

Army Regulation 638-2

Deceased Personnel

**Care and
Disposition of
Remains and
Disposition of
Personal Effects**

Headquarters
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UNCLASSIFIED

Joint Operations provides procedures for search and recovery of remains. Casualty area commanders will develop multiple fatality incident plans to provide for security of the incident site, the search and recovery of remains, and preparation of remains.

8-2. Costs for recovery and identification of remains

Costs of travel, services, and use of equipment associated with recovery of remains are properly chargeable to Casualty and Mortuary Affairs Open Allotment. (See para 1-11.) No specific limitations exist on the amount that can be spent to search for, recover, and identify eligible deceased personnel cited in table 2-1; however, required services will be obtained at minimum cost consistent with the best interest of the Army.

8-3. Responsibility for search, recovery, and identification

a. Current deaths. The commander of the installation nearest the site of the casualty incident (or the commander responsible for the area outside the United States in which death occurred) will search for, recover, and identify eligible deceased personnel; all resources and capabilities immediately available will be used. Departmental HQ and field commanders involved will cooperate to the fullest extent in providing information and help for recovery and identification of remains.

b. Residual remains from previous wars or incidents. The Army geographic commander or commander of the Central Identification Laboratory, Hawaii (CILHI) will search for, recover, and identify eligible deceased personnel; all resources and capabilities immediately available will be used. Departmental HQ and field commanders involved will cooperate to the fullest extent in providing information and help for recovery and identification of remains.

8-4. Responsibility for identification technical assistance

CDR, PERSCOM (TAPC-PED-F), will provide technical assistance when identification of remains cannot be established by the responsible commander. This does not, however, relieve the commander of responsibilities for taking all steps possible to identify the remains. When remains to be processed include personnel of more than one military service, the headquarters levels of the Services involved will decide which Service will provide technical assistance.

8-5. Jurisdiction of civil authorities within the United States

a. Within an Army installation or other place under Army jurisdiction. Civil authorities have no jurisdiction over deaths occurring on an Army installation or reservation except where the State or foreign government has retained concurrent jurisdiction with the Federal government. A civil death certificate, however, is required for all deaths occurring on a U.S. military installation or reservation within the United States. A transit or burial permit is required before remains can be removed from an Army installation or reservation for shipment or burial.

b. Outside an Army installation. Approval of civil authorities will be obtained before moving remains from scene of death when death occurs at a place other than on a military installation or reservation.

8-6. Jurisdiction of civil authorities outside the United States

When deaths occur outside the United States, procedures followed should be under local laws and, if applicable, status of forces agreements.

8-7. Recovering remains from scene of incident

a. The responsible installation commander will immediately dispatch appropriate personnel and equipment to the scene of the incident. In multiple fatality incidents, the commander will notify the AFME and provide the number of decedents and the circumstances of the event. As required, the AFME will provide support to the installation commander.

b. Recovery and removal of multiple remains at the scene of an incident will be accomplished carefully to retain all clues as to the identity of the remains. This is crucial in ultimate segregation and identification when remains are dismembered.

c. The scene of the incident will be well-guarded, searched thoroughly, sketched, and photographed. The sketch will include wreckage, location of remains, personal effects, and so forth, and their relationship to each other.

d. Procedures for the recovery and handling remains are prescribed in Joint Pub 4-06, Joint Tactics, Techniques, and Procedures for Mortuary Affairs Operations.

8-8. Facilities for processing remains

When multiple remains are present, facilities will be adequate to allow for simultaneous processing as near to the site of the incident as possible. In most cases this will require improvising. Garages, warehouses, large tents, screened areas, and similar enclosures may be used. Arrangements must be made for refrigeration equipment to inhibit decomposition of the remains.

8-9. Processing remains for identification

Remains will be processed for identification under policies and procedures in this chapter, supplemented by FM

10–286. Any additional data needed to effect individual identification of remains should be requested from CDR, PERSCOM (TAPC–PED–D), by telephone ((703) 325–5322, commercial, or 221–5322, Defense Switched Network (DSN)) or by the fastest means of communications available. Policies shown below will be carried out.

- a. Deceased personnel must be identified as quickly as possible by employing all well-known means and scientific resources.
- b. Multiple remains from a single incident will be processed for identification simultaneously.
- c. Commingled remains will not be separated arbitrarily.
- d. Remains will not be classified as unidentifiable until identification recommendations are reviewed by the Casualty and Memorial Affairs Board of Officers and approved by CDR, PERSCOM (TAPC–PEZ). (See para 8–16.)
- e. Means used to establish identification will be documented carefully and accurately (see 8–14).
- f. Information concerning identification or shipment of remains will not be released to news media before—
 - (1) Establishment of a final identification determination for all remains.
 - (2) Notification has been made to the PADD.

8–10. Mitochondrial and deoxyribonucleic acid identification

a. Mitochondrial deoxyribonucleic acid (mtDNA) comparison is a scientifically recognized technique that, when used in conjunction with other evidence, strengthens a case for post-mortem identification.

