

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN A. PATTERSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 5:17-CV-00467
)	
DEFENSE POW/MIA ACCOUNTING)	
AGENCY, et al.,)	
)	
Defendants.)	

DECLARATION OF JOHN HAMILTON

I, John Hamilton, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am currently the Director of Policy and Plans for the Defense POW/MIA Accounting Agency (DPAA). I have served in my current position since October 2016. I am the senior advisor to the Director, DPAA, on all matters related to policy development and strategic/operational level planning. I previously served as the Director, Strategy, Policy and Programs, United States Army Europe, from October 2009 to September 2016. I served 30 years in the U.S. Army, retiring as a colonel in June 2009.

2. The statements contained in this declaration are based on my personal knowledge and Department of Defense (DoD) records and information made available to me in my official capacity.

3. DoD's Past Conflict Personnel Accounting Program (Accounting Program) involves numerous authorities and DoD components. I will address DPAA's authority to establish and execute the Accounting Program as the office of primary responsibility, and how



various DoD components support this program.

DoD Organization Structure

4. Under the direction and control of the Secretary of Defense, DoD is broadly organized as follows:

- Office of the Secretary of Defense – includes the principal staff assistants, 19 defense agencies, and 8 DoD field activities.
- Military Departments – the Departments of the Army, Navy, and Air Force, under which the four military services are organized: the Army, Navy, Marine Corps, and Air Force.
- Unified Combatant Commands – includes 10 combatant commands responsible for specific missions.
- Joint Chiefs of Staff – constitute the immediate military staff of the Secretary of Defense, and transmit orders from President and Secretary of Defense to the combatant commands.

See DoD Organizational Structure (June 21, 2018) (Exhibit 1).

5. Within DoD, it is vital that regulations and guidance documents clearly identify to whom the document applies. Therefore, most DoD issuances begin with an applicability section identifying the components to which it applies; most DoD issuances also specify the responsibilities of the relevant components. Components that are not included in the applicability description are generally not bound by the issuance.

Defense POW/MIA Accounting Agency (DPAA)

6. The DPAA is a Defense Agency, pursuant to Sections 191 and 192 of Title 10, U.S.C., under the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)). DoD Directive 5110.10 § 1.3, Defense POW/MIA Accounting Agency (Jan. 13,

2017) (Exhibit 2).

7. DPAA is the office of primary responsibility to account for DoD personnel and other covered personnel from past conflicts and other designated conflicts. See DoD Directive 2310.07, Past Conflict Personnel Accounting Policy (Apr. 12, 2017) (Exhibit 3); DoD Directive 5110.10; 10 U.S.C. Chapter 76.

8. DPAA's mission is to lead the national effort to account for DoD personnel from past conflicts, and any other designated conflicts and to provide families information about DoD's historical and current efforts to account for servicemembers. See DoD Directive 5110.10 § 1.2. DPAA is the primary DoD activity for researching, investigating, and analyzing loss incidents from past conflicts; among other things, it maintains laboratories to identify remains of unaccounted for DoD personnel and investigative and recovery teams to search for locate and recover remains. See DoD Directive 2310.07 § 2.2.

9. The DPAA's headquarters is located in Arlington, Virginia. DPAA has laboratories located on Joint Base Pearl Harbor-Hickam, HI; Wright-Patterson Air Force Base, OH; and Offutt Air Force Base, NE. DPAA also maintains forward detachments in Germany, Vietnam, Thailand, and Laos.

10. The DPAA is comprised of a wide range of professionals who specialize in disciplines including historical research, informational analysis, forensic sciences, archaeology, anthropology, languages and various support functions. The DPAA team includes more than 600 civilian employees and DoD military personnel from each military service.

11. DPAA is charged with accounting for DoD personnel from designated past conflicts, which includes World War II, the Cold War, Korean War, Indochina War (Vietnam War), Operation ELDORADO CANYON (Libya), Persian Gulf War, and the Iraq Campaign.

See DoD Directive 5110.10 § 1.3.b.(2).

12. In October 2009, DoD's statutory obligations with respect to accounting for missing personnel from past conflicts was significantly revised to include accounting for missing DoD personnel beginning with World War II. In connection with that revision, Congress also set an "accounting for goal," directing the Secretary of Defense to provide sufficient funds, personnel and resources to increase DoD's capacity and capabilities to ensure that at least 200 missing persons are accounted for each year. See National Defense Authorization Act for Fiscal Year 2010, P.L. 111-84 § 541 (October 28, 2009).

13. More than 82,000 DoD military personnel remain unaccounted for from designated past conflicts, with more than 72,000 of those unaccounted for from World War II. It is estimated that more than 34,000 of the total unaccounted-for are recoverable.

14. DPAA is funded through annual appropriations, and must plan and execute its mission within the available resources. As such, it is necessary for DPAA to conduct deliberate planning and methodical execution of its mission to maximize accounting efforts.

15. The DPAA executes its mission to locate and recover remains of unaccounted-for DoD personnel by conducting organic and partner investigation and recovery missions (field operations) and disinterring remains of unidentified DoD personnel previously buried as unknowns at military cemeteries. DPAA has adopted an internal administrative instruction to guide its disinterment recommendation process. See DPAA Administrative Instruction 2310.01 (Feb. 10, 2017) (Exhibit 4).

16. DPAA's priority for field operations is the Vietnam War, due to the fact that all unaccounted for believed to be in the Vietnam War areas of operations are not interred in any cemetery under U.S. or any other country's control (in contrast to many unaccounted for from

WWII and the Korean War). Additionally, the acidic soil, climate, loss of witnesses, and modernization (e.g., urban developments, etc.) severely threaten loss sites, making recovery both challenging and time sensitive. By contrast, remains interred in military cemeteries under U.S. control have been recovered and are not at risk of permanent loss.

17. Data from fiscal year 2018 demonstrates the results of DPAA's vigorous efforts on multiple fronts. First, DPAA identified 203 previously unaccounted for U.S. military personnel. Second, DPAA conducted 95 field operations across the world and conducted 237 disinterments of unknown remains. Third, DPAA accessioned at least 389 sets of remains into the DPAA laboratory (a precise number is unknowable as some disinterments produce comingled/multiple sets of remains), both from field operations and cemetery disinterments. Fourth, DPAA received 134 family member requests for disinterment, and issued disinterment recommendation memoranda pertaining to 306 individual unknowns (both recommendations initiated by DPAA and those responding to family requests).

18. In August 2018, DPAA gained approval from the Office of the Secretary of Defense to disinter 652 remaining unknowns from the Korean War buried at the National Military Cemetery of the Pacific (NMCP). Approval of the plan required an exception to DTM-16-003's time limitation and was based on DPAA's gathering of supporting evidence to meet the threshold included family reference samples, chest radiographic X-rays, and historical information necessary to correlate individuals to a loss location. This five-to-seven-year, phased-disinterment plan was coordinate with the NMCP, all Military Departments, and the Office of the Under Secretary of Defense for Personnel and Readiness.

19. For this fiscal year, DPAA's planned goal is to conduct 327 disinterments and 123 field operations in 33 countries, based on available resources.

20. In addition to DPAA's responsibility to locate, recover, and identify missing persons from past conflicts, DPAA is also responsible for establishing a program to disseminate appropriate information on the status of missing persons from past conflicts to authorized family members and provide a means of communication between the DPAA and the family members. See 10 U.S.C. § 1501; DoD Directive 5110.10 § 2.t.

21. The DPAA regularly hosts Family Member Updates across the United States that allow family members of the missing to meet with DoD officials from DPAA and the Service Casualty Offices. See DPAA, Events, <https://www.dpaa.mil/Families/Family-Events/>. At these events, the DPAA both provides general updates and meets individually with families who wish to do so, to address individual family needs and provide updates as to the status of DPAA's efforts to search for, locate, recover, and identify their missing servicemember. For example, in February 2019, Plaintiff Janis Fort met with DPAA officials at the San Jose, California Family Member Update.

22. In fiscal year 2018, DPAA conducted seven family member updates that were attended by 1,298 individuals. DPAA has already conducted three family member updates in fiscal year 2019, and is scheduled to conduct five additional updates in fiscal year 2019.

Support From Agencies Supervised by USD(P&R)

23. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) is DoD's chief human capital officer and is responsible for, among many other things, health affairs and mortuary affairs. In that capacity, the USD(P&R) sets casualty and mortuary affairs policy for DoD and oversees the Defense Health Agency, which includes the Armed Forces Medical Examiner System and the Armed Forces DNA Identification Laboratory. See DoD Directive

5124.08, Under Secretary of Defense for Personnel and Readiness (June 23, 2008) (Exhibit 5); DoD Directive 1300.22, Mortuary Affairs Policy (Oct. 30, 2015) (Exhibit 6); DoD Instruction 1300.18, DoD Personnel Casualty Matters, Policies, and Procedures (Aug. 14, 2009) (Exhibit 7); DoD Instruction 5154.30, Armed Forces Medical Examiner System Operations (Dec. 21, 2017) (Exhibit 8).

Disinterment Approval Authority

24. In 2015, the Deputy Secretary of Defense established the overarching DoD policy for disinterment of unidentified human remains from permanent U.S. military cemeteries to effect identification. See Deputy Secretary of Defense, Disinterment of Unknowns from the National Memorial Cemetery of the Pacific (Apr. 14, 2015) (Exhibit 9).

25. The USD(P&R) subsequently implemented this policy in 2016 by issuing Directive-type Memorandum (DTM)-16-003, “Policy Guidance for the Disinterment of Unidentified Human Remains,” which has been renewed annually. Through DTM-16-003, the USD (P&R) delegates to the Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD(M&RA)) authority to act for DoD on requests for disinterment of unknown remains from cemeteries administered by the Department of the Army, Department of Veterans Affairs, and American Battle Monuments Commission. See Directive-type Memorandum (DTM)-16-003, “Policy Guidance for the Disinterment of Unidentified Human Remains” (July 10, 2018) (Exhibit 10); DoD Directive 5124.10, Assistant Secretary of Defense for Manpower and Reserve Affairs (Mar. 14, 2018) (Exhibit 11).

Armed Forces Medical Examiner

26. The Armed Forces Medical Examiner (AFME) is DoD’s scientific identification authority for remains from designated past conflicts. See DoD Instruction 5154.30 § 2.4; 10

U.S.C. § 1509(b)(2)(C). A medical examiner from the Armed Forces Medical Examiner System is assigned to the DPAA to perform identifications of remains under DPAA's jurisdiction. See DoD Instruction 5154.30 § 2.3(d).

27. The AFME also oversees the Armed Forces DNA Identification Laboratory (AFDIL), which performs DNA testing to support the identification of human remains from peacetime casualties and from current and past conflicts and other designated conflicts. See DoD Instruction 5154.30 § 2.4(f)(3).

Support From Service Casualty Offices

28. Casualty offices for each military service are designated as the primary points of contact for families of service members from past conflicts. See DoD Directive 2310.07 § 2.6; DoD Instruction 1300.18 § 5.6.1. This includes receiving requests for disinterment of unknown remains from permanent military cemeteries, which are then forwarded to DPAA. See DTM-16-003, Attachment 3 § 1(a).

29. Once DPAA has identified the remains of a service member, the relevant service casualty office is responsible for coordinating with the primary next of kin for disposition of the remains. See DoD Instruction 1300.18 §§ 5.6.11.8.4, E2.42.

30. Under the Accounting Program as currently structured, the military services cannot set policy for recovery, disinterment, or identification of remains from past conflicts. For example, in January 2014, the Army rescinded Army Tactics, Techniques, and Procedures (ATTP) 4-46.1, Processes to Support Identification of Deceased Personnel, on the ground that DoD Directive 1300.22e shifted responsibility for identifying deceased servicemembers to the AFME. Because the Army no longer performs scientific identifications, the issuance was

rescinded to prevent conflicting guidance and confusion in the field. See Commandant, U.S. Army Quartermaster School, Memorandum for Record (Jan. 22, 2014) (Exhibit 12).

31. Accordingly, any remaining reference to such policies in issuances of the military services should be construed as cross-references to the current authorities for the Accounting Program. For example, Army Regulation 638-2, Army Mortuary Affairs Program, contains an outdated reference suggesting that Army geographic commanders have authority to “search for, recover, and tentatively identify eligible deceased personnel” from “previous wars or incidents.” Army Reg. 638-2, Army Mortuary Affairs Program, Ch. 8, § 8-3(c) (Exhibit 13). Because the Army no longer has authority over the Accounting Program, this reference is no longer accurate and does not reflect DoD policy. See DoD Directive 1300.22, Enclosure 2 § 5(b)(1) (specifying that the military departments are not responsible for funding “[s]earch, recovery, identification, preparation, and transportation of remains” covered by the Accounting Program). Instead, this provision’s reference to the Joint POW/MIA Accounting Agency (JPAC), which was subsumed into DPAA in 2015, should be construed as a cross-reference to DPAA and the current authorities for the Accounting Program.

Support From Joint Chiefs of Staff

32. The Joint Chiefs of Staff constitute the immediate military staff of the Secretary of Defense, and transmits order from President and Secretary of Defense to the combatant commands. The Chairman of the Joint Chiefs of Staff has joint oversight, with the Office of the Secretary of Defense, of the defense agencies that are designated as combat support agencies pursuant to 10 U.S.C. § 193. DPAA is not a designated combat support agency.

33. The Joint Chiefs of Staff are called upon to [s]upport DPAA’s mission to locate,

recover, and identify remains of DoD personnel . . . from past conflicts” and to coordinate operational implementation of the Accounting Program. DoD Directive 2310.07 § 2.7 (incorporating § 2.5). In addition, the Joint Chiefs of Staff are to ensure that its communications that pertain to the Accounting Program are coordinated with DPAA. See DoD Directive 5110.10 § 3.8.

34. The Joint Chiefs of Staff are not tasked with establishing DoD policy for the Accounting Program. Accordingly, its issuances do not apply to DPAA or the Accounting Program. See Joint Pub. 4-0, Joint Logistics, Preface § 3(a) (Feb. 4, 2019) (Exhibit 14) (specifying that it applies to the Joint Staff, combatant commands and their subordinate components, joint task forces, the military services, and combat support agencies). Such issuances are focused on current joint military operations.

* * * * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of April, 2019.

HAMILTON.JOHN.CH
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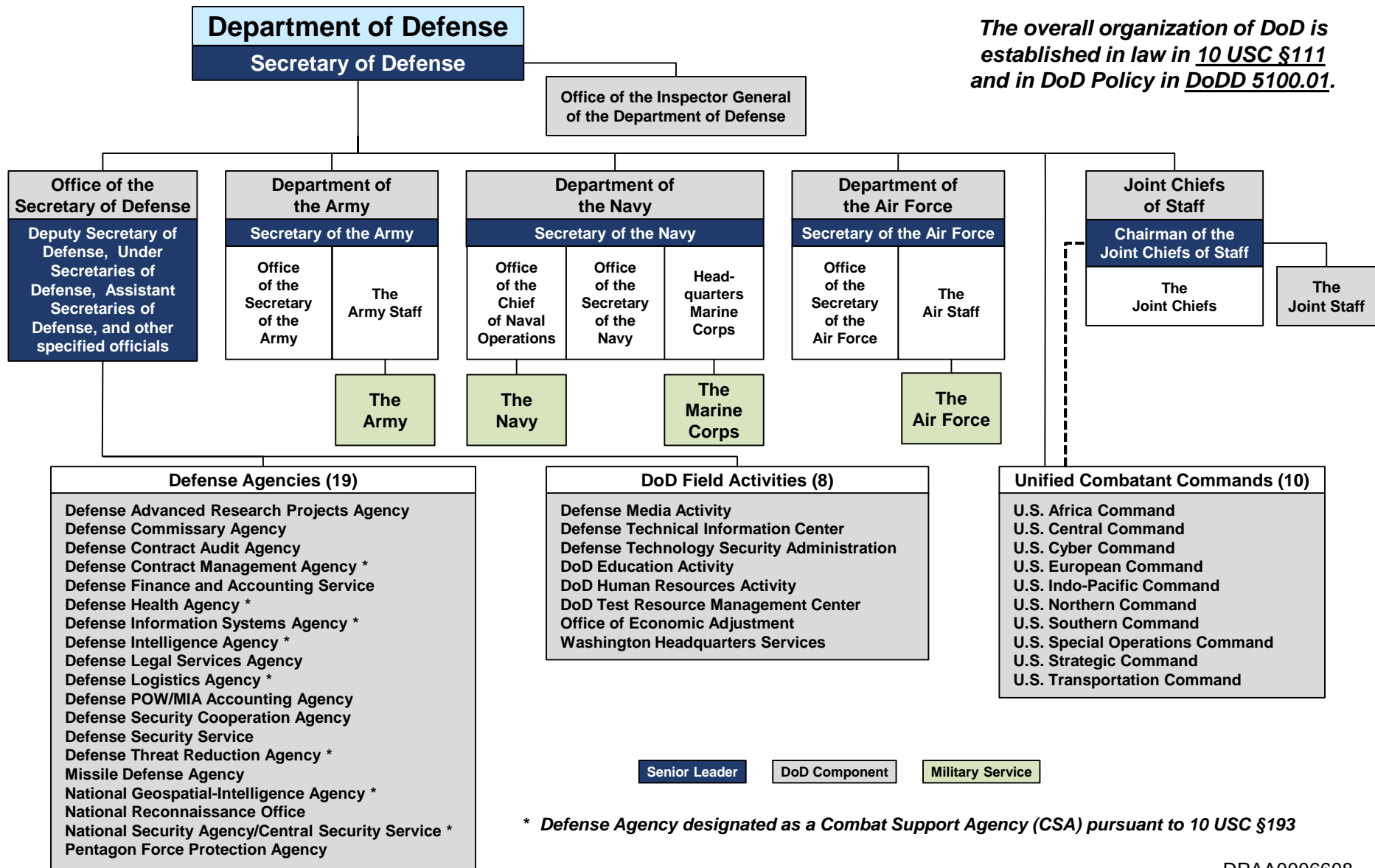
JOHN HAMILTON
Director, Plans and Policy
Defense POW/MIA Accounting Agency



DoD Organizational Structure

Line-and-block Chart

EXHIBIT
1



The overall organization of DoD is established in law in 10 USC §111 and in DoD Policy in DoDD 5100.01.



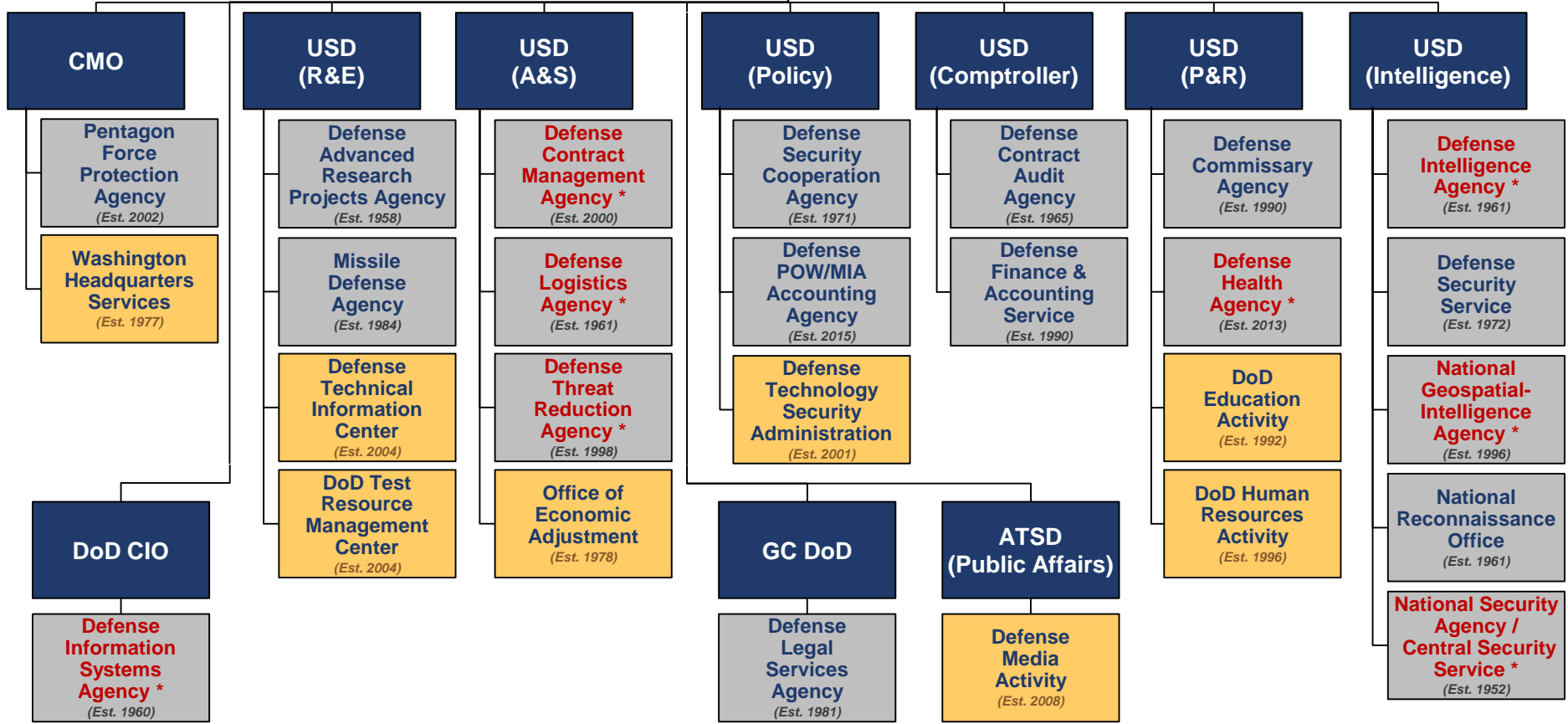
Defense Agencies and DoD Field Activities

Common Supply or Service Agency Per 10 USC §191

Defense Agencies *	19
DoD Field Activities	8
Total	27

Authorized Manpower	
Defense Agencies	148.2K
DoD Field Activities	17.4K
Total **	165.6K

Secretary of Defense
Deputy Secretary of Defense



* Eight Defense Agencies designated as a **Combat Support Agencies (CSA)**, pursuant to 10 USC §193, with joint oversight by the Chairman of the Joint Chiefs of Staff

** FY18 Defense Manpower Requirements Report (December 2017) (FY18 Estimate Military/Civilian)

Key

Defense Agency

DoD Field Activity



Department of Defense

DIRECTIVE

NUMBER 5111.1

December 8, 1999

DA&M

SUBJECT: Under Secretary of Defense for Policy (USD(P))

References: (a) Title 10, United States Code

- (b) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P))," March 22, 1995 (hereby canceled)
- (c) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (d) DoD Directive 5134.1, "Under Secretary of Defense for Acquisition and Technology," September 17, 1999
- (e) DoD Directive 5134.8, "Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs," June 8, 1994
- (f) DoD 5025.1-M, "DoD Directives System Procedures," August 1994
- (g) DoD Directive 8910.1, "Management and Control of Information Requirements," June 11, 1993

1. REISSUANCE AND PURPOSE

Pursuant to the authorities provided in reference (a), this Directive reissues reference (b) in order to update the responsibilities, functions, relationships, and authorities of the USD(P) as prescribed herein.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components").

3. RESPONSIBILITIES AND FUNCTIONS

3.1. The Under Secretary of Defense for Policy is the principal staff assistant and advisor to the Secretary of Defense and the Deputy Secretary of Defense for all matters on the formulation of national security and defense policy and the integration and oversight of DoD policy and plans to achieve national security objectives and shall:

3.1.1. Represent the Department of Defense, as directed, in matters involving the National Security Council (NSC); the Department of State; and the other Federal Departments, Agencies, and inter-Agency groups with responsibility for national security policy.

3.1.2. Serve as a member of the NSC Deputies Committee; serve as a member of the Deputies Committee for Crisis Management; and advise the Secretary of Defense on crisis prevention and management, including contingency planning for major areas of concern.

3.1.3. Develop DoD policy for defense-related international negotiations and represent the DoD in those negotiations unless otherwise directed.

3.1.4. Develop and coordinate DoD policy and positions for international negotiations on arms control implementation and/or compliance issues.

3.1.5. Develop DoD policy on the conduct of alliances and defense relationships with foreign governments, their military establishments, and international organizations; integrate and oversee plans and programs undertaken with those alliances and defense relationships.

3.1.6. Develop, coordinate, and oversee the implementation of international security strategy and policy; political-military policy on issues of DoD interest relating to foreign governments and their defense establishments, to include arrangements for U.S. military facilities, access and operating rights, and status of forces; and policy on prisoners of war and missing in action (POW/MIA).

3.1.7. Develop, coordinate, and oversee the implementation of DoD policy and plans for defense security assistance.

3.1.8. Develop, coordinate, and oversee the implementation of DoD policy to reduce and counter the threat to the United States, U.S. Armed Forces, and U.S. allies, from weapons of mass destruction and other militarily significant technologies and force capabilities, to include counter-proliferation policy, arms control policy, and security policy.

3.1.9. Provide DoD policy oversight of all DoD activities related to international technology transfer. Develop, coordinate, and provide policy direction and overall management, including supervision of the Deputy Under Secretary of Defense for Technology Security Policy, for the DoD Technology Security Program and policy on international technology transfer, to include export controls, dual-use and munitions licensing, arms cooperation programs, and support for enforcement and intelligence systems.

3.1.10. Develop, coordinate, and oversee the implementation of DoD strategy and policy for deployment and employment of strategic and theater nuclear offensive forces, missile defense forces; and review and evaluate plans, programs, and systems requirements for such forces and systems to ensure consistency with the strategy and policy.

3.1.11. Assist the Secretary of Defense in development of national security and defense strategy; advise on the forces necessary to implement that strategy, to include serving as the principal advisor for the planning phase of the DoD Planning, Programming, and Budgeting System and for monitoring the degree to which the DoD program underwrites the strategy; and assist the Secretary of Defense in preparing written DoD policy guidance for the preparation and review of operational and contingency plans, including those for nuclear and conventional forces, and in reviewing such plans.

3.1.12. Develop DoD policy guidance, provide overall supervision, and provide oversight of planning, programming, budgeting, and execution of special operations activities, including civil affairs and psychological operations, and of low-intensity conflict activities, including counter-terrorism, support to insurgency, and contingency operations.

3.1.13. Develop, coordinate, and oversee the implementation of DoD policy for the defense and military aspects of the promotion of constitutional democracy and respect for human rights in other countries, U.S. participation in peace operations, and in humanitarian assistance.

3.1.14. Develop, coordinate, and oversee the implementation of DoD drug control policy, to include planning, programming, and budgeting for the DoD counter-drug mission.

3.1.15. Provide mid- and long-range DoD policy planning on strategic security matters and emerging national security issues; develop and oversee the implementation of a comprehensive strategy toward Russia, Ukraine, and other newly independent states of Eurasia; plan and oversee the conduct of net assessments and policy research activities and programs.

3.1.16. Develop, coordinate, and oversee the implementation of DoD policy for international security countermeasures activities of the Department of Defense;

administer for the DoD the National Disclosure Policy, the Foreign Disclosure and Technical Information System, the Foreign Visits Program, and the U.S. Visitor International Technology Program.

3.1.17. Serve as the U.S. Security Authority for the North Atlantic Treaty Organization (NATO), and the primary focal point for staff coordination on those matters both internal and external to the Department of Defense.

3.1.18. Develop DoD policy and provide oversight for emergency planning and preparedness, crisis management, defense mobilization in emergency situations, military support to civil authorities, civil defense, and continuity of operations and government.

3.1.19. Develop policy, coordinate and oversee DoD participation in, and provide staff supervision over special and sensitive activities including the Operations and Support Special Access Program Central Office, and support to the Special Access Program Oversight Committee structure and arms control countermeasures for non-proliferation initiatives; and oversight of the Defense Sensitive Support program.

3.1.20. In coordination with the Office of the General Counsel and in accordance with section 12. of DoD 5530.3 (reference (c)) authorize the negotiation and conclusion of international agreements and delegate authority to the Heads of DoD Components to approve negotiation and conclusion of categories of international agreements.

3.1.21. Perform such other functions, as the Secretary of Defense may prescribe.

4. RELATIONSHIPS

4.1. In the performance of assigned functions and responsibilities, the USD(P) shall:

4.1.1. Report directly to the Secretary of Defense and the Deputy Secretary of Defense.

4.1.2. Exercise authority, direction, and control over the following:

4.1.2.1. The Principal Deputy Under Secretary of Defense for Policy (PDUSD(P)).

4.1.2.2. The Assistant Secretary of Defense for International Security Affairs (ASD(ISA)).

DoDD 5111.1, December 8, 1999

4.1.2.3. The Assistant Secretary of Defense for Strategy and Threat Reduction (ASD(S&TR)).

4.1.2.4. The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD(SOLIC)).

4.1.2.5. The Defense Advisor, U.S. NATO.

4.1.2.6. The Director, Defense Security Cooperation Agency, through the ASD(ISA).

4.1.2.7. The Deputy Under Secretary of Defense for Technology Security, through the ASD(S&TR) for all matters relating to technology security, technology transfer, and export control policy.

4.1.2.8. The Director of the Defense POW/MIA Office, through the ASD(ISA).

4.1.2.9. The Director of Net Assessment.

4.1.2.10. Other such subordinate officials, as may be assigned.

4.1.3. Coordinate and exchange information with other OSD officials, the Heads of the DoD Components, and Federal officials having collateral or related functions.

4.1.4. Use existing facilities and services of the Department of Defense and the other Federal Agencies, when possible, to avoid duplication and achieve maximum efficiency and economy.

4.2. Matters concerning DoD nuclear, chemical, and biological issues will be coordinated with the USD(A&T) consistent with DoD Directives 5134.1 (reference (d)) and 5134.8 (reference (e)).

4.3. The other OSD officials and the Heads of the DoD Components shall coordinate with the USD(P) on all matters related to the responsibilities and functions cited in section 3., above.

5. AUTHORITIES

The USD(P) is hereby delegated authority to:

5.1. Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M (reference (f)), that implement policy

DoDD 5111.1, December 8, 1999

approved by the Secretary of Defense in assigned areas of responsibility. Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments. Instructions to the Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

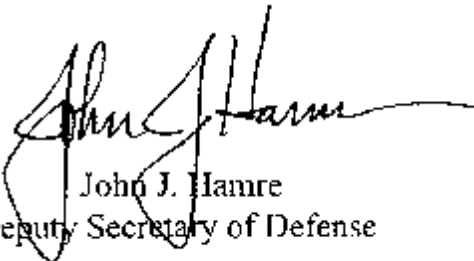
5.2. Obtain reports, information, advice, and assistance, consistent with DoD Directive 8910.1 (reference (g)), as necessary to carry out assigned functions.

5.3. Communicate directly with the Heads of the DoD Components. Communications to the Commanders of the Combatant Commands shall be transmitted through the Chairman of the Joint Chiefs of Staff.

5.4. Communicate with other Government officials, representatives of the Legislative Branch, members of the public, and representatives of foreign governments, as applicable, in carrying out assigned functions.

6. EFFECTIVE DATE

This Directive is effective immediately.



