quite frank. I think that is appropriate at this point, the Tillman fratricide, that is fair.

What Defense Department officials knew, you know, I don't think that is what this hearing realistically is about. I think it has become pretty obvious that at the lowest levels people understood there were a problem. At the level of a full colonel, it was reported and reported promptly. Clearly, there was some confusion about when who got told during the specific investigation, because those investigations don't just find out was it friendly fire. They find out how it happened so it wouldn't happen again.

General Brown, is that essentially the real reason behind what I think is, what, a 15–6, is to make sure these don't happen again?

General BROWN. Right. A 15–6 is a military investigation.

Mr. ISSA. Right. So the fact is that there was a failure to disclose, pursuant to Army regulations that were about 2 years old, to disclose that it may have been friendly fire to the family. And that is certainly beyond regrettable.

But the actual investigation, I just want to get this into the record, was begun promptly, related to how he was killed and the possibility it was friendly fire. Is that correct?

General BROWN. That is my understanding from General McChrystal. He called me the day that he was going to initiate the 15–6.

Mr. ISSA. And at the end of that, is there an after-action report? Are we better able to prevent this from happening in the future as a result of that investigation? Has that circle of quality been adhered to?

General BROWN. I think it has. We had that discussion I guess before I left command, to ensure that we were doing a good job of capturing lessons learned to ensure that these kind of events didn't happen again. I think in the TTP, or tactics, techniques, and procedures that were used that day, the radio problems, all the other issues I think have been addressed, and they are trying to use that 15–6, at least at the Rangers and down at General McChrystal's organization, to ensure we don't have those kind of problems again.

Mr. ISSA. Additionally, at the Department of Defense, as a result of the pain and suffering the Tillman family went through because of the misinformation, has it been made clear that this should never happen again, that the family has a right to be informed promptly so that this particular mistake couldn't happen again?

General BROWN. Well, I can speak for SOCOM, but at the Special Operations Command it is perfectly clear.

Mr. ISSA. OK. I thank the chairman.

Chairman WAXMAN. The gentleman's time has expired. Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman.

I just want to be clear that the family asked this committee to investigate the circumstances of Corporal Tillman's death, and that Kevin Tillman himself indicated that this hearing was no reflection upon the bravery of this hero. And no implication should be left that our continuing investigation is anything but an attempt to do what this family wants done.

Secretary Rumsfeld, you have indicated, I think quite eloquently, that it is your responsibility, the responsibility of the military, to tell the truth. And I want to make sure this also involves uncovering the truth, particularly in light of allegations that have been made in the press and elsewhere about whether you sought deniability in reconstructing what you were told and when in responding to the Inspector General in particular.

Your lawyer, in preparing a response to the DOD Inspector General, said that you asked a junior staff member in your office to help determine when you learned that Corporal Tillman's death was a possible fratricide. The staff of our committee then contacted that staff member, and he told us of placing a few phone calls, found a person who had been in a meeting with you on May 20, 2004, during which he said Corporal Tillman's case was mentioned. Now, this person claimed, however, that he was not the source of the information and cannot remember who was. This does not sound like the most thorough attempt to reconstruct what you knew or what actions you took.

During our own investigation, the committee staff talked with Lieutenant General Craddock. Now, he was your senior military assistant at the time in 2004. And he told us that he worked closely with you on a daily basis, sometimes in touch with you many times a day. But he says that your office never contacted him to ask for his recollection or documents. I am asking, why did you not consult this close assistant of your own, General Craddock, before responding to the Attorney General [sic] concerning what you knew and when you knew it?

Mr. RUMSFELD. My recollection of this is close to that. It was the—I believe the last series of days I was in the Department.

There were a great many things going on. The Inspector General asked some questions. And my civilian assistant, Mr. Rangel, as I recall—I said figure out if there is any way we can know when I was told, because I don't remember.

Ms. NORTON. Your Senior Military Assistant might have been one way you might have known.

Mr. RUMSFELD. He, of course, was gone.

Ms. NORTON. That didn't keep him from being consulted.

Mr. RUMSFELD. I understand that. I am going to answer your question. He then checked with some people, and one of the individuals said what you said he said; namely, that he was in the room when I was told, and it was on or after he got back from Iraq. And that was this Colonel Bucci who has been mentioned previously. We were not asked—we were asked what we recalled and recollected. We were not asked to undertake an investigation and go back and consult a series of people and find out the answer. That was the job of the Inspector General. I think you said Attorney General, and I think you meant Inspector General.

Ms. NORTON. Inspector General, sir.