- (1) mtDNA comparison will be used as a means to identify or exclude remains when other identification techniques are impracticable.
 - (2) mtDNA comparison will be used to associate and segregate remains when practicable and reasonable.
 - (3) mtDNA comparison will not be used to confirm identifications made by dental comparison or by other scientific means.
 - (4) mtDNA comparison will be attempted when practicable, before a determination of group remains is made.
- b. Since mtDNA testing of remains is consumptive, evidentiary specimens shall not be taken for private or redundant mtDNA tests at the request of the PADD or any other person prior to the official identification of the remains. Additional MtDNA testing after the official identification will not be at government expense and shall be at the expense of the person arranging for the test.

8–11. Incomplete remains and portions of remains

a. Multiple death incidents such as aircraft crashes and destruction of crew-served vehicles create severely traumatized and incomplete remains. In addition to the initial violent nature of the incident, ensuing fire or additional destructive forces cause further damage to the remains.

b. In cases described in a above, a statement of incident or accountability will be necessary. This statement will include the following:

- (1) Time and date of incident.
- (2) Location of incident by grid coordinates and city, state, and country, with any other data that would help to locate the place; this would include firebase, landing zone, river, or village, if possible.
- (3) Name, rank, and social security number (SSN) of each person involved directly in the incident and a statement that they were the only persons involved.
- (4) Status of each individual involved, including those who were killed, those who are missing, and those who survived and what happened to them. (For example, admitted to 95th Evacuation Hospital; treated and released at 18th Surgical Hospital; returned to duty with minor injuries; or returned to duty with no injuries.)
- (5) Statement by witnesses who saw individuals enter vehicle or aircraft before the incident.
- (6) Statement by survivors.
- (7) Whether the person being written about is dead for certain and that it could not be anyone else.
- (8) That a muster was or was not held; whether or not anyone is missing.
- (9) Narrative describing the incident.
- (10) Description of any vehicle or aircraft if one was involved, giving type, identifying numbers, and unit to which the vehicle or aircraft was assigned.
- (11) Statement that a thorough search has been made of the area if remains recovered are missing major portions or if they are so incomplete that the person to whom they belonged could still be alive.
- (12) Name, rank, SSN, and organization of the person making the statement.

c. Before identification of remains with major portions missing, especially when recovered portions are not vital to life, a statement will be made as to—

- (1) Completeness of recovery efforts.
- (2) Research of site or why a research could not be made. Every effort will be made to recover all portions of remains at the time of search to avoid recovery of additional portions after partial remains have been shipped to destination. In general, needed documentation increases as the amount of recovered remains decreases.

(d) DD Form 2 (Active) (Armed Forces of the United States Geneva Convention Identification Card (Active)). This form will be forwarded with processing papers (or as soon as possible under separate cover) to CDR, PERSCOM (TAPC-PED-D), Alexandria, VA 22331-0482.

(e) Medical and dental records.

(f) Duplicate panoramic dental x-ray if original is not available.

b. If identification processing is accomplished by other than Army identification specialists (such as identification specialists from the Armed Forces Medical Examiner or hospital pathologists), a copy of the identification data used to establish identification will be obtained.

c. DA Form 5520 and DA Form 2773, DD Form 565, DD Form 890, DD Form 891, DD Form 892, DD Form 893, and DD Form 894 are prescribed by this regulation. (Instructions for completing these forms and samples of completed forms are in FM 10-286; instructions for DA Form 2773 are in FM 10-286.

8-15. Findings and conclusions

a. The identification findings and conclusions must be well-documented based on sound evidence that would justify the identification as established. Requests to defend identification are received frequently by CDR, PERSCOM; therefore, well-documented conclusions and supporting statements that completely defend the case are necessary.

b. After thorough investigation, findings and recommendations will be submitted for approval by the responsible officer to the Casualty and Memorial Affairs Board of Officers (CMABO) (see para 8-16). Each completed case will fall into one of the categories shown below.

(1) *Individually identified remains*. When it is definitely concluded that the postmortem identification data compares favorably with the antemortem records of a named individual.

(2) *Individually unidentified remains*. When the conclusion shows that the identification data does not compare favorably with any known deceased or missing individuals.

(3) *Group identified remains—known*. When the conclusion shows that remains are those of two or more known deceased that cannot be individually identified.

(4) *Group identified remains—unknown*. When two or more remains cannot be individually identified and cannot be associated with any known deceased or missing individuals.

c. Documentation requirements.

(1) Supporting documents, to include all original processing forms, x-rays, record fingerprints, and dental records, and copies of medical records, will be sent to CDR, PERSCOM (TAPC-PED-D), Alexandria, VA 22331-0482; they will become part of the decedent's individual deceased personnel file. For deaths outside of the United States, documents must accompany all remains shipped to the United States.

(2) For deaths of other military service members, originals of all documents will be sent to the HQ of the parent Service (para 3-1) of the decedent. A copy of the DD Form 2062 only will be sent to CDR, PERSCOM (TAPC-PED-D).