John J. Hamre
Deputy Secretary of Defense

DoDD 5110.10, January 13, 2017



EXHIBIT
3

DoD DIRECTIVE 5110.10

DEFENSE POW/MIA ACCOUNTING AGENCY (DPAA)

Originating Component: Office of the Deputy Chief Management Officer

Effective: January 13, 2017

Releasability: Cleared for public release. Available from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

Incorporates and Cancels: DoD Directive 5110.10, "Defense Prisoner of War/Missing Personnel Office (DPMO)," September 21, 2005
Secretary of Defense Memorandum, "Naming and Establishing the Agency Responsible for Past Conflict Personnel Accounting," January 29, 2015

Approved by: Ash Carter, Secretary of Defense

Purpose: This issuance:

- Establishes the mission, organization and management, responsibilities and functions, relationships, and authorities of the DPAA.
- Designates the DPAA as a Defense Agency under the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)), and consolidates the Defense Prisoner of War/Missing Personnel Office, which was a DoD Field Activity; the Joint Prisoner of War/Missing in Action Accounting Command; and select functions of the Life Sciences Equipment Laboratory.
- Implements Sections 1501-1513 of Title 10, United States Code (U.S.C.), which require the Secretary of Defense to designate a single organization within the Department for DoD matters relating to the system for accounting for missing persons.

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DoDD 5110.10, January 13, 2017

SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands (CCMDs), the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. MISSION. The mission of the DPAA is to:

- a. Lead the national effort to account for unaccounted for DoD personnel from past conflicts and other designated conflicts.
- b. Provide the primary next of kin, family members, and the previously designated person, pursuant to Section 655 of Title 10, U.S.C., the available information concerning the loss incident, past and present search and recovery efforts of the remains, and current accounting status of unaccounted for DoD personnel.

1.3. ORGANIZATION AND MANAGEMENT.

- a. The DPAA is a Defense Agency, pursuant to Sections 191 and 192 of Title 10, U.S.C., under the authority, direction, and control of the USD(P).
- b. The DPAA consists of a Director, a Principal Deputy Director, a Deputy Director, and subordinate organizational elements established by the Director within resources assigned by the Secretary of Defense.
- c. The USD(P) will select the Director, DPAA.

DoDD 5110.10, January 13, 2017

SECTION 2: RESPONSIBILITIES AND FUNCTIONS

Under the authority, direction, and control of the USD(P), the Director, DPAA:

a. Serves as the principal advisor to the Secretary of Defense and the USD(P) for past conflict personnel accounting.

b. Pursuant to Sections 1501-1513 of Title 10, U.S.C., establishes and executes the DoD Past Conflict Personnel Accounting Program which:

(1) Accounts for U.S. military personnel, DoD civilian employees, DoD contractors, and other persons, as directed by the Secretary of Defense (referred to in this issuance as DoD personnel), who are determined to be in a missing status as prescribed by DoD Instruction (DoDI) 1300.18 or other contemporary Military Department regulation or whose remains were not in the custody of the U.S. Government (USG) after hostilities or military operations ceased within combatant theaters (e.g., the European Theater of Operations during World War II) or a joint operations area.

(2) Accounts for DoD personnel from World War II, the Cold War, Korean War, Indochina War, Operation ELDORADO CANYON, Persian Gulf War, Iraq Campaign, and other conflicts designated by the Secretary of Defense (referred to collectively in this issuance as “past conflicts and other designated conflicts”).

c. Designs and manages DPAA programs and activities to improve standards of performance, economy, and efficiency; and demonstrates DPAA’s attention to the requirements of its organizational customers, both internal and external to the DoD.

d. Provides policy, control, and oversight of the DoD Past Conflict Personnel Accounting Program, including functional oversight of DPAA elements in foreign countries responsible for conducting DoD past conflict personnel accounting operations.

e. Establishes policies and procedures to account for DoD personnel who had been reported in a missing status, as prescribed by DoDI 1300.18 or other contemporary Military Department regulation, from past conflicts and other designated conflicts, including locating, recovering, and identifying remains after hostilities have ceased.

f. Facilitates the function of the medical examiner assigned to the DPAA from the Armed Forces Medical Examiner System (AFMES) to:

(1) Exercise scientific identification authority, as provided in Section 1509 of Title 10, U.S.C., and DoDI 5154.30.

(2) Establish identification and laboratory policy consistent with the AFMES.

(3) Advise the Director, DPAA, on forensic science disciplines.

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g. Establishes, maintains, and controls the appropriate budget lines for the DPAA, and accomplishes planning, programming, budgeting, and execution, accounting, and financial management activities for DPAA, in accordance with DoD Directive (DoDD) 7045.14.

h. Maintains liaison with Congress, in coordination with the Assistant Secretary of Defense for Legislative Affairs and the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO), as appropriate, on past conflict personnel accounting legislation and related matters for which the DPAA has responsibility. Provides support to the USD(P) for the presentation of past conflict personnel accounting-related briefings and testimony before Congress.

i. Develops, operates, and maintains, in accordance with policies, standards, and procedures established by the Chief Information Officer of the Department of Defense and the Director, Defense Information Systems Agency, appropriate information technology systems and databases in support of the DoD Past Conflict Personnel Accounting Program and the associated workforce.

j. Serves as the DoD's primary representative and point of contact with other federal departments and agencies, foreign governments, and non-governmental organizations on all matters related to past conflict personnel accounting, pursuant to Sections 1501-1513 of Title 10, U.S.C., including:

(1) Developing DoD guidance for past conflict personnel accounting activities worldwide. Ensures that past conflict personnel accounting operations and activities conducted in foreign countries are coordinated in advance with the appropriate OSD Principal Staff Assistants, the Secretary of State, and heads of other federal departments and agencies.

(2) Negotiating and concluding international agreements in areas of assigned responsibility, in accordance with DoDD 5530.3 and in coordination with the General Counsel of the Department of Defense. Diplomatic support of international negotiations will be requested through the appropriate Department of State regional bureaus or U.S. embassies.

(3) Serving as the DoD Commissioner to the U.S.-Russian Joint Commission, in accordance with the December 11, 2013, Secretary of Defense Memorandum. Accordingly, provides necessary administrative and logistical support to the Commission.

(4) Providing advice and assistance on past conflict personnel accounting-related matters to the International Committee of the Red Cross, other international bodies, and foreign governments, as appropriate.

k. Coordinates within DoD, among the Military Departments, the Joint Staff, and the CCMDs, for all matters pertaining to accounting for DoD personnel from past conflicts and other designated conflicts, including:

(1) Incorporating accounting for DoD personnel unaccounted for from past conflicts and other designated conflicts into key national and DoD strategic guidance and into the policy toward all foreign governments of countries where DoD personnel are missing or unaccounted for, as appropriate.

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(2) Determining past conflict personnel accounting requirements for DoD policies and strategic guidance, including monitoring and advocating for program funding requirements and resources for execution of the past conflict personnel accounting mission.

l. Coordinates on all matters concerning accounting for DoD personnel from past conflicts and other designated conflicts originating within the DoD, among the Military Departments, the Joint Staff, and the CCMDs, or originating within theaters of operations.

m. Develops, prioritizes, and monitors intelligence collection requirements and reporting task elements of the DoD Components and National Intelligence Community, as required, to collect and provide all necessary intelligence to support DoD past conflict personnel accounting responsibilities.

n. Establishes policies and procedures to ensure that files and records pertaining to past conflict personnel accounting are created and managed, pursuant to Section 1506 of Title 10, U.S.C., and DoD policy.

o. Leads the effort to develop, standardize, maintain, and fund the past conflict personnel accounting community's electronic case files, including a single central database and case management system, pursuant to Section 1509 of Title 10, U.S.C., pertaining to all unaccounted for DoD personnel that facilitates data sharing and transparency within the past conflict personnel accounting community.

p. Establishes and maintains prioritized accounting lists for World War II, the Cold War, Korean War, Indochina War, Operation ELDORADO CANYON, Persian Gulf War, Iraq Campaign, and other conflicts designated by the Secretary of Defense.

q. Conducts national and international archival research and oral history projects; standardizes procedures for methodology and prioritization; and coordinates within the past conflict personnel accounting community to improve efficiency and prevent duplication of effort.

r. Establishes and disestablishes, operates, leads, and maintains:

(1) Worldwide deployable investigation teams and recovery teams to search, locate, and recover remains from past conflicts and other designated conflicts.

(2) DPAA laboratories to identify remains of unaccounted for DoD personnel from past conflicts and other designated conflicts, including additional portions of previously accounted for DoD personnel.

(3) Expertise to conduct analysis of equipment recovered to ascertain whether there is supporting evidence for findings concerning the presence of personnel involved in ground, sea, and air combat, vehicular losses, air crashes, or similar situations from past conflicts and other designated conflicts.

s. In accordance with DoDD 5205.15E, coordinates with the AFMES and oversees the development, establishment, and maintenance of:

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(1) Appropriate standards, processes, and procedures for forensic disciplines used to identify remains from past conflicts and designated conflicts.

(2) Laboratory accreditation; professional training and certification; and research development, test, and evaluation programs.

t. Establishes and leads a communication and outreach program with family members of unaccounted for DoD personnel, federal departments and agencies, members of Congress, veterans service organizations, concerned citizens, and the public concerning the DoD's efforts to:

(1) Account for DoD personnel who are unaccounted for from past conflicts and other designated conflicts.

(2) Provide a readily available means to communicate views and recommendations to the Director, DPAA.

(3) Communicate with family members of unaccounted for DoD personnel through the appropriate Military Department Casualty Office.

u. Establishes procedures for providing information, to include copies of unclassified case files of unaccounted for DoD personnel to primary next of kin, members of the immediate family, and the previously designated person:

(1) From the Cold War, Korean War, and the Indochina War, pursuant to Section 3161 of Title 50, U.S.C., through the appropriate Military Department Casualty Office.

(2) From World War II and other designated conflicts not included in Paragraph 2.u.(1), in accordance with DoDD 5400.07.

v. Advocates within DoD the use of emerging technologies that support past conflict personnel accounting operations to locate, recover, and identify remains.

w. Establishes public-private partnerships with non-federal entities to facilitate the activities of the DPAA. Partnerships with foreign governments or foreign entities may be established only with the concurrence of the Secretary of State. Any such arrangement must be entered into pursuant to Section 1501a of Title 10, U.S.C., or any other authority otherwise available to the Secretary of Defense. The DoD's scientific identification authority under Section 1471 of Title 10, U.S.C., is not subject to public-private partnership agreements and will not be included in such agreements.

(1) Establishes administrative requirements, including property accountability, in accordance with Parts 21-37 of Title 32, Code of Federal Regulations.

(2) Accepts voluntary services to facilitate accounting for DoD personnel from volunteers in the same manner as the Secretary of a Military Department may accept such services under Section 1588(a)(9) of Title 10, U.S.C.

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(3) Enters into a cooperative agreement with, or makes a grant to, a private entity to support the activities of the DPAA, pursuant to Section 1501a of Title 10, U.S.C., and in accordance with DoDD 3210.06. Notwithstanding Section 2304(k) of Title 10, U.S.C., may enter into such cooperative agreements or grants on a sole-source basis, pursuant to Section 2304(c)(5) of Title 10, U.S.C.

(4) Allows a private entity to use, at no cost, personal property of the DoD to assist the entity in supporting the activities of the DPAA, as authorized by Section 1501a of Title 10, U.S.C.

x. Informs and coordinates with the CJCS and the Combatant Commanders (CCDRs) on past conflict personnel accounting matters in their areas of responsibility.

y. Ensures the DPAA workforce possesses the skills required to locate, recover, and identify remains from past conflicts and other designated conflicts.

z. Conducts periodic assessments of the DPAA workforce to identify manpower, personnel, and training adequacy. Manpower will be managed through the use of the Fourth Estate Manpower Tracking System, in accordance with Directive-type Memorandum 12-006.

aa. Establishes, manages, and operates the DPAA Academy to provide field investigative, field recovery, and forensic laboratory training to DPAA military, civilian, and contract personnel. The DPAA Academy may, on a non-interference basis, provide training to mortuary affairs organizations and units of the Military Departments, CCMDs, and other federal department and agencies.

ab. Provides equipment, supplies, services, and training of personnel to any foreign nation to assist DPAA with the recovery of remains from past conflicts and accounting for DoD personnel, pursuant to Section 408 of Title 10, U.S.C., as appropriate, and subject to approval by the Secretary of State. Prepares reports required under Section 408 of Title 10, U.S.C.

ac. Plans, programs, budgets, and allocates resources to implement and comply with DoDI 4001.01, considering mission requirements. Provides to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) requested budgetary or resource information concerning implementation of and compliance with DoDD 5230.20.

ad. Establishes reporting requirements in accordance with DoDI 8910.01, processes data, and conducts trend analysis to determine future requirements and needed capacities.

ae. Ensures that DPAA personnel participation in support of civil law enforcement and investigative agencies will only be conducted in accordance with DoDI 3025.21 or as the Secretary of Defense directs. Any DPAA employee being requested as a witness by civil law enforcement and investigative agencies concerning recovery and identification of remains activities or any other purpose will coordinate with DPAA General Counsel.

af. Acquires logistical support, supplies, or services under acquisition-only authority or cross-servicing agreement authority, in accordance with DoDD 2010.9.

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ag. Ensures that activities conducted under DPAA's purview involving transfers of technology, articles, or services to foreign or non-DoD entities comply with U.S. export control laws and regulations and DoD policies in DoDIs 2030.08 and 2040.02.

ah. Develops policies in coordination with the Assistant Secretary of Defense for Manpower and Reserve Affairs and executes policies and programs associated with disinterment of unidentified human remains, in accordance with Directive-type Memorandum 16-003.

ai. Performs other duties as may be assigned by the Secretary of Defense or the USD(P).

SECTION 3: RELATIONSHIPS

3.1. DIRECTOR, DPAA. The Director, DPAA, in the performance of assigned responsibilities and functions:

- a. Reports directly to the USD(P).
- b. Uses existing systems, facilities, and services of the DoD and other federal departments and agencies, when possible, to avoid duplication and to achieve maximum efficiency and economy.
- c. Ensures that all past conflict personnel accounting-related communications and direction and guidance issued to the CCMDs and the Military Departments that have military operational implications are coordinated with the CJCS.
- d. As directed by the Secretary of Defense, provides emergency support to DoD Mortuary Affairs Program and the Military Departments for technical humanitarian assistance and emergency operations associated with current operations and contingencies, and provides humanitarian assistance to other federal departments and agencies.
- e. Coordinates and exchanges information with the other DoD Component heads and the OSD Principal Staff Assistants having collateral or related responsibilities and functions.
- f. Coordinates, as the supported agency in accordance with Execute Order: Defense Personnel Accounting Agency Continuity of Operations, with relevant CCMDs, Military Departments, and Federal departments and agencies regarding implementation of past conflict personnel accounting activities and projects.
- g. Coordinates and exchanges information with, and provides support to, the National Intelligence Community, other government organizations, and federal departments and agencies that have collateral equities or an interest in the past conflict personnel accounting mission provided for in Sections 1501-1513 of Title 10, U.S.C.
- h. Demonstrates DPAA's attention to the requirements of its organizational customers, both internal and external to the DoD, consistent with the requirements of the Secretary of Defense Biennial Review of Defense Agencies and DoD Field Activities.

3.2. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R):

- a. Develops, in coordination with the USD(P) through the Director, DPAA, those mortuary affairs policies and procedures necessary to support the DoD Past Conflict Personnel Accounting Program to locate, recover, and identify remains from past conflicts and other designated conflicts.

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b. Assists and provides the DPAA access to and advocacy with other federal departments and agencies involved in similar forensic medicine research and development efforts.

c. Coordinates with the USD(AT&L) on the integration and application of non-medical forensic sciences (e.g., material evidence analysis) to support the past conflict personnel accounting mission.

d. Through the Assistant Secretary of Defense for Manpower and Reserve Affairs and in coordination with the Director, DPAA, provides oversight for policies, plans, and communications for the disinterment of human remains, in accordance with Directive-type Memorandum 16-003.

3.3. USD(AT&L). The USD(AT&L) coordinates with and provides the DPAA access to and advocacy with interagency components involved in similar forensic research, development, test, and evaluation efforts; coordinates efforts related to forensic medicine disciplines with the USD(P&R).

3.4. USD(C)/CFO. The USD(C)/CFO provides guidance to the DPAA and other members of the past conflict accounting community to establish and maintain the appropriate budget lines and establishes the necessary DoD policies and procedures for the appropriate budget lines.

3.5. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE. The Under Secretary of Defense for Intelligence:

a. Establishes policy and procedures pertaining to intelligence support to past conflict personnel accounting.

b. In coordination with the DPAA and USD(P), provides intelligence and intelligence-related support to the DPAA.

3.6. DoD COMPONENT HEADS. The DoD Component heads:

a. Support DPAA within their respective fields of responsibility in the execution of DPAA's mission, capabilities, and functions, in accordance with applicable DoD issuances. This includes technical intelligence, operational support such as contracting and logistics, and the assignment or detail of personnel as requested by the Director, DPAA, through appropriate channels.

b. Coordinate with the Director, DPAA, on past conflict personnel accounting plans and activities, and other matters relating to the responsibilities and functions of the DPAA as described in this issuance.

c. Coordinate with the Director, DPAA, on all programs and activities that relate to or affect the DPAA mission.

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3.7. SECRETARIES OF THE MILITARY DEPARTMENTS. In addition to the responsibilities in Paragraph 3.6, the Secretaries of the Military Departments:

a. Enter into such inter-Service support and servicing agreements with the Director, DPAA, to provide facilities, physical security, maintenance, logistics, safety, and administrative support, as required, for effective operation of the DoD Past Conflict Personnel Accounting Program as agreed to by the Director, DPAA, and the cognizant DoD Component, in accordance with DoDI 4000.19.

b. Provide installation support consistent with DoDI 4001.01 and the facilities, goods, and services agreed to in inter-Service support and servicing agreements.

3.8. CJCS. In addition to the responsibilities in Paragraph 3.6, the CJCS will ensure that the Joint Chiefs of Staff instructions and communications to the CCDRs or the Secretaries of the Military Departments that pertain to past conflict personnel accounting are coordinated with the Director, DPAA. The CJCS is authorized to communicate directly with the Director, DPAA, and may task the Director, DPAA, to the extent these tasks have been coordinated with and approved by the USD(P).

3.9. CCDRS. In addition to the responsibilities in Paragraph 3.6, and pursuant to Section 1509 of Title 10, U.S.C., and Execute Order: Defense Personnel Accounting Agency Continuity of Operations, the CCDRs will support the DPAA mission.

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SECTION 4: AUTHORITIES

The Director, DPAA, is authorized to:

a. Communicate directly with DoD Component heads, as necessary, in carrying out assigned responsibilities and functions, including the transmission of requests for advice and assistance. Communications with the Military Departments will be transmitted through the Secretaries of the Military Departments or as otherwise provided in law or as directed by the Secretary of Defense in other DoD issuances. Communications to the CCDRs will be in accordance with DoDD 5100.01.

b. Obtain reports and information, in accordance with DoDI 8910.01, as necessary, to carry out assigned responsibilities and functions.

c. Communicate with other government officials, members of the public, and representatives of foreign governments, as appropriate, to carry out assigned responsibilities and functions. Communications with representatives of the legislative branch will be conducted through the Office of the Assistant Secretary of Defense for Legislative Affairs, except for communications with defense appropriations committees, which will be coordinated through the USD(C)/CFO.

d. Enter into agreements with the Military Departments or other USG entities as required for the effective performance of the DoD Past Conflict Personnel Accounting Program.

e. Exercise the powers vested in the Secretary of Defense by Sections 301, 302(b), 3101, and 5107 of Title 5, U.S.C., and Chapter 83 of Title 10, U.S.C., on the employment, direction, and general administration of DPAA civilian personnel.

f. Fix rates of pay of wage-rate employees exempted from the Classification Act of 1949 by Section 5102 of Title 5, U.S.C., on the basis of rates established under the federal wage system. In fixing such rates, the Director, DPAA, must follow the wage schedule established by the DoD wage fixing authority.

g. Administer oaths of office to those entering the DoD or any other oath required by law in connection with employment therein, in accordance with Section 2903 of Title 5, U.S.C., and designate in writing, as necessary, officers and employees of DPAA to perform this function.

h. Establish a DPAA incentive awards board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the USG whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect DPAA, in accordance with Section 4503 of Title 5, U.S.C., applicable Office of Personnel Management regulations, and Volume 451 of DoDI 1400.25.

i. Maintain an official seal and attest to the authenticity of official records under that seal.

j. Use advisory committees and employ temporary or intermittent experts or consultants, as approved by the Secretary of Defense or the Deputy Chief Management Officer, for the performance of DPAA functions, consistent with Sections 173 and 174 of Title 10, U.S.C.;

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Section 3109 of Title 5, U.S.C.; Section 2 of the Appendix to Title 5, U.S.C.; and DoDIs 5105.04 and 5105.18.

k. In accordance with Executive Order 10450, Executive Order 12968, and DoDI 5200.02, as appropriate:

(1) Designate any position in DPAA as a sensitive position.

(2) Authorize, in exceptional circumstances where official functions must be performed before completion of a personnel security investigation and adjudication process, temporary access to a sensitive position in DPAA for a limited period to individuals for whom an appropriate investigation is underway.

(3) Initiate personnel security inquiries and, if necessary in the interest of national security, suspend a security clearance for personnel assigned or detailed to, or employed by, DPAA. Any actions, pursuant to this paragraph, must be taken in accordance with procedures in DoD 5200.2-R.

l. Authorize and approve:

(1) Temporary duty travel for military and civilian personnel assigned or detailed to DPAA, in accordance with the Joint Travel Regulations.

(2) Invitational travel to non-DoD personnel whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with DPAA activities, in accordance with Joint Travel Regulations.

(3) Overtime work for DPAA civilian personnel, in accordance with Section 5542 of Title 5, U.S.C., and Parts 550 and 551 of Title 5, Code of Federal Regulations.

m. Approve the expenditure of funds available for travel by civilian or military personnel assigned or detailed to DPAA for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances when the approval of the Secretary of Defense is required by Section 455 of Title 44, U.S.C., and Sections 4110 and 4111 of Title 5, U.S.C.

n. Direct, administer, and provide specified assistance of a value not to exceed \$1 million in any fiscal year to any foreign nation, upon approval by the Secretary of State, to assist the DoD with recovery of and accounting for DoD personnel from past conflicts, and provide an annual report to Congress, pursuant to Section 408 of Title 10, U.S.C.

o. Establish implementing regulations, and policies and procedures, pursuant to Section 1501a of Title 10, U.S.C., concerning public-private partnerships, acceptance of voluntary personal services, and cooperative agreements and grants to support the DoD Past Conflict Accounting Program.

p. Develop, establish, and maintain an active and continuing records management program, pursuant to Section 3102 of Title 44, U.S.C., and DoDI 5015.02.

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q. Use the government-wide purchase card for making appropriate purchases of material and services, other than personal services, for DPAA, when it is determined more advantageous and consistent with the best interests of the USG.

r. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals, as required for the effective administration and operation of DPAA, in accordance with Section 3702 of Title 44, U.S.C.

s. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of agency regulations, instructions, and reference documents, and changes thereto, similar to the policies and procedures prescribed in DoDI 5025.01.

t. Enter into inter-departmental and intra-governmental support agreements, as the receiver or the supplier, with the other DoD Components, the non-DoD federal government departments and agencies, and State and local government agencies, as required for effective performance of DPAA responsibilities and functions, pursuant to Section 1535 of Title 31, U.S.C., and in accordance with DoDI 4000.19.

u. Enter into and administer contracts and public-private partnership agreements, directly or through a Military Department, a DoD contract administration services component, or other federal department or agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of DPAA. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority must be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

v. Establish and maintain appropriate property accounts for DPAA and appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for DPAA property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

w. Issue the necessary security regulations for the protection of property or places under his or her jurisdiction, in accordance with DoDI 5200.08.

x. Lease property under the control of DPAA, under terms that will promote the national defense or that are in the public interest, pursuant to Section 2667 of Title 10, U.S.C.

y. Redesignate these authorities, as appropriate, in writing, except as otherwise specifically indicated in this issuance or as otherwise provided by law or regulation.

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GLOSSARY

G.1. ACRONYMS.

AFMES	Armed Forces Medical Examiner System
CCDR	Combatant Commander
CCMD	Combatant Command
CJCS	Chairman of the Joint Chiefs of Staff
DoDD	DoD Directive
DoDI	DoD Instruction
DPAA	Defense POW/MIA Accounting Agency
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(C)/CFO	Under Secretary of Defense(Comptroller)/Chief Financial Officer, Department of Defense
USD(P)	Under Secretary of Defense for Policy
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
USG	U.S. Government

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

account for, accounted for, or accounting for. With respect to a person reported in a missing status means that:

The person is returned to the United States alive; or

The remains of the person are recovered to the extent practicable and, if not identifiable through visual means as those of the missing person, are identified as those of the missing person by a practitioner of an appropriate forensic science; or

Credible evidence exists to support another determination of the person's status (e.g., deserter); or

A person is accounted for when remains, regardless of quantity, are individually identified or the person is included in a known group remains determination. This term and its definition are proposed for inclusion in the next edition of Joint Publication 1-02.

archival research. Consists of visits, whether in person or electronically, to document and material evidence repositories to locate information on U.S. losses. Sources of such information may include official State and private museums, libraries, archives, universities, and collections of private researchers. Activities involve interaction with repository personnel and independent

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researchers. This term and its definition are proposed for inclusion in the next edition of Joint Publication 1-02.

cooperative agreement. Defined in Section 6305 of Title 31, U.S.C.

designated conflict. A conflict designated by the Secretary of Defense, pursuant to Section 1501 of Title 10, U.S.C., to be included in the Past Conflict Personnel Accounting Program established by Section 1509 of Title 10, U.S.C.

DPAA laboratory. A laboratory assigned to DPAA that provides forensic science analysis to support the identification of remains of unaccounted for DoD personnel from past conflicts or designated conflicts. These laboratories are: DPAA Center for Excellence, DPAA-Offutt, and Life Sciences Equipment Laboratory.

forensic medicine disciplines. Forensic disciplines supporting the DoD's medical missions: forensic pathology, forensic anthropology, forensic odontology, DNA sciences, forensic toxicology, and mortality surveillance.

grant. Defined in Section 6304 of Title 31, U.S.C.

non-federal entities. Defined in DoD 5500.07-R.

past conflicts and other designated conflicts.

World War II beginning December 7, 1941, and ending on December 31, 1946.

Cold War beginning September 2, 1945, and ending on August 21, 1991.

Korean War beginning June 27, 1950, and ending on January 31, 1955.

Indochina War, beginning July 8, 1959, and ending on May 15, 1975 (also known as the Vietnam War and the War in Southeast Asia).

Operation ELDORADO CANYON, April 15, 1986.

Persian Gulf War, beginning August 2, 1990, and ending on February 28, 1991.

Iraq Campaign, beginning March 18, 2003, and ending on December 31, 2011.

Any other conflict designated by the Secretary of Defense, pursuant to Section 1509 of Title 10, U.S.C.

past conflict personnel accounting. The sum of military, civil, and diplomatic efforts to locate, recover, and identify remains of unaccounted for DoD personnel in a theater of operation or as a result of a hostile act. This term and its definition are proposed for inclusion in the next edition of Joint Publication 1-02.

past conflict personnel accounting community. Consists of those elements of the DoD components with a mission to account for DoD personnel from past conflicts and other

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designated conflicts, e.g., DPAA, the casualty offices and mortuary offices of the Military Departments, the AFMES, and CCMD subordinate activities.

previously designated person. The person named by DoD personnel, pursuant to Section 655 of Title 10, U.S.C., to be notified and apprised of their status should they be reported in a missing status.

unaccounted for. An inclusive personnel accounting term applicable to DoD personnel within a combatant theater for which a campaign or service medal is authorized, or a military operation for which hostile fire or danger pay is authorized, or a member of a flight crew lost during a Cold War reconnaissance mission, including enroute to and from, whose casualty status is:

“Missing” (all categories) and who has not returned alive to USG control; or

“Deceased” and whose remains are not recovered or transferred to USG control; or

Changed from “Missing” (all categories) to “Deceased,” subsequent to an administrative determination, pursuant to the applicable laws and regulations at the time, and whose remains were not recovered or transferred to USG control. This term and its definition are proposed for inclusion in the next edition of Joint Publication 1-02.

unaccounted for DoD personnel. Consist of U.S. military personnel, DoD civilian employees, DoD contractors, and other persons as directed by the Secretary of Defense from World War II, the Cold War, Korean War, Indochina War, and Persian Gulf War, and other conflicts designated by the Secretary of Defense. Includes both hostile and non-hostile casualties within a combatant theater, but excludes personnel whose duty status is absent without leave or a deserter and have not returned to USG control, or who are subsequently dropped from the rolls. Inclusion on a list of unaccounted for personnel, for the purposes of Sections 1501-1513 of Title 10, U.S.C., is not a determination that a person is either alive or dead. This term and its definition are proposed for inclusion in the next edition of Joint Publication 1-02.

voluntary services. Services provided by a volunteer without any entitlement to, nor expectation of, present or future salary, wages, or other benefits. Those provided under the provisions of Section 1588(a)(9) of Title 10, U.S.C., which specifically authorizes the Secretary concerned to accept voluntary services from an individual to facilitate accounting for missing personnel, and are distinguished from the broader “gratuitous services” that are voluntary services from an individual that may be accepted by the government under the provisions of Section 1342 of Title 31, U.S.C. This term and its definition are proposed for inclusion in the next edition of Joint Publication 1-02.

volunteer. An individual who donates his or her services to the DoD Components, pursuant to Section 1588 of Title 10, U.S.C. This term and its definition are proposed for inclusion in the next edition of Joint Publication 1-02.

