

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOHN EAKIN

Plaintiff,

v.

AMERICAN BATTLE MONUMENTS  
COMMISSION, et al.

Defendants.

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Civ. A. No. SA:12-cv-1002-FB-HJB

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**DECLARATION**

I, Gregory Gardner, declare as follows:

1. I am the Chief, Past Conflict Repatriations Branch (PCRB) with the Army Casualty and Mortuary Affairs Operations Center (CMAOC), a component of the U.S. Army Human Resources Command. I have been in this position since June, 2010.
2. The PCRB's primary mission is to collect, assess, integrate and distribute to the next of kin, concerned citizens, and other government agencies, information relating to military personnel who remain unaccounted-for from World Wars I and II, the Korean, and the Vietnam War.
3. My duties are focused on program management and supervision of the Army's Past Conflict program in support of Department of Defense. Branch personnel perform case management functions (this includes genealogy research, Family Reference Sample (DNA) gathering, and family outreach/ communications), Identification Briefings (briefing the families in person once identifications are made), and administrative

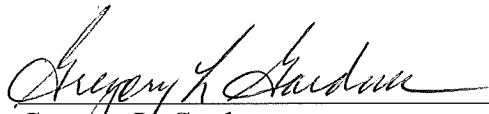
functions in support of these missions. Our case managers request and coordinate updates to family members based on family questions or new information provided by other Department of Defense personnel accounting offices and components. Updates are provided to family members via letter, e-mail, and voice communications.

4. The Past Conflicts Repatriation Branch has been in contact with Mrs. Sally Hill-Jones since approximately August, 2006. I have directly been in communication with Mrs. Hill-Jones beginning in November, 2014.
5. On December 16, 2014, I sent Mrs. Hill-Jones a memo to me from Colonel Ladd Tremaine, the Armed Force Medical Examiner (attachment number 1). In his memo, COL Tremaine explained various aspects of the new, novel, and not-yet fully validated type of DNA testing being used as part of the DoD efforts to attempt to identify remains recovered from the WWII aircraft crash site where it is believed Mrs. Hill-Jones' uncle, SSgt Carl Holley, perished. As explained in the memo, this new testing methodology is being used because the remains obtained from the pertinent crash site had been treated with certain chemicals by the Army Graves Registration Service when the remains were initially interred.
6. In subsequent verbal conversations, Mrs. Hill-Jones stated she understood the matters discussed in COL Tremaine's memo and extended her thanks for the clarification. She requested an update every 30 days regarding the validation of the new DNA testing and the case in general.
7. On January 7, 2015, after attempting to call Mrs. Hill-Jones I sent her an e-mail (attachment number 2) informing her that, while the new DNA testing protocol was not yet fully certified, the results obtained using the new DNA testing

methodology were confirmed by AFDIL as establishing that the remains located at the Central Identification Laboratory obtained from the pertinent aircraft crash site had been determined to not be her uncle, SSgt Carl Holley.

8. I have not had any further contact with Mrs. Hill-Jones since January 7, 2015.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on the 15th day of January, 2015, at my office with the Past Conflict Repatriations Branch in Fort Knox, Kentucky.



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Gregory L. Gardner  
Branch Chief  
Past Conflict Repatriations Branch  
Casualty and Mortuary Affairs Operations Center,  
U.S. Army Human Resources Command

## ATTACHMENT 1



**DEPARTMENT OF DEFENSE  
ARMED FORCES MEDICAL EXAMINER SYSTEM  
115 PURPLE HEART DRIVE  
DOVER AFB, DE 19902-5051**

MCMR-MEZ

4 December 2014

From: COL Ladd Tremaine, Armed Forces Medical Examiner (AFME)  
To: Mr. Gregory Gardner, U.S. Army HRC

Subject: MACR 9126 (CIL 2005-106)