Mr. RUMSFELD. That was his job to try to fashion all of that. And he did, and he produced a report, and he said he felt that my responses were—met his question.

Ms. NORTON. Mr. Secretary, he was trying to find out something very specific, what you knew and when you knew it. And his job was to question you and to find out, to the best of your ability, what you knew and when you knew it. And here was your senior military assistant, the one person we would have expected you to consult with, and he was not consulted. And I am asking why was he not consulted?

Mr. RUMSFELD. My guess is there were any number of people who were not consulted. And I guess the answer to that question is one would have to ask the Inspector General or ask Mr. Rangel.

Ms. NORTON. No, I am asking you, because you didn't consult them, sir.

Mr. RUMSFELD. No, they asked me what I recalled, and I told them what I recalled.

Ms. NORTON. I am simply noting that you did consult a junior member of your office, but not the man who would have been most likely to know, the man who reported to you several times a day. You didn't consult as well with Mr. DiRita, your director of communications, who during this period had been in touch with the White House. Didn't you feel it important to consult with him before responding?

Mr. RUMSFELD. I did not consult with a junior member of my office. I consulted with the senior civilian assistant, who is your principal assistant as Secretary of Defense, along with your senior military assistant. Mr. Rangel was that individual. He is the one who then talked to people to find out, and one of the people he talked to was Colonel Bucci. Mr. DiRita also was no longer in the Department. There are any number of people one could have—we could have gone to Dick Myers, who was no longer in the Department. And there must have been 20, 30 people who were in the roundtable meeting, where I may very well have been informed. But I

was asked what I recalled, and I gave a very direct, honest answer to that.

Ms. NORTON. Thank you, Mr. Secretary. I understand. The point is when the Inspector General is trying to find out something that is very difficult for you, yourself, out of your own consciousness, to have remembered, to have consulted with those most likely to have helped you remember would have seemed to be appropriate in uncovering the truth.

Thank you very much.

Chairman WAXMAN. Thank you, Ms. Norton.

Mr. Welch is next, but Mr. Davis wanted to just make a statement.

Mr. DAVIS OF VIRGINIA. Mr. Chairman, I just wanted to note for the record you and I have signed a letter to Claude Kicklighter, the Inspector General, and to Brigadier General Rodney Johnson, the Provost Marshal and the Commanding General from the Army Criminal Investigation Command, asking if they did look at the personal e-mail accounts of soldiers, which was a common means of communication over there, as we said, to try to keep all the stones, look under every one of them. We think this will make the investigation more complete. I want to note that for the record.

Chairman WAXMAN. Thank you. We have joined together in that letter. Mr. Welch.

Mr. WELCH. Thank you, Mr. Chairman. Thank you for conducting this hearing.

There are, I think, two issues. One is the treatment of the family of the fallen soldier. My impression and experience here so far in Congress is that the military takes very, very seriously its obligation to the soldier and to the family members to try to provide them with as much information as possible, understanding the desperate need that a mom and a dad have, a brother and a sister, to know as much as they possibly can about the circumstances of their loved one's death. And we have been through that here with you, and I don't think I will go onto that enormously.

I think there is a second issue that has been raised, and it is whether the pressure on the administration to give good news versus bad news about its initial decision to go to war at times causes the information to be emphasizing the good instead of the bad, and, at its worst, to actually distort what the facts are.

What is significant about this war, in contrast to any other in our history, is that the sacrifice associated with the war has been borne entirely by the men and women and their families of an all-volunteer military. It is the first war where we have had multiple tax cuts. It is the first war where we have paid for it by going off budget. It is the first significant war where it has been an all-volunteer force, and there has been no draft requiring middle-class or well-to-do families to be part of it, whether they wished to or not.

And the question I have, and I am going to direct this initially to General Myers, is this. General, in contrast to Vietnam, which was a war that was going on when I was in college, every time there was a fallen soldier whose remains were returned to Burlington, VT, or Springfield, MA, or Chico, CA, the local press was there. It was a solemn occasion. It was sad, but it was real. And

it conveyed to that local community the awesome price that this war was inflicting on the lives of their neighbors.

It is my understanding that the Pentagon policy in this war is to deny access to the press upon the return, the official return of the soldier's remains. And can you advise me whether I am correct on that?

General MYERS. My understanding is that the policy for the folks returning through Dover, that there is no press there. It is a policy in respect for the families. Other than that, you are absolutely right. And I think, by the way, that is appropriate. I don't think it is appropriate to hide the fact that the men and women in this country are dying in the defense of this country. And we should never do that, because people need to understand the sacrifice. And as you pointed, out too few people understand that.