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REFERENCES

- Code of Federal Regulations, Title 5
- Code of Federal Regulations, Title 32
- Directive-type Memorandum (DTM) 12-006, "Fourth Estate Manpower Tracking System (FMST)," November 15, 2012, as amended
- Directive-type Memorandum (DTM) 16-003, "Policy Guidance for the Disinterment of Unidentified Human Remains," May 5, 2016
- DoD 5200.2-R, "Personnel Security Program," January 16, 1987, as amended
- DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 30, 1993, as amended
- DoD Directive 2010.9, "Acquisition and Cross-Servicing Agreements," April 28, 2003
- DoD Directive 3210.06, "Defense Grant and Agreement Regulatory System (DGARS)," February 6, 2014
- DoD Directive 5100.01, "Functions of the Department of Defense and Its Major Components," December 21, 2010
- DoD Directive 5205.15E, "DoD Forensic Enterprise (DFE)," April 26, 2011
- DoD Directive 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005
- DoD Directive 5400.07, "DoD Freedom of Information Act (FOIA) Program," January 2, 2008
- DoD Directive 5530.3, "International Agreements," June 11, 1987, as amended
- DoD Directive 7045.14, "The Planning, Programming, Budgeting, and Execution (PPBE) Process," January 25, 2013
- DoD Instruction 1300.18, "Department of Defense (DoD) Personnel Casualty Matters, Policies, and Procedures," January 8, 2008, as amended
- DoD Instruction 1400.25, V-451, "DoD Civilian Personnel Management System: Awards," November 4, 2013
- DoD Instruction 2030.08, "Implementation of Trade Security Controls (TSCs) for Transfers of DoD Personal Property to Parties Outside DoD Control," February 19, 2015
- DoD Instruction 2040.02, "International Transfer of Technology, Articles, and Services," March 27, 2014
- DoD Instruction 3025.21, "Defense Support of Civilian Law Enforcement Agencies," February 27, 2013
- DoD Instruction 4000.19, "Support Agreements," April 25, 2013
- DoD Instruction 4001.01, "Installation Support," January 10, 2008, as amended
- DoD Instruction 5015.02, "DoD Records Management Program," February 24, 2015
- DoD Instruction 5025.01, "DoD Issuances Program," August 1, 2016
- DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," August 6, 2007
- DoD Instruction 5105.18, "DoD Intergovernmental and Intragovernmental Committee Management Program," July 10, 2009, as amended
- DoD Instruction 5154.30, "Armed Forces Medical Examiner System (AFMES) Operations," December 29, 2015

DoDD 5110.10, January 13, 2017

DoD Instruction 5200.02, “DoD Personnel Security Program (PSP),” March 21, 2014, as amended

DoD Instruction 5200.08, “Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB),” December 10, 2005, as amended

DoD Instruction 8910.01, “Information Collection and Reporting,” May 19, 2014

Execute Order: Defense Personnel Accounting Agency Continuity of Operations, (Date Time Group: 162111Z January 2015)

Executive Order 10450, “Security Requirements for Government Employment,” April 27, 1953

Executive Order 12968, “Access to Classified Information,” August 2, 1995

Joint Publication 1-02, “Department of Defense Dictionary of Military and Associated Terms,” current edition

Joint Travel Regulations, “Uniformed Service Members and DoD Civilian Employees,” current edition

Secretary of Defense Memorandum, “Designation of Commissioners to the U.S. Side of the U.S. Russian Joint Commission on Prisoners of War/Missing in Action,” December 11, 2013

United States Code, Title 5

United States Code, Title 10

United States Code, Title 31

United States Code, Title 44

United States Code, Title 50



DoD DIRECTIVE 2310.07

PAST CONFLICT PERSONNEL ACCOUNTING POLICY

Originating Component:	Office of the Under Secretary of Defense for Policy
Effective:	April 12, 2017
Releasability:	Cleared for public release. Available on the DoD Issuances Website at http://www.dtic.mil/whs/directives .
Reissues and Cancels:	DoD Directive 2310.07E, "Personnel Accounting - Losses Due to Hostile Acts," November 10, 2003, as amended
Approved by:	Robert O. Work, Deputy Secretary of Defense

Purpose: This issuance establishes policy and assigns responsibilities to:

- Establish the DoD Past Conflict Personnel Accounting Program pursuant to Sections 1501 through 1513 of Title 10, United States Code (U.S.C.).
- Establish the manner in which the U.S. Government (USG) accounts for DoD personnel and other personnel designated by the Secretary of Defense from World War II, the Cold War, the Korean War, the Indochina War (also known as the "Vietnam War"), the Persian Gulf War, the Iraq Campaign, and other conflicts designated by the Secretary of Defense (referred to collectively in this issuance as "past conflicts and other designated conflicts"), pursuant to Title 10, U.S.C., DoD Directive (DoDD) 5100.01, and DoDD 5111.1.
- Account for DoD personnel and other covered personnel who were determined to be missing in accordance with DoD Instruction (DoDI) 1300.18, or other contemporary Service regulation, from past conflicts and other designated conflicts, after hostilities or military operations ceased and who are now unaccounted for.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the National Guard Bureau, the Combatant Commands (CCMDs), the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY. It is DoD policy that:

a. Accounting for DoD personnel and other covered personnel from past conflicts and other designated conflicts is of the highest national priority.

b. Accounting for DoD personnel and other covered personnel in combatant theaters of operation (e.g., the European Theater of Operations during World War II), and joint operations areas, is a DoD responsibility.

c. Accounting for DoD personnel, and other covered personnel who were determined to be unaccounted for by the Secretary of the Military Department concerned at the end of hostilities will be done pursuant to Sections 1501 through 1513 of Title 10, U.S.C. and DoDD 5110.10.

d. Unaccounted-for DoD personnel and other covered personnel, pursuant to Section 1509 of Title 10, U.S.C., are considered “missing” only for the purposes of applying Sections 1501 through 1513 of Title 10, U.S.C.

e. Information pertaining to the USG’s efforts to locate, recover, and, when applicable, identify remains of unaccounted-for DoD personnel and other covered personnel from past conflicts and other designated conflicts will be provided to the primary next of kin (PNOK), immediate family members, and the person designated to receive such information pursuant to Section 655 of Title 10, U.S.C.

f. Accounting for DoD personnel will be resourced, as appropriate, to maintain the capability and capacity to account for at least 200 DoD personnel and other covered personnel annually, pursuant to the note to Section 1509 of Title 10, U.S.C.

1.3. DOD EXECUTIVE AGENT DESIGNATION CHANGE. Designation of the Secretary of the Army as the DoD Executive Agent for Mortuary Affairs, previously in this issuance, has been moved to DoDD 1300.22.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)). The USD(P):

- a. Develops, coordinates, and oversees the implementation of this issuance.
- b. Designates the Defense Prisoner of War/Missing in Action Accounting Agency (DPAA), pursuant to Section 1509 of Title 10, U.S.C., as the office of primary responsibility in the Department of Defense to account for DoD personnel and other covered personnel from past conflicts and other designated conflicts.

2.2. DIRECTOR, DPAA. Under the authority, direction, and control of the USD(P) and in addition to the responsibilities assigned in DoDD 5110.10, the Director, DPAA:

- a. Provides a force structure to be the primary DoD activity for:
 - (1) Researching, investigating, and analyzing loss incidents from past conflicts and other designated conflicts.
 - (2) Categorizing and prioritizing unaccounted-for DoD personnel and other covered personnel.
- b. Establishes and disestablishes, operates, leads, and maintains:
 - (1) Worldwide deployable investigation teams and recovery teams to search for, locate, and recover remains, to the extent practicable, of DoD or other covered personnel from past conflicts and other designated conflicts. These teams:
 - (a) Take appropriate action in response to no-notice reports of osseous remains purported to be DoD personnel, and of other material evidence.
 - (b) Provide emergency support, only when directed by the Secretary of Defense, to the DoD Mortuary Affairs Program and the Military Departments for technical humanitarian assistance and emergency operations associated with current operations and contingencies.
 - (c) Provide humanitarian assistance to other USG and State government agencies only when directed by the Secretary Of Defense.
 - (2) DPAA laboratories to identify remains of unaccounted-for DoD personnel from past conflicts and other designated conflicts, including additional remains of previously accounted-for personnel.
 - (3) Expertise to analyze equipment recovered to determine whether there is supporting evidence for findings concerning the presence of personnel involved in ground, sea, and air combat; vehicular losses; air crashes; or similar situations from past conflicts and other designated conflicts.

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c. Provides support, when directed by the Secretary of Defense or designee, to the CCMDs and the Military Departments to recover remains from incidents not included in Section 1509 of Title 10, U.S.C.

d. Leverages the expertise and resources of non-federal entities and volunteers across the broadest spectrum of DPAA operations through the use of public-private partnerships, cooperative agreements, grants, and acceptance of voluntary services, pursuant to Section 1501a of Title 10, U.S.C. Public-private partnerships, cooperative agreements, grants, and voluntary services will not be relied on for the performance of inherently governmental functions.

e. Conducts public affairs actions to convey accurate information about personnel accounting activities to DoD, other internal and external audiences, and national and international media as part of the communication and outreach program, in accordance with DoDD 5110.10.

f. Establishes procedures for providing information, including copies of unclassified case files of unaccounted-for DoD personnel to the PNOK, to members of the immediate family, and to the person designated to receive such information pursuant to Section 655 of Title 10, U.S.C.

g. Establishes procedures for answering queries and providing information to the media and general public in accordance with DoDDs 5400.07 and 5400.11.

h. Coordinates within DoD with the Military Departments, the Joint Staff, and the CCMDs for all matters pertaining to accounting for DoD personnel from past conflicts and other designated conflicts, including:

(1) Communicating DPAA's operations and objectives, from planning through execution, to CCMDs for coordination and synchronization with respective theater campaign plans.

(2) Establishing and maintaining, as required, a forward presence in CCMD areas of responsibility, in coordination with CCMDs and U.S. embassy staffs.

(3) Assigning, as required, a liaison officer and support personnel to work with the CCMD concerned.

(4) Adhering to U.S. and host-nation laws regarding the handling, transportation, and disposition of osseous materials and artifacts.

(5) Notifying the CCMD, the applicable U.S. embassy, and relevant host nation authorities immediately upon discovery of any osseous material in accordance with DPAA standard operating procedures and host nation laws and regulations.

i. In accordance with Volume 1 of DoDM 5200.01, DPAA will coordinate with the original classification authority before releasing information that was classified by any other DoD Component or federal agency or department. DPAA is the declassification authority for documents that were originally classified up to and including at the SECRET level by its predecessor organizations that had original classification authority, including:

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(1) Special Prisoner of War (POW)/Missing in Action (MIA) Office of the Defense Intelligence Agency (but not any other office or activity within the Defense Intelligence Agency).

(2) Special POW/MIA Office of the Office of the Assistant Secretary of Defense for International Security Affairs (but not any other office or activity within the Office of the Assistant Secretary of Defense for International Security Affairs).

(3) Joint Casualty Resolution Center.

(4) Joint Personnel Recovery Center.

(5) Defense POW/MIA Office.

(6) Defense POW/Missing Personnel Office.

(7) Task Force – Russia.

(8) Joint Task Force – Full Accounting.

2.3. ASSISTANT SECRETARIES OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS; ASIAN AND PACIFIC SECURITY AFFAIRS; AND STRATEGY, PLANS, AND CAPABILITIES. Under the authority, direction, and control of the USD(P), the Assistant Secretaries of Defense for International Security Affairs; Asian and Pacific Security Affairs; and Strategy, Plans, and Capability:

a. Coordinate with the Director, DPAA, on past conflict personnel accounting requirements in the pertinent national and DoD strategy documents.

b. In coordination with the Director, DPAA, incorporate accounting for DoD and other covered personnel from past conflicts and other designated conflicts into the comprehensive strategy toward all foreign governments where DoD and other covered personnel are still unaccounted for, as appropriate.

2.4. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS. In addition to the responsibilities assigned in DoDD 5124.02 and DoDI 5154.30, the Under Secretary of Defense for Personnel and Readiness provides guidance concerning:

a. Casualty assistance, unaccounted-for DoD personnel compensation, and other civilian and military personnel policy issues as they pertain to unaccounted-for DoD personnel.

b. Post-identification mortuary affairs activities, e.g., disposition of remains and disposition of personal effects.

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2.5. DoD COMPONENT HEADS. The DoD Component heads:

a. Support the DPAA mission to locate, recover, and identify the remains of DoD personnel and other covered personnel from past conflicts and other designated conflicts pursuant to Sections 1501, 1506, 1509, and 1513 of Title 10, U.S.C., DoDD 5111.1, DoDI 3020.41, and the January 2015 Secretary of Defense Execute Order.

b. Maximize resources; share scientific results; and increase effectiveness and efficiencies through coordination of efforts to locate, recover, and identify remains from past conflicts and other designated conflicts.

c. Establish and maintain open dialogue with non-federal entities and private citizens to address how they might assist in the USG's efforts to locate and recover the remains of DoD and other covered personnel.

2.6. SECRETARIES OF THE MILITARY DEPARTMENTS. In addition to the responsibilities in Paragraph 2.5., the Secretaries of the Military Departments:

a. Identify requirements and provide resources necessary to support the past conflict personnel accounting mission.

b. Maintain liaison with families of unaccounted-for DoD personnel and other covered personnel from past conflicts and other designated conflicts by:

(1) Communicating directly with families of DoD personnel and other covered personnel, and conducting an outreach program to identify and locate families of unaccounted-for DoD personnel and other covered personnel.

(2) Serving as the conduit for all information exchanged between USG agencies and organizations to the families of unaccounted-for DoD personnel and other covered personnel.

c. Conduct genealogy searches to determine the PNOK and appropriate deoxyribonucleic acid (DNA) family reference samples donors and to collect family artifacts and other material as required for DNA analysis.

d. Create, update, and maintain personnel files relating to the disappearance, whereabouts, and status of unaccounted-for DoD personnel and other covered personnel established pursuant to Sections 1506 and 1509 of Title 10, U.S.C.

e. Fund and administer round-trip transportation for the PNOK and one other family member of unaccounted-for DoD personnel from the Korean War, Cold War, Indochina War, or Persian Gulf War to an annual USG meeting in the United States pursuant to Section 2647 of Title 10, U.S.C. When the PNOK declines the travel, travel may be funded for another family member in lieu of the PNOK.

2.7. CJCS. In addition to the responsibilities in Paragraph 2.5., the CJCS:

- a. Coordinates operational implementation of this issuance.
- b. Designates a single point of entry to the Joint Staff for coordinating all past conflict personnel accounting matters within the Joint Staff. Notifies the Director, DPAA, of the designation.

2.8. COMBATANT COMMANDERS (CCDRs). In addition to the responsibilities in Paragraph 2.5., the CCDRs:

- a. Identify, monitor, and provide, as appropriate, program resource requirements to support the past conflict personnel accounting mission.
- b. Work with DPAA, the Military Departments, and the Defense Intelligence Agency, as appropriate, to locate and recover remains of DoD personnel and other covered personnel unaccounted for in a combatant theater of operation or joint operations area after hostilities cease.
- c. Designate a single point of entry to the CCMD for coordinating all issues and actions pertaining to the DoD Past Conflict Personnel Accounting Program within their respective areas of operation. Notify the Director, DPAA, of the designation.

2.9. COMMANDER, UNITED STATES TRANSPORTATION COMMAND. In addition to the responsibilities in Paragraphs 2.5., and 2.8., the Commander, United States Transportation Command, provides airlift in support of past conflict personnel accounting activities and to meet DPAA operational requirements, including movement of recovery teams and related equipment and evacuation of recovered remains and physical evidence, when requested by a CCDR or designee, or the Director, DPAA.

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SECTION 3: PAST CONFLICTS AND OTHER DESIGNATED CONFLICTS PERSONNEL ACCOUNTING POLICY

3.1. PERSONNEL FOR WHOM DOD ACCOUNTS. The categories of unaccounted-for personnel from past conflicts and other designated conflicts that DoD accounts for are:

a. U.S. military personnel, civilian employees of the DoD Components, and civilian employees of contractors to the DoD Components (referred to in this issuance as “DoD personnel”).

b. Civilian employees and contractors of other USG departments and agencies (e.g., Air America employees under contract to the Central Intelligence Agency during the Indochina War).

c. Employees of humanitarian agencies accredited to the Military Services (e.g., the American Red Cross and the United Services Organization).

d. Members of civilian organizations credited with active military service by the Secretary of Defense pursuant to Public Law 95–202 (also known as the “GI Bill Improvement Act of 1977”), and DoDD 1000.20 (e.g., U.S. Merchant Marines, U.S. civilian volunteers, including civilian female employees of the U.S. Army Nurse Corps, who actively participated in the defense of Bataan and Corregidor, and the American Volunteer Group (Flying Tigers)).

e. Members of special units, authorized by law, and assigned to traditional U.S. military organizations during past conflicts and other designated conflicts (e.g., the Philippine Scouts during World War II).

f. U.S. citizens listed, as of January 1, 2014, on the following rosters:

(1) **Persons Missing From World War II.** The official USG rosters from which this list was compiled are not comprehensive. When DPAA determines that an eligible person was omitted from the original USG roster, DPAA will add the person to the list of unaccounted-for DoD personnel. DPAA will notify the Military Department concerned and the American Battle Monuments Commission to adjust their records.

(2) **Persons Missing From Korea.** The official USG rosters from which this list was compiled are not comprehensive. When DPAA determines that an eligible person was omitted from the original USG roster, the person will be added to the list of unaccounted-for DoD personnel. DPAA will notify the Military Department concerned, Defense Manpower Data Center, and the American Battle Monuments Commission to adjust their records in accordance with DoDI 1300.18.

(3) **Persons Missing From South East Asia.** The official USG rosters from which this list was compiled **are** believed to be comprehensive. In the event DPAA does determine that an eligible person was omitted from the original USG roster, the person will be added to the list of

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unaccounted-for DoD personnel. DPAA will notify the Military Department concerned and the Defense Manpower Data Center to adjust their records in accordance with DoDI 1300.18.

- g. Other persons, as directed by the Secretary of Defense or designee.

3.2. PERSONNEL FOR WHOM DOD DOES NOT ACCOUNT. The categories of unaccounted-for personnel from past conflicts and other designated conflicts for whom DoD does not account are:

- a. U.S. military personnel whose duty status was “absent without leave (AWOL)” or “deserter” and subsequently dropped from the rolls.
- b. Civilian employees of the DoD Components whose duty status was AWOL or who had abandoned their position and were subsequently terminated from USG employment.
- c. Civilian employees of contractors to DoD Components who had abandoned their position and were subsequently terminated from employment by the contractor.
- d. U.S. citizens who were not listed on the rosters described in Paragraph 3.1.f. of this section by January 1, 2014. These U.S. citizens are not the responsibility of the Department of Defense. DoD activities and agencies will not attempt to locate, recover, or identify U.S. citizens who were not listed on the rosters described in Paragraph 3.1.f. of this section by January 1, 2014, unless approved by the Secretary of Defense.
- e. Foreign citizens, even though listed on the rosters described in Paragraph 3.1.f. of this section, are not the responsibility of the Department of Defense unless they meet the criteria established in Paragraphs 3.1.a. through e. of this section.
 - (1) DoD activities and agencies will not intentionally attempt to locate, recover, or identify foreign citizens, unless approved by the Secretary of Defense or designee.
 - (2) The remains of foreign citizens that are located and recovered with the remains of persons listed in Paragraphs 3.1.a. through e. of this section may be coincidentally recovered and identified in conjunction with efforts to account for persons listed in Paragraph 3.1.a. through e.

3.3. ANALYTICAL HISTORICAL RESEARCH AND FIELD INVESTIGATION PRIORITIES. Unaccounted-for personnel from past conflicts and other designated conflicts that DoD has a responsibility to account for are categorized as “Active Pursuit,” “Deferred,” “Non-recoverable,” and “Under Review.”

- a. Active Pursuit cases are those for which there exists sufficient information to justify research, investigation, disinterment, or recovery operations in the field. These cases are the priority for operational planning and allocation of resources.
- b. Deferred cases are those for which there are no new or viable leads, or access to the site is restricted.

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c. Non-recoverable cases are those for which there is negligible potential for accounting, such as when an individual's remains are lost at sea (but not buried at sea), or lost due to fire, including cremation or an explosion. This assessment is based on historical research, scientific analysis, and the limits of current technology. To classify a case as non-recoverable does not mean that the individual is accounted for. Should new information be discovered that indicates that it may be possible to recover the remains, the case will be re-categorized.

d. Under Review cases are those cases that have not yet been categorized as Active Pursuit, Deferred, or Non-recoverable. When circumstances or new evidence are presented that cause a previously categorized case to be re-evaluated, the case will be categorized as Under Review until a new category determination can be made.

3.4. USE OF "MISSING." Unaccounted for DoD personnel and other covered personnel, pursuant to Section 1509 of Title 10, U.S.C., are considered "missing" only for the purposes of applying Sections 1501 to 1513 of Title 10, U.S.C.

3.5. DATE A PERSON IS ACCOUNTED FOR. The date the person is accounted for is the date that the medical examiner signs either the individual identification memorandum or the group remains determination memorandum.

GLOSSARY

G.1. ACRONYMS.

AWOL	absent without leave
CCDR	Combatant Commander
CCMD	Combatant Command
CJCS	Chairman of the Joint Chiefs of Staff
DNA	deoxyribonucleic acid
DoDD	DoD directive
DoDI	DoD instruction
DPAA	Defense Prisoner of War/Missing in Action Accounting Agency
MIA	missing in action
PNOK	primary next of kin
POW	prisoner of war
U.S.C.	United States Code
USD(P)	Under Secretary of Defense for Policy
USG	U.S. Government

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purposes of this issuance.

account for, accounted for, or accounting for. Defined in DoDD 5110.10.

contemporary service regulation. Regulations, instructions, and other guidance published or otherwise issued by the Military Departments before the first publication of DoDI 1300.18 on December 27, 1991.

cooperative agreement. Defined in DoDD 3210.06.

designated person. The person designated by the Service member or USG employee to receive information about their status pursuant to Section 655 of Title 10, U.S.C.

family member. The spouse of the unaccounted-for person, or a person related to the unaccounted for person by birth or adoption (both paternally and maternally) and their spouse. Spouses are also considered a family member for the purpose of providing transportation to an annual USG meeting pursuant to Section 2647 of Title 10, U.S.C.

grant. Defined in DoDD 3210.06.

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group remains determination. A determination made by the identification authority with competent jurisdiction that the remains consist of two or more comingled individuals and that the comingled remains cannot be individually segregated and individually identified. A group remains determination does not purport that remains are present for everyone from the incident.

inherently governmental function. Defined in Office of Management and Budget Circular A-76.

joint operations area. Defined in the DoD Dictionary of Military and Associated Terms.

member of the immediate family. Defined in Section 1513 of Title 10, U.S.C.

past conflict personnel accounting. Defined in DoDD 5110.10.

past conflicts and other designated conflicts. Defined in DoDD 5110.10.

PNOK. The term “primary next of kin” as defined in Section 1513 of Title 10, U.S.C., applies to this issuance. The definition in DoDI 1300.18 does **not** apply to this issuance. This term and its definition are proposed for inclusion in the next edition of the DoD Dictionary of Military and Associated Terms.

theater of operations. Defined in the DoD Dictionary of Military and Associated Terms.

unaccounted for. Defined in DoDD 5110.10.

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REFERENCES

- DoD Directive 1000.20, "Active Duty Service Determinations for Civilian or Contractual Groups," September 11, 1989
- DoD Directive 1300.22, "Mortuary Affairs Policy," October 30, 2015
- DoD Directive 3210.06, "Defense Grant and Agreement Regulatory System (DGARS)," February 6, 2014
- DoD Directive 5100.01, "Functions of the Department of Defense and Its Major Components," December 21, 2010
- DoD Directive 5110.10, "Defense POW/MIA Accounting Agency (DPAA)," January 13, 2017
- DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P)), " December 8, 1999
- DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness, (USD(P&R)), " June 23, 2008
- DoD Directive 5400.07, "DoD Freedom of Information Act (FOIA) Program," January 2, 2008
- DoD Directive 5400.11, "DoD Privacy Program," October 29, 2014
- DoD Instruction 1300.18, "Department Of Defense (DoD) Personnel Casualty Matters, Policies, and Procedures," January 8, 2008, as amended
- DoD Instruction 3020.41, "Operational Contract Support (OCS)," December 20, 2011
- DoD Instruction 5154.30, "Armed Forces Medical Examiner System (AFMES) Operations," December 29, 2015
- DoD Manual 5200.01, Volume 1, "DoD Information Security Program: Overview, Classification, and Declassification," February 24, 2012
- Office of the Chairman of the Joint Chiefs of Staff, "DoD Dictionary of Military and Associated Terms," current edition
- Office of Management and Budget Circular A-76, "Performance of Commercial Activities," May 29, 2003, as amended
- Public Law 95-202, "The GI Bill Improvement Act of 1977," November 23, 1977
- Secretary of Defense Execute Order, "Defense Personnel Accounting Agency Continuity of Operations, Date Time Group: 162111Z," January 2015
- United States Code, Title 10



Department of Defense **DIRECTIVE**

NUMBER 5124.02

June 23, 2008

DA&M

SUBJECT: Under Secretary of Defense for Personnel and Readiness (USD(P&R))

- References:
- (a) Title 10, United States Code
 - (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006 (hereby canceled)
 - (c) Deputy Secretary of Defense Memorandum, "Policy Guidance for Provision of Medical Care to Department of Defense Civilian Employees Injured or Wounded While Forward Deployed in Support of Hostilities," September 24, 2007
 - (d) Deputy Secretary of Defense Memorandum, "DoD Drug Demand Reduction Program Policy," January 24, 2007
 - (e) through (aa), see Enclosure 1

1. PURPOSE

Under the authority vested in the Secretary of Defense by sections 113 and 136 of Reference (a), this Directive:

1.1. Reissues Reference (b) to update the responsibilities, functions, relationships, and authorities of the USD(P&R); incorporates References (c) and (d) and Deputy Secretary of Defense Memorandums, "Authority Delegation - National Security Personnel System (NSPS) Rate Range and Local Market Supplement Adjustments," "Guidelines for Implementation and Administration of Joint Officer Management Program Joint Qualification System," and "Transfer of Uniformed Services University of the Health Sciences to TRICARE Management Activity and Rescission of the Department of Navy as Department of Defense Executive Agent" (References (e) through (g)); and cancels References (e) and (g).

1.2. Authorizes the USD(P&R) to:

1.2.1. As a Principal Staff Assistant (PSA) reporting directly to the Secretary of Defense, promulgate DoD policy in DoD Instructions within the responsibilities, functions, and authorities assigned herein in accordance with DoD Instruction 5025.01 (Reference (h)).

1.2.2. Reissue, as necessary, the chartering DoD Directives for the Principal Deputy

DoDD 5124.02, June 23, 2008

Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)), the Assistant Secretary of Defense for Health Affairs (ASD(HA)), and the Assistant Secretary of Defense for Reserve Affairs (ASD(RA)) in accordance with Reference (h).

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

3. DEFINITIONS

The following definitions are for the purposes of this Directive only:

3.1. Armed Forces. Refers to the Army, Navy, Air Force, Marine Corps, and Coast Guard.

3.2. Reserve Components. Refers collectively to the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve, when the Coast Guard is operating as a Service of the Department of the Navy.

3.3. Total Force. The organizations, units, and individuals that comprise the DoD resources for implementing the National Security Strategy. It includes DoD Active and Reserve Component military personnel, military retired members, DoD civilian personnel (including foreign national direct- and indirect-hire, as well as nonappropriated fund employees), contractors, and host-nation support personnel.

4. RESPONSIBILITIES AND FUNCTIONS

The USD(P&R) is the PSA and advisor to the Secretary of Defense for Total Force management; National Guard and Reserve Component affairs; health affairs; readiness and training; military and civilian personnel requirements; language; dependents’ education; equal opportunity; morale, welfare, recreation; and quality-of-life matters. In this capacity, the USD(P&R) shall:

4.1. Develop policies, plans, and programs for:

4.1.1. The Total Force and its allocation among the DoD Components, and between the Active and Reserve Components, to ensure efficient and effective support of wartime and peacetime operations, contingency planning, and preparedness. Within the Defense intelligence and security Components, the Under Secretary of Defense for Intelligence (USD(I)) exercises overall supervision and policy oversight of human capital and the USD(I) develops policies

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associated with the Defense Civilian Intelligence Personnel System (DCIPS) in conjunction with the USD(P&R).

4.1.2. Reserve Component affairs to promote the effective integration of Reserve Component capabilities into a cohesive Total Force.

4.1.3. Health and medical affairs to:

4.1.3.1. Provide and maintain readiness.

4.1.3.2. Provide health services and support to members of the Armed Forces during military operations.

4.1.3.3. Provide health services and support to members of the Armed Forces, their dependents, and others entitled to or determined eligible for DoD medical care in accordance with Reference (c).

4.1.3.4. Provide oversight for the Drug Demand Reduction Program in accordance with Reference (d).

4.1.4. Recruitment, education, training, equal opportunity, compensation (including bonuses, special pay, and incentives), recognition, discipline, and separation of all DoD personnel, both military personnel (Active and Reserve Component, and retired) and civilian employees. Consistent with paragraph 4.1.1., the USD(I) exercises oversight and policy responsibilities for Defense intelligence and security Components.

4.1.4.1. Set and adjust National Security Personnel System (NSPS) rate ranges and set and adjust NSPS local market supplements in coordination with the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO), and the NSPS Program Executive Officer in accordance with part 9901, title 5, Code of Federal Regulations (CFR) (Reference (i)).

4.1.4.2. Perform oversight of the Defense Civilian Personnel Data System and the Defense Integrated Military Human Resources System (DIMHRS), to ensure accuracy, completeness, and timeliness of its information and data, its responsiveness, as well as its effective and efficient use of modern practices and technologies.

4.1.5. Interagency and intergovernmental activities, special projects, or external requests that create a demand for DoD personnel resources. With respect to such matters affecting personnel in intelligence positions, the USD(P&R) shall coordinate with USD(I).

4.1.6. Readiness to ensure forces can execute the National Military Strategy; oversight of military training and its enablers under DoD Directive 1322.18 and DoD Directive 3200.15 (References (j) and (k)); and oversight of Total Force personnel and medical readiness. Coordinate with other PSAs and cognizant officers in the Office of the Chairman of the Joint Chiefs of Staff and the Armed Forces on other aspects of readiness.

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4.1.6.1. Perform oversight of the Defense Readiness Reporting System under DoD Directive 7730.65 (Reference (l)), to ensure accuracy, completeness, and timeliness of its information and data, its responsiveness, as well as its effective and efficient use of modern practices and technologies.

4.1.6.2. Establish safety and accident-reduction activities to prevent accidents and injuries to military and civilian personnel, as well as to contractors and visitors on DoD installations and facilities worldwide, in accordance with the guidelines of the Defense Safety Oversight Council.

4.1.7. Quality of life for U.S. military personnel (Active and Reserve Components) and their families. Areas of importance are family support, counseling services, financial planning, housing, child care, military spouse employment and career opportunities, dependents' education, schools, children's educational transitions, commissary and military exchange systems, support for victims of domestic violence, support during the deployment cycle, recreational opportunities, tuition assistance, and partnerships with states in furtherance of these areas.

4.2. Analyze the Total Force structure as related to quantitative and qualitative military and civilian personnel requirements, utilization, readiness, and support. Administer and implement controls over military and civilian personnel strengths and compositions for all DoD Components. Establish and issue guidance to be used by all DoD Components regarding manpower management, including manpower mix criteria and DoD function codes to determine workforce mix and annual commercial activities inventories.

4.3. Serve as the DoD Chief Human Capital Officer in carrying out authorities and functions under section 1402 of title 5, United States Code (U.S.C.) (Reference (m)).

4.4. Oversee the DoD Joint Officer Management Program and carry out the functions and responsibilities under chapter 38 of Reference (a) and establish and issue policy pertaining to this Program in accordance with Reference (f).

4.5. Review and evaluate the requirements of the Defense Acquisition Board's major defense acquisition programs and proposed weapons systems for personnel, training, and readiness implications, and the implications of weapons systems maintainability for qualitative and quantitative personnel requirements and for readiness.

4.6. Formulate policy for and ensure coordination of DoD Noncombatant Evacuation Operations.

4.7. Appoint and supervise the DoD Senior Language Authority in support of the foreign language capability in accordance with DoD Directive 5160.41E (Reference (n)).