1. This memo is submitted to clarify the DNA testing performed on MACR 9126 (CIL 2005-106)
2. In regards to the MACR 9126 (CIL 2005-106) case, as I stated in an email dated October 29, 2014: the samples associated with this case demonstrated extreme degradation and fragmentation of the DNA due to chemicals used by the Army Graves Registration Service at the time of interment; current DNA testing methods do not yield reproducible results; testing with a newly developed more sensitive Next Generation Sequencing protocol would be completed in mid-November; and a report would be issued to the Joint Pacific Accounting Command-Central Identification Laboratory (JPAC-CIL).
3. It should be noted that the samples associated with this case were tested using the newly developed more sensitive Next Generation Sequencing protocol at the request of JPAC-CIL, with the understanding that this would generate a data summary report and not an official signed case report.
4. Testing was completed for samples associated with MACR 9126 and a report was issued to JPAC-CIL in November. However, the report issued, was a data summary report and not an official signed case report for the results obtained using this novel next generation sequencing (NGS) protocol developed by AFDIL. The reason that a signed case report was not issued to JPAC-CIL is that the next generation sequencing protocol is currently being forensically validated for use at the Armed Forces DNA Identification laboratory (AFDIL), hence the reference to unvalidated testing. Upon completion of the internal forensic validation in early 2015, the forensically validated NGS protocol will be implemented by AFDIL for processing chemically treated or highly degraded remains. Completion of the internal validation project is required in order for AFDIL to issue an official signed case reports as dictated by AFDIL's internal standard operating procedures and the International Standards Organization-17025 (ISO-17025), the American Society of Criminal Laboratory Directors (ASCLD-International), and the Federal Bureau of Investigations Quality Assurance Standards (FBI-QAS) for Forensic testing laboratories, to which AFDIL and JPAC-CIL are accredited to.
5. Since AFDIL and JPAC-CIL are accredited to the ISO-17025, FBI-QAS and the ASCLD-International standards for Forensic testing laboratories, they are required to internally validate any new or novel testing method to a specific set of criteria in order to demonstrate that the testing method and obtained results are Robust, Reliable and Reproducible before the method can be implemented into casework and signed official case reports can be issued and used by JPAC-CIL in the identification process. These accreditation standards are a common set of standards that unify all DNA forensic testing laboratories (International, Commercial, State and



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Federal) and are meant to give the public confidence in the results that are obtained within and between laboratories.

6. Although an official signed case report could not be issued to JPAC-CIL, the results outlined in the data summary provided to JPAC-CIL were derived from a novel AFDIL developed NGS testing protocol that has been formalized and shown to be Robust, Reliable and Reproducible. The results are authentic; they just cannot be formally reported as a signed case report until the required internal validation, which is currently underway, is completed in early 2015.

7. The point of contact at AFMES for this memorandum is COL Ladd Tremaine, (302) 346-8648 or [ladd.a.tremaine.mil@mail.mil](mailto:ladd.a.tremaine.mil@mail.mil).

A handwritten signature in black ink, appearing to read "Ladd Tremaine", is positioned above the typed name and title.

**LADD TREMAINE  
COL, MC, USA  
Armed Forces Medical Examiner**

## ATTACHMENT 2

**From:** [Gardner, Gregory L.CIV.USARMY.HRC.\(US\)](#)  
**To:** [sallyhilljones@satx.rr.com](mailto:sallyhilljones@satx.rr.com)  
**Subject:** Update  
**Date:** Wednesday, January 07, 2015 10:53:14 AM

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Ma'am,

While the lab certification of the new DNA protocol is not yet complete, I can tell you that the DNA testing and analysis conducted by AFDIL confirms the DNA obtained from the recovered remains are not your uncle SSgt Carl Holley.

Until the certification is complete Department of Defense cannot confirm the identity of these remains. As soon as an identification is made we will notify the Primary Next of Kin of that individual.

I called your home and left you a message. If you have any questions please let me know. I am on leave through this week, but am available on my cell (270)304-7103 and I am checking e-mail periodically.

Sincerely,

Greg Gardner

Chief, Past Conflicts Repatriation Branch

Casualty and Mortuary Affairs Operations Center