I might just add it is not the military; there are Ambassadors, foreign service officers, a lot of American civilians and third-country nationals that share this risk with us in Afghanistan and are killed, as well in Iraq.

Mr. WELCH. This policy was changed. In the past the press has been allowed to document the arrival of our returning fallen soldiers. Correct?

General MYERS. I can't tell you. I do not recall if it was changed.

Mr. WELCH. I mean you are my age or older.

General MYERS. Right. Yeah. It must have been somewhere along the line, if you recall it that way. I was overseas for most of the sixties when Vietnam was going on and part of that process, so I don't remember what was happening back home frankly.

Mr. WELCH. Secretary Rumsfeld, could I ask you to comment? What would be the rationale for the Pentagon denying access to a respectful press to document the return of the remains of a fallen soldier?

Mr. RUMSFELD. I think you would have to ask the Department of Defense Public Affairs people, but my recollection is the same as General Myers'; that the policy at Dover is that the press does not cover that arrival, but that it is up—I thought it was up to the families to determine the extent to which the press would or would not be involved in the actual memorial services or burial services, and that—it leaves it to the families to make those decisions.

Mr. WELCH. But the official return in the custody of military personnel of a casket——

Mr. RUMSFELD. They remain in the custody of the military personnel until they reach the family.

Mr. WELCH. But it is different the way this is handled in this war, Iraq and Afghanistan, than it was, for instance, in Vietnam.

Mr. RUMSFELD. I don't know that. I accept your comment but I just——

Mr. WELCH. General Abizaid.

General ABIZAID. Sir, I don't know what the policies are on returning soldiers. I do know that since I have been retired, the press certainly covers those services that take place in northern Nevada and eastern California, and they always do so in a most respectful way.

Mr. WELCH. And the soldiers when they return initially, they arrive at Dover?

General ABIZAID. Most remains go through Dover, yes, sir.

Mr. WELCH. And no press is allowed to document their return?

General ABIZAID. I don't know. I think it would be best for me not to answer. I don't know.

Mr. WELCH. All right. I waive the balance of my time. Thank you, Mr. Chairman.

Mr. LYNCH [presiding]. The gentleman yields. The Chair recognizes the gentleman from Idaho.

Mr. SALI. Thank you, Mr. Chairman.

Either General Abizaid or General Brown, it would be fair to say that when there is an event that is suspected of involving friendly fire, that has an impact on morale on your troops, doesn't it?

General BROWN. Absolutely.

General ABIZAID. That is correct.

Mr. SALI. And if I understand things correctly, at this point you really have to choose what the procedures will be for the military. If you have an allegation of friendly fire, which I understand was already in the works on April 23, 2004, you knew that there was some suspicion at least.

You have to choose at that point whether you disclose to the family or whether you don't disclose to the family and wait until the outcome of the investigation before you announce that there was or was not some, perhaps, involvement with friendly fire from the death.

You have to choose between one of those two things; is that correct?

General BROWN. I don't think you have to choose. I think that is maybe part of the problem. There are people that believe that you have to wait until the investigation is fully completed before the family is allowed to be told. I believe those were older Army regulations.

The current Army regulation, as I understand it, is that you immediately notify the family if there is an investigation going on, but in all cases sooner than 30 days. No later than 30 days the family has to be notified if there is an investigation going on and kept informed of the ongoing investigation, as I understand the regulation.

Mr. SALI. Am I correct from the time of Corporal Tillman's death to the time the investigation was finished was, in this case, 37 days?

General BROWN. I'd have to look at the time line. I don't know, Congressman.

General ABIZAID. Congressman, on the 28th I approved the report that came from General McChrystal's command as being definite proof of friendly fire. The May 28th.

Mr. SALI. May 28th, a little over 30 days in this case, versus what you are telling me now, General Brown, is that the requirement is now 30 days.

General BROWN. The requirement is no later than 30 days.

Mr. SALI. But it could be up to the full 30 days.

General BROWN. And I'm not sure why the regulation is written that way. I am assuming there could be some extenuating circumstances that they give you the 30 days, but I think the requirement is to notify the family immediately, but no later than 30 days.

Mr. SALI. Immediately following what?

General BROWN. Immediately following the beginning of an investigation.

Mr. SALI. But that could be up to 30 days later?

General BROWN. I believe that's what the regulation says, and I'd be glad to take it for the record and provide that Army regulation to you.

Mr. SALI. OK. I would appreciate it if you would do that.

It seems like we're fighting over about 6 days here in difference in time. If you are saying that it could be—within 30 days, no longer than 30 days would meet the current regulation; is that correct?

