

# United States of America



## DEPARTMENT OF THE ARMY

Washington, DC

PLACE

February 13, 2013

DATE

I HEREBY CERTIFY that the attached constitute true and accurate copies of files pertaining to Private Arthur H. Kelder and various requests for information submitted to the Department of Defense and Defense Department components by Mr. John J. Eakin concerning Private Kelder. The attached constitute true and accurate copies of files enunciating Department of Defense policy and procedures related to this case. Copies of these records are maintained at the Department of Defense Prisoner of War/ Missing Personnel Office, 2000 Defense Pentagon, Washington, DC 20301-2000.

DARYL B. WITHERSPOON  
Lieutenant Colonel, U.S. Army  
Chief, General Litigation Branch

I HEREBY CERTIFY that Lieutenant Colonel Daryl Witherspoon, who signed the foregoing certificate, is the Chief, General Litigation Branch, Litigation Division, Office of The Judge Advocate General of the Army, and that full faith and credit should be given to his certification.

IN TESTIMONY WHEREOF I, Joyce E. Morrow

The Administrative Assistant to the Secretary of the Army,  
have hereunto caused the seal of the Department of the  
Army to be affixed this 13th day of

February, 2013

By Administrative Assistant.

**KEVIN K. ROBITAILLE**  
Colonel, U.S. Army  
Chief, Litigation Division

**IN THE UNITED STATES DISTRICT COURT  
FOR THE 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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## JOINT POW/MIA ACCOUNTING COMMAND

310 WORCHESTER AVENUE  
JOINT BASE PEARL HARBOR-HICKAM, HI 96853-5530

CIL  
3460  
30 January 2013

MEMORANDUM FOR Deputy Assistant Secretary of Defense for POW/Missing  
Personnel Office

Subj: PHILIPPINES JOINT POW/MIA ACCOUNTING COMMAND INCIDENT 425

Encl: (1) Memorandum from Dr. Thomas D. Holland, Scientific Director, Central  
Identification Laboratory, Joint POW/MIA Accounting Command to  
Major General Kelly K. McKeague, Commander, Joint POW/MIA  
Accounting Command dated 28 January 2013

1. The Joint POW/MIA Accounting Command (JPAC) has reviewed the historical and scientific information available for a World War II case involving the Unknown Remains originally buried in Common Grave 717, Cabanatuan Camp #3 Cemetery, Luzon, Philippines Islands and currently buried as Unknown Remains in the Manila American Cemetery.
2. As indicated in our Scientific Director's enclosed memo, no definitive individual identifications can be established from the existing documentation. However, individual identifications may be possible if all of the remains from this incident were to be disinterred and sent to our Central Identification Laboratory for analysis.
3. The challenge is that this case does not meet current Department of Defense policy for the disinterment of Unknown Remains in that no reasonable association of the Unknown Remains to a specific individual can be established with a high degree of certainty prior to approval for disinterment. Accordingly, either the Office of the Secretary of Defense or the Department of the Army will need to decide whether to pursue this action.
4. JPAC is committed to the identification of Unknown Remains and stands ready to assist.

Very respectfully,

KELLY K. MCKEAGUE  
Major General, U. S. Air Force  
Commander

***"Until They Are Home"***



**JOINT POW/MIA ACCOUNTING COMMAND**  
310 WORCHESTER AVENUE  
JOINT BASE PEARL HARBOR-HICKAM, HI 96853-5530

28 January 2013

MEMORANDUM FOR Commander, Joint POW/MIA Accounting Command

Subj: PHILIPPINES JPAC INCIDENT 425

1. The CIL has reviewed the historical background and available records related to JPAC Case 425—the Unknown Remains from Common Grave 717, Cabanatuan Camp #3 Cemetery, Luzon, Philippines Islands. The available Army Graves Registration Service records for the remains were compared to the available medical and personnel records for the men putatively associated with the Unknown Remains (including Arthur H. KELDER). No definitive individual associations could be established based on the available documentation.
2. While it is possible that one or more individual identifications could be realized if all of the Unknown Remains from this incident were disinterred for analysis, the existing and available data do not meet the level of scientific certainty required by current DoD disinterment guidance.

THOMAS D. HOLLAND, PhD, DABFA  
Scientific Director, JPAC-CIL

**FOR OFFICIAL USE ONLY**





THE UNDER SECRETARY OF DEFENSE  
2100 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-2100



In reply refer to:  
I-99/01580

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND  
READINESS  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)

SUBJECT: Disinterment Policy for the Purpose of Identification

This memorandum provides policy to guide decisions regarding the disinterment of remains of U.S. servicemen previously buried in grave sites marked "unknown."

The Department of Defense is charged with making the fullest possible accounting of personnel missing in action. Advances in forensic sciences, specifically the use of mitochondrial DNA (mtDNA), now make it possible to identify certain remains previously interred yet unidentified.