4.7.1. Establish and oversee policy regarding the development, maintenance, and utilization of foreign language capabilities.

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4.7.2. Monitor trends in the promotion, accession, and retention of individuals with critical foreign language skills.

4.7.3. Explore innovative concepts to expand foreign language capabilities.

4.8. Develop and provide overall policy guidance for the National Security Education Program and, pursuant to sections 1901-1912 of title 50, U.S.C. (Reference (o)), perform the duties to execute the Program, including coordination as needed.

4.9. Participate in those planning, programming, and budgeting activities that relate to assigned areas of responsibility.

4.10. Chair the Defense Human Resources Board consistent with the authorities under section 1402 of Reference (m).

4.11. Serve on boards, committees, and other groups pertaining to assigned functional areas and represent the Secretary of Defense on personnel, readiness, Reserve Component, health, compensation, and other matters related to USD(P&R) responsibilities and functions outside of the Department of Defense.

4.12. Periodically assess the DoD Executive Agent assignments under the cognizance of the USD(P&R) for continued need, currency, and effectiveness and efficiency in satisfying end user requirements, consistent with DoD Directive 5101.1 (Reference (p)).

4.13. Ensure that P&R policies and programs are designed and managed to improve standards of performance, economy, and efficiency, and that all Defense Agencies and DoD Field Activities under the authority, direction, and control of the USD(P&R) are attentive and responsive to the requirements of their organizational customers, both internal and external to the Department of Defense.

4.14. Ensure information is shared as broadly as possible, except where limited by law, policy, or security classification, and that data assets produced as a result of the assigned responsibilities are visible, accessible, and understandable to the rest of the Department, as appropriate, and in accordance with DoD Directive 8320.02 (Reference (q)).

4.15. Establish policy for, and oversee the operations of, the DoD Medical Examination Review Board (DODMERB). The DODMERB shall continue as a joint agency of the Military Departments, attached to the Air Force for administration and logistics support and operate under the policy direction of the ASD(HA). The designation of the Secretary of the Air Force as the DoD Executive Agent for administrative and logistic support to the DODMERB shall remain in effect until revoked or superseded by the Secretary of Defense.

4.16. Establish policy for the Senior Readiness Oversight Council (SROC). The SROC shall continue to advise the Secretary of Defense on matters pertaining to DoD readiness, oversee readiness-related activities, provide recommendations to the Secretary of Defense on readiness

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policy matters, and provide reports on current and projected readiness issues. The Deputy Secretary of Defense shall continue as the Chair, SROC.

4.17. Establish policy for, and oversee the operations of, the Reserve Forces Policy Board (RFPB). The mission, functions, membership, relationships, and administration of the RFPB shall be consistent with sections 113(c)(3) and 10301 of Reference (a). The USD(P&R) may redelegate this authority to the ASD(RA).

4.18. Establish policy for participation in armed forces, national, and international sports activities. A Senior Military Sports Advisor may continue to be assigned for a 4-year term (terminating at the completion of each Summer Olympiad) to a Military Service Personnel Chief (or his or her designated flag/general officer representative) on a rotation basis among the Military Services in the following order: Marine Corps, Army, Air Force, and Navy. An Armed Forces Sports Committee (AFSC) may continue to be comprised of the Morale, Welfare, and Recreation Directors of each of the Military Services, or their designated representatives, and to act for the Department of Defense on matters pertaining to sports involving more than one Military Service. The Secretary of the Army may continue to provide administrative support to the AFSC Secretariat.

4.19. Serve on the Defense Business Systems Management Committee and perform the necessary reviews, certifications, approvals and other required actions in accordance with sections 186 and 2222 of Reference (a).

4.20. Serve as the co-chair of the Department of Veterans Affairs-Department of Defense Joint Executive Committee pursuant to sections 320 and 8111 of title 38 U.S.C. (Reference (r)).

4.21. Perform such other duties as the Secretary of Defense may prescribe.

5. RELATIONSHIPS

5.1. In the performance of assigned responsibilities and functions, the USD(P&R) shall serve under the authority, direction, and control of the Secretary of Defense and shall:

5.1.1. Report directly to the Secretary of Defense.

5.1.2. Coordinate and exchange information with other OSD officials, the Heads of the DoD Components, and Federal officials having collateral or related responsibilities and functions.

5.1.3. Use existing systems, facilities, and services of the Department of Defense and other Federal agencies, when possible, to avoid duplication and to achieve maximum efficiency and economy.

5.1.4. Exercise authority, direction, and control over:

- 5.1.4.1. The PDUSD(P&R).
- 5.1.4.2. The ASD(HA).
- 5.1.4.3. The ASD(RA).
- 5.1.4.4. The Deputy Under Secretary of Defense for Program Integration (DUSD(PI)).
- 5.1.4.5. The Deputy Under Secretary of Defense for Readiness.
- 5.1.4.6. The Deputy Under Secretary of Defense for Plans, through the PDUSD(P&R).
- 5.1.4.7. The Deputy Under Secretary of Defense (Military Personnel Policy), through the PDUSD(P&R).
- 5.1.4.8. The Deputy Under Secretary of Defense (Civilian Personnel Policy), through the PDUSD(P&R).
- 5.1.4.9. The Deputy Under Secretary of Defense (Military Community and Family Policy), through the PDUSD(P&R).
- 5.1.4.10. The Deputy Under Secretary of Defense (Equal Opportunity), through the PDUSD(P&R).
- 5.1.4.11. The Director, Defense Commissary Agency, through the PDUSD(P&R).
- 5.1.4.12. The Director, DoD Education Activity, through the PDUSD(P&R).
- 5.1.4.13. The Director, Defense Human Resources Activity, through the DUSD(PI).
- 5.1.4.14. The Director, TRICARE Management Activity (TMA), through the ASD(HA).
- 5.1.4.15. The President of the Uniformed Services University of the Health Sciences (USUHS), through the Director, TMA.
- 5.1.4.16. The RFPB, through the ASD(RA), on matters other than the content of the Board's advice to the Secretary of Defense.
- 5.1.4.17. The National Committee for Employer Support of the Guard and Reserve, through the ASD(RA).

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5.2. The PDUSD(P&R) shall serve as the principal assistant to the USD(P&R) in carrying out the authorities, responsibilities, and functions of the USD(P&R) as specified in DoD Directive 5124.8 (Reference (s)).

5.3. The other OSD officials and the Heads of the DoD Components shall coordinate with the USD(P&R) on all matters under their purview related to the authorities, responsibilities, and functions assigned in this Directive.

6. AUTHORITIES

The USD(P&R) is hereby delegated authority to:

6.1. Establish and allocate civilian personnel authorizations of the DoD Components and review and approve military and civilian personnel authorization changes during program execution.

6.2. Exercise the authorities of the Secretary of Defense, whenever vested, relating to civilian personnel, whether established by law, regulation, or other action.

6.2.1. Exercise the authority to act for the Secretary of Defense to apportion costs and collect funds from non-appropriated fund (NAF) instrumentalities to cover expenditures resulting from the wage survey process that supports NAF pay schedules.

6.2.2. Exercise the authority of the Secretary to establish and approve pay schedules, salaries, wages, and other compensation for DoD civilian employees as determined pursuant to applicable laws (including but not limited to References (a), (l), (r), and title 20 U.S.C. (Reference (t)), regulations, and established policies.

6.3. Exercise the authorities of the Secretary of Defense under chapter 38 of Reference (a) related to Joint Officer Management and establish and issue policy pertaining to this program in accordance with Reference (f).

6.4. Promulgate in DoD Instructions, DoD policy within the authorities and responsibilities assigned herein, including authority to identify collateral responsibilities of OSD officials and the Heads of DoD Components. Such Instructions shall be fully coordinated in accordance with Reference (h). Further, in areas of assigned responsibilities and functions, the USD(P&R) has authority to issue other DoD Instructions, DoD Publications, and one-time Directive-Type Memorandums, consistent with Reference (h), which implement policy approved by the Secretary of Defense. Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments. Instructions to the Combatant Commands normally shall be communicated through the Chairman of the Joint Chiefs of Staff.

6.5. Obtain reports and information consistent with DoD Instruction 8910.01 (Reference (u)), as necessary, to carry out assigned responsibilities and functions.

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6.6. Communicate directly with the Heads of the DoD Components, as necessary to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance. Communications to the Military Departments shall be transmitted through the Secretaries of the Military Departments, their designees, or as otherwise provided in law or directed by the Secretary of Defense in other DoD issuances. Communications to the Commanders of the Combatant Commands normally shall be transmitted through the Chairman of the Joint Chiefs of Staff.

6.7. Communicate with other Government officials, representatives of the Legislative Branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned responsibilities and functions. Communications with representatives of the Legislative Branch shall be coordinated with the Assistant Secretary of Defense for Legislative Affairs or the USD(C)/CFO, as appropriate, and be consistent with the DoD Legislative Program.

6.8. Exercise the authorities of the Secretary of Defense to set bonuses and special and incentive pays under Reference (a) and title 37 U.S.C. (Reference (v)).

6.9. Reissue, as necessary, Reference (s), to update the responsibilities, functions, relationships, and authorities of the PDUSD(P&R), consistent with section 136a of Reference (a). In doing this, provide the PDUSD(P&R) authority, within assigned areas of responsibility, to issue instructions and communications to a Military Department, through the Secretary of the Military Department concerned.

6.10. Reissue, as necessary, DoD Directive 5125.01 (Reference (w)) and DoD Directive 5136.01 (Reference (x)) to update the responsibilities, functions, relationships, and authorities of the ASD(RA) and the ASD(HA), consistent with section 138 of Reference (a). In doing this, exercise the authority of the Secretary of Defense under section 138(c) of Reference (a), to delegate to those Assistant Secretaries authority, within the Assistant Secretaries' respective assigned areas of responsibility, to issue instructions and communications to a Military Department, through the Secretary of the Military Department concerned. Act for the Secretary of Defense, in accordance with section 115 of Reference (a), regarding increasing the authorized end strength for Reserve Component personnel. The USD(P&R) may redelegate this authority to the ASD(RA).

6.11. Exercise the authorities of the Secretary of Defense under sections 176 and 1471 of Reference (a) regarding the Armed Forces Institute of Pathology (AFIP). The USD(P&R) may redelegate this authority to the ASD(HA). The AFIP shall continue as a joint entity of the Military Departments, subject to the authority, direction, and control of the ASD(HA). The designation of the Secretary of the Army as the DoD Executive Agent for administrative support to the AFIP shall remain in effect until revoked or superseded by the Secretary of Defense.

6.12. Exercise the authority of the Secretary of Defense to conduct the business of the USUHS consistent with Chapter 104 of Reference (a), except the authority to appoint the President of the USUHS is reserved for the Secretary of Defense.

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6.13. Act for the Presidential designee, the Secretary of Defense, to coordinate and implement actions that may be necessary to discharge Federal responsibilities assigned in section 1973ff of Reference (y). Establish policy for and administer the Federal Voting Assistance Program for the Presidential designee. Manage, coordinate, and perform the responsibilities assigned to the Presidential designee in section 1973ff of Reference (y). Be the sole Federal Executive Branch representative for obtaining, from each State, current voting information and disseminating it to other Federal Executive Departments, Agencies, and the DoD Components pursuant to section 1973ff of Reference (y).

6.14. Exercise the authorities of the Secretary of Defense under section 1973gg et seq. of Reference (y) regarding the National Voter Registration Act.

6.15. Exercise the authority of the Secretary of Defense under Subchapters I and II of Chapter 147 of Reference (a) regarding the Defense Commissary and Exchange Systems, with the exception of the authority under section 2488(e) of Reference (a), which is delegated to the USD(C)/CFO, and the authority of the Secretary of Defense concerning the governing board under section 2485(c)(3) of Reference (a). The USD(P&R) is designated as the DoD senior official to oversee operation of both the Defense Commissary System and the Defense Exchange System.

6.17. Exercise the authority of the Secretary of Defense under section 1034(g) of Reference (a) regarding review of final decisions of the Secretaries of the Military Department concerned on applications for correction of military records decided under Military Whistleblower Protection procedures. The USD(P&R) may redelegate this authority to the DUSD(PI).

6.18. Exercise the authority of the Secretary of Defense under 1074(c) of Reference (a) to designate by regulation individuals as eligible for healthcare services in medical treatment facilities of the Department of Defense when such designation advances an important DoD interest. This may not be re-delegated.

6.19. Exercise the authority of the Secretary of Defense to set and adjust the National Security Personnel System (NSPS) rate ranges under 9901.321-322 of Reference (i), and to set and adjust NSPS local market supplements under 9901.332-333 of Reference (i). This delegation includes the PDUUSD(P&R) and may not be further delegated.

6.20. Exercise the authority of the Secretary of Defense under Executive Order 13150, "Federal Workforce Transportation," (Reference (z)) to establish transportation fringe benefit program policy and issue regulations implementing a program for the Department of Defense.

6.21. Exercise the authorities of the Secretary of Defense, whenever vested, under Chapter 61 of Reference (a), concerning retirement or separation for physical disability and Public Law 110-181 (Reference (aa)), concerning wounded warrior disability matters.

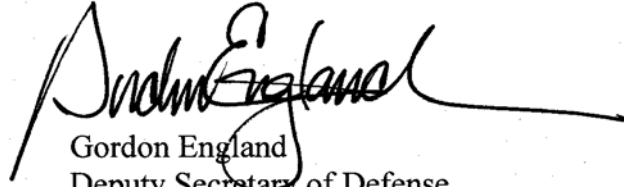
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7. RELEASABILITY

UNLIMITED. This Directive is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE

This Directive is effective immediately.



Gordon England
Deputy Secretary of Defense

Enclosures - 1

E1. References, continued

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E1. ENCLOSURE 1REFERENCES, continued

- (e) Deputy Secretary of Defense Memorandum, "Authority Delegation - National Security Personnel System (NSPS) Rate Range and Local Market Supplement Adjustments," September 27, 2007 (hereby canceled)
- (f) Deputy Secretary of Defense Memorandum, "Guidelines for Implementation and Administration of Joint Officer Management Program Joint Qualification System," October 2, 2007
- (g) Deputy Secretary of Defense Memorandum, "Transfer of Uniformed Services University of the Health Sciences to TRICARE Management Activity and Rescission of the Department of Navy as Department of Defense Executive Agent," November 29, 2006 (hereby canceled)
- (h) DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007
- (i) Title 5, Code of Federal Regulations
- (j) DoD Directive 1322.18, "Military Training," September 3, 2004
- (k) DoD Directive 3200.15, "Sustainment of Ranges and Operating Areas (OPAREAs)," January 10, 2003
- (l) DoD Directive 7730.65, "Department of Defense Readiness Reporting System (DRRS)," June 3, 2002
- (m) Title 5, United States Code
- (n) DoD Directive 5160.41E, "Defense Language Program (DLP)," October 21, 2005
- (o) Title 50, United States Code
- (p) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002
- (q) DoD Directive 8320.02, "Data Sharing in a Net-Centric Department of Defense," December 2, 2004
- (r) Title 38, United States Code
- (s) DoD Directive 5124.8, "Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R))," July 16, 2003
- (t) Title 20, United States Code
- (u) DoD Instruction 8910.01, "Information Collection and Reporting," March 6, 2007
- (v) Title 37, United States Code
- (w) DoD Directive 5125.01, "Assistant Secretary of Defense for Reserve Affairs (ASD(RA))," December 27, 2006
- (x) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," June 4, 2008
- (y) Title 42, United States Code
- (z) Executive Order 13150, "Federal Workforce Transportation," April 21, 2000
- (aa) Subtitle D, Title XVI of Public Law 110-181, "National Defense Authorization Act for Fiscal Year 2008," January 28, 2008



Department of Defense **DIRECTIVE**

NUMBER 1300.22

October 30, 2015

USD(P&R)

SUBJECT: Mortuary Affairs Policy

References: See Enclosure 1

1. PURPOSE. This directive:

a. Reissues DoD Directive (DoDD) 1300.22E (Reference (a)) to establish policy and assign responsibilities for DoD mortuary affairs.

b. Cancels the Secretary of the Army designation as the DoD Executive Agent for the Contingency Fatality Operations portion of Mortuary Affairs, in accordance with the criteria established for designation of an Executive Agent in DoDD 5101.1 (Reference (b)).

c. Establishes the Central Joint Mortuary Affairs Board (CJMAB) as a permanent standing DoD board to develop recommendations for DoD mortuary affairs policy, procedures, mobilization planning, and mortuary services.

d. Provides overarching policy for DoD's development of tactics, techniques, and procedures for mortuary affairs, including for joint operations.

2. APPLICABILITY. This directive applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this directive as the "DoD Components").

3. POLICY. It is DoD policy that:

a. The remains of deceased DoD-affiliated or -covered persons, consistent with applicable laws and regulations, who die in military operations, training accidents, or other DoD-related fatality incidents will be recovered, identified, and returned to their families as expeditiously as

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possible while maintaining the dignity, respect, and care of the deceased to the extent possible and protecting the safety of the living.

b. Mortuary services will be provided on a non-reimbursable or reimbursable basis for eligible personnel pursuant to sections 1481 to 1488 and 1490 of Title 10, United States Code (U.S.C.) (Reference (c)) and section 5742 of Title 5, U.S.C. (Reference (d)).

c. The transportation of fallen Service members and other DoD-affiliated personnel is recognized as a very sensitive matter and the movement of the deceased's remains will be handled with the reverence, care, priority, and dignity befitting them and the circumstances.

d. The remains of deceased Service members will be continuously escorted by a Service member of appropriate grade, as determined by the Military Service concerned, or by a special escort if one is approved by the Military Service concerned, from the preparing mortuary to the funeral home or other location requested by the person authorized to direct disposition of human remains (PADD).

e. The preservation of remains will be given the highest priority. Every effort will be made to preserve the condition of remains, including those recovered from past conflicts and other designated conflicts.

f. If remains are contaminated with biological, chemical, or radioactive agents, all efforts will be made to mitigate the contaminant and return the remains through routine mortuary channels. However, for remains that cannot be decontaminated to a safe transportation level, protecting the health of Service members and the public must take precedence over the rapid repatriation of remains.

(1) Temporary interment or temporary storage of those contaminated remains that pose a threat to public health is the recommended method of disposition until safe handling procedures and materials can be identified. Temporary interment should be considered only after exploring all other courses of action. Authority for temporary interment in a theater outside of the United States resides with the geographic Combatant Commander (GCC).

(2) DoD directing the cremation of remains is not authorized. The PADD retains the right to select cremation or burial at sea as a disposition option when these are viable options.

g. Disposition instructions for a deceased Service member, obtained from the PADD during mortuary affairs processing at a land-based facility, may include burial at sea as an option for military funeral honors in accordance with individual Military Service regulations.

(1) A ship's captain may authorize burial at sea without the knowledge or consent of the deceased's family only when remains pose a health hazard due to lack of preservation capability and when transfer to shore is operationally impossible or inadvisable.

(2) Burial at sea should only be conducted after consultation with the Armed Forces Medical Examiner (AFME) and the military criminal investigative organization that has

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investigative jurisdiction, as appropriate, in accordance with section 1471 of Reference (c) and DoD Instruction (DoDI) 5505.10 (Reference (e)) unless under the rare circumstance when mission security must absolutely prohibit communications of all types or communications ability is nonexistent.

h. Mortuary affairs support and transportation will be provided on a reimbursable basis for the recovery, identification, and disposition of remains and personal effects of contractor personnel authorized to accompany the force (CAAF). DoDI 3020.41(Reference (f)) provides conditions when contractor personnel may accompany U.S. military personnel in austere, uncertain, or hostile environments.

i. The disposition of non-CAAF contractors (local nationals and third-country nationals) may be provided on a reimbursable basis for the recovering, identification, and disposition of remains and personal effects at the request of the Department of State (DOS) and in accordance with Reference (f), host nation agreements, and applicable contract provisions.

j. Mortuary affairs support and transportation may be provided on a reimbursable basis for the recovery, identification, and disposition of remains and personal effects of U.S. citizens and employees of other government agencies who die outside of the United States, upon the specific request of the DOS or other government agency and in accordance with section 1486 of Reference (c), section 5741 of Reference (d), and section 1535 of Title 31, U.S.C. (Reference (g)).

k. Mortuary affairs support and transportation may be provided for civilian remains in the United States through Defense Support of Civil Authorities assistance, when such assistance is approved and directed in accordance with DoDD 3025.18 (Reference (h)).

l. The remains of combatant or non-combatant host nation or third country nationals will be given the same level of dignity and respect afforded U.S. personnel.

(1) Coordination for hand-over to the host nation will reside with the GCC, in conjunction with the DOS and other federal agencies, through host nation embassies, the International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies as appropriate.

(2) All efforts will be made to return host nation or third country national remains when feasible.

4. RESPONSIBILITIES. See Enclosure 2.

5. RELEASABILITY. **Cleared for public release**. This directive is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

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6. EFFECTIVE DATE. This directive is effective October 30, 2015.

A handwritten signature in black ink, appearing to read "R. Work", with a stylized flourish at the end.

Robert O. Work
Deputy Secretary of Defense

Enclosures

1. References
2. Responsibilities

Glossary

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 1300.22E, "Mortuary Affairs Policy," May 25, 2011 (hereby cancelled)
- (b) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002, as amended
- (c) Title 10, United States Code
- (d) Title 5, United States Code
- (e) DoD Instruction 5505.10, "Criminal Investigations of Noncombat Deaths," August 15, 2013
- (f) DoD Instruction 3020.41, "Operational Contract Support (OCS)," December 20, 2011
- (g) Section 1535 of Title 31, United States Code
- (h) DoD Directive 3025.18, "Defense Support of Civil Authorities (DSCA)," December 29, 2010, as amended
- (i) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," September 30, 2013
- (j) Directive-type Memorandum 12-001, "Department of Defense Executive Agent (DoD EA) for the Armed Forces Medical Examiner System (AFMES) and the National Museum of Health and Medicine (NMHM)," March 8, 2012, as amended
- (k) Title 50, United States Code
- (l) DoD Directive 5160.05E, "Roles and Responsibilities Associated with the Chemical and Biological Defense (CBD) Program (CBDP)," October 9, 2008
- (m) DoD Directive 5158.04, "United States Transportation Command (USTRANSCOM)," July 27, 2007, as amended
- (n) Section 481f of Title 37, United States Code
- (o) DoD Instruction 1344.08, "Interment Allowance for Deceased Military Personnel," March 11, 2009, as amended
- (p) DoD Instruction 1300.18, "Department of Defense (DoD) Personnel Casualty Matters, Policies, and Procedures," January 8, 2008, as amended

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ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R):

- a. Establishes DoD mortuary affairs policy and standards.
- b. Monitors implementation and compliance of all entities (to include non-governmental) with this directive.
- c. Provides a single focal point for the coordination of all matters related to the Mortuary Affairs Program.
- d. Develops DoD issuances to manage the Mortuary Affairs Program and to codify the duties and responsibilities of the CJMAB.
- e. Develops, in coordination with the Under Secretary of Defense for Policy (USD(P)) through the Defense POW/MIA Accounting Agency (DPAA), those mortuary affairs policies and procedures necessary to support the USD(P) statutory mission of recovering and identifying remains from past conflicts and other designated conflicts pursuant to section 1501 of Reference (c).
- f. Coordinates any requested mortuary affairs support for the disposition of remains and personal effects of U.S. citizens upon request from the DOS on a reimbursable basis or as directed by the President of the United States or Secretary of Defense.
- g. Appoints the Principal Director, Military Community and Family Policy to serve as the chair of the CJMAB.
- h. Appoints the Director, Casualty and Mortuary Affairs and Military Funeral Honors, to serve as a voting member on the CJMAB.
- i. Maintains the official charter and records for the CJMAB.
- j. Provides oversight of the DoD Mortuary Inspection Program.
- k. Publishes specifications and standards for DoD and contracted mortuary service providers.

2. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)). Under the authority, direction, and control of the USD(P&R), the ASD(HA):

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a. Develops policies, procedures and standards to govern the management of the Armed Forces Medical Examiner System (AFMES) in accordance with DoDD 5136.01 (Reference (i)).

b. Provides policy oversight of the AFMES pursuant to Reference (i) and Directive-Type Memorandum 12-001 (Reference (j)).

3. AFME. Under the authority, direction, and control of the ASD(HA) and pursuant to section 1471 of Reference (c), the AFME:

a. Serves as the DoD subject matter expert in matters pertaining to forensic medicine disciplines.

b. Serves as the DoD scientific authority for the identification of remains of DoD-affiliated personnel in current deaths and of other deceased individuals for whom a death certificate has not been issued when DoD is providing mortuary services in accordance with section 3 of this directive above the signature. Consistent with section 1509 of Reference (c), serves as the DoD scientific authority for the identification of remains of DoD-affiliated personnel in deaths from past conflicts and other designated conflicts.

c. Prescribes forensic medical procedures to support the recovery and identification of remains from past conflicts and other designated conflicts.

d. Supervises and provides consultative and analytic DNA identification services to the DoD.

e. Conducts or reviews forensic pathology investigations, which may include autopsy examinations, of the deaths of active duty Service members or other DoD-affiliated personnel.

f. Serves as a voting member on the CJMAB.

4. USD(P). The USD(P):

a. Coordinates through the DPAA with the USD(P&R) on the development of mortuary affairs policies and procedures to support the recovery and identification of remains from past conflicts and other designated conflicts.

b. Provides the funding for the search, recovery, and identification of remains of unaccounted for persons pursuant to sections 1501 and 1509 of Reference (c).

c. Coordinates with the USD(P&R) on the preparedness and use of DoD mortuary affairs capabilities for Defense Support of Civil Authorities.

d. Provides an O-6 level representative to serve as a CJMAB member, but only voting on topics affecting the DPAA mission. This representative must have daily responsibilities

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associated with personnel accounting from past conflicts and other designated conflicts, to include the scientific and historical aspects of such accounting.

e. Facilitates the functions of the AFMES medical examiner assigned to the DPAA, who:

(1) Exercises scientific identification authority as provided in section 1509 of Reference (c).

(2) Establishes identification and laboratory policy consistent with the AFMES.

(3) Advises the DPAA Director on forensic science disciplines.

5. SECRETARIES OF THE MILITARY DEPARTMENTS AND THE COMMANDANT OF THE U.S. COAST GUARD. The Secretaries of the Military Departments and the Commandant of the U.S. Coast Guard:

a. Maintain an organizational capability to provide for mortuary affairs support of individual Service needs.

b. Provide the funding for:

(1) Search, recovery, identification, preparation, and transportation of remains not covered under paragraph 4b of this enclosure.

(2) Funeral or memorial services.

(3) Interment or inurnment.

(4) Burial flags and flag cases.

(5) Travel and per diem for escorts.

(6) Travel and per diem for family members to attend interment or memorial services, unit memorial services, and dignified transfers.

(7) Other related expenses prescribed by policy and statute.

c. Operate and maintain overseas mortuaries in accordance with force demands and needs of the Military Services and geographic Combatant Commands, ensuring that remains of DoD-affiliated personnel and eligible noncombatants are processed quickly and efficiently.

d. Support the Secretary of the Air Force in conducting the dignified transfer for their respective Service personnel.

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e. Provide a representative to serve as voting member of the CJMAB. This representative must be directly responsible for the daily mortuary affairs operations of the Military Department and have frequent interaction with survivors. Accordingly, the following officials will be appointed to the CJMAB:

- (1) Army – Director, Casualty and Mortuary Affairs Operations Center.
- (2) Marine Corps – Branch Head Military Personnel Services Branch.
- (3) Navy – Director, Navy Casualty, Navy Personnel Command.
- (4) Air Force – Commander, Air Force Mortuary Affairs Operations.
- (5) Coast Guard – Chief U.S. Coast Guard Casualty Matters.

6. SECRETARY OF THE ARMY. In addition to the responsibilities in section 5 of this enclosure, the Secretary of the Army:

a. Maintains a mortuary affairs force structure capable of providing general backup support to the other Military Services when requested. Additionally, maintains theater-level mortuary affairs missions to include:

- (1) Operating mortuary affairs collection points.
- (2) Theater mortuary evacuation points.
- (3) Theater personal effects depots.
- (4) Mortuary affairs contaminated remains mitigation sites.

b. Develops and coordinates mortuary affairs common materiel for use among the DoD Components. Coordination among the DoD Components may include the formulation of procedures for use of this materiel.

c. Maintains a permanent personal effects depot in the continental United States (CONUS).

d. Operates, maintains, and funds the Mortuary Affairs Reporting and Tracking System (MARTS) and administers the MARTS Configuration Control Board (CCB). The MARTS CCB governs change within this system.

e. As the DoD Executive Agent for the Chemical and Biological Defense Program pursuant to sections 1522 and 1523 of Title 50, U.S.C. (Reference (k)), researches, analyzes, and develops mortuary affairs products and guidelines pertaining to effective management of biological, chemical, and radiological contaminated remains in accordance with DoDD 5160.05E (Reference (l)).

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7. SECRETARY OF THE AIR FORCE. In addition to the responsibilities in section 5 of this enclosure, the Secretary of the Air Force:

- a. Operates and maintains a port-of-entry mortuary within CONUS and, as required, establishes other CONUS port-of-entry mortuaries in support of all the Military Services.
- b. Provides procedural guidance for the Dignified Transfer Process.

8. CJCS. The CJCS:

- a. Coordinates operational implementation of this directive.
- b. Provides for the preparation and review of contingency plans to recover remains of DoD-affiliated or -covered persons.
- c. Designates a lead office on the Joint Staff for all mortuary affairs matters within the Joint Staff and Combatant Commands.
- d. Appoints the J-4 Logistic Services Branch Chief to serve as a voting member on the CJMAB to represent the equities of the Joint Staff and the geographic Combatant Commands.

9. GCCS. GCCs:

- a. Gives appropriate authoritative direction and guidance on providing mortuary affairs support to all assigned and attached forces within their areas of responsibility in accordance with section 164(c) of Reference (c), this directive, and CJCS guidance.
- b. Authorizes temporary interment under the conditions stated in paragraph 3f(1) above the signature of this directive.

10. COMMANDER, UNITED STATES TRANSPORTATION COMMAND (CDRUSTRANSCOM). The CDRUSTRANSCOM will provide strategic airlift to requesting components to evacuate remains of deceased DoD affiliated personnel (or others as approved) to preparing mortuaries in accordance with DoDD 5158.04 (Reference (m)).

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GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

AFME	Armed Forces Medical Examiner
ASD(HA)	Assistant Secretary of Defense for Health Affairs
CAAF	contractor personnel authorized to accompany the force
CCB	Configuration Control Board
CDRUSTRANSCOM	Commander, United States Transportation Command
CJCS	Chairman of the Joint Chiefs of Staff
CJMAB	Central Joint Mortuary Affairs Board
CONUS	continental United States
DPAA	Defense Prisoner of War/Missing in Action Accounting Agency
DoDD	DoD Directive
DoDI	DoD Instruction
DNA	deoxyribonucleic acid
DOS	Department of State
GCC	geographic Combatant Commander
MARTS	Mortuary Affairs Reporting and Tracking System
PADD	person authorized to direct disposition of human remains
U.S.C.	United States Code
USD(P)	Under Secretary of Defense for Policy
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this directive.

burial at sea. A formal ceremony for the disposition of remains at sea from a naval vessel or inurned remains from a naval aircraft.