General BROWN. Well, I think it goes back to my earlier point that it doesn't matter what the regulation says, it has to be followed. So if there were errors made in the execution of that policy or there were people that didn't understand that was the policy, then that is where there may be a problem.

Mr. SALI. The regulations that were in place at the time were followed; is that correct?

General BROWN. I don't know. I'd have to go back and see what—the regulation that we are talking about that is the current regulation, as I understand it, was enacted in 2003.

Mr. SALI. Can you let me know about that?

General BROWN. I will be glad to.

Mr. SALI. Mr. Chairman, I yield the balance of my time to the gentleman from California.

Mr. ISSA. I thank the gentleman. I just want to—I hated to get into Vietnam, but we have gotten into it. I want to go through a couple of quick things.

During Vietnam, we drafted men and women. Several of you are Vietnam vets. At that time, as I understand it, we were drafting those who didn't go to college, those who couldn't get deferments, that was a war of the poor and a war of the minorities. At the time, that was the way it was said, and as someone who entered the service in 1970, I saw it that way.

Today, isn't it true that every man and every woman joins the military voluntarily, we have no draftees left on active duty, they have all either enlisted or reenlisted; that every one of these people for the first time is somebody who went to war knowing they were going to war?

Certainly Corporal Tillman enlisted knowing that our Nation was at war. Isn't that true?

And I appreciate—General Brown? I have just two quick questions. One as a Vietnam era vet, a Vietnam vet actually.

General BROWN. Right.

Mr. ISSA. You remember the military where, if you were a rich college kid, you didn't go for the most part; and we had the minorities as draftees, the poorest as draftees, versus today every man and woman enlisted, and we have no draftees on active duty.

General BROWN. Correct.

Mr. ISSA. I wanted to make clear that Corporal Tillman, like every one of the men and women serving today, did so voluntarily.

The Vietnam War was not a panacea of the right way to do it. What we're doing today is the right way, and I think you would all

agree this is the right way to run the modern military as volunteers, knowing volunteers.

General BROWN. Sir, it is my opinion—I served in the draftee Army, and I served in Vietnam; and I also served in the all-volunteer Army, and the all-volunteer Army is better.

Mr. LYNCH [presiding]. The panelists are allowed to answer the gentleman's question if they would like to elaborate.

OK. The Chair yields himself 5 minutes.

Gentlemen, I want to extend my thanks for your willingness to come forward and help the committee with its work. I want to acknowledge the Tillman family, and my heart goes out to them for having to relive this every time a hearing is held.

Now, a number of us, including Mr. Murphy, Mr. Welch, Mr. Shays and others, have been out to the area where Mr. Tillman was ambushed. And we certainly appreciate the complex battle space, as you have described it, and we can understand that there was some chaos in this firefight.

However, I do want to follow the time line here because Chairman Waxman spoke earlier about the testimony of Specialist O'Neal. And as you may remember, Specialist O'Neal was with Corporal Tillman on the ground there, on that canyon road near Manah. And Specialist O'Neal went back to Salerno, just north of that area, a couple of days after the firefight, and actually he wrote a witness statement in the immediate aftermath of Corporal Tillman's death that made it quite clear that this was a case of friendly fire.

But then something happened. Someone rewrote that statement and the revised version—we had Specialist O'Neal in, and we showed him the statement and we asked, Did you write this part? No, I didn't. Did you write this part? No, I didn't.

So there was a drastic revision between what the eyewitness wrote and what eventually went to the press and went to some of you. And we don't know if it went to the President or not, but it served at least in part as the basis for the Silver Star citation. We know that.

And while we understand the chaos that might have occurred during this firefight, this rewriting, this revision, happened after the fact, after the smoke had cleared. And I can appreciate the frustration of some of my colleagues who feel that something else is going on here, and we're not sure what.

Some people think it was a mix-up, not a cover-up; and I can certainly appreciate them feeling that way. But we have had an opportunity, all of us, a lot of us, to go out there and also observe the high excellence of our military, the high excellence of our military officers and folks in uniform. And they have performed brilliantly. And yet here we have this major, major disconnect between what the people on the ground observed and recounted, and then the report that gets out to the press and the public and to the family.

And another issue that is confusing is the P–4 memo. It was written explicitly to warn the senior defense officials and the President that Pat Tillman, it was highly possible that he died of friendly fire. But from the testimony today it would seem that no one passed this information to either Secretary Rumsfeld or the Presi-

dent. And knowing what I know about the best of the military, I find that mind-boggling, just stunning, that this happened.