A decision to disinter must be based on sufficient circumstantial and anatomical evidence which when combined with current forensic science techniques would lead to a high probability of positive identification. The process of selecting a case, evaluating it, and making a decision to disinter will be as follows:

- The Central Identification Laboratory—Hawaii (CILHI) will evaluate and prioritize cases which it believes meets this policy's criteria; CILHI will also consider cases brought to its attention by other government offices, non-governmental organizations, or families of servicemen missing in action.
- If CILHI determines there is sufficient evidence to narrow the number of potential candidates to a point where mtDNA testing offers a high probability of positive identification, the Casualty Mortuary Affairs Operations Center will coordinate with appropriate agencies to ensure it will be able to obtain the necessary mtDNA samples.
- If CILHI believes positive identification is highly probable, it will coordinate with the appropriate cemetery authority for disinterment.
- CILHI and the Armed Forces DNA Identification Laboratory will conduct the forensic testing.



- Disagreement with a CILHI decision regarding disinterment, or regarding prioritization of cases, may be appealed to the Deputy Assistant Secretary of Defense for Defense Prisoner of War and Missing Personnel Affairs Office.

This policy does not apply to remains that have already been positively identified and interred.

The Department of Defense will work closely with affected families to ensure that their desires and wishes are considered when implementing this policy.

Walter B. Slocombe





OFFICE OF THE UNDER SECRETARY OF DEFENSE  
2000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-2000

DEC 16 2010

POLICY

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (M&RA)  
ASSISTANT SECRETARY OF THE NAVY (M&RA)  
ASSISTANT SECRETARY OF THE AIR FORCE (M&RA)  
DIRECTOR, JOINT STAFF

SUBJECT: Policy Guidance on Prioritizing Remains Recovery and Identifications

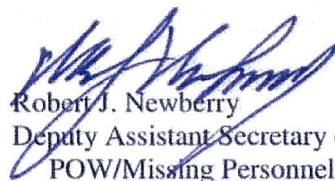
This policy provides United States Department of Defense guidance for prioritizing remains recovery operations and remains identification activities for persons missing in action from our nation's prior wars and conflicts.

We place a high priority on the recovery and identification of our nation's missing. For those still missing from World War II through Desert Storm, our first priority is to recover and identify Americans who continue to lie in the foreign battlefields where they perished or are buried in unmarked graves in foreign countries. We will give a higher priority to investigation and recovery efforts where the potential for success is highest and where the risk of losing access to remains at particular sites is greatest.

Identifying the remains of unknowns already recovered and buried with honor in U.S. national cemeteries at home and abroad must take a lower priority. This is also so with activities to identify additional remains of persons already recovered and identified.

Because our efforts affect the families of the missing from many different conflicts, and because of the increasing sensitivity of veterans, Congress, and the Secretary to how and where we devote our resources, beginning with the schedule for Fiscal Year 2011, the Joint POW/MIA Accounting Command (JPAC) annually will submit to DPMO its projected schedules for investigation and recovery operations through PACOM and the Joint Staff for review and response prior to execution. JPAC will work with the Defense Prisoner of War/Missing Personnel Office to adjust the schedule of investigative and recovery operations, which may become necessary due to changing fiscal, international, or environmental factors.

This policy memo has been fully coordinated with the Joint Staff and the services. DPMO will coordinate with the Department's Director of Administration and Management to incorporate this policy into the next revision of the applicable DoD Directives.

  
Robert J. Newberry  
Deputy Assistant Secretary of Defense  
POW/Missing Personnel Affairs





CONTROLLED CASE			
NAME	GRADE	SERIAL NO.	
Lobdell, Lloyd J.	Pfc	20 645 267	
DO NOT TAKE ANY ACTION ON THIS CASE OR RELEASE INFORMATION FROM THIS FILE WITHOUT THE CONCURRENCE OF:			
<input checked="" type="checkbox"/> LIAISON OFFICE, MEMORIAL DIVISION		FLAGGED BY (Initials)	
<input checked="" type="checkbox"/> IDENTIFICATION BRANCH, MEMORIAL DIVISION		FLAGGED BY (Initials)	
UNKNOWN X -	NON-RECOVERABLE CASE NO. 12843	A-Z CARD FLAGGED BY	333 CARD FLAGGED BY Lt De Weese
IMPORTANT			
THIS FORM MUST BE MAINTAINED ON TOP OF 293 FILE AT ALL TIMES UNTIL CANCELLED BY MEMORIAL DIVISION. ONLY THE "CONGRESSIONAL TOPPER", OQMG FORM 391, MAY BE PLACED OVER THIS FORM.			

OQMG FORM 1900  
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Complete copy of an Individual Deceased Personnel File reproduced from an original held at the Washington National Records Center, Suitland, MD.

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Supplemental Admin Record Civ. A. No. SA:12-cv-1002-FB-HJB 000006