CAAF. Defined in Reference (f).

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mortuary affairs common materiel. Materiel used to recover, process, contain, and transport human remains (e.g., human remains transfer cases, human remains pouches) in and from a combat zone, combat theater of operations, or combat support area. This does not include materiel used for chemical, biological, radiological, and nuclear contaminated human remains.

CJMAB. A functional coordinating group consisting of representatives from the USD(P&R), the Military Services, the CJCS, and the Armed Forces Medical Examiner.

covered persons. Defined in section 1501(c) of Reference (c).

dignified transfer. The process by which the remains of fallen Service members are transferred from the aircraft to a waiting vehicle and then to the port mortuary. The dignified transfer is not a ceremony; rather, it is a solemn movement of the transfer case by a carry team of military personnel from the fallen member's service. A senior grade officer of the fallen member's Service presides over each dignified transfer.

DoD-affiliated personnel. Those personnel eligible for benefits pursuant to sections 1481 to 1490 of Reference (c) and section 5742 of Reference (d).

DoD Mortuary Inspection Program. The assessment used to evaluate DoD mortuaries in accordance with applicable laws, regulations, policy and guidance and industry standards. The CJMAB selects the inspection team members and civilian consultants. The assessment is conducted in accordance with the DoD Mortuary Facilities Inspection Standard Operating Procedures approved by the CJMAB.

forensic pathology investigation. An investigation that entails reviewing the circumstances of a death, identifying the deceased, performing an autopsy examination, determining the cause of death and manner of death, and documenting the findings. For the purposes of this issuance, this term is synonymous with a medicolegal death investigation and medicolegal investigation.

interment. The burying of casketed or cremated human remains.

interment service. A service or ceremony that is sensitive to the deceased's faith group and at which the remains are interred.

local national. Defined in Reference (f).

MARTS. Provides tracking and accountability for human remains and personal effects in a theater of operations through the mortuary affairs collection point, the theater mortuary evacuation point, theater personal effects depot to the servicing port mortuary or joint personal effects depot, as appropriate. The system provides the operator the ability to generate mortuary affairs tracking and shipping documents. MARTS functional requirements are approved by the MARTS CCB.

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memorial service. A service or ceremony that contains elements similar to an interment service, though the remains of the deceased are not present. May be funded in accordance with section 1482 of Reference (c), section 481f of Title 37, U.S.C. (Reference (n)), and DoDI 1344.08 (Reference (o)) for eligible persons whose remains are deemed unrecoverable by the Military Service concerned.

mortuary affairs. Provides for the search, recovery, identification, preparation, and disposition of human remains of persons for whom the Services are responsible by status or executive order.

Mortuary Affairs Program. DoD's program for the DoD Components (primarily, the Military Departments) that establishes mortuary affairs policies for past conflicts and other designated conflicts and current operations to be implemented worldwide. The program provides for the search, recovery and evacuation of human remains; interment and disinterment of remains; care and disposition of missing and deceased personnel and the handling of their personal effects; the identification and forensic pathology investigations of deaths; mortuary services at the local level; contract and Service mortuaries; and disposition and mortuary benefits processing.

non-CAAF. Defined in Reference (f).

PADD. Defined in DoDI 1300.18 (Reference (p)).

special escort. The by-name person requested by the PADD to accompany the remains of the deceased.

tentative identification. Nonscientific identification of remains based on visual identification of the deceased's effects, to include such items as identification cards, identification tags, and visual identification as documented on DD Form 565, "Statement of Recognition of Deceased." This is not to be confused with positive identification, which is determined by the AFME or other competent medical authorities.

unit memorial service. A ceremonial command program that honors the service of deceased Military Service members and offers support to grieving unit survivors.



Department of Defense INSTRUCTION

NUMBER 1300.18

January 8, 2008

Incorporating Change 1, August 14, 2009

USD(P&R)

SUBJECT: Department of Defense (DoD) Personnel Casualty Matters, Policies, and Procedures

- References:
- (a) DoD Instruction 1300.18, "Military Personnel Casualty Matters, Policies, and Procedures," December 18, 2000 (hereby canceled)
 - (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006
 - (c) Section 546 of Public Law 108-136, "National Defense Authorization Act for Fiscal Year 2004," November 24, 2003
 - (d) Section 562 of Public Law 109-163, "National Defense Authorization Act for Fiscal Year 2006," January 6, 2006
 - (e) through (*bbad*), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues Reference (a), under a new title, under the authority of Reference (b), to assign responsibilities and establish uniform personnel policies and procedures for reporting, recording, notifying, and assisting the next of kin (NOK) whenever DoD casualties are sustained.

1.2. Establishes the DoD Casualty Advisory Board (CAB).

1.3. Establishes a central DoD repository for casualty information.

1.4. Provides uniform official casualty terms and definitions.

1.5. Establishes uniform guidelines for obtaining and maintaining emergency notification information.

1.6. Implements References (c); (d); section 566 of Public Law 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007 (Reference (e)); ~~and~~ section 1072 of Public Law 102-484, the National Defense Authorization Act for Fiscal Year 1993 (Reference (f)); *and Secretary of Defense Memorandum (Reference (ac))*.

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1.7. Incorporates and cancels Under Secretary of Defense for Personnel and Readiness Directive-Type Memorandum 07-017 (Reference (ad)).

2. APPLICABILITY AND SCOPE

This Instruction:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff *and the Joint Staff*, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter collectively referred to as the “DoD Components”). The terms “Military Services,” “military personnel,” “Service members,” and “military members,” as used herein, refer to the Army, Marine Corps, Navy, Air Force, and the Coast Guard when operating as a Service within the Department of the Navy.

2.2. Encompasses reporting, notification, and assistance procedures to the NOK of deceased, duty status - whereabouts unknown (DUSTWUN), excused absence – whereabouts unknown (EAWUN), missing, ill, or injured personnel.

2.3. Establishes uniform procedures for reporting, recording, notifying, and assisting the NOK of DoD civilian personnel, eligible contractors, and other designated or covered personnel. (Enclosure 6.)

2.4. Establishes Record of Emergency Data (RED) or DD Form 93 preparation, maintenance, and minimum audit requirements. (Enclosure 7.)

2.5. Specific information on casualties incurred by personnel supporting classified assignments may be exempt from this policy and will not be immediately reported in the Defense Casualty Information Processing System (DCIPS). In this event, information will be declassified as rapidly as possible and reported in DCIPS to ensure accurate reporting and accounting of all personnel without putting sensitive operations at risk.

3. DEFINITIONS. Terms used in this Instruction are defined in Enclosure 2 or Joint Publication 1-02 (Reference (g)).

4. POLICY

It is DoD policy that:

4.1. Casualty procedures shall be uniform across the Military Departments except to the extent necessary to reflect the traditional practices or customs of a particular Military Department.

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4.2. When a casualty occurs, the Component concerned will promptly notify the primary NOK (PNOK) in a dignified, professional, and understanding manner. Additionally, in those cases in which the individual is declared deceased, DUSTWUN, EAWUN, or missing, the appropriate DoD Component shall appoint a casualty assistance officer to advise and assist the PNOK. Assistance officers will also be assigned to the parents of married Service members, who are considered the secondary NOK, of deceased, DUSTWUN, or missing military personnel when applicable. Each Military Service has its own title for casualty assistance officers: Army – Casualty Assistance Officer (CAO); Marine Corps and Navy – Casualty Assistance Calls Officer (CACO), and Air Force – Casualty Assistance Representative (CAR), Family Liaison Officer (FLO), and Mortuary Officer. For purposes of this Instruction, the term casualty assistance officer will be used.

4.2.1. In the case of serious illness or injury of a Service member or civilian employee in a combat zone, consistent with the expressed desires of the member, the NOK will be notified as expeditiously as possible regarding the illness or injury, including information on the condition and location at which the member is receiving treatment.

4.2.2. The NOK will be provided regular updates on the member's location and condition until considered no longer necessary.

4.3. The remains of deceased personnel will be recovered, identified, and returned to their families as expeditiously as possible while maintaining the dignity, respect, and care of the deceased as well as protecting the safety of the living. *Deceased personnel, including military, DoD civilian, and covered contractor personnel, will be recovered from a theater of combat operations and returned to the continental United States (CONUS) via the Dover Port Mortuary without delay unless very specific extenuating circumstances presented by the PNOK of the fallen dictate otherwise and can be reasonably accommodated by the Department of Defense.*

4.4. The remains of deceased members will be continuously escorted by a uniformed member of appropriate grade and/or a special escort if approved by the appropriate Military Service or DoD Component concerned from the preparing mortuary to the funeral home location requested by person authorized to direct disposition of human remains (PADD). When remains are being returned to the United States from outside the continental United States (OCONUS) (to include Alaska and Hawaii) by military air or military-contract air, the aircraft commander will serve as the official escort until arrival at the CONUS port mortuary for final processing. If remains are processed at an OCONUS location and are ready for transport to the destination identified by the PADD, an escort, other than then aircraft commander, will be provided from the preparing mortuary to the final destination.

4.5. DoD Components shall record and report, to the extent possible, a full and accurate accounting of deceased or missing personnel and all reportable ill or injured personnel.

4.6. No casualty information on deceased military *or DoD civilian* personnel may be released to the media or the general public until 24 hours after notifying the NOK regarding the casualty status of the member consistent with Reference (c). The 24-hour clock will start over

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each time the NOK are notified of a change in casualty status. Casualty information on ill or injured Service members *or DoD civilians* may not be released without the consent of the individual, unless section 552a of title 5, United States Code (U.S.C.), “The Privacy Act of 1974” (Reference (h)), otherwise authorizes release. *EXCEPTION: PNOK approval of media coverage of the dignified transfer at Dover Air Force Base waives the DoD policy on the 24-hour delay in release of casualty information to the media and/or general public for that specific case.*

4.6.1. In the event of a multiple loss incident, the start time for the 24-hour period will commence upon the notification of the last family member. Coordination between the Services is required for single incident, multi-Service losses.

4.6.2. In cases of Service members *or DoD civilians* who have been unaccounted for from past conflicts, public release will not occur until 24 hours after the family accepts the member’s identification, or 24 hours after the family has been notified that the Armed Forces Identification Review Board has upheld the identification.

4.6.3. In cases where Service members *or DoD civilians* have been reported DUSTWUN or missing under potentially hostile situations, casualty information will not be released to the media or the general public until 72 hours after the NOK has been notified or the combatant commander clears the information for release. Next of kin will be requested not to make the status of their loved one public until notified by their assistance officer. This delay is requested to allow the combatant commander the opportunity to ensure that operational security will not be compromised because of a premature release of the casualty information that could negatively influence the chances of a successful recovery.

4.6.4. Casualty information on DoD civilians will only be released to the media or the general public *by after notification of* the NOK. Casualty information on DoD contractor employees will only be released to the media or the general public by the NOK or by their employer.

4.7. There will be no arrival ceremonies for, or any media coverage of, deceased personnel returning to or departing from the *Dover* Port Mortuary, including interim stops, enroute to the point of final destination in the transfer of remains, without written approval of Office of the Assistant Secretary of Defense for Public Affairs (OASD(PA)). See also section 1082 of Public Law 108-375 (Reference (i)).

4.8. Media access to dignified transfers at Dover Air Force Base will only be permitted with PNOK approval. The PNOK will make the family decision regarding media access.

4.9. Media contact, filming, or recording of family members is not permitted during the dignified transfer. Subsequent to the dignified transfer, media contact, filming, or recording of family members will be permitted only if specifically requested by the PNOK. If families choose to speak to the media at a later point, media engagement will be facilitated at a location separate from the dignified transfer.

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~~4.84.10.~~ Family member access to Dover Air Force Base will be supported consistent with established procedural guidance. Specifically, the Armed Forces will provide a reasonable level of support to the NOK or their designated representative, consistent with available resources and on a not-to-interfere basis with mission operations. This guidance applies to the families of military members, DoD civilians, contractors, and others whose remains are processed at Dover Air Force Base. ~~There is no entitlement to funding for travel or other expenses associated with this support.~~ *Family members (the PNOK, as defined in paragraph E2.46. of Enclosure 2, plus two additional family members of the PNOK's choosing who fall within a category of eligible relatives in section 411f(c) of Reference (u)) of military and DoD civilian fatalities from a theater of combat operations may travel to Dover Air Force Base via Invitational Travel Authorization to participate as official observer(s) at the dignified transfer. Additional family members may be authorized by the Secretaries of the Military Departments on a case-by-case basis.*

4.94.11. The PNOK, or the adult parent or guardian when the PNOK is a minor, and the parents, who are considered secondary NOK, of deceased Service members shall be kept informed on matters relating to DoD death investigations. At a minimum, they shall be provided general information about the death investigation(s) to be conducted that is sufficient to assist them in understanding the comprehensive nature of the investigation(s), and the likely period of time that may be necessary to complete the investigation(s). Additionally, they shall be informed whether or not all or part of the completed investigation(s) will be releasable, if such releasability can be ascertained. Once the death investigation(s) are complete, the PNOK, or the adult parent or guardian, and the parents shall be informed of releasable investigative results prior to any public release. Upon request, the Service concerned shall provide a fully qualified representative to answer any questions about the investigation report(s) from the PNOK, or the adult parent or guardian, and the parents of the Service member as appropriate, either in person or through telephonic communication. This policy also applies to the PNOK, or adult parent or guardian when the PNOK is a minor, of DoD civilian casualties.

5. RESPONSIBILITIES

5.1. The Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUUSD(P&R)), under the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), shall:

5.1.1. Be the focal point for interfacing and coordinating casualty matters among the Military Services, other Federal Agencies (e.g., Department of Veterans Affairs, Social Security Administration), non-profit organizations, and family support groups.

5.1.2. Appoint a chairperson to the DoD CAB. (See paragraph 6.4.)

5.1.3. Provide policy guidance to the Military Services and other agencies on casualty reporting, recording, notification, and assistance to the NOK, and legislation affecting casualty matters.

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5.1.4. Develop, in consultation with the Secretary of Homeland Security, casualty reporting and assistance policies with respect to the Coast Guard.

5.1.5. Develop core standards for the assignment, training, and duties of casualty assistance officers.

5.1.6. Develop a common feedback mechanism for casualty assistance officers and the PNOK.

5.1.7. Develop and maintain a standard DoD Survivor's Guide that will be provided to the PNOK.

5.1.8. Respond to special requests for information from other agencies and the general public regarding DoD policy on casualty notifications, casualty assistance to the NOK, and individual casualty recording and reporting.

5.1.9. Develop a long-term plan to obtain the preference of individual Service members regarding media access to dignified transfers should they become a casualty while on active duty.

5.2. The Director, Defense Human Resources Activity (DHRA), under the PDUSD(P&R), shall:

5.2.1. Operate and maintain the official DoD repository of the names of all active duty deaths and other reportable casualties as deemed necessary.

5.2.2. Provide technical guidance to the DoD Components concerning recording and reporting of casualty information.

5.2.3. Notify the Military Services of changes in casualty reporting requirements.

5.2.4. Prescribe corrective action to the DoD Components to ensure consistency of reporting.

5.2.5. Prepare reports of names and aggregated casualty statistics for use by the Department of Defense, and, as required, for use by the President, Congress, other Federal agencies, and the general public. This responsibility includes performing DoD special studies and providing casualty information in support of military memorials.

5.2.6. During times of war or contingency operations, reconcile casualty reporting with the OASD(PA), the Office of the Chairman of the Joint Chiefs of Staff, and other organizations collecting data on casualties.

5.2.7. Provide representation to the CAB.

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5.2.8. Serve as the final DoD review authority for adding names, referred by the Military Services, to the Wall of the Vietnam Veterans Memorial. (See paragraph 6.5.)

5.3. The Assistant Secretary of Defense for Health Affairs, under the USD(P&R), shall:

5.3.1. Develop procedures in conjunction with the Military Departments to ensure appropriate CAO identification and verification so that CAOs requesting information from medical treatment facilities on casualty condition and location can obtain and relay such information, if families so desire.

5.3.2. Provide the Secretaries of the Military Departments, or their designated points of contact, with condition and location information on Service members who are seriously ill or injured. Such information is considered essential and "need to know." (See also section 724 of Reference (i).)

5.4. The Heads of the DoD Components shall:

5.4.1. Participate in casualty notification and assistance when requested to do so by the Military Services. The requesting Military Service shall provide funds for travel and transportation expenses required for executing notification and assistance visits.

5.4.2. Provide for casualty notification and assistance to those assigned or attached civilian personnel that do not fall under the authority of a Secretary of a Military Department.

5.4.3. Liaison with the designated Military Service reflected in Enclosure 6 to process civilian casualty reports when required.

5.4.5. Complete the casualty report contained in Enclosure 6 and submit the report to the Designated Military Service Casualty Headquarters for further reporting into DCIPS within 24 hours of learning of the casualty.

5.4.6. Coordinate any necessary mortuary affairs services with the designated Military Service mortuary affairs office. (See Enclosure 6.)

5.4.7. Provide casualty assistance as required. (See Enclosure 6.)

5.4.8. Update all issuances, at all levels of command, pertaining to the initiation or conduct of an investigation involving a fatality of a Service member, or of a DoD civilian employee who becomes a fatality while accompanying military personnel in the field or as a result of military-related actions, to contain the language in Enclosure 10. Investigating organizations will provide an update to the appropriate Military Service casualty headquarters office at a 30-day frequency until all investigative activity is completed or the investigation is closed. The contact information for providing the Military Service casualty headquarters with the required information concerning death investigations is:

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Army – (703) 325-0395

E-mail: cocopns@conus.army.mil

Marine Corps – (800) 847-1597

E-mail: casualtypcr.usmc.deceased@usmc.mil

Navy – (800) 368-3202

E-mail: MILL_SBP-LOD@navy.mil

Air Force – (210) 565-3505 or DSN 665-3505

E-mail: afpc.casualty@randolph.af.mil

5.5. The Director, Defense Finance and Accounting Service, under the Under Secretary of Defense Comptroller/DoD Chief Financial Officer, shall:

5.5.1. Identify a single payroll office point of contact in support of each respective Service level casualty office.

5.5.2. Provide a document to each recipient of funds which explains the purpose and amounts of all monies being paid to them as survivors or beneficiary of a casualty.

5.6. The Secretaries of the Military Departments, *in addition to performing the responsibilities in paragraph 5.4.*, shall:

5.6.1. Maintain a casualty office for each Military Service as the focal point on all casualty matters.

5.6.2. Maintain an organizational capability to provide for casualty reporting, recording, notification, and assistance. (See also Enclosure 6 for DoD Component civilian casualty requirements.)

5.6.3. Require all installation, base, station, or post Commanders to have a mass disaster or mass casualty response plan.

5.6.4. Establish internal controls as specified in DoD Instruction 5010.40 (Reference (j)) to ensure the accuracy of casualty information.

5.6.5. Require Service regulations pertaining to performance evaluations be revised to require evaluation or reporting officials to comment on a member's assignment as a casualty assistance officer.

5.6.6. Certify the accuracy and validity of casualty information.

5.6.7. Submit electronic casualty information to the Defense Manpower Data Center (DMDC).

5.6.8. Ensure requests for casualty information are responded to in a timely and appropriate manner.

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5.6.9. Subject to the availability of legal staff resources, consistent with section 1044 of title 10, U.S.C. (Reference (k)), provide legal assistance, including tax assistance, on an expedited, prioritized basis to the executor, personal representative, administrator, or legally recognized estate representative for matters relating to the settlement of estates of Service members who die on active duty or as a result of an injury or disability that resulted in retirement from active duty. When uncertainty exists about the status of those listed in this paragraph, or when otherwise appropriate, legal assistance shall be provided to the primary NOK to the same degree as noted in this paragraph.

5.6.10. Provide representation to the CAB from each Military Service.

5.6.11. Require each Military Service to publish implementing instructions that include, at a minimum:

5.6.11.1. Instructions on the preparation, retention, and internal controls to satisfy minimum audit requirements for the RED (Enclosure 7).

5.6.11.2. Instructions on the reporting of joint Service casualties.

5.6.11.3. Instructions on reporting and accounting for hostile missing personnel according to DoD Instruction 2310.5 (Reference (l)). See paragraph 6.2. for reporting and accounting for non-hostile missing personnel.

5.6.11.4. The establishment of centralized short-term and long-term case-management procedures for casualty assistance, including rapid access by survivors and casualty assistance officers to expert case managers and counselors.

5.6.11.5. The information reflected in paragraph ~~4.94.11.~~ and as required by Reference (f), within a reasonable period of time after family members of the Service member are notified of the member's death, but not more than 30 days after the date of notification, the Military Service concerned shall:

5.6.11.5.1. Ensure in any case in which the cause or circumstances surrounding the death are under investigation, family members are informed of that fact, of the names of the DoD agencies conducting the investigation, and the existence of any reports by such agencies that have been or will be issued as a result of the investigations.

5.6.11.5.2. Ensure that family members, if they so desire, are provided a copy of any completed investigative report and any other completed fatality reports that are available at the time family members are provided the information to the extent such reports may be furnished consistent with sections 552 and 552a of Reference (h).

5.6.11.6. That when the remains of a deceased Service member are being returned home by air transport, that casualty assistance officers keep family members informed on date, time, and location of their arrival. Casualty assistance officers will accompany the family members who elect to travel to the airport at their own expense to observe the arrival and transfer

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of remains as appropriate. There is no entitlement for funding family member travel for this purpose *EXCEPT as provided in paragraph 4.10.*

5.6.11.7. That prior to assignment as a casualty assistance officer, personnel will receive appropriate training that includes at a minimum the training described in paragraph 5.6.11.8.2. and that the accomplishment of such training has been documented.

5.6.11.8. Core standards of assignment, training, reporting, and duties for personnel assigned casualty assistance responsibilities:

5.6.11.8.1. Assignment:

5.6.11.8.1.1. Only personnel in the grades of E6, GS-7 or NSPS equivalent, or above may be assigned.

5.6.11.8.1.2. The following cannot be assigned as a casualty assistance officer: a relative or a close personal friend of the deceased; or anyone scheduled for deployment, reassignment, retirement, or release from active duty within the next 6 months.

5.6.11.8.1.3. Assignment as a casualty assistance officer or representative is considered their primary duty.

5.6.11.8.1.4. The process, including notification to survivors and NOK, for turning over casualty assistance responsibilities when the current casualty assistance officer departs and assistance is still required or ongoing.

5.6.11.8.2. Training for casualty assistance officers that includes:

5.6.11.8.2.1. An overview on benefits and forms preparation. Casualty assistance officers are not benefits experts. They should be provided sufficient knowledge to know who at the Service headquarters level or appropriate Federal Agency to contact to obtain factual guidance and answers on benefits-related questions.

5.6.11.8.2.2. Grief and trauma awareness.

5.6.11.8.2.3. Privacy Act.

5.6.11.8.2.4. Public affairs as it pertains to compliance with established policy on the release of casualty information to the media or the general public, referral of inquiries to trained Public Affairs officials, and how to obtain public affairs support for family members upon request.

5.6.11.8.2.5. Points of contact for support from Service, Military Departments, the Department of Defense, other Federal Agency, or non-profit organizations.

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5.6.11.8.2.6. Training from the Joint Forces Command and its Joint Personnel Recovery Agency, Fort Belvoir, VA, for casualty assistance personnel assigned to family members of Service members in a known captive status. These personnel should receive additional training on the psychological aspects of captivity, captivity support, the recovery process, debriefing, decompression, and reintegration.

5.6.11.8.3. Reporting. The timely completion of the Casualty Assistance Officer Feedback Report.

5.6.11.8.4. Duties of the casualty assistance officer:

5.6.11.8.4.1. Deliver the DoD Survivor's Guide.

5.6.11.8.4.2. Provide a business card with 24/7 contact numbers.

5.6.11.8.4.3. Assist eligible family members in obtaining new identification cards.

5.6.11.8.4.4. Provide the PNOK and parents with current information on ongoing investigations (if applicable) and the process for obtaining a copy of such investigations; the process for obtaining a copy of any autopsies (if conducted); the current status on the return of personal effects; and facilitate obtaining additional copies of the Report of Casualty (DD Form 1300), if requested.

5.6.11.8.4.5. Provide eligible family members information on legal assistance provided by military attorneys.

5.6.11.8.4.6. Provide eligible family members and/or beneficiaries with information on the availability of financial counseling with respect to disposition of death gratuity and insurance proceeds.

5.6.11.8.4.7. Assist the PNOK until all benefits have been applied for and received and until all requests for fatality reports or investigations have been obtained as required by Reference (f), or until the PNOK has determined that assistance is no longer needed. When assistance is no longer needed, the PNOK will be provided a contact number and mailing address that they can call or write anytime in the future for additional assistance or to provide comments on the quality of the assistance provided.

5.6.11.8.4.8. If the Service member's funeral is within the local area, attend the funeral service if allowed by the family. If the funeral service is not within the local area, coordinate for an assistance officer near the funeral location to provide assistance as necessary and notify the family accordingly.

5.6.12. Provide funds for travel and incidental expenses related to casualty notification and assistance visits.

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5.6.13. Exercise discretion and provide funds for travel and transportation expenses for casualty assistance officers or family liaison officers to accompany or escort the PNOK, when requested, to the dignified transfer at Dover Air Force Base.

~~5.6.13~~5.6.14. Require the Military Service casualty office to liaison with the designated DoD Component reflected in Enclosure 6 to process civilian casualty reports when required.

~~5.6.14~~5.6.15. Participate in casualty notification and assistance when requested to do so by the DoD Components. The requesting Component shall provide funds for travel and transportation expenses required for executing notification and assistance visits.

5.7. The Inspectors General of the Military Departments shall:

5.7.1. Conduct inspections of the casualty assistance programs to ensure compliance with the policies, procedures, and standards of this Instruction.

5.7.2. Upon completion of such inspections, forward a copy of the casualty assistance program inspection report to the USD(P&R) (ATTN: MWRP) and a courtesy copy to the DoD Inspector General (ATTN: Inspections and Evaluations).

5.8. The Chairman of the Joint Chiefs of Staff shall:

5.8.1. Be the focal point for all joint operational procedures and develop procedures on casualty reporting during hostile situations.

5.8.2. Develop implementation and planning guidance for the Military Services and the Combatant Commands to ensure uniform handling of personnel casualty operations.

5.8.3. Coordinate any unclassified release of aggregated casualty statistics with the DHRA.

5.8.4. Ensure the Military Services and Combatant Commanders implement procedures on theater entry requirements in accordance with the provisions of DoD Directive 1400.31 and DoD Instructions 1400.32 and 3020.37 (References (m), (n), and (o)).

5.8.5. Provide DHRA information on deactivation of combat designated areas.

5.8.6. Provide representation to the CAB.

5.9. The Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs, under the Under Secretary of Defense for Policy (USD(P)), shall:

5.9.1. In accordance with the provisions of Reference (l), exercise centralized management of prisoner of war/missing in action (POW/MIA) affairs for any member of the Armed Forces on active duty or Reserve component performing official duties, a U.S. citizen civilian or employee of the Department of Defense, and any other person determined to be a

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covered person by the USD(P) who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

5.9.2. Coordinate with the DoD Components on all matters that concern missing persons.

5.9.3. Forward all correspondence and new case related information through the appropriate Service casualty office for notification of the PNOK, other members of the immediate family according to Reference (l), or any other previously designated person identified by the Service member according to section 655 of Reference (k).

5.9.4. In accordance with the provisions of DoD Instruction 2310.4 (Reference (p)), provide policy oversight for all DoD repatriation activities.

5.9.5. In accordance with the provisions of DoD Directive 5110.10 (Reference (q)), serve as the primary DoD representative and point of contact with other Federal Departments and agencies, foreign governments, and non-governmental organizations on all matters related to personnel recovery and personnel accounting pursuant to sections 1501 through 1513 of Reference (k).

5.10. The Assistant Secretary of Defense for Public Affairs (ASD(PA)) shall:

5.10.1. Coordinate any unclassified release of aggregated casualty statistics with the DHRA or defer reporting to DHRA.

5.10.2. During times of war or contingency operations, ensure that guidance given to Public Affairs offices is consistent with definitions and procedures in this Instruction and with guidance to the Services provided by DHRA.

5.10.3. During times of war or contingency operations, reconcile press releases of names with official casualty names maintained by DHRA.

5.11. The Assistant Secretary of Defense for Reserve Affairs (ASD(RA)) shall provide an advisor to the CAB.

6. PROCEDURES

6.1. Casualty Reporting, Recording, Notification, and Assistance

6.1.1. Casualty Reporting

6.1.1.1. Casualty reports will be submitted electronically and without delay to the Service Headquarters Casualty Office within 12 hours of a command, detachment, or unit learning of the casualty.

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6.1.1.1.1. Service regulations will identify applicable reporting units and casualty report format.

6.1.1.1.2. Casualty reports will be unclassified to the maximum extent possible. In the event a casualty report must be classified or contains classified information, the information must be reported via secure means and to properly cleared personnel.

6.1.1.1.3. Initial casualty reports will be transmitted with an IMMEDIATE precedence and are exempt from MINIMIZE.

6.1.1.2. DCIPS. DCIPS is the Department's functional information system for casualty and mortuary affairs business information processes and is the system of record for the "Report of Casualty" DD Form 1300 and other documents and reports. The DCIPS Configuration Control Board (CCB) governs changes within this system.

6.1.1.3. In addition to any reporting requirements that may be unique to each Military Service concerned, standard casualty reports are submitted electronically to DHRA's DMDC via DCIPS.

6.1.1.4. Casualty reports, and the preparation of the DD Form 1300, are required for:

6.1.1.4.1. All deceased or missing military personnel.

6.1.1.4.2. All deceased or missing DoD civilian employees and DoD contractors, OCONUS, who are casualties as a result of hostile or non-hostile action or while accompanying Armed Forces in the field and for all CONUS casualties as a result of hostile action.

6.1.1.4.3. All deceased 120-day disability retired members.

6.1.1.4.4. All deceased or missing personnel identified as Designated or Covered Persons by USD(P) according to Reference (I).

6.1.1.4.5. All deceased personnel who were attending a Military Service Academy.

6.1.1.5. Casualty reports are required for all active duty military personnel whose status is listed as seriously ill or injured (SI) or very seriously ill or injured (VSI). The preparation of the DD Form 1300 is not required.

6.1.1.6. Casualty reports are required for all DoD civilian personnel, including DoD contractors, OCONUS, who are listed as SI or VSI as a result of hostile or non-hostile action or while accompanying armed forces in the field. The preparation of the DD Form 1300 is not required.

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6.1.1.7. Casualty reports are required for all military personnel listed as DUSTWUN and all DoD civilian employees and DoD contractor personnel listed as EAWUN. The preparation of the DD Form 1300 is not required.

6.1.1.8. Casualty reports are required for all personnel, including military and DoD civilians and DoD contractors, who are wounded in action. The preparation of the DD Form 1300 is not required.

6.1.1.9. At the Services' or DoD Component's discretion, casualty reports and the preparation of DD Form 1300s are optional for:

6.1.1.9.1. All DoD civilians and contractors in a travel status.

6.1.1.9.2. All military, civilian, and contractor dependents.

6.1.1.9.3. All retired personnel or dependents of retired personnel who die while properly admitted under chapter 55 of Reference (k) to a medical facility of the armed forces located in the United States.