I want to ask you—because I haven't heard a good explanation today, I have to say that, and I am trying to pull all of this together—we talked about six different investigations. Can anybody on this panel give me an answer, how that happened, that the specialist, on-the-ground eyewitness right beside Corporal Tillman, right in the unit, wrote an accurate description of what happened indicating friendly fire; and yet downstream we follow that time line, we in the Congress and the American people got a different story. And I need to know the answer to how that happened.

That's why we are having—we owe this to the family. And I understand that there was some element of this that folks wanted to honor the memory of Corporal Tillman in the highest tradition of the military. And he was a hero; the minute he put on that uniform, he was an American hero, and nothing changes that.

But we also owe it to our servicemen to accurately account for them. And we owe it to their families who offer up their sons and daughters to serve this country.

So I ask you, can anybody here on this panel explain how that happened? Explain to the American people how that happened?

Mr. Secretary.

Mr. RUMSFELD. I—needless to say, it happened the way you've described it and the way the various investigations have reported it. It happened in the field that somebody took somebody else's words and altered them. I have no idea who did it. I have no idea what their motive might have been.

I had no knowledge that had happened.

Mr. LYNCH. General Myers.

General MYERS. It would be extremely difficult to divine that. I would really like to know, obviously, why somebody would do that. I don't have any idea.

And certainly it is the way you described it. I haven't seen how the words were altered, but it is inappropriate and inexcusable. But I don't know why.

Mr. LYNCH. General Abizaid, good to see you again, sir.

General ABIZAID. Sir, it is good to see you as well.

It is very difficult to come to grips with how we screwed this thing up, but we screwed this thing up. It was clear to me on April 28th, when I talked to the platoon leader who was Corporal Tillman's platoon leader, that he did not think of it as being anything other than an enemy action. We didn't talk long about it. He had been wounded. But he didn't give any indication of friendly fire at that time.

Clearly, General McChrystal knew by the 29th that there was a high probability, as he described in his message, that there was friendly fire. The message that General McChrystal sent to me, which was delivered late for problems that took place at my headquarters—as a result of problems that took place at my headquarters, undoubtedly delayed the information being relayed to the chairman in the manner that it should have been.

When I discovered the problem, I relayed it to the chairman in as timely a manner as I could, given the circumstances. But it was clear that somewhere between the 29th and the—and the period

where I notified the chairman that this P–4 just hadn't gone to me. It had gone to General Brown, it had gone to the Department of the Army, and it was my supposition that the Department of the Army was acting on the notion that friendly fire had occurred, which can probably be the reason that the chairman accounts for—and again this is supposition on my part, it is not a fact, I don't know what happened—which is why the chairman recollects having heard it as early as the 30th or the 31st, whatever day it happened.

Again, no excuses can be offered, but I can tell you a couple of facts. General McChrystal reported the incident in a forthright and in a timely fashion.

That the information flowed poorly through the chain of command to include me is a problem of the chain of command, both administrative and operational. It should have been handled better and it wasn't. From that, a lot of other bad things may have flowed.

But it is clear that all along fratricide was called as early as the April 29th, and that on May 28th, we conclusively stated it was fratricide, a report that I rendered to the chairman and to the Secretary.

In terms of fratricide investigations, by the way, that's not a slow investigation. That's a fast investigation. In looking back, of how we go about investigating these things after they've happened, it may seem slow; but in my experience with a lot of fratricides, it went probably faster than most.

Mr. LYNCH. Thank you.

General Brown, any conclusion?

General BROWN. Sir, I'd just say, as I mentioned earlier, as Secretary of the Army Geren said, it could not have been more poorly handled. I think it was a process—it is a difficult process to start with, and it was just very poorly handled.

When I got the P–4, I made the assumption—and probably a bad assumption, since I was an "info" addressee and not the "to," that flow of information would flow through the chain of command. It would have been simple for me to pick up the phone and call the General. I didn't.

I did respond to the P–4, back to General McChrystal. But, quite frankly, I just made the assumption—a bad assumption now, I know—that normal P–4 traffic moves pretty fast, that would go to the chairman immediately.

So it's unfortunate it was poorly handled, and unfortunately it is the Tillman family that had to pay the price for it.

Mr. LYNCH. Thank you, sir.

The Chair recognizes the gentleman from Connecticut, Mr. Murphy, for 5 minutes.

Mr. MURPHY. Thank you, Mr. Chairman. I understand we have votes pending, so I will be brief.

Gentlemen, thank you very much for being here today. I joined Representative Lynch and some others of our colleagues in a trip earlier this year to Iraq and Afghanistan; and frankly, as someone who has never worn the uniform or fired a gun or been shot at, I left there with a deep and, frankly, unconditional sense of apprecia-

tion for what our men and women are doing there. And I thank you for your role in leading them.