8-16. Casualty and Memorial Affairs Board of Officers

a. The Casualty and Memorial Affairs Board of Officers is established to assist the CDR, PERSCOM (TAPC-PEZ), in the resolution of special cases that involve the identification, non-identifiability, or nonrecoverability of the remains of deceased persons. The CMABO is not involved in the resolution of cases from the Vietnam conflict; these cases are resolved by the Armed Forces Identification Review Board.

b. The CMABO reviews case files concerning—

(1) Identifiability of recovered remains as submitted by an Army Central Identification Laboratory (CIL) or other competent authority.

(2) Non-identifiability of individual recovered remains and non-identifiability of individual remains of group recoveries.

(3) Nonrecoverability of remains of persons—

(a) For whom presumptive findings of death have been issued.

(b) Known to be dead, whose remains, because of the circumstances of death, are determined to be nonrecoverable.

(c) Whose remains are officially reported lost at sea.

c. Based on its review of documentation submitted, the CMABO will recommend either that the case be approved by the CDR, PERSCOM (TAPC-PEZ), or that the case be returned to the CIL or the originating office for further consideration.

d. A request by the PADD for reconsideration of approved identifiability, non-identifiability, or nonrecoverability will be granted only on the basis of evidence not previously considered by the CMABO.

8-17. Destruction of remains from Vietnam conflict

a. Remains and portions of remains associated with the Vietnam conflict received by the U.S. Army Central

13–11. Payment of interment allowance for members of other military services

Payment of interment allowance to the PADD will be made by the parent Service of the decedent. (See chap 3.)

13–12. Claim submission

a. Claims must be submitted on a DD Form 1375. The claim must be signed by the claimant and include all documents required to adjudicate the claim. Claims that are submitted for reimbursement without a DD Form 1375 properly completed and signed will be returned to the claimant.

b. How to submit a claim. DD Form 1375 is the form on which payment of interment allowance will be requested. Items 1 through 11 of DD Form 1375 will be completed by military authorities; the partially completed form will be provided by the CAO to the PADD. The CAO will instruct the PADD on how to complete the form and to attach the funeral contract and the GPL to the claim form. The CAO will submit the completed form to the CAC responsible for the place of interment. When this is not possible, the PADD will be instructed to mail the completed form with itemized bills to the CAC indicated in item 2 on DD Form 1375.

13–13. Monitor claims status

a. The CAC responsible for the place where the receiving funeral home (casketed remains) or the consignee (cremated remains) is located will monitor the status of the claim from the date of final disposition until payment is received by the claimant.

b. The CAC responsible for the place where the memorial service is held will monitor the status of the claim for a memorial service when the remains have been determined to be nonrecoverable.

13–14. Claims processing time

a. Claim submission. The claim should be submitted to the CAC within 15 calendar days of the date of final disposition. The mortuary affairs representative or CAO, as appropriate, will contact the PADD on the 16th calendar day to determine if the PADD requires assistance in submitting the claim.

b. Claims adjudication. The CAC must adjudicate the claim and submit payment authorization to the local Defense Finance and Accounting Service office within 5 business days from the date the claim is received.

c. Claims payment. The claimant should receive payment within 30 days of the date the CAC forwarded the claim to the paying DFAS office. The CAC will contact the paying DFAS office to determine the status of the claim on the 31st calendar day to determine the payment status.

13–15. Claim adjudication procedures

Procedures to adjudicate funeral and interments claims are found in DA PAM 638–2.

Chapter 14**Nonrecovered Remains****14–1. Mortuary benefits when remains have not been recovered**

A memorial service is authorized for an eligible soldier (table 2–1 and para 14–2) after official determinations have been made by the CDR, PERSCOM (TAPC–PEZ), that the status of the soldier is dead and that the remains are nonrecoverable. Once these determinations have been made, the PADD is authorized—

a. Memorial services. Can be a variation of a funeral service without pallbearers as outlined in FM 22–5, Drill and Ceremonies), section VIII.

b. Flag with case. See chapter 15.

c. Memorial marker. See paragraph 16–3 for information on the memorial marker.

14–2. Determination that remains are nonrecoverable

a. If circumstances warrant, determination will be made by the CMABO (para 8–16) that remains are “non-recoverable.” This determination will be based on circumstances of death, findings of the Board of Inquiry for Missing Persons, and other pertinent data.

b. However, the case is never considered permanently closed. When evidence is presented that shows that remains are in fact present at a specific location, the Army will reopen the case. All inquiries on nonrecoverables will be directed to CDR, PERSCOM (TAPC–PED–F), VA 22331–0482.

14–3. Non-recovered remains record

The CDR, PERSCOM (TAPC–PED–D), will maintain a records on personnel whose remains have not been recovered. When necessary, CDR, PERSCOM (TAPC–PED–D), will request information regarding search and recovery efforts and the possibility of future recovery.