6.1.1.9.4. All personnel on the Delayed Entry Program.

6.1.1.9.5. All personnel going through Reserve Officer Training Corps.

6.1.1.9.6. All 120-day discharge or Release from Active Duty personnel.

6.1.1.9.7. All Reserve or National Guard personnel who die while in an inactive status.

6.1.1.10. Special Reporting. DHRA's DMDC maintains aggregate information on selected military operations and incidences. When aggregation is required, DHRA's DMDC will notify the Services and assign a special code for the Services to include on the electronic records made available to DHRA's DMDC. When a special code has been assigned, DHRA's DMDC may also require information on those injured in combat or in terrorist acts, non-hostile injuries occurring in a combat-designated area, and accidents for incidences where there are multiple casualties. This reporting may be non-DCIPS and may be done electronically or verbally and consists of aggregate counts or abbreviated records by name as specified by DHRA's DMDC.

6.1.2. Casualty Recording

6.1.2.1. DCIPS is an electronic system used in the collection and management of casualty data and produces the DD Form 1300 and other documents and reports.

6.1.2.1.1. The DD Form 1300 (Enclosure 3) is prepared to officially record the death, or missing status, of personnel listed in paragraph 6.1.1. Government agencies use the completed DD Form 1300 as the basis for paying benefits, collecting casualty data, and closing out personnel files. A copy of this form may be provided to persons, organizations, or agencies

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not connected with the Government for settling claims that require proof of death. Information on a completed DD Form 1300 for a deceased person that pertains to living persons, and those completed DD Form 1300s for missing persons, are protected pursuant to section 552(a) of Reference (h). Instructions for completing the DD Form 1300 are found at Enclosure 4. Examples of completed DD Form 1300s are at Enclosure 5.

6.1.2.1.2. Each Military Service or DoD Component, at its option, may use the DD Form 1300 to record the deaths or missing status of other military members, civilians, military dependents, defense contractors, and civilian dependents under its purview.

6.1.2.2. Department of Defense Worldwide Casualty System (DCAS). DHRA's DMDC maintains the DCAS containing personal and casualty specific data on all active duty military deaths for the Korean War, Vietnam Conflict, and worldwide casualties since fiscal year 1980. The system is used to meet the responsibilities defined in paragraph 5.2.5. Input to the DCAS system is made available through DCIPS, which provides key information on each casualty. File input formats and code specification requirements will be maintained by DHRA's DMDC and changes will periodically be presented to the DCIPS CCB for approval and incorporation within DCIPS. The baseline standards for DCAS will come from either approved data entities in the Defense Data Dictionary System, data entities from an approved DoD-wide system, or from other coding specifically unique to casualty processing. Standards will be tailored to meet specific requirements of DCAS. For example, the inclusion of countries no longer in existence with start/stop dates is required in DCAS for historical purposes but is not part of a DoD standard.

6.1.2.3. Post-Conflict Documentation Requirements and Processing Summary. After consultation with the Joint Staff, the Military Services, and others as applicable, DHRA will provide Service casualty offices:

6.1.2.3.1. Pertinent details of new war/conflict or operation/incident reporting procedures upon startup;

6.1.2.3.2. Stop date indicating when a war/conflict or operation/incident ends;

6.1.2.3.3. Date after which only case-by-case exceptions will be made to war/conflict or operation/incident casualty reports;

6.1.2.3.4. Any military operation/incident that involves combat must account for personnel falling within the following categories:

6.1.2.3.4.1. Died/wounded in a defined combat zone (e.g., contingency area);

6.1.2.3.4.2. Died from wounds sustained in a defined combat zone;

6.1.2.3.4.3. Died/wounded while on a combat/combat support mission to/from a defined combat zone;

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6.1.2.3.4.4. Died from physical injuries, other than wounds, occurring in a defined combat zone, provided that death occurred within 120 days of the incident;

6.1.2.3.4.5. Died from a diagnosed illness while in a defined combat zone or outside the combat zone provided that death occurred within 120 days of the diagnosis;

6.1.2.3.4.6. Died/wounded in the aftermath of a combat/combat support mission incident.

6.1.2.3.5. For Vietnam Conflict reporting purposes only, any death/wounding in South Vietnam between November 1, 1955, and December 31, 1960, will be reported as though a combat zone had been designated for that period;

6.1.2.3.6. If a Military Service becomes aware of a case that might qualify after exception processing begins, it will review the case against the established criteria. If the Service determines that the case does not meet the criteria, the Service will inform the requestor of their decision with an appropriate explanation. If the Service determines a criterion was met, it will process the action in the normal manner. In addition, the Service will prepare supporting documentation for DHRA as described in paragraphs 6.1.2.3.6.1. through 6.1.2.3.6.5. DHRA will perform, and/or facilitate, a second-level DoD review, ensuring that the documentation supports an update to the DCAS, the primary source for DoD reporting of Military Service casualties incurred during military operations. DHRA will notify the Service that the action has been accepted for processing or is deficient in some manner. Any deficiency will be explained to the Service. The Service will not notify the requestor of any action until the DoD review has been completed. The Service concerned will provide DHRA the following documentation when the Service determination is to process a case:

6.1.2.3.6.1. Letter signed by the Service Casualty Advisory Board representative explaining the rationale for its determination;

6.1.2.3.6.2. Supporting documentation leading to the explanation;

6.1.2.3.6.3. Death certificate; and

6.1.2.3.6.4. DD Form 1300;

6.1.2.3.6.5. If wounding, injury, or illness was the basis for consideration, the Service will provide a signed opinion letter from a medical authority establishing the relationship between the initial event in a defined combat zone and the cause of death. Additionally, a signed endorsement letter of the opinion from the Office of the Surgeon General for the Service is required.

6.1.2.3.7. DHRA will provide information about changes to its database to appropriate sources such as the Department of the Interior and groups responsible for memorials.

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6.1.3. Casualty Notification

6.1.3.1. Initial Notification. *During the initial notification, or as soon as practicable thereafter, the PNOK will be provided all known circumstances surrounding the casualty incident and, when applicable, information regarding media access for the dignified transfer of remains at Dover Air Force Base.*

6.1.3.1.1. Military Decedent. At a minimum, the spouse, children not residing with the spouse, parents, the PADD, or other beneficiaries receiving survivor benefits or entitlements will be notified.

6.1.3.1.2. DoD Civilian Decedent (includes Departments of the Army, Navy, and Air Force). When a reportable DoD civilian casualty occurs, the respective Military Service or DoD Component will make personal notification to the emergency point of contact reflected on the DD Form 93 or the electronic civil service equivalent of the DD Form 93. Thereafter, the Military Service or DoD Component will facilitate the follow-on assistance with the appropriate civilian personnel or human resources office for survivor benefits or entitlements.

6.1.3.1.3. DoD Contractor Decedents. When a reportable DoD contractor casualty occurs, the respective Military Service or DoD Component will notify the appropriate contracting agency who will be responsible for notifying the contractor's NOK.

6.1.3.1.4. Notification Team. Notification(s) will be conducted by a minimum of a two-person uniformed detail and, when possible, one member will be a chaplain. Chaplain assistance from another branch of Military Service is allowed. Care-team members, Family Readiness Group members, or other support group members will not be part of the initial notification visit. Such members are considered part of the general public and will not be provided access to casualty information according to paragraph 4.6. Following the initial notification, upon request from the person who receives the initial notification, a friend, relative or a person from a Family Readiness Group or Care Team or other support group may be called by the notification team to provide immediate support services.

6.1.3.1.5. Times of Notification. Personal notifications will be accomplished within 12 hours of the Military Service headquarters receipt of the casualty report unless circumstances beyond the Service's control prevent such notifications. Hours of notification are local times 0500 – 2400, except under unusual circumstances as authorized in applicable Service regulations. The intent is to notify the NOK *at a time and location that is most considerate of the family environment (e.g., while at home, not while on the job) while considering the necessity for timely notification.*

6.1.3.1.6. Desires of the Member. The desires of the member, expressed in the RED or expressed by the member at the time of the casualty, concerning whom not to notify shall be honored unless, in the judgment of the member's commander or Service Component for civilian personnel, official notification by the Military Service should be made.

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6.1.3.1.7. DUSTWUN, EAWUN, Missing, and Deceased Cases. Within the guidance of subparagraph 6.1.3.1.5., initial notification(s) shall be made in person to the PNOK and to the parents, who are the secondary NOK, unless unusual circumstances prevent such procedures, as expeditiously as possible. Notification to secondary NOK is not applicable to civilian personnel. All facts and circumstances on the casualty incident, known at the time of the initial notification, shall be provided to the PNOK. Whenever someone other than the member's commander or designated Service representative makes initial notification, an official notification confirmation to the PNOK and secondary NOK shall be made. For deceased casualties, the casualty representative should advise the PNOK to defer making any decisions until briefed on entitlements and benefits. The purpose of this contact is to establish a time to meet with the PNOK that considers the needs of the family and honors the family's period of mourning.

6.1.3.1.8. Illness or Injury Cases. Within the guidance of paragraph 6.1.3.1.5., in cases involving SI or VSI casualties, initial notification(s) to the PNOK by a representative of the DoD Component concerned will be conducted by telephone. If telephonic notification is not possible, initial notifications will be in person. Whenever a casualty occurs as the result of a hostile action or terrorist activity and the casualty is classified as "not seriously injured" (NSI), official notification to the PNOK by the DoD Component concerned will be made upon the member's request. The member will be encouraged to notify their PNOK.

6.1.3.2. Follow-on Notification

6.1.3.2.1. DUSTWUN, EAWUN, or Missing Cases. In all cases involving DUSTWUN, EAWUN, or missing casualties, the PNOK will be kept informed until actual status or fate is determined.

6.1.3.2.2. Illness or Injury Cases. For SI or VSI casualties, the DoD Component concerned shall keep the PNOK informed of the member's medical progress within the guidance of paragraph 6.1.3.1.

6.1.3.3. Other Concerned Individuals

6.1.3.3.1. Beneficiaries. All persons reflected in the Service member's records as a beneficiary or recipient of death benefits or Federal program insurance proceeds will be notified in accordance with individual Service directives.

6.1.3.3.2. Non-family Members. There may be interested persons other than the primary or secondary NOK who may be affected or show considerable interest in a casualty (e.g., other members of the unit, close personal friends, boyfriends, girlfriends, and fiancés). While it is not possible, because of the Privacy Act of 1974 (Reference (h)), to provide these individuals with the complete details of the loss or allow access to personal effects, common sense and sensitivity should be used with regard for their feelings and concerns.

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6.1.4. Casualty Assistance

6.1.4.1. DUSTWUN, EAWUN, Missing, or Deceased Cases. In all cases involving DUSTWUN, EAWUN, missing, or deceased casualties, the DoD Component concerned shall appoint a casualty assistance officer who will initiate contact with the PNOK within 24 hours following initial notification. Within the guidelines established by each DoD Component, the casualty assistance officer may be the notification officer. The casualty assistance officer, to the extent the PNOK desires, shall provide guidance and assistance for such matters as pay, allowances and benefits, veteran benefits, social security benefits, and income tax refunds or exclusions whenever section 692 of title 26, U.S.C. (Reference (r)) applies to the particular case. Assistance to civilian personnel will be coordinated through the designated civilian personnel office or civilian benefits center. The casualty assistance officer shall provide points of contact or information regarding autopsy reports, all known reports of inquiry or investigations, as applicable, and other governmental or non-DoD agencies that may be involved in a particular case. The casualty assistance officer shall maintain contact with the PNOK to keep them informed until all matters relating to the case have been answered and all entitlements and benefits are received. The member's commander should provide an appropriate letter of sympathy or condolence to the PNOK, spouse or parents as appropriate, not later than 5 days after the initial notification, unless circumstances dictate otherwise. If the PNOK is a minor, the letter should be addressed to the minor in care of the guardian or legal representative.

6.1.4.2. Illness or Injury Cases. In those military VSI or SI cases in which a competent medical authority requests the presence of NOK at bedside, the casualty office of the Military Service concerned shall be the final approval authority and shall assist in arranging appropriate Government-funded invitational travel in accordance with paragraph U5246 of the Joint Federal Travel Regulations (Reference (s)). In those civilian cases when an employee on temporary duty travel becomes ill or injured, transportation expenses, but not *per diem*, are allowed for an attendant or escort provided the attending physician certifies that it is medically necessary for the employee to be accompanied by an attendant or escort in accordance with paragraph C6454 of the Joint Travel Regulations (Reference (t)).

6.1.4.2.1. When the Service issues Invitational Travel Authorizations, more commonly known as Invitational Travel Orders, for family members to travel to be at the bedside of an ill or injured Service member, the appropriate Service will offer the family arrival assistance.

6.1.4.2.2. Upon request from the family, the Service will ensure that the family is met at their point of arrival (e.g., airport, train, or bus station) in the geographical area where the member is hospitalized, and escorted or provided directions to the hospital or military treatment facility. Additional assistance may be provided in securing lodging at or near the hospital or military treatment facility.

6.1.4.3. Release of Information to the PNOK and Parents. In all casualty cases, the PNOK and parents shall be provided information on the circumstances surrounding the incident as best known to the DoD Component concerned. In the event a casualty occurs during a classified operation, all information of an unclassified nature shall be provided. Every effort

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shall be made to declassify information. If the PNOK is a minor, all information will be provided to the guardian or legal representative.

6.1.4.4. Disposition of Remains. Only one person at a time can be the PADD. (See paragraph ~~E2.41~~*E2.42*.)

6.1.4.5. Disposition of Personal Effects. Only the custody of the personal effects is transferred from the Service concerned to the person eligible to receive effects (PERE). Any question of title or ownership must be determined by agreement among the interested parties or, if necessary, the civil courts in the State of the domicile of the deceased or missing person. (See paragraph ~~E2.42~~*E2.43*.)

6.2. DUSTWUN or EAWUN Designation

6.2.1. In those circumstances when the reason for a member's absence is uncertain and it is possible that the member is a casualty whose absence is involuntary, but there is not sufficient evidence to determine immediately that the member is missing or deceased, the member should be designated DUSTWUN or EAWUN. This procedure is particularly useful when hostilities prevent the immediate determination of a member's actual status, or when search and rescue efforts are ongoing.

6.2.2. The commander's preliminary assessment of a member's actual status, required by Reference (1) should, whenever practicable, be made within 10 days. That is usually sufficient time to conduct an investigation, or conduct search and rescue efforts, to ascertain a member's actual status. The recovery of remains is not a prerequisite to determining or declaring a casualty deceased.

6.2.2.1. If it is determined that a member is not absent involuntarily, but rather is absent voluntarily, the commander should designate the member as having been absent-without-leave/unauthorized absence (AWOL/UA) during the DUSTWUN or EAWUN period.

6.2.2.2. If it is determined that a member has died, the commander should designate or recommend the member as having been in a missing status during the DUSTWUN or EAWUN period according to individual Service regulations, ending on the date the commander received evidence of the member's death or made a presumptive finding of death based on information obtained during the preliminary investigation. If it is determined that a member has died while voluntarily absent, however, the commander should designate the member as having been AWOL/UA, ending on the date of the member's death.

6.2.2.3. If it is determined that a member is involuntarily absent not as a result of hostile action, the commander should designate or recommend the member as having been in a missing status during the DUSTWUN or EAWUN period according to individual Service regulations.

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6.2.2.4. If it is determined that a member is absent as a result of hostile action, and that Reference (l) applies, the commander may only recommend a missing status and the Secretary concerned or their designee must make the determination of actual status.

6.2.3. A member's pay and allowances entitlements during a DUSTWUN designation period are determined in accordance with the applicable provisions of title 37, U.S.C. (Reference (u)) and are dependent upon the member's actual status during that period.

6.2.4. A civilian member's pay and allowances entitlements during an EAWUN designation period are determined in accordance with the applicable provisions of Reference (h) and are dependent upon the member's actual status during that period.

6.3. Application of the Freedom of Information Act (FOIA) and Policy Guidance Concerning Release of Information

6.3.1. FOIA Requests. Under the provisions of the FOIA (section 552 of Reference (h)), any person may request records by writing to the FOIA Office of the DoD Component owning the records. FOIA requests for casualty records should be submitted to the FOIA Office of the respective Military Service or DoD Component. While a FOIA request from the Primary NOK is not necessary, other requesters, to include immediate family members, must submit a request. Information requested must be released unless it is exempt under one or more of the nine exemptions of the Act. The two exemptions that apply most often to casualty information are the national security exemption and the personal privacy exemption (sections 552(b)(1) and 552(b)(6) of Reference (h)). The DoD FOIA Program, DoD Directive 5400.07-R (Reference (v)) provides guidance on the application of the exemptions. The use of the personal privacy exemption may be merited to protect the privacy of living persons in the record or the PNOK and/or family members of the deceased. Use Reference (v) for guidance.

6.3.2. Releasable Information in DUSTWUN, EAWUN or Missing Cases. The amount of information releasable to the general public on these members is limited to basic biographical information such as name, date of loss, country of loss, and current status. Exceptions include a legal guardian appointed by a court who has given written consent for release of information to a third party and FOIA requests where disclosure of the records concerned does not constitute a clearly unwarranted invasion of personal privacy.

6.3.3. Releasable Information in Deceased Cases. Death of a member does not mean that there are no privacy interests to be considered in deciding whether to release information. Although deceased persons no longer have privacy interests to be protected, some casualty information may be withheld if a determination is made that release of the information would invade the privacy of a living person. This includes personal information on the PNOK or others. It also includes information pertaining to the deceased if disclosure would result in an invasion of the family's privacy. Examples of items of a personal nature about family members or others that should be protected include residential addresses and telephone numbers, social security numbers, age and date of birth. Examples of items about a deceased person that should be protected are autopsy reports containing detailed descriptions of the procedures and vivid descriptions, photographs, or videotapes of human remains. The PNOK and/or family members

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may obtain their deceased Service member's records. Requests for records of deceased civilian employees will be submitted to the appropriate civilian personnel office for appropriate action. However, all requests shall be processed in accordance with References (h) and (v) to protect the privacy of other living person(s).

6.4. DoD Casualty Advisory Board (CAB)

6.4.1. This Instruction establishes the DoD CAB as a permanent board. The CAB is responsible for developing and recommending broad policy guidance, for proposing goals for the Military Services to ensure uniform policy regarding the care of military members and their families, and to ensure accurate reporting and accounting for the status of military members and applicable civilian personnel. The Board shall recommend policy during joint operations to ensure uniform and equitable treatment of all military members and their families and to ensure uniform procedures are used. Mortuary affairs issues are under the purview of the Central Joint Mortuary Affairs Board covered in DoD Directive 1300.22 (Reference (w)).

6.4.2. The CAB shall be composed of two members representing each of the Military Services as appointed by the Assistant Secretary, or their designee, of the Military Department responsible for military personnel policy. A copy of the member appointment letters will be forwarded to the Deputy Under Secretary of Defense for Military Community and Family Policy DUSD(MC&FP) Attn: Casualty Affairs. Depending on individual Service organization, members would include, at a minimum, those who are responsible for casualty reporting, family notification, casualty assistance, and mortuary assistance. The Chairman of the Joint Chiefs of Staff shall also designate a member. A member of the DHRA, DMDC, shall serve as a technical advisor to the board. A member of the ASD(PA) and the ASD(RA) will serve as advisors to the Board. The PDUSD(P&R) shall designate a member from that OSD component as the Chairperson of the CAB. The DUSD)(MC&FP), or that official's designee, shall be a member.

6.4.3. The Board shall perform the following functions regarding casualty matters:

6.4.3.1. Recommend policy changes to be coordinated within the Military Services and approved by the PDUSD(P&R).

6.4.3.2. Recommend uniform operational procedures to be coordinated within the Military Services and approved by the Chairman of the Joint Chiefs of Staff.

6.4.3.3. Recommend basic roles and responsibilities to be considered and approved by the Chairman of the Joint Chiefs of Staff for joint operations.

6.4.3.4. Recommend and review policies regarding the release of casualty information and statistics to the media and the general public.

6.4.3.5. Review major disaster and contingency responses to casualty incidents to ensure adequacy of existing policies and procedures.

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6.4.3.6. Be the focal point with other Federal Agencies, Veterans Service Organizations, and non-profits to improve the support and assistance to surviving family members.

6.4.4. The Chairperson of the CAB shall:

6.4.4.1. Notify the CAB membership no later than 60-days prior to a scheduled meeting.

6.4.4.2. Designate the Service who hosts the CAB meeting to provide a recorder and prepare CAB minutes in specified format.

6.4.4.3. Prepare CAB minutes within 30 working-days following a meeting and forward a copy such minutes to the Assistant Secretaries of the Military Departments and their designees, the Director of the Joint Staff, ASD(PA), ASD(RA), and other leadership as appropriate.

6.4.4.4. Coordinate any policy change recommendations.

6.4.4.5. Coordinate with the Military Services on all invited guests to the CAB who have expertise or services that may provide additional support to Service members and their families.

6.4.5. CAB meetings shall be held tri-annually or as directed by the Chairperson. The respective Military Services shall fund travel and per diem expenses associated with board meetings. A quorum exists only if each Military Service has a representative present.

6.5. Vietnam Veterans Memorial Wall Applications

6.5.1. All requests to add names to the Vietnam Veterans Memorial Wall will be forwarded to the Director, DHRA, for final decision. Family members or other interested parties will be advised that the request has been forwarded for decision and an update will be provided when a decision has been made.

6.5.2. Each request will be endorsed with a Service recommendation (a) to add the member's name on the Wall or (b) that the name not be added because the deceased veteran does not meet the established criteria. In order for a Service member to have his or her name added to the Wall, one of the following criteria must be satisfied: A Service member must have:

6.5.2.1. Died in Vietnam between November 1, 1955, and December 31, 1960; or

6.5.2.2. Died in the defined combat zone on or after January 1, 1961; or

6.5.2.3. Died as a result of wounds (combat or hostile related) sustained in the combat zone; or

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6.5.2.4. Died while participating in, or providing direct support to, a combat mission immediately en route to or returning from a target within the defined combat zone.

6.5.3. For clarification purposes on the above criteria, there is no requirement that the Service member was killed in action or that the cause of death was combat related.

7. INFORMATION REQUIREMENTS

7.1. The reporting requirements described in paragraph 6.1.2. have been assigned Report Control Symbol DD-P&R(AR) 1664 in accordance with DoD 8910.1-M (Reference (x)).

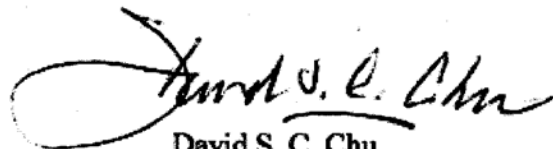
7.2. The Record of Emergency Data Form (DD Form 93) (RED) will be prepared for all personnel enlisted or commissioned in the Armed Forces, Enclosure 7. Detailed preparation instructions are contained in Enclosure 8. Examples are provided in Enclosure 9.

7.3. Additional information requirements, unless exempt, shall be developed, approved, and licensed, consistent with Reference (x) and DoD Directive 8320.2 (Reference (y)).

8. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

89. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness

Enclosures - *910*

- E1. References, continued
- E2. Definitions
- E3. Sample Report of Casualty (DD Form 1300)
- E4. Instructions for Completing the Report of Casualty (DD Form 1300)
- E5. Examples of Completed DD Form 1300
- E6. Civilian Casualty Reporting, Recording, Notification and Assistance by DoD Components
- E7. General Instructions for the Use and Preparation of the Record of Emergency Data (DD Form 93)
- E8. Detailed Instructions for Completing the Record of Emergency Data (DD Form 93)
- E9. Example of Completed Record of Emergency Data (DD Form 93)
- E10. Procedures for Notifying the Military Service Casualty Offices of Death Investigations*

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E1. ENCLOSURE 1REFERENCES, continued

- (e) Section 566 of Public Law 109-364, "John Warner National Defense Authorization Act for Fiscal Year 2007," October 17, 2006
- (f) Section 1072 of Public Law 102-484, "National Defense Authorization Act for Fiscal Year 1993," October 23, 1992
- (g) Joint Publication 1-02, "DoD Dictionary of Military and Associated Terms," as amended
- (h) Sections 552, 552a, 5561-5570, of title 5, United States Code
- (i) Sections 724 and 1082 of Public Law 108-375, "Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005," October 28, 2004
- (j) DoD Instruction 5010.40, "Managers Internal Control (MIC) Program Procedures," January 4, 2006
- (k) Sections 101(d), 655, 1044, 1482(c), 1501-1513 and chapter 55 of title 10, United States Code
- (l) DoD Instruction 2310.5 "Accounting for Missing Persons" January 31, 2000
- (m) DoD Directive 1400.31 "DoD Civilian Work Force Contingency and Emergency Planning and Execution" April 28, 1995
- (n) DoD Instruction 1400.32 "DoD Civilian Work Force Contingency and Emergency Planning Guidelines and Procedures" April 24, 1995
- (o) DoD Instruction 3020.37 "Continuation of Essential DoD Contractor Services During Crises" November 6, 1990
- (p) DoD Instruction 2310.4 "Repatriation of Prisoners of War (POW), Hostages, Peacetime Government Detainees and Other Missing or Isolated Personnel" November 21, 2000
- (q) DoD Directive 5110.10, "Defense Prisoner of War/Missing Personnel Office (DPMO)" September 21, 2005
- (r) Section 692 of title 26, United States Code
- (s) Joint Federal Travel Regulations, Volume 1, "Uniformed Service Members," June 1, 2006
- (t) Joint Travel Regulations, Volume 2, "Department of Defense Civilian Personnel," August 1, 2007
- (u) Sections 411f(c), 551-559 of title 37, United States Code
- (v) DoD 5400.07-R, "DoD Freedom of Information Act (FOIA) Program," September 4, 1998
- (w) DoD Directive 1300.22 "Mortuary Affairs Policy" February 3, 2000
- (x) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," June 30, 1998
- (y) DoD Directive 8320.02, "Data Sharing in a Net-Centric Department of Defense," December 2, 2004
- (z) Sections 316, 502-505 of title 32, United States Code
- (aa) Section 1302(d) of title 38, United States Code
- (~~bb~~ab) DoD Directive 5100.3 "Support of the Headquarters of Combatant and Subordinate Joint Commands," November 15, 1999
- (ac) *Secretary of Defense Memorandum, "DoD Policy Regarding Media Access to Dignified Transfers at Dover Air Force Base," March 25, 2009*

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(ad) Under Secretary of Defense for Personnel and Readiness Directive-Type Memorandum 07-017, "Service Casualty Office Notification of Death Investigations," March 21, 2008 (hereby canceled)

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E2. ENCLOSURE 2

DEFINITIONS

The definitions used herein apply solely to this Instruction and may vary from definitions established in Reference (g).

E2.1. Active Duty (AD). Full-time duty in the active Military Service of the United States. This includes members of the Reserve Components serving on active duty for full-time training duty, but does not include full-time National Guard duty.

E2.2. Active Service. Service on active duty or full-time National Guard duty.

E2.3. Active Duty for Training (ADT). A tour of AD which 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 member is under orders that provide for return to non-active status when the period of active duty for training is completed. This includes annual training, special tours of ADT, school tours, and initial duty for training performed by nonprior service enlistees.

E2.4. Armed Conflict. Conflict between nations or other contestants entailing the physical destruction of, or injury to, one another's Armed Forces. Armed conflict exists when the lives or safety of members of the armed services of a nation, belligerent power, coalition, or faction are endangered as a direct result of the use of physical force.

E2.5. Body Recovered. The remains of a deceased person recovered by and/or returned to U.S. authority.

E2.6. Casualty. Any person who is lost to the organization by having been declared dead, duty status – whereabouts unknown (DUSTWUN), excused absence-whereabouts unknown (EAWUN), missing, ill, or injured.

E2.7. Casualty Assistance. A commitment to provide authorized and necessary assistance to eligible family members of deceased, DUSTWUN, EAWUN, missing, ill, or injured personnel. Assistance may include, but is not limited to: transportation assistance; applying for and receiving benefits and entitlements; obtaining copies of records, reports and investigations; legal assistance; receipt of personal effects; mortuary and funeral honors assistance; relocation assistance, including shipment of household goods; liaison with other Federal agencies; information and referral, including emotional and spiritual support, and other assistance as requested.

E2.8. Casualty Assistance Officer or Representative. The title of the person assigned by the Service or DoD Component concerned to provide assistance to the families of ill, injured, DUSTWUN, EAWUN, missing, or deceased members.

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E2.9. Casualty Category. A term used to specifically classify a casualty for reporting purposes based upon the casualty type and the casualty status.

E2.10. Casualty Report. The initial report to the Service headquarters of a member casualty. This report contains background information on the casualty incident and is used for casualty notification to the PNOK. The report forms the basis for the preparation of the “Report of Casualty” or DD Form 1300.

E2.11. Casualty Status

E2.11.1. A term used to classify a casualty for reporting purposes. There are six casualty statuses: (1) deceased; (2) duty status – whereabouts unknown (DUSTWUN) for military, or excused absence – whereabouts unknown (EAWUN) for civilians; (3) missing; (4) very seriously ill or injured (VSI); (5) seriously ill or injured (SI); and (6) not seriously ill or injured (NSI).

E2.11.2. At the DoD Component’s discretion, an additional casualty status of Special Patient (SPECPAT) or Special Category (SPECAT) may be used. This status is for those members whose illness or injury is not otherwise reportable such as SI or VSI but involves: personnel diagnosed with a psychotic condition requiring hospitalization; attempted suicide and suicide gestures verified by a medical authority, or other medical conditions that may require extensive medical treatment or hospitalization.

E2.12. Casualty Type. A term used to identify a casualty for reporting purposes as either a hostile casualty or a non-hostile casualty.

E2.13. Circumstance of Casualty. An occurrence that causes a casualty or directly sets off a series of actions leading to a casualty.

E2.14. Civilian. A person who is not a member of the armed forces, including a member of the general public, U.S. and non-U.S., a defense contractor, a DoD civilian employee, non-DoD Federal employees, or military dependents.

E2.15. Classification of Casualty

E2.15.1. Air Casualty. A casualty resulting from the intent for flight of an aircraft; i.e., manned vehicles that are supported in flight by buoyancy or dynamic action. The intent for flight begins when an aircraft engine is started for commencing flight and continues until the aircraft comes to rest with the engine(s), propeller(s), or rotors stopped and brakes set or wheel chocks in place. The aircraft's engine is considered started when the intentional attempt is made to set the engine in motion. For amphibian aircraft landing on water, intent for flight continues until all normal flight operations have ended. It ceases when the engine(s) have been stopped and the aircraft has been either moored or taken in tow. For non-engine powered aircraft (e.g., balloons, non-powered gliders), intent for flight begins with any intentional operations for commencing flight and ends when said operations cease and the aircraft is properly moored, chocked, or the like.

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E2.15.2. Sea Casualty. A casualty occurring in water areas in conjunction with the operation of seagoing vessels. The term includes casualties aboard seagoing vessels while underway, casualties aboard seagoing vessels while in port that result in death aboard ship, and ground crew aboard ship that are killed in an aircraft crash.