My question is this: It is my understanding that the Pentagon regulations require that a family be notified that a fratricide investigation is pending even before the official results are concluded. And I have a little bit of trouble—and I will present the question first to General Myers—with the contention that simply because the malfeasance wasn't in your direct chain of command that the leaders of the military didn't have an accompanying personal or moral responsibility to act on what they knew was misinformation being given to the public—and certainly, if not misinformation, a complete lack of information given to the family.

I know this is a complex question for military leaders when you have a responsibility to break outside of the chain of command, when you know that something is being miscommunicated or you know that something is being uncommunicated. I will ask it of General Myers first.

There are a couple of weeks, 2 or 3 weeks, that you have been informed that there is a fratricide investigation going on. The family has not been notified. There are Sports Illustrated articles and much public awareness of the initial conclusion of death of Mr. Tillman. As Chairman of the Joint Chiefs of Staff, in retrospect, do you feel that you had a personal or moral responsibility to alert the family even though the chain of command may not have dictated that it was your responsibility?

General MYERS. I think it would have been absolutely irresponsible of me to interfere with the Army procedures, frankly. First of all, they are not Pentagon regulations; they are Army regulations. The Army was the one that had the regulations that said we have to notify the family as soon as we know of the possibility.

And frankly, with the investigation ongoing, what I was concerned about was exerting any kind of undue command influence if this ever got to UCMJ, if it ever got to the Secretary's desk; if he ever said, What do you think, which would have been the only reason I would ever look at it—if the Secretary would say, Give me your opinion on this.

You want to stay out of those matters so that you cannot be used by some defense attorney that, Gee, we have had Myers saying this and the Secretary saying this; therefore, my client who is accused of wrongdoing is not guilty. There is obviously command influence.

So it didn't occur to me at the time, clearly. I knew there was an investigation ongoing. I thought that was appropriate. I didn't know what had been told to the family or not been told. I just wasn't aware.

I mean, it sounds harsh, and it is harsh, but the reality is there is a lot of things going on, and this—Corporal Tillman's death was significant, but it wasn't the kind of issue that occupied a whole lot of time. As John said, we were working on the battle of Fallujah. We had a myriad of issues. Abu Ghraib had just broke; we spent a lot of time in the media with Abu Ghraib. There were a lot of issues taking our attention.

I think it would have been irresponsible for the chairman to get involved in what are Army matters. I would have to override the Secretary of the Army, acting Secretary. That would be something

that would be totally inappropriate, or get into General Schoomaker's, Chief of the Staff of the Army's, business.

Mr. MURPHY. I appreciate there were a lot of pressures occupying your time and occupying an immense amount of the public's time. There were some things that many, many people were paying attention to. Do you feel, in retrospect, that you should have asked during those intervening weeks whether or not the Tillman people knew?

General MYERS. No, the matter should have been handled by the Army. And it would not—I mean, I don't think it would have occurred to me to say, Gee—I mean, this was not—unfortunately, not the first fratricide, not the first death.

Even if it is not fratricide, there are issues with the family members that the services are handling. And I don't think it is my position, certainly not in any of the statutes or even morally, I believe, to get involved when other people are trying to handle that.

I mean, that's the services' business, and it is pretty explicit. It would have been very unusual for me to ask those kinds of questions, and frankly, it didn't occur to me.

Mr. MURPHY. General Brown, do you regret not looking back, not asking more questions about what the family knew? Do you feel you had an obligation, whether or not it was within the direct chain of command, to intervene and try to make sure—I am concerned mostly about the family, I think. As the family has noted, this was a fraud perpetrated on the American public as well. But specifically, in relation to the family, why weren't more questions being asked within the chain of command of whether or not the family was being told?

General BROWN. What I would say is that the Army ran this investigation. They also run the casualty notification process, and so do it routinely. And so when you see them doing the actions that they are supposed to be doing, I was not questioning them every day, were you doing every step in the process.

Quite frankly, when I found out there was an issue that the family hadn't been notified, by asking the question—which was before the press release, I asked the question, had the family been notified by the Army and our Army component, and I found out that they had not.

And then we tried to take actions to help facilitate getting the family notified before the press release came out, when I did ask the question.

Mr. MURPHY. Thank you, Mr. Chairman.

Chairman WAXMAN [presiding]. Thank you Mr. Murphy.

Mr. Honda.

Mr. HONDA. Thank you, Mr. Chairman. And I appreciate the witnesses' presence and your endurance at this time. Let me get back to the P–4 discussion, quick question.

