

John J. Eakin
9865 Tower View
Helotes, Texas 78023
Telephone 210-695-2204 - Fax 210-695-2301
Email - jeakin@airsafety.com

November 23, 2011

email to outreach.DPMO@osd.mil, original via first class mail

Mr. Robert Newberry, Deputy Assistant Secretary of Defense
2600 Defense Pentagon
Washington DC 20301-2600

RE: Pvt Arthur H. Kelder, SN 36016623

Dear Secretary Newberry;

Private Arthur H. Kelder died while a prisoner of the Imperial Japanese Army. His remains were subsequently buried as unknown X-816 (Manila #2) in grave A-12-195 at the Fort William McKinley Post Cemetery, now the Manila American Cemetery maintained by the American Battle Monuments Commission.

I am a member of the family of Pvt Kelder, and acting under the authority of a power of attorney granted by the primary next-of-kin, Douglas Kelder. A copy of this power of attorney and other documents relating to the recoverability of the remains of Pvt Kelder were provided to your office by the US Army Human Resources Command. New information is contained therein which, through no fault of the family, was not considered in the original identification proceedings which determined Pvt Kelder's remains to be non-recoverable.

This new information provided by a Department of Defense agency triggers certain required actions by the Secretary of Defense under 10 USC § 1509.

I request that within fourteen (14) days after receipt of this letter you provide me with:

1. A copy of all applicable case files pertaining to Pvt Kelder;
2. The name and contact information of the designated missing persons counsel; and
3. Advance notice of any future board hearing pertaining to Pvt Kelder.

Further, I would appreciate receipt of any non-published statements of policy or procedures issued by the Department of Defense which augment Chapter 76 of Title 10 and which might in any way impact the recovery of the remains of Pvt Kelder.

All members of Pvt Kelder's family are in agreement that his remains should be interred in the family crypt located in Chicago, IL, as originally requested by his parents in 1946. The newly provided information concerning the identification of the remains of Pvt Kelder far

exceeds the standard for identification of other similar casualties. Additionally, multiple family reference samples have been provided to the Army Casualty Office. With this new evidence, the Department of Defense is morally and legally obligated to disinter the remains of Pvt Kelder and return them for burial as directed by his primary next-of-kin.

Sincerely;



John Eakin

Enclosure

cc: Mr. Douglas W. Kelder (via email)



DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1600 SPEARHEAD DIVISION AVENUE
FORT KNOX, KY 40122

November 4, 2011

Casualty and Mortuary Affairs

Mr. John Eakin
9865 Tower View Road
Helotes, Texas 78023

Dear Mr. Eakin:

In a recent letter you asked that a Casualty and Mortuary Affairs Board of Officer's (CMABO) be convened under Army Regulation (AR) 638-2 paragraph 8-16, dated December 2000, regarding your cousin, Private (PVT) Arthur Kelder to review new evidence that you have obtained and consider the recoverability status of your family member.

After careful review of the governing regulations and laws that have been enacted since the publication of the AR 638-2, I have determined that the CMABO does not have the jurisdiction to review PVT Kelder's case.

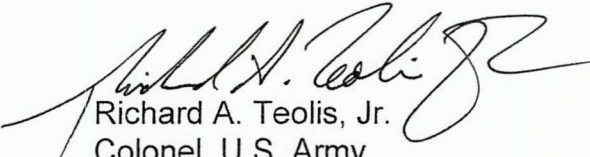
Since the publication of AR 638-2, changes in the Federal statute, primarily Public Law 111-84, dated 28 Oct 2009 (NDAA 2010), have made the Department of Defense, through the Defense Prisoner of War/Missing Persons Office, responsible for the search, recovery, and identification of the remains of US service members still unidentified from World War II through the Persian Gulf War. As such, the Defense Prisoner of War/Missing Persons Office is responsible for determining the recoverability and priority for recovery of all remains from World War II through the Persian Gulf War. The Army is no longer involved in that part of the repatriation process.

The Army has provided both the Defense Prisoner of War/Missing Persons Office and the Joint Prisoner of War/Missing in Action Accounting Command with all of the information that you have provided to us. Any questions concerning their policies regarding recoverability and priority of recovery should be addressed to:

DPMO
2600 Defense Pentagon
Attn: External Affairs
Washington DC 20301-2600

Thank you for conveying your concerns related to the recovery of your cousin, Private (PVT) Arthur Kelder. Copies of this letter have been furnished to Defense Prisoner of War/Missing Persons Office and the Joint Prisoner of War/Missing in

Action Accounting Command. If you have additional questions, please do not hesitate to contact Mr. Greg Gardner at 502-613-8259.



Richard A. Teolis, Jr.
Colonel, U.S. Army
Casualty and Mortuary Affairs
Operations Center