E2.15.3. Ground Casualty. A casualty other than an air or sea casualty.

E2.16. Contractor. An individual or employee of a private business who contracts to furnish supplies or perform work at a certain price or rate.

E2.17. Covered Person. Refers to those persons for whom a determination of status must be made under the provisions of Reference (l).

E2.18. Date of Casualty Incident. The date the Service member enters a casualty status. For members declared DUSTWUN or persons declared missing, the date of casualty is the date declared DUSTWUN or missing. For members declared missing who were initially declared DUSTWUN, the date of casualty is the date declared DUSTWUN unless there is evidence to indicate a more current date. For persons reported VSI, SI, or NSI, the date of casualty is the date the illness or injury occurred, if known, or the date the person is so classified as ill or injured by competent medical authority.

E2.19. Date of Death. The date a person died based upon actual knowledge of when the death occurred, receipt of conclusive evidence, or a presumptive finding of death. For persons that suffer irreversible brain death, the law differs among States and countries concerning when a person is legally considered deceased. The date of death in these cases is the date determined by competent medical authority based upon either declaring the person brain dead or removal from life support systems, whichever the local law dictates. For persons declared missing and subsequently deceased, the date of death is dependent upon either receipt of conclusive evidence of death or a presumptive finding of death. The date of death based upon receipt of conclusive evidence is the date determined by competent medical authority or by the Military Department Secretary or his or her appointed designee. The date of death based upon a presumptive finding of death is the date the Military Department Secretary or his or her appointed designee signs the change in casualty status from missing to deceased.

E2.20. Deceased. A casualty status applicable to a person who is either known to have died, determined to have died on the basis of conclusive evidence, or declared to be dead on the basis of a presumptive finding of death. The recovery of remains is not a prerequisite to determining or declaring a person deceased.

E2.21. Defense Casualty Information Processing System (DCIPS). DCIPS is the Department's functional information system for casualty and mortuary business information processes. DCIPS is a single standard system supporting uniform procedures, accounting and accurate reporting of casualties, ensuring support of family members, benefits tracking, coordinating mortuary affairs, and the return of personal effects and human remains. DCIPS functional requirements are approved by the DCIPS CCB.

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E2.22. Department of Defense Casualty. Any person reflected in the personnel categories under paragraph 6.1.1. or meeting the definition of casualty.

E2.23. Designated Person or Previously Designated Person. A person or persons, if any, other than that person's PNOK or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts are investigated under chapter 76, sections 1501-1513 of Reference (k). See also section 655 of Reference (k).

E2.24. Died of Wounds Received in Action. A casualty category applicable to a hostile casualty, other than the victim of a terrorist activity, who dies of wounds or other injuries received in action after having reached a medical treatment facility.

E2.25. Dignified Transfer. The process by which the Department of Defense moves transfer cases containing human remains from one conveyance to another. Example: A dignified transfer occurs when human remains are removed from an aircraft arriving at Dover Air Force Base and placed into a mortuary transfer vehicle for ground transportation to the Port Mortuary.

~~E2.25~~E2.26. Duty Status. A status in which the military member was serving under section 101(d) of Reference (k), or sections 316, 502, 503, 504, or 505 of title 32, U.S.C. (Reference (z)) at the time the member becomes a casualty. Duty status is used as a basis for determining eligibility for survivor benefits and entitlements.

~~E2.26~~E2.27. Duty Status - Whereabouts Unknown (DUSTWUN). A transitory casualty status, applicable only to military personnel, that is used when the responsible commander suspects the member may be a casualty, whose absence is involuntary, but does not feel sufficient evidence currently exists to make a determination of missing or deceased.

~~E2.27~~E2.28. Escort

~~E2.27.1~~E2.28.1. Military Escort. A uniformed member of appropriate grade who accompanies the remains of a deceased member from the servicing mortuary to the place of burial or interment.

~~E2.27.2~~E2.28.2. Special Escort. A military member, a family member, or a friend of the family specifically requested by the PADD to escort the deceased member's remains.

~~E2.27.3~~E2.28.3. Aircraft Commander. *Serves as the official escort* ~~When~~ remains are being returned to the United States from an OCONUS location (to include Alaska and Hawaii) by military air or military-contract air, ~~the aircraft commander will serve as the official escort~~ until arrival at the CONUS port mortuary for final processing. If remains are processed at an OCONUS location and are ready for transport to the destination identified by the PADD, an escort, other than the aircraft commander, will be provided from the preparing mortuary to the final destination.

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~~E2.28~~E2.29. Excused Absence – Whereabouts Unknown (EAWUN). An administrative status, applicable only to civilian personnel, that is used when the responsible commander suspects the employee may be a casualty, whose absence is involuntary, but does not feel sufficient evidence currently exists to make a determination of missing or deceased.

~~E2.29~~E2.30. Friendly Fire. In casualty reporting, a casualty circumstance applicable to persons killed in action or wounded in action mistakenly or accidentally by friendly forces actively engaged with the enemy, who are directing fire at a hostile force or what is thought to be a hostile force.

~~E2.30~~E2.31. Full-time National Guard Duty. Training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or Air National Guard of the United States in the member's status as a member of the National Guard of a State or Territory, the Commonwealth of Puerto Rico, or the District of Columbia under sections 316, 502, 503, 504, or 505 of Reference (z), for which a member is entitled to pay from the United States or for which a member has waived pay from the United States.

~~E2.31~~E2.32. Home of Record. A term unique to the military used to determine a member's pay, allowances, and other entitlements under various Federal statutes. In general, it is synonymous with the concept of "domicile" at the time when it is initially recorded, and yet unlike "domicile," it does not have the flexibility of change during the continuation of an uninterrupted tour of military service. The place recorded as the home of the individual when commissioned, reinstated, appointed, reappointed, enlisted, reenlisted, inducted, or ordered into the relevant tour of duty.

~~E2.32~~E2.33. 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 or 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 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 without authority from a place of duty.

~~E2.33~~E2.34. 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.

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~~E2.34~~~~E2.35~~. Invitational Travel Authorization. Invitational travel is the term applied to authorize travel of individuals. The more commonly referred to name is Invitational Travel Orders. Refer also to the current version of Reference (s).

~~E2.35~~~~E2.36~~. 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.

~~E2.36~~~~E2.37~~. Mass Casualty. Any large number of casualties produced in a relatively short period of time, usually as the result of a single incident such as a military aircraft accident, hurricane, flood, earthquake, or armed attack that exceeds local logistical support capabilities.

~~E2.37~~~~E2.38~~. Missing. A casualty status for which the United States Code provides statutory guidance concerning missing members of the Military Services. Excluded are personnel who are in an AWOL, deserter, or dropped-from-rolls status. A person declared missing is categorized as follows:

~~E2.37.1~~~~E2.38.1~~. Beleaguered. The casualty is a member of an organized element that has been surrounded by a hostile force to prevent escape of its members.

~~E2.37.2~~ ~~E2.38.2~~. Besieged. The casualty is a member of an organized element that has been surrounded by a hostile force, compelling it to surrender.

~~E2.37.3~~~~E2.38.3~~. Captured. The casualty has been seized as the result of action of an unfriendly military or paramilitary force in a foreign country. See also Prisoner of War (POW).

~~E2.37.4~~~~E2.38.4~~. Detained. The casualty is prevented from proceeding or is restrained in custody for alleged violation of international law or other reason claimed by the government or group under which the person is being held.

~~E2.37.5~~~~E2.38.5~~. Interned. The casualty is definitely known to have been taken into custody of a nonbelligerent 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.

~~E2.37.6~~~~E2.38.6~~. Missing. The casualty is not present at his or her duty location due to apparent involuntary reasons and whose location is unknown.

~~E2.37.7~~~~E2.38.7~~. 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.

~~E2.38~~~~E2.39~~. 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.

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~~E2.39~~E2.40. Not Seriously Ill or Injured (NSI). The casualty status of a person whose illness or injury requires medical attention, may or may not require hospitalization, and medical authority classifies as less severe than SI.

~~E2.40~~E2.41. Official Combat Area or Zone. A combat area or zone that has been officially designated by Presidential or Congressional authority.

~~E2.41~~E2.42. Person Authorized to Direct Disposition of Human Remains (PADD). A person, usually the PNOK (see ~~E2.45~~E2.46), who is authorized to direct disposition of human remains. For disposing of human remains, under the authority of Reference (I), the Secretary of the Military Department concerned is deemed to have such standing if no other such person is available. Service members ~~will~~ *shall* identify a PADD on their DD Form 93. (See instructions at Enclosure 7.) Absent the identification of a PADD by the Service member, then the PADD is recognized in the following order:

~~E2.41.1~~E2.42.1. Surviving spouse. The legal spouse is one who was married to the deceased as prescribed by civil law, was not divorced from the deceased and has not remarried at the time disposition of remains is to be made. The latter might apply in the case of a Service member who has been declared deceased, body not recovered at the time of the casualty incident, and whose remains are later recovered and identified. If the spouse has remarried at the time disposition is to be made, the right of disposition will go to the next person in order of priority, and the remarried spouse will take priority under paragraph ~~E2.41.8~~E2.42.8.

~~E2.41.2~~E2.42.2. Children who have reached the age of majority in order of seniority (age).

~~E2.41.3~~E2.42.3. Parents in order of seniority (age) unless legal custody was granted to another person by reason of court decree or statutory provision. Step-parents, who have not adopted the Service member, serve in *loco parentis* and are not considered parents for PADD purposes.

~~E2.41.4~~E2.42.4. Blood or adoptive relative of the individual who was granted legal custody of the Service member 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.

~~E2.41.5~~E2.42.5. Brothers or sisters of legal age in order of seniority (age). When the deceased person has full siblings, half-siblings, or step-siblings, the order of precedence is the full siblings then the half-siblings. 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 one of the deceased person's biological parents.

~~E2.41.6~~E2.42.6. Grandparents in order of seniority (age).

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~~E2.41.7~~~~E2.42.7~~. Other adult blood relatives in order of relationship to the individual under the laws of the deceased's domicile. When two individuals are of equal relationship, priority will be determined by age.

~~E2.41.8~~~~E2.42.8~~. Remarried surviving spouse. 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 might apply in the case of a Service member who is declared deceased, body not recovered, and whose remains are later recovered and identified.

~~E2.41.9~~~~E2.42.9~~. Persons standing in *loco parentis*. *Loco parentis* means any person(s) or institution who acted in place of the member's parent(s) for a period of not less than 1 year at any time before the member joined the military. Seniority in age will control when the persons are of equal relationship.

~~E2.41.10~~~~E2.42.10~~. Legal representative of the estate may make disposition of remains when all efforts to identify or locate a person in categories (1) through (9) are unsuccessful. The legal representative must be properly appointed by a civil court having jurisdiction of the decedent's estate.

~~E2.41.11~~~~E2.42.11~~. When all known persons in categories (1) through (10) relinquish disposition authority or cannot be identified or located, then disposition of the remains will be made by the administrative determination of the Secretary of the Military Department concerned or their designee.

~~E2.42~~~~E2.43~~. Person Eligible to Receive Effects (PERE). The person eligible to receive the personal effects of a deceased military member or civilian employee. (See also paragraph ~~E2.41~~~~E2.42~~.) PEREs are recognized in the following order:

~~E2.42.1~~ ~~E2.43.1~~. Legal representative of the member's estate. To qualify as a legal representative, an individual must present duly certified copies of letters testamentary, letters of administration, or other evidence of final qualification, issued by a proper court of competent jurisdiction.

~~E2.42.2~~~~E2.43.2~~. Un-remarried surviving spouse.

~~E2.42.3~~~~E2.43.3~~. Children in order of seniority (age).

~~E2.42.4~~~~E2.43.4~~. Parents in order of seniority (age).

~~E2.42.5~~~~E2.43.5~~. Siblings in order of seniority (age).

~~E2.42.6~~~~E2.43.6~~. Other blood relative. When two individuals are of equal relationship, priority will be determined by age.

~~E2.42.7~~~~E2.43.7~~. A person standing in *loco parentis*.

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~~E2.42.8~~~~E2.43.8~~. A person named as a beneficiary in the will.

~~E2.43~~~~E2.44~~. Posthumous Promotion. Promotion to a higher grade following a casualty's death; however, this promotion is not for pay purposes.

~~E2.44~~~~E2.45~~. Presumptive Finding of Death. A declaration by the Military Department 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.

~~E2.45~~~~E2.46~~. Primary Next of Kin (PNOK). The person most closely related to the casualty is considered PNOK for casualty notification and assistance purposes. The unremarried surviving spouse is PNOK. The term "surviving spouse" does not include one who obtained a divorce from the decedent (at any time). See also paragraph ~~E2.41~~~~E2.42~~. Other NOK and interested parties are recognized in the following order:

~~E2.45.1~~~~E2.46.1~~. Natural and adopted children in order of seniority (age). The age of majority is 18 years. Their surviving parent or legal guardian shall exercise the rights of minor children.

~~E2.45.2~~~~E2.46.2~~. Parents in order of seniority (age), unless legal exclusive (sole) custody was granted to a person by reason of a court decree or statutory provision.

~~E2.45.3~~~~E2.46.3~~. Blood or adoptive relative who was granted legal custody of the person by a court decree or statutory provision.

~~E2.45.4~~~~E2.46.4~~. Brothers or sisters of legal age in order of seniority (age).

~~E2.45.5~~~~E2.46.5~~. Grandparents in order of seniority (age).

~~E2.45.6~~~~E2.46.6~~. Other relatives of legal age in order of relationship to the individual according to civil laws. Seniority (age) controls when persons are of equal degree of relationship.

~~E2.45.7~~~~E2.46.7~~. Persons standing in *loco parentis* to the decedent. Seniority in age will control when the persons are of equal relationship.

~~E2.45.8~~~~E2.46.8~~. The remarried surviving spouse. The term remarried surviving spouse does not include one who obtained a divorce from the decedent (at any time) or who remarried before a finding of death pursuant to Reference (u).

~~E2.46~~~~E2.47~~. Prisoner of War (POW). POW is not a casualty status for reporting purposes. For reporting purposes, the casualty status and category would be missing-captured. POW is the international legal status of military and certain other personnel captured during an armed conflict between two countries and that status entitles those captured to humanitarian treatment under the Third Geneva Convention, "Geneva Convention Relative to the Treatment of Prisoners of War." The international status of POW is automatic when personnel "have fallen into the

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power of the enemy.” There is no action required by any country in the conflict to have that status applied to their personnel and for their personnel to be entitled to the humanitarian protections of the Geneva Convention.

~~E2.47~~**E2.48.** Record of Emergency Data (RED) (DD Form 93). A form used to designate beneficiaries for certain benefits and designate the PADD in the event of the Service member’s death. It is a guide for the disposition of that member’s pay and allowances if captured, missing, or interred. It also shows names and addresses of the person(s) the Service member desires to be notified in case of emergency or death.

~~E2.48~~**E2.49.** Report of Casualty. The DD Form 1300. (See paragraph 6.1.2.1.)

~~E2.49~~**E2.50.** 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.

~~E2.50~~**E2.51.** Seriously Ill or Injured (SI). The casualty status of a person whose illness or injury requires medical attention, and medical authority declares that death is possible, but not likely within 72 hours, and/or the severity is such that it is permanent and life-altering.

~~E2.51~~**E2.52.** Service Occupation Codes. The identification by Military Services of occupation specialty codes for officers and enlisted personnel.

~~E2.52~~**E2.53.** Terrorism. The calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.

~~E2.53~~**E2.54.** Unaccounted For. An inclusive term (not a casualty status) applicable to personnel whose person or remains are not recovered or otherwise accounted for following hostile action. Commonly used when referring to personnel who are killed in action and whose bodies are not recovered (KIA/BNR).

~~E2.54~~**E2.55.** Very Seriously Ill or Injured (VSI). The casualty status of a person whose illness or injury is such that medical authority declares it more likely than not that death will occur within 72 hours.

~~E2.55~~**E2.56.** Wounded in Action (WIA). 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 wound. These include fractures, burns, blast concussions, all effects of 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 categorized as SI, VSI, or NSI.

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E3. ENCLOSURE 3

SAMPLE REPORT OF CASUALTY (DD FORM 1300)

REPORT OF CASUALTY		REPORT CONTROL SYMBOL DD-P&R(AR)1664		
1. REPORT TYPE			2. DATE PREPARED	
3. SERVICE IDENTIFICATION				
a. NAME (Last, First, Middle and Suffix)		b. SOCIAL SECURITY NO.	c. RANK	d. PAY GRADE
e. OCCUPATIONAL CODE/RATING				
f. COMPONENT	g. BRANCH	h. ORGANIZATION		
4. CASUALTY INFORMATION				
a. TYPE	b. STATUS	c. CATEGORY	d. DATE OF CASUALTY	e. PLACE OF CASUALTY
f. CIRCUMSTANCES				
g. DUTY STATUS				h. BODY RECOVERED
5. BACKGROUND INFORMATION				
a. DATE OF BIRTH	b. PLACE OF BIRTH	c. COUNTRY OF CITIZENSHIP		
d. RACE				
e. ETHNICITY				f. SEX
g. RELIGIOUS PREFERENCE				
6. ACTIVE DUTY INFORMATION				
a. PLACE OF ENTRY	b. DATE OF ENTRY	c. HOME OF RECORD AT TIME OF ENTRY		
7. INTERESTED PERSONS/REMARKS (Name, Address, and Relationship) (Continue on separate sheet, if necessary)				
<p>FOOTNOTES: 1 Adult next of kin. 2 Beneficiary for gratuity pay in event there is no surviving spouse or child - as designated on record of emergency data. 3 Beneficiary for unpaid pay and allowances - as designated on record of emergency data.</p>				
8. REPORTING INFORMATION				
a. COMMAND AGENCY			b. DATE RECEIVED	
9. DISTRIBUTION		10. SIGNATURE ELEMENT		
NOTE: This form may be used to facilitate the cashing of bonds, the payment of commercial insurance, or in the settlement of any other claim in which proof of death is required.				
DD FORM 1300, MAR 2004		PREVIOUS EDITION MAY BE USED.		Reset

SAMPLE

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E4. ENCLOSURE 4INSTRUCTIONS FOR COMPLETING THE REPORT OF CASUALTY (DD FORM 1300)

Complete all applicable items. For uniformity, the instructions should be correlated with the definitions contained in this Instruction.

<u>Item</u>	<u>Instructions</u>
1 REPORT TYPE	Enter Initial, Interim, Final, Corrected Final, or Cancellation.
2 DATE PREPARED	Enter as day, month, and year. EXAMPLE: 12 Jan 2003
3 SERVICE INFORMATION	
3a NAME	Enter last name, first and middle names, and suffix, if any. EXAMPLE: Smith, Joseph Doe, Jr.
3b SOCIAL SECURITY NUMBER	Self-explanatory. EXAMPLE: 221-26-6657.
3c RANK	Enter the abbreviation for the military rank. EXAMPLES: COL, SGT, CW2. If a member is posthumously promoted, enter a comment in item 7 with the remark, "Item 3c: posthumously promoted to Staff Sergeant, Chief Warrant Officer-3, Captain" followed by appropriate posthumous promotion authority information.
3d PAY GRADE	Self-explanatory. If section 1302(d) of Reference (aa) applies, enter the pay grade at the time of the casualty. Enter a comment in item 7 with the remark, Item 3d continued: Section 1302(d) of title 38 U.S.C. (Reference (aa) applies, followed by the higher pay grade. Pursuant to section 1302(d) of Reference (aa), dependency and indemnity compensation is based on the highest grade held satisfactorily for 6 or more months.
3e OCCUPATION CODE/RATING	Enter Service Occupation Code or Rating. (See definition in Enclosure 2.)
3f COMPONENT	Enter either Regular, Reserve, Guard, or Temporary. The term Temporary applies to members of the Uniformed Services, other than the Military Services, when operating with elements of the Department of Defense.

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3g BRANCH

Enter the abbreviation for the branch of Military Service as one of the following:

- a. USAF - United States Air Force
- b. USA - United States Army
- c. USN - United States Navy
- d. USMC - United States Marine Corps
- e. USCG - United States Coast Guard

3h ORGANIZATION

Enter unit of assignment and location.

EXAMPLE: 644th Tactical Fighter Squadron,
Cannon AFB, NM.

4 CASUALTY INFORMATION

Use the chart below when completing blocks 4a (TYPE), 4b (STATUS), and 4c (CATEGORY). Only these combinations are authorized. Definitions are contained in Enclosure 2. The word Pending can only be used on Initial or Interim reports.

4a	4b	4c
Type	Status	Category
HOSTILE	DECEASED	DIED OF WOUNDS
HOSTILE	DECEASED	KILLED IN ACTION
HOSTILE	DECEASED	TERRORIST
HOSTILE	DECEASED	WHILE CAPTURED
HOSTILE	DECEASED	WHILE MIA
HOSTILE	MISSING	BELEAGUERED
HOSTILE	MISSING	BESIEGED
HOSTILE	MISSING	CAPTURED
HOSTILE	MISSING	DETAINED
HOSTILE	MISSING	INTERNED
HOSTILE	MISSING	MISSING IN ACTION
HOSTILE	MISSING	TERRORIST
HOSTILE	RET MIL CONTROL	FROM BELEAGUERED
HOSTILE	RET MIL CONTROL	FROM BESIEGED
HOSTILE	RET MIL CONTROL	FROM CAPTURED
HOSTILE	RET MIL CONTROL	FROM DETAINED
HOSTILE	RET MIL CONTROL	FROM INTERNED
HOSTILE	RET MIL CONTROL	FROM MIA
HOSTILE	RET MIL CONTROL	FROM TERRORIST
HOSTILE	DUSTWUN	PENDING
HOSTILE	EAWUN	PENDING
NON-HOSTILE	DECEASED	ACCIDENT
NON-HOSTILE	DECEASED	HOMICIDE
NON-HOSTILE	DECEASED	ILLNESS
NON-HOSTILE	DECEASED	PENDING

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4a	4b	4c
Type	Status	Category
NON-HOSTILE	DECEASED	SELF-INFLICTED
NON-HOSTILE	DECEASED	UNDETERMINED
NON-HOSTILE	MISSING	DETAINED
NON-HOSTILE	MISSING	PENDING
NON-HOSTILE	RET MIL CONTROL	FROM MISSING
NON-HOSTILE	DUSTWUN	PENDING
NON-HOSTILE	EAWUN	PENDING
PENDING	DECEASED	PENDING

4d DATE OF CASUALTY

Enter as day, month, and year. EXAMPLE: 15 Feb 1999.

In those cases where remains are found, the date of death will be determined by the AFME. If the date of death cannot be determined, enter the date the remains were found. In item 7, enter the remark, "Item 4d continued: Date of death cannot be determined."

4e PLACE OF CASUALTY

The place of casualty approximates where the casualty was either pronounced dead on arrival, dead at the scene, or declared missing based on the casualty's last known location. Enter the name of city or town followed by the State, District of Columbia, or Territory, if the United States, or the country, if not the United States. For casualties that occur over, on, or beneath a body of water, enter the name of the body of water. Include with the name of the body of water the geographic coordinates or the approximate location relative to the nearest landmass. If the place of casualty is classified, enter "Classified Location."

4f CIRCUMSTANCES

Provide information about what the person was doing at the time of death and what occurred that caused the death. For example, "While driving his automobile, he was struck by an oncoming vehicle." Layman terms are generally used.

The words "Determination Pending" may be used on an initial or interim report where insufficient information is known to be able to provide circumstance information. It may also be prefaced with what circumstances are not in dispute such as "Gunshot wound to the head" or "Remains found at the bottom of a 70 foot cliff after hiking." Any speculation should be avoided.

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If a death certificate is issued, the exact wording from it may be used in circumstances followed by "(PDC)" which means per death certificate. However, if the death certificate does not provide details of the circumstances, these must be included as well. For example, if DD 2064 states "blast injuries" more information such as "IED exploded when HMMWV ran over it" is required.

4g DUTY STATUS

Enter either Active Duty, Active Duty for Training, or Inactive Duty Training. For members whose duty status is Active Duty for Training or Inactive Duty Training, indicate approval authority and inclusive dates of duty. If the member was in an AWOL or desertion status, include with the duty status and indicate the local date the AWOL or desertion began. EXAMPLE: Active Duty for Training/AWOL - 19 Jan 1998. At the Military Services' option, include with the duty status whether the member was on-duty, off-duty, on-leave, in-patient, and so forth. EXAMPLE: Active Duty/On-Duty. If the DD Form 1300 (Enclosure 3) is used to record the death of separated, discharged, or retired members, enter the effective date of separation, discharge, or retirement. For retired members, the effective date is either the date retired for disability reasons or the date retired for years of military service. EXAMPLES: Retired effective 5 Jan 1990 with a physical disability; Retired effective 1 Jan 1990 for years of military service.

4h BODY RECOVERED

For deceased casualties, enter Yes or No, as applicable.

5 BACKGROUND INFORMATION**5a DATE OF BIRTH**

Enter as day, month, and year. EXAMPLE: 26 May 1941.

5b PLACE OF BIRTH

Enter the name of the city or town, if known, followed by the State, District of Columbia, or Territory, if the United States, or country, if not the United States.

5c COUNTRY OF CITIZENSHIP

Self-explanatory.

5d RACE

Enter (one or more, as more than one race can be selected) American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, White, or Decline to Respond as applicable.

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- 5e ETHNICITY Enter the appropriate ethnic group (Hispanic or Latino, Not Hispanic or Latino, Decline to Respond, etc.), as applicable.,
- 5f SEX Enter either Male or Female.
- 5g RELIGIOUS PREFERENCE Self-explanatory. If no preference recorded, enter "No Preference."

6 ACTIVE DUTY INFORMATION

- 6a PLACE OF ENTRY Optional entry at Military Services' discretion. Enter the name of the city or town, if known, followed by the State, District of Columbia, or Territory, if the United States, or the country, if not the United States. The Place of Entry corresponds to the location where the member was accepted into the military service in his or her current status. As such, it remains constant throughout the member's career unless a member separates and has a definite break in military service greater than one day.
- 6b DATE OF ENTRY Optional entry at Military Services' discretion. Enter as day, month, and year, the date associated with when the Place of Entry (item 6a) occurred. EXAMPLE: 6 Jun 1965.
- 6c HOME OF RECORD Enter the name of the city or town followed by the State, District of Columbia, or Territory, if the United States, or the country, if not the United States. (See definition in Enclosure 2.)
- 7 INTERESTED PERSONS/
REMARKS Self-explanatory. Identify entries with footnotes, if applicable. Do not use footnotes 2 or 3, if the member is reported as missing. If there is a change to any information, enter the remark, "Item (indicate number) changed." Enter appropriate remarks as necessary to include the following:
- a. If an item is changed or corrected, enter "Item(s) (indicate item number) changed" followed by any appropriate additional information.
 - b. If an item is continued due to space limitations, enter "Item (indicate item number) continued:" followed by the additional information.

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c. On copies for the Office of Servicemember's Group Life Insurance and the Department of Veterans Affairs (VA), ensure the member's elections, method of payment, and beneficiary designations are entered.

d. If the circumstances surrounding the death or missing status of a member meet the conditions listed in Section 692 of 26 U.S.C. (Reference (r)), enter "Internal Revenue Code, title 26, United States Code, Chapter 1, Section 692 applies."

e. If there are indications of foul play by a beneficiary in the circumstances of the insured's death, so state and identify which beneficiary.

f. If a member is posthumously promoted, enter "Item 3c changed" followed by the posthumous promotion authority information.

g. If the status of a missing member is changed to deceased based upon receipt of conclusive evidence or a presumptive finding of death, enter "Items 4b and 4c changed" followed by appropriate approval authority information.

h. In those cases where remains are found and the date of death cannot be determined, enter the remark, "Item 4d continued: Date of death cannot be determined."

i. If a missing member has been RET MIL CONTROL, enter "Items 4b and 4c continued: RET MIL CONTROL" followed by the local date of return.

8 REPORTING INFORMATION

- 8a COMMAND AGENCY Enter unit designation and location of the command agency reporting the casualty to the Military Service preparing the DD Form 1300 (Enclosure 3). EXAMPLE: 410 CSG/DPMAP, Travis AFB, CA.
- 8b DATE RECEIVED Enter as day, month, and year, the date the report was received by the Military Service preparing the DD Form 1300 (Enclosure 3). EXAMPLE: 18 Jan 1989.
- 9 DISTRIBUTION Optional entry at Military Services' discretion.
- 10 SIGNATURE ELEMENT Enter signature element of a certifying official.