P–4 is the classified memo to those that the memo has been written to; is that correct?

General ABIZAID. That's correct, sir. I mean, it is—in the channels that this was sent, it was actually sent in very highly classified channels.

General MYERS. But a P–4 can be unclassified.

Mr. HONDA. So it was an important memo?

General ABIZAID. There are a lot of different P–4s that are sent around, but it is usually commander-to-commander communication.

Mr. HONDA. And these are for the eyes, including those who are cc'd?

General BROWN. I'm sorry. I didn't understand the question.

Mr. HONDA. It is also not only for—the memo is directed to a couple of people, but someone said that the others were cc'd.

General BROWN. Right.

Mr. HONDA. And that also means that this was meant for your eyes also?

General BROWN. Right.

Mr. HONDA. I'd like to read the last sentence of the P–4 memo and ask for a clarification of the gentlemen here.

In this sentence, General McChrystal writes that he feels it is essential that the three generals receive information about Corporal Tillman's death, and here is why.

He says, "In order to preclude any unknowing statements by our country's leaders which might cause public embarrassment if the circumstances of Corporal Tillman's death becomes public . . ."

He says, "if the circumstances of Corporal Tillman's death are ever made public." For the record, were you involved in any discussion about withholding information about Corporal Tillman's death from his family or the American public?

Second question: Was there any conversation that the information about his death would never be released to his family or the public?

General BROWN. There was no conversation about his death or fratricide ever not being released. There was never a discussion on that.

The only discussion I ever heard—and we weren't the investigating body or the notification and next-of-kin responsible agency—was the normal assumption that people were waiting until the investigation was concluded before the family would be notified. OK.

So then that is—that is routinely understood. And as a matter of fact, it is as I understand from this hearing this morning, that is still current Marine Corps policy, that the investigation is completed and then the family is notified.

So that information would have been protected at that time so that it was not released to the press, so that the family would not wake up and find it in the press prematurely, before the investigation was completed and signed off by the combatant commander.

General ABIZAID. Yes, sir, there was never any intention at any level to keep the idea that it was fratricide from either the family or the public. It was clear that it would be disclosed at the appropriate time, as decided by the Department of the Army.

Mr. HONDA. General Myers.

General MYERS. I agree with General Brown.

Mr. HONDA. You are saying that there were no discussions, or you were not involved in any discussions about withholding information from the family or the public?

General MYERS. I was not involved in any discussions where withholding information from the family or the public, or anybody, ever came up.

Mr. HONDA. OK.

General MYERS. I was not.

Mr. RUMSFELD. Nor was I.

General BROWN. Sir, if I could go back to that for just a second, when we get a casualty notification, which in my headquarters we will get for every one of our casualties, we are very careful to protect the names of the individuals, and the individuals, until the family notification of next of kin has taken place. So that would fall into the same category.

Mr. HONDA. The P–4 was written April 29th, 7 days after the incident. So the 7 days ensuing, for 7 days there wasn't an investigation, and there was a report by Mr. O'Neal; is that correct?

General BROWN. I don't know. A report by Mr. O'Neal, I'm not familiar with.

Mr. HONDA. He is the gentleman who wrote the initial report.

General ABIZAID. I know there was an initial 15–6 that was initiated, but I would have to look at the report to say what date it was initiated. Perhaps we could find that information.

Mr. HONDA. And the contents of that first report were changed, and it appears on the P–4 as it has been changed. Are you aware of that? Or is that a correct statement?

General BROWN. Just to be clear, could you restate that statement again? And I think we will have better chance of answering it.

Mr. HONDA. There was previous testimony that there was a written report by a combatant next to Mr. Tillman, who wrote down the events, the accurate events of his death. And I understand through the testimony today that has been changed and that change is reflected in the P–4. Is that a correct statement?

General BROWN. I don't know.

General ABIZAID. Here is what I do know, to make sure that we are all talking about the same dates.

The incident took place on the 22nd. The chain of command, through me, was notified of Corporal Tillman's death.

There was a P–4 sent on the 29th.

The first 15–6 report was completed on the 4th of May, and it was deemed not sufficient by General McChrystal, and another 15–6 officer was appointed on the 8th of May.

And on May 25th, that report reached my headquarters, and on May 28th, I approved that report.

Those are the dates as I know them.

Chairman WAXMAN. Thank you very much, Mr. Honda. I appreciate your joining this committee for this hearing and the previous one. You are not a member of the committee, but I know of your strong interest in the concern about Corporal Tillman.

Could I just ask this question? Is it—on how many occasions would you get a P–4 memo saying, Let the President and the Secretary of the Army and the Secretary of the Armed Services know about a certain fact, get it to them because we want to help them avoid embarrassment?

Have you ever received a P–4 like that, General Brown.

General BROWN. Never, sir.

Chairman WAXMAN. General Abizaid, did you ever receive a P–4 like that?

General ABIZAID. Yes, I've received some very interesting P–4s; and sometimes they would say, Make sure the President knows, or make sure this happens or that happens.

There is an interesting thing about the P–4 that says, Deliver during normal duty hours; and so again General McChrystal did exactly the right thing. He sent a timely message in a timely fashion through the most secure channels.

And, again, it went to Tampa. I was forwarded. It didn't get to me in a timely fashion, forward. That's a problem that was strictly in my command.

But, again, when I told the chairman, I did not tell the chairman in order that the chairman would run to the Secretary and then run to the President. I told the chairman so he would know, and I explained to him in general terms the basic information in the P–4.

Chairman WAXMAN. Did you tell him that this was something that we ought to—he ought to let the civilian authorities in the White House, even the President, know this information to avoid embarrassment?

General ABIZAID. I don't know that I used those words, but I said that it was important that the leadership know. And between the chairman and me—I mean, it's clear that the leadership up above us is the Secretary and the President.

Chairman WAXMAN. Yes. See, the issue is not just failure to let the family know; there is an issue of whether there was a failure to follow the routine way things are handled, to let the President know, to avoid embarrassment, let the President know and our Nation's leaders know.

General Myers, have you gotten P–4 memos that asked you to let the President and our national leaders know something?

General MYERS. I probably have.

Chairman WAXMAN. And when you get that kind of information, what do you do with it?

General MYERS. You have to put your judgment on it, because people are recommending to you what they think is appropriate, and you have to put your judgment on it.

Like I said, in this case, what would have been logical would have been to inform the Secretary. I can't recall that I did that. I don't know. I don't have any documentation that says I did that.

But that would have been a logical thing to do when I got a P–4 like this, to say, Mr. Secretary, you know this has now gone from "Corporal Tillman was killed by enemy fire" to "possible fratricide." But that would have been the logical thing to do.

I can't tell you that I did it, because I just don't recall whether I did it or not.

Chairman WAXMAN. OK. Well, let me conclude the hearing by indicating the facts that General Myers and General Brown knew about the friendly fire issue at the end of April.

General Abizaid learned on May 6th.

Secretary Rumsfeld learned on May 20th.

All of these are the senior leaders that knew before the public and the family——

Mr. RUMSFELD. Could I correct that?

Chairman WAXMAN. Yes.

Mr. RUMSFELD. I want to make sure this is precisely accurate. I do not believe I testified that I learned on May 20th, and if that impression has been left, I don't want that left.

My testimony is that I do not recall; that is the letter I gave to the IG. I was told that a person was in a meeting after May 20th when I was informed. But that is—I just simply do not know when I first learned of the possibility of fratricide.

Chairman WAXMAN. I appreciate that correction.

General ABIZAID. And, sir, if I may, I also wanted to make sure that the 6th is a logical day. It is not "the" day; the day is somewhere between 10 and 20 days after the event. It's the best that my staff and I could come to a conclusion on at this point.

Chairman WAXMAN. You were all very busy. There is no question about it.

General BROWN. Sir, one other thing, if I could interrupt also to correct.

Your statement was that I knew about the friendly fire, I knew that there was an investigation ongoing, the potential for friendly fire.

General MYERS. That goes for me, too.

General ABIZAID. And for me, as well.

Chairman WAXMAN. Well, you all knew or didn't know within that timeframe. But it appears that all of you had some indication before the ceremony where the world was being told that Corporal Tillman was killed in the line of duty. He was getting the Silver Star. It was a memorial service where this information, this misinformation, was given out.

And you have all admitted that the system failed. So I just think that the public should have known, the family should have known earlier who was responsible. But—none of you feel that you personally are responsible, but the system itself didn't work.

Ironically enough, the President could have called you all in and said, Why didn't I know about this when there was a P–4 memo? But somehow or another it seemed like the President avoided embarrassment as well. So maybe somebody did know at the White House that this was likely to be friendly fire, on more thorough investigation.

You have been here a long time. I appreciate your taking the time to be with us. We are obviously trying to find out what went on and who had responsibility, who dropped the ball.

The system didn't work. Errors were made. That's too passive.

Somebody should be responsible, and we're trying to figure that out.

That concludes our hearing today, and we stand adjourned.

[Whereupon, at 1:33 p.m., the committee was adjourned.]

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