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E5. ENCLOSURE 5

EXAMPLES OF COMPLETED DD FORMS 1300Example of a Hostile Casualty, Killed in Action, with Posthumous Promotion

REPORT OF CASUALTY		REPORT CONTROL SYMBOL DD-P&R(AR)1664		
1. REPORT TYPE Final		2. DATE PREPARED 02 Feb 2005		
3. SERVICE IDENTIFICATION				
a. NAME (Last, First, Middle and Suffix) Smith, Barbara Jean		b. SOCIAL SECURITY NO. 123-45-6789	c. RANK SSG	d. PAY GRADE E-5
e. OCCUPATIONAL CODE/ RATING 42A20				
f. COMPONENT Regular	g. BRANCH USA	h. ORGANIZATION HQ Company, 1st Battalion, 9th Cavalry, (32nd Abu Div) Fort Hood, TX 76554		
4. CASUALTY INFORMATION				
a. TYPE Hostile	b. STATUS Deceased	c. CATEGORY Killed in Action	d. DATE OF CASUALTY 24 Jan 2005	e. PLACE OF CASUALTY Khaldiyah, Iraq
f. CIRCUMSTANCES Hostile Action - Killed in an explosion when the vehicle she was riding in was struck by an improvised explosive device (IED)				
g. DUTY STATUS Active - On Duty				h. BODY RECOVERED Yes
S A M P L E				
5. BACKGROUND INFORMATION				
a. DATE OF BIRTH 17 Feb 1980	b. PLACE OF BIRTH Berlin, NH	c. COUNTRY OF CITIZENSHIP United States		
d. RACE White				
e. ETHNICITY None				f. SEX Female
g. RELIGIOUS PREFERENCE No Religious Preference				
6. ACTIVE DUTY INFORMATION				
a. PLACE OF ENTRY Kansas City, MO	b. DATE OF ENTRY 29 Sep 1998	c. HOME OF RECORD AT TIME OF ENTRY Kansas City, MO		
7. INTERESTED PERSONS/REMARKS (Name, Address, and Relationship) (Continue on separate sheet, if necessary) James C. Smith, 1234 Ruskin Way, Kansas City, MO 64128-3123 (Husband 1,2,3 / SGLI - 100%) Jimmy D. Smith, address same as above (son) Robert Dean Smith, 2468 Water Way, Kansas City, MO 64126-3123 (Father) Judy R. Brown, 4515 Platte Ave., Topeka, KS 66609-2864 (Mother) Sergeant Barbara J. Smith was posthumously promoted to the grade of Staff Sergeant, E-6 as of 24 January 2005, under the provisions of Public Law 680, 77th Congress, as amended. Pay grade shown in item 3d is that of E-5 since additional pay is not involved.				
FOOTNOTES: 1 Adult next of kin. 2 Beneficiary for gratuity pay in event there is no surviving spouse or child - as designated on record of emergency data. 3 Beneficiary for unpaid pay and allowances - as designated on record of emergency data.				
8. REPORTING INFORMATION				
a. COMMAND AGENCY CDR, 3d AHRCOM, Kuwait, APO AE 09304				b. DATE RECEIVED 24 Jan 2005
9. DISTRIBUTION DRU HOO		10. SIGNATURE ELEMENT BY ORDER OF THE SECRETARY OF THE ARMY		
NOTE: This form may be used to facilitate the cashing of bonds, the payment of commercial insurance, or in the settlement of any other claim in which proof of death is required.				
DD FORM 1300, MAR 2004		PREVIOUS EDITION MAY BE USED.		Reset

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Example of a Hostile Casualty Initially Reported as Missing-Detained and Subsequently
Reported as Returned to Military Control

REPORT OF CASUALTY		HEADQUARTERS, U.S. MARINE CORPS 3280 Russell Road Quantico, VA 22134-5103		REPORT CONTROL SYMBOL DD-P&R(AR)1664	
1. REPORT TYPE Final			2. DATE PREPARED 28 Feb 2005		
3. SERVICE IDENTIFICATION					
a. NAME (Last, First, Middle and Suffix) Castle, Gerald Joseph Jr.		b. SOCIAL SECURITY NO. 555-55-5555	c. RANK SSgt	d. PAY GRADE E-6	e. OCCUPATIONAL CODE/ RATING 0369
f. COMPONENT Regular	g. BRANCH USMC	h. ORGANIZATION Detachment B, U.S. Embassy, Cairo, Egypt			
4. CASUALTY INFORMATION					
a. TYPE Hostile	b. STATUS Returned to Military	c. CATEGORY From Detained	d. DATE OF CASUALTY 17 Feb 2005	e. PLACE OF CASUALTY Cairo, Egypt	
f. CIRCUMSTANCES Terrorist Activity: SSgt Castle was forcefully removed from his assigned place of duty at the U.S. Embassy, Cairo, Egypt by an unknown number of terrorist personnel.					
g. DUTY STATUS Active Duty/On Duty					h. BODY RECOVERED N/A
5. BACKGROUND INFORMATION					
a. DATE OF BIRTH 11 Sep 1980	b. PLACE OF BIRTH LaPorte, IN	c. COUNTRY OF CITIZENSHIP United States			
d. RACE White					
e. ETHNICITY None					f. SEX Male
g. RELIGIOUS PREFERENCE No Religious Preference					
6. ACTIVE DUTY INFORMATION					
a. PLACE OF ENTRY MEPS Chicago, IL	b. DATE OF ENTRY 01 Feb 2000	c. HOME OF RECORD AT TIME OF ENTRY Chicago, IL			
7. INTERESTED PERSONS/REMARKS (Name, Address, and Relationship) (Continue on separate sheet, if necessary)					
Wanda Castle, 123 Cherry Street, Stafford, VA 22554 (Wife)(1) James A. Castle, 2040 State Highway 1, Chicago, IL 66666 (Father) Mary B. Castle, 2040 State Highway 1, Chicago, IL 66666 (Mother)					
Internal Revenue Code, Title 26, United States Code, Chapter 1, Section 692 applies. Items 4b and 4c cont'd: Returned to Military Control (28 Feb 2005). Member remained in a Missing status from 17 Feb 2005 to 28 Feb 2005.					
FOOTNOTES: 1 Adult next of kin. 2 Beneficiary for gratuity pay in event there is no surviving spouse or child - as designated on record of emergency data. 3 Beneficiary for unpaid pay and allowances - as designated on record of emergency data.					
8. REPORTING INFORMATION					
a. COMMAND AGENCY Casualty Msg dtd 17 Feb 2005				b. DATE RECEIVED 17 Feb 2005	
9. DISTRIBUTION		10. SIGNATURE ELEMENT G.L. Castle Head, Casualty Section By direction of the Commandant of the Marine Corps			
NOTE: This form may be used to facilitate the cashing of bonds, the payment of commercial insurance, or in the settlement of any other claim in which proof of death is required.					
DD FORM 1300, MAR 2004			PREVIOUS EDITION MAY BE USED.		

Change 1, 8/14/09

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ENCLOSURE 5

DPAA0006113

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E6. ENCLOSURE 6CIVILIAN CASUALTY REPORTING, RECORDING, NOTIFICATION, AND ASSISTANCE
BY DoD COMPONENTSE6.1. GENERAL

E6.1.1. Background. Policies and procedures associated with casualty reporting and assistance requirements for civilian personnel, eligible contractors, and other designated or covered personnel that fall under the authority of a Secretary of a Military Department are well documented throughout this Instruction and individual Service regulations. This Enclosure will provide further guidance on the reporting, recording, and assistance requirements for those civilian personnel that are assigned to DoD Components other than the Military Departments including the Combatant Commands, Defense Agencies and Defense Field Activities. Casualty reporting and assistance requirements for civilian personnel will mirror the requirements for military personnel as closely as possible.

E6.1.2. Coordination

E6.1.2.1. DoD Components, other than the Military Departments, generally do not have a formalized casualty reporting system because of the low numbers of civilian casualties. To ensure that each Component is provided the necessary assistance so that all DoD reportable casualties are recorded, the following table reflects the DoD Component and the Military Service that will provide the administrative assistance to record the casualty in the Departments DCIPS program. Administrative support for Combatant and subordinate Joint Commands is as directed in Reference (~~bab~~). The DoD Component will be responsible for making the notification to the proper family member and providing the necessary follow-on casualty assistance.

DoD Component	Designated Military Service
Defense Policy Board	United States Army
Advisory Committee Office of Net Assessment	
Office of Inspector General	Army Human Resources Command
Defense Criminal Investigative Service	ATTN: AHRC-PEC
<i>United States</i> European Command (<i>USEUCOM</i>)	200 Stoval Street
<i>United States</i> Southern Command (<i>USSOUTHCOM</i>)	Alexandria, VA 22332
<i>United States Africa Command (USAFRICOM)</i>	
<i>United States</i> Joint Special Operations Command	<u>Casualty Reporting and Assistance</u>
U.S. <i>United States</i> Forces, Korea	(800) 626-3317
Defense Commissary Agency	
Defense Contract Audit Agency	<u>Mortuary Affairs Support</u>
Defense Contract Management Agency	(703) 325-5305
Defense Legal Services Agency	
Defense Logistics Agency	
Defense Security Cooperation Agency	
Defense Security Service	
Defense Threat Reduction Agency	
Pentagon Force Protection Agency	
Defense Prisoner of War/Missing Personnel Affairs	United States Army

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DoD Component	Designated Military Service
Department of Defense Education Activity Department of Defense Dependents Schools Washington Headquarters Services	
Office of the Secretary of Defense Joint Chiefs of Staff Defense Advanced Research Projects Agency Defense Finance and Accounting Service American Forces Information Service Office of Economic Adjustment	<p align="center">United States Marine Corps</p> <p>Headquarters, United States Marine Corps Attn: MRPC 3280 Russell Road Quantico, VA 22134</p> <p><u>Casualty Reporting and Assistance</u> (703) 784-9512 or 800-847-1597</p> <p><u>Mortuary Affairs Support</u> (888) 647-6676</p>
United States Naval Observatory <i>United States</i> Joint Forces Command (<i>USJFCOM</i>) <i>United States</i> Pacific Command (<i>USPACOM</i>) except - <i>U.S.</i> <i>United States</i> Forces, Korea National Reconnaissance Office National Geospatial-Intelligence Agency Tricare Management Activity	<p align="center">United States Navy</p> <p>Navy Personnel Command (PERS-62) <i>Casualty Assistance (OPNAV N135C)</i> 5720 Integrity Drive Millington, TN 38055-6200</p> <p><u>Casualty Reporting and Assistance</u> (800) 368-3202</p> <p><u>Mortuary Affairs Support</u> (888) 647-6676 <i>(866) 787-0081</i></p>
<i>United States</i> Central Command (<i>USCENTCOM</i>) <i>United States</i> Special Operations Command (<i>USSOCOM</i>) except Joint Special Operations Command <i>United States</i> Northern Command (<i>USNORTHCOM</i>) <i>United States</i> Strategic Command (<i>USSTRATCOM</i>) <i>United States</i> Transportation Command (<i>USTRANSCOM</i>) U.S. Element, North American Air <i>Aerospace</i> Defense Command Defense Information Systems Agency Defense Intelligence Agency Missile Defense Agency National Security Agency DoD Human Resources Activity National Communications System	<p align="center">United States Air Force</p> <p>HQ Air Force Personnel Center (AFPC/DPFCS) 550 C Street West Suite 14 Randolph AFB, TX 78150-4716</p> <p><u>Casualty Reporting and Assistance</u> (800) 433-0048</p> <p><u>Mortuary Affairs Support</u> (800) 531-5803</p>

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E6.1.2.2. DoD Components and the designated Military Service will liaison in advance to ensure a smooth flow of information and assistance when required.

E6.2. PROCEDURES

E6.2.1. Casualty Reporting

E6.2.1.1. Casualty reports will be submitted without delay to the appropriate Military Service Headquarters Casualty Office within 24 hours of a Component learning of the casualty. Immediately report the information by telephone to the appropriate Military Service Casualty Headquarters and then submit the casualty report.

E6.2.1.2. Components will complete the casualty report contained in this Enclosure and submit the report electronically or by facsimile and confirm receipt. The designated Military Service will review the report and then input the necessary information into DCIPS.

E6.2.1.3. Casualty reports will be unclassified to the maximum extent possible. In the event a casualty report must be classified or contains classified information, the information must be reported via secure means and to properly cleared personnel. A secure e-mail address may be obtained from the designated Military Service.

E6.2.1.4. Preparation of the DD Form 1300 when required or when requested as an option, will be prepared by the designated Military Service and provided to the DoD Component for signature and delivery to the primary NOK.

E6.2.1.5. Casualty reports are required for:

E6.2.1.5.1. All deceased or missing DoD civilian personnel, including DoD contractors, OCONUS, who are casualties as a result of hostile or non-hostile action or while accompanying Armed Forces in the field and for all CONUS casualties as a result of hostile action.

E6.2.1.5.2. All deceased or missing personnel identified as Designated or Covered Persons by USD(P) according to Reference (1).

E6.2.1.5.3. All DoD civilian personnel, including DoD contractors, OCONUS, who are listed as SI or VSI as a result of hostile or non-hostile action or while accompanying armed forces in the field.

E6.2.1.5.4. All DoD civilian and DoD contractor personnel listed as EAWUN.

E6.2.1.5.5. All DoD civilians and DoD contractors who are wounded in action.

E6.2.1.5.6. At the Components' discretion, casualty reports are optional for:

E6.2.1.5.6.1. All DoD civilians and contractors in a travel status.

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E6.2.1.5.6.2. All civilian and contractor dependents.

E6.2.2. Casualty Recording. Refer to paragraph 6.1.2.

E6.2.3. Casualty Notification

E6.2.3.1. Initial Notification. *During the initial notification, or as soon as practicable thereafter, the PNOK will be provided all releasable information concerning the circumstances surrounding the casualty incident and, when applicable, information regarding media access for the dignified transfer of remains at Dover Air Force Base.*

E6.2.3.1.1. At a minimum, the Component concerned will notify the PNOK, spouse, or other designated emergency point of contact (POC) (hereafter collectively referred to as “designated POC”) identified in the employees personnel file or emergency contact record.

E6.2.3.1.2. Times of Notification. Personal notifications will be accomplished within 12 hours of the Component headquarters notification of the casualty unless circumstances beyond the Component’s control prevent such notifications. Hours of notification are local times 0500 – 2400, except under unusual circumstances as authorized in applicable Component regulations. The intent is to notify the proper individual while at home, not while on the job.

E6.2.3.1.3. Desires of the Member. The desires of the member, expressed in the RED, Civilian Personnel Management System (CPMS) or other personnel files, or expressed by the member at the time of the casualty concerning whom not to notify, shall be honored unless, in the judgment of the Component commander, official notification should be made.

E6.2.3.1.4. EAWUN, Missing, and Deceased Cases. Within the guidance of subparagraph E6.2.3.1.1., initial notification(s) shall be made in person to the designated POC unless unusual circumstances prevent such procedures, as expeditiously as possible. Notification to secondary NOK is not applicable to civilian personnel. Notification(s) will be conducted by a minimum of a two-person detail and, when possible, one member will be a chaplain. All facts and circumstances on the casualty incident, known at the time of the initial notification, shall be provided. Whenever someone other than the member's commander or designated Component representative makes initial notification, an official notification confirmation shall be made. For deceased casualties, the casualty representative should advise the designated POC to defer making any decisions until briefed on entitlements and benefits. The purpose of this contact is to establish a time to meet with the designated POC that considers the needs of the family and honors the family's period of mourning.

E6.2.3.1.5. Illness or Injury Cases. Within the guidance of paragraph 6.1.3.1.3., in cases involving SI or VSI casualties, initial notification(s) to the designated POC by a representative of the DoD Component concerned will be conducted by telephone. If telephonic notification is not possible, initial notifications will be in person. Whenever a casualty occurs as the result of a hostile action or terrorist activity and the casualty is classified as "not seriously

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injured" (NSI), official notification to the designated POC by the DoD Component concerned will be made upon the member's request. The member will be encouraged to notify their PNOK.

E6.2.3.1.6. Follow-on Notification

E6.2.3.1.6.1. EAWUN or Missing Cases. In all cases involving EAWUN or missing casualties, the designated POC will be kept informed until actual status or fate is determined.

E6.2.3.1.6.2. Illness or Injury Cases. For SI or VSI casualties, the DoD Component concerned shall keep the designated POC informed of the member's medical progress within the guidance of paragraph 6.1.3.1.

E6.2.3.1.7. Other Concerned Individuals

E6.2.3.1.7.1. Beneficiaries. All persons reflected in the member's records as a beneficiary or recipient of death benefits or Federal program insurance proceeds will be notified in accordance with individual Component directives or appropriate civilian personnel policies.

E6.2.3.1.7.2. Non-family Members. There may be interested persons other than the primary or secondary next-of-kin or designated POC who may be affected or show considerable interest in a casualty (e.g., other members of the Component, close personal friends, boyfriends, girlfriends, and fiancés). While it is not possible, because of the Privacy Act of 1974, Reference (h), to provide these individuals with the complete details of the loss, common sense and sensitivity should be used with regard for their feelings and concerns.

E6.2.3.2. Military Service Support. When requested by a DoD Component, the Military Services will participate in casualty notification and assistance. The requesting Component shall provide funds for travel and transportation expenses required for executing notification and assistance visits.

E6.2.4. Casualty Assistance

E6.2.4.1. EAWUN, Missing, or Deceased Cases. In all cases involving EAWUN, missing, or deceased casualties, the DoD Component concerned shall appoint a casualty assistance officer who will initiate contact with the designated POC within 24 hours following initial notification. Within the guidelines established by each DoD Component, the casualty assistance officer may be the notification officer. Assistance to civilian personnel will be coordinated through the designated civilian personnel office or civilian benefits center. The casualty assistance officer shall provide points of contact or information regarding autopsy reports, all known reports of inquiry or investigations, as applicable, and other governmental or non-DoD agencies that may be involved in a particular case. The casualty assistance officer shall maintain contact with the PNOK to keep them informed until all matters relating to the case have been answered and all entitlements and benefits are received. The member's Component commander should provide an appropriate letter of sympathy or condolence to the designated POC, spouse or parents as appropriate, not later than 5 days after the initial notification, unless

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circumstances dictate otherwise. If the PNOK is a minor, the letter should be addressed to the minor in care of the guardian or legal representative.

E6.2.4.2. Release of Information to the PNOK or Designated POC. In all casualty cases, the PNOK or designated POC shall be provided information on the circumstances surrounding the incident as best known to the DoD Component concerned. In the event a casualty occurs during a classified operation, all information of an unclassified nature shall be provided. Every effort shall be made to declassify information. If the PNOK is a minor, all information will be provided to the guardian or legal representative.

DoD Component Civilian Casualty Report

FROM: (DoD Component)

TO: (Designated Military Service Casualty Office)

SUBJECT: PERSONNEL CASUALTY REPORT

ELEMENTS:	SAMPLE
1. CASUALTY TYPE	See Enclosure 4, item 4a
2. CASUALTY STATUS	See Enclosure 4, item 4b
3. CASUALTY CATEGORY	See Enclosure 4, item 4c
4. SSN	See Enclosure 4, item 3b
5. NAME – LAST, FIRST, MIDDLE, AND SUFFIX, IF ANY	See Enclosure 4, item 3a
6. DoD COMPONENT	See Table under paragraph E6.1.2.2.
7. TIME AND DATE OF INCIDENT	2:30 p.m. local, 15 Jan 2007
8. INCIDENT CITY, STATE, AND COUNTRY IF NOT U.S.	Kansas City, MO or Bagdad, Iraq
9. HOSPITAL NAME	Research Medical Center
10. HOSPITAL LOCATION	Kansas City, MO
11. DATE AND TIME OF DEATH	See Enclosure 4, item 4d
12. PLACE OF DEATH (CITY, STATE, COUNTRY)	See Enclosure 4, item 4e
13. CIRCUMSTANCES	See Enclosure 4, item 4f
14. REMARKS	See Enclosure 4, item 7
15. DoD COMPONENT POINT OF CONTACT WITH TELEPHONE NUMBER(S), FACSIMILE NUMBER AND E-MAIL ADDRESS.	Ms. Wanda Brown, Coml: (703) 454-7756, DSN 445-7756, Fax: (703) 454-6784, e-mail: Wanda.Brown@NGA.mil

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E7. ENCLOSURE 7

GENERAL INSTRUCTIONS FOR USE AND PREPARATION OF THE RECORD OF EMERGENCY DATA (DD FORM 93)

E7.1. General. The DD Form 93, when completed, for military personnel is an official record of the beneficiaries designated to receive death gratuity and pay allowances. For civilian personnel, the purpose of the form is emergency notification only in the event the member becomes a casualty. For both military and civilian personnel, it contains the name and address of the person(s) to be notified in the event of sickness, emergency, or death.

E7.2. Use

E7.2.1. Mandatory:

E7.2.1.1. For all applicants, officer and enlisted, accessing in the Armed Forces.

E7.2.1.2. For all Active, National Guard, and Reserve Component personnel.

E7.2.1.3. For all DoD civilians prior to admission to a possible theater of operations or deployment with the Armed Forces (References (n) and (o)).

E7.2.1.4. For all civilian contractors prior to admission to a possible theater of operations or deployment with the Armed Forces (References (n) and (o)).

E7.2.1.5. For all OCONUS-based DoD civilian employees.

E7.2.1.6. For all other civilians accompanying military units in the field or on deployment (e.g., embedded media).

E7.2.1.7. For all CONUS-based or non-deploying DoD civilian employees.

E7.3. Procedures

E7.3.1. The DD Form 93 will be electronically produced and may be electronically signed. If electronically signed, a witness signature (block 16) is not required. If conditions preclude the use of electronic systems, the form may be typewritten or handwritten in ballpoint pen with black or blue-black ink as a temporary measure.

E7.3.2. When not electronically signed, all signatures will be in black or blue-black ink.

E7.3.3. At the first duty assignment following basic training, to include Service schools, the Military Service concerned will enter the DD Form 93 data into the Service electronic personnel system database and have the member verify its accuracy.

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E7.4. Preparation

E7.4.1. Detailed instructions on the preparation of the paper version of the DD Form 93 are contained on the reverse of the form and will be used at all accession locations. (See Enclosure 8.)

E7.4.2. Appropriate Service Directives will be promulgated to provide supplemental instructions for the completion of the electronic version of the DD Form 93. Electronic versions will, at a minimum, contain the information required on the paper version.

E7.4.3. The Continuation/Remarks block of the DD Form 93 offers the greatest amount of flexibility for the member to record other important information not otherwise requested but considered extremely useful in the casualty notification and assistance process. Besides continuing information from other blocks on the form, the member may desire to include additional information such as: NOK language barriers, location or existence of a Will or other family member contact numbers. If a paper version of the DD Form 93 is used and there is insufficient space to record information, attach a supplemental page on standard bond paper with the additional information.

E7.4.4. The Military component concerned will develop procedures for the preparation and recording of the DD Form 93 for personnel listed in paragraph E7.2.

E7.4.5. The Military Service considered most appropriate will ensure the preparation of the DD Form 93 for all non-Departmental civilians, employees, or contractors. Examples: Embedded media serving with the Army – Army responsibility; DoD employee on temporary duty with the Navy – Navy responsibility.

E7.5. Validation Requirements

E7.5.1. Those individuals identified in paragraph E7.2.1. are solely responsible for the accuracy of the information recorded on the DD Form 93.

E7.5.2. The Military Services will ensure that each Service member, civilian employee, or contractor as appropriate, verifies the accuracy of the data on the DD Form 93, at a minimum, on the following occasions:

E7.5.2.1. During the initial enlistment or employment review.

E7.5.2.2. Upon reporting to a new duty station.

E7.5.2.3. When ordered to periods of temporary duty in excess of 30 days.

E7.5.2.4. Prior to all deployments, regardless of length.

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E7.5.2.5. Prior to departure on permanent change of station orders.

E7.5.2.6. Annually.

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E8. ENCLOSURE 8DETAILED INSTRUCTIONS FOR COMPLETING THE
RECORD OF EMERGENCY DATA FORM (DD FORM 93)

RECORD OF EMERGENCY DATA			
PRIVACY ACT STATEMENT			
<p>AUTHORITY: 5 USC 552, 10 USC 655, 1475 to 1480 and 2771, 38 USC 1970, 44 USC 3101, and EO 9397 (SSN). PRINCIPAL PURPOSES: This form is used by military personnel and Department of Defense civilian and contractor personnel, collectively referred to as civilians, when applicable. For military personnel, it is used to designate beneficiaries for certain benefits in the event of the Service member's death. It is also a guide for disposition of that member's pay and allowances if captured, missing or interned. It also shows names and addresses of the person(s) the Service member desires to be notified in case of emergency or death. For civilian personnel, it is used to expedite the notification process in the event of an emergency and/or the death of the member. The purpose of soliciting the SSN is to provide positive identification. All items may not be applicable. ROUTINE USES: None. DISCLOSURE: Voluntary; however, failure to provide accurate personal identifier information and other solicited information will delay notification and the processing of benefits to designated beneficiaries if applicable.</p>			
INSTRUCTIONS TO SERVICE MEMBER		INSTRUCTIONS TO CIVILIANS	
<p>This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty (other family members or fiancée), and, to designate beneficiaries for certain benefits if you die. IT IS YOUR RESPONSIBILITY to keep your Record of Emergency Data up to date to show your desires as to beneficiaries to receive certain death payments, and to show changes in your family or other personnel listed, for example, as a result of marriage, civil court action, death, or address change.</p>		<p>This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty. Not every item on this form is applicable to you. This form is used by the Department of Defense (DoD) to expedite notification in the case of emergencies or death. It does not have a legal impact on other forms you may have completed with the DoD or your employer.</p>	
IMPORTANT: This form is divided into two sections: Section 1 - Emergency Contact Information and Section 2 - Benefits Related Information. READ THE INSTRUCTIONS ON PAGES 3 AND 4 BEFORE COMPLETING THIS FORM.			
SECTION 1 - EMERGENCY CONTACT INFORMATION			
1. NAME (Last, First, Middle Initial)		2. SSN	
3a. SERVICE/CIVILIAN CATEGORY <input type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> AIR FORCE <input type="checkbox"/> DoD <input type="checkbox"/> CIVILIAN <input type="checkbox"/> CONTRACTOR			b. REPORTING UNIT CODE/DUTY STATION
4a. SPOUSE NAME (If applicable) (Last, First, Middle Initial) <input type="checkbox"/> SINGLE <input type="checkbox"/> DIVORCED <input type="checkbox"/> WIDOWED		b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	
5. CHILDREN a. NAME (Last, First, Middle Initial)	b. RELATIONSHIP	c. DATE OF BIRTH (YYYYMMDD)	d. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER
S A M P L E			
6a. FATHER NAME (Last, First, Middle Initial)		b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	
7a. MOTHER NAME (Last, First, Middle Initial)		b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	
8a. DO NOT NOTIFY DUE TO ILL HEALTH		b. NOTIFY INSTEAD	
9a. DESIGNATED PERSON(S) (Military only)		b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	
10. CONTRACTING AGENCY AND TELEPHONE NUMBER (Contractors only)			

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PREVIOUS EDITION IS OBSOLETE.

Reset

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DETAILED INSTRUCTIONS FOR COMPLETING THE
RECORD OF EMERGENCY DATA FORM (DD FORM 93)

SECTION 2 - BENEFITS RELATED INFORMATION			
11a. BENEFICIARY(IES) FOR DEATH GRATUITY <i>(Military only)</i>	b. RELATIONSHIP	c. ADDRESS <i>(Include ZIP Code)</i> AND TELEPHONE NUMBER	d. PERCENTAGE
12a. BENEFICIARY(IES) FOR UNPAID PAY/ALLOWANCES <i>(Military only)</i> NAME AND RELATIONSHIP		b. ADDRESS <i>(Include ZIP Code)</i> AND TELEPHONE NUMBER	c. PERCENTAGE
13a. PERSON AUTHORIZED TO DIRECT DISPOSITION (PADD) <i>(Military only)</i> NAME AND RELATIONSHIP		b. ADDRESS <i>(Include ZIP Code)</i> AND TELEPHONE NUMBER	
14. CONTINUATION/REMARKS <p align="center">S A M P L E</p>			
15. SIGNATURE OF SERVICE MEMBER/CIVILIAN <i>(Include rank, rate, or grade if applicable)</i>	16. SIGNATURE OF WITNESS <i>(Include rank, rate, or grade as appropriate)</i>	17. DATE SIGNED <i>(YYYYMMDD)</i>	

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DETAILED INSTRUCTIONS FOR COMPLETING THE RECORD OF EMERGENCY DATA FORM (DD FORM 93)

INSTRUCTIONS FOR PREPARING DD FORM 93

(See appropriate Service Directives for supplemental instructions for completion of this form at other than MEPS)

All entries explained below are for electronic or typewriter completion, except those specifically noted. If a computer or typewriter is not available, print in black or blue-black ink insuring a legible image on all copies. Include "Jr.," "Sr.," "III" or similar designation for each name, if applicable. When an address is entered, include the appropriate ZIP Code. If the member cannot provide a current address, indicate "unknown" in the appropriate item. Addresses shown as P.O. Box Numbers or RFD numbers should indicate in Item 14, "Continuations/Remarks", a street address or general guidance to reach the place of residence. In addition, the notation "See Item 14" should be included in the item pertaining to the particular next of kin or when the space for a particular item is insufficient. If the address for the person in the item has been shown in a preceding item, it is unnecessary to repeat the address; however, the name must be entered. Those items that are considered not applicable to civilians will be left blank.

ITEM 1. Enter full last name, first name, and middle initial.

ITEM 2. Enter social security number (SSN).

ITEM 3a. Service. **Military:** Mark X in appropriate block. **Civilian:** Mark two blocks as appropriate. Examples: an Army civilian would mark Army and either Civilian or Contractor; a DoD civilian, without affiliation to one of the Military Services, would mark DoD and then either Civilian or Contractor as appropriate.

ITEM 3b. Reporting Unit Code/Duty Station. See Service Directives.

ITEM 4a. Spouse Name. Enter last name (if different from Item 1), first name and middle initial on the line provided. If single, divorced, or widowed, mark appropriate block.

ITEM 4b. Address and Telephone Number. Enter the "actual" address and telephone number, not the mailing address. Include civilian title or military rank and service if applicable. If one of the blocks in 4a is marked, leave blank.

ITEM 5a-d. Children. Enter last name (only if different from Item 1) first name and middle initial, relationship, and date of birth of all children. If none, so state. Include illegitimate children if acknowledged by member or paternity/maternity has been judicially decreed. Relationship examples: son, daughter, stepson or daughter, adopted son or daughter or ward. Date of birth example: 19950704. For children not living with the member's current spouse, include address and name and relationship of person with whom residing in item 5d.

ITEM 6a. Father Name. Last name, first name and middle initial.

ITEM 6b. Address and Telephone Number of Father. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural father is listed, indicate relationship.

ITEM 7a. Mother Name. Last name, first name and middle initial.

ITEM 7b. Address and Telephone Number of Mother. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural mother is listed, indicate relationship.

ITEM 8. Persons Not to be Notified Due to Ill Health.

- a. List relationship, e.g., "Mother," of person(s) listed in Items 4, 5, 6, or 7 who are not to be notified of a casualty due to ill health. If more than one child, specify, e.g., "daughter Susan." Otherwise, enter "None".
- b. List relationship, e.g., "Father" or name and address of person(s) to be notified in lieu of person(s) listed in item 8a. If "None" is entered in Item 8a, leave blank.

ITEM 9a. This item will be used to record the name of the person or persons, if any, other than the member's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if the member is placed in a missing status. Reference 10 USC, Section 655. **NOT APPLICABLE to civilians.**

ITEM 9b. Address and telephone number of Designated Person(s). **NOT APPLICABLE to civilians.**

ITEM 10. Contracting Agency and Telephone Number (**Contractors only**). **NOT APPLICABLE to military personnel.** Civilian contractors will provide the name of the contracting agency and its telephone number. Example: YZ Electric, (703) 555-5689. The telephone number should be to the company or corporation's personnel or human resources office.

ITEM 11a. Beneficiary(ies) for Death Gratuity (**Military only**). Enter first name(s), middle initial, and last name(s) of the person(s) to receive death gratuity pay. A member may designate one or more persons to receive all or a portion of the death gratuity pay. The designation of a person to receive a portion of the amount shall indicate the percentage of the amount, to be specified only in 10 percent increments, that the person may receive. If the member does not wish to designate a beneficiary for the payment of death gratuity, enter "None," or if the full amount is not designated, the payment or balance will be paid as follows:

- (1) To the surviving spouse of the person, if any;
- (2) To any surviving children of the person and the descendants of any deceased children by representation;
- (3) To the surviving parents or the survivor of them;
- (4) To the duly appointed executor or administrator of the estate of the person;
- (5) If there are none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.

The member should make specific designations, as it expedites payment.

S A M P L E

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**DETAILED INSTRUCTIONS FOR COMPLETING THE
RECORD OF EMERGENCY DATA FORM (DD FORM 93)**

INSTRUCTIONS FOR PREPARING DD FORM 93

(Continued)

ITEM 11a. (Continued) Seek legal advice if naming a minor child as a beneficiary. If a member has a spouse but designates a person other than the spouse to receive all or a portion of the death gratuity pay, the Service concerned is required to provide notice of the designation to the spouse. **NOT APPLICABLE to civilians.**

Item 11b. Relationship. **NOT APPLICABLE to civilians.**

ITEM 11c. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 11d. Show the percentage to be paid to each person. Enter 10%, 20%, 30%, up to 100% as appropriate. The sum shares must equal 100 percent. If no percent is indicated and more than one person is named, the money is paid in equal shares to the persons named. **NOT APPLICABLE to civilians.**

ITEM 12a. Beneficiary(ies) for Unpaid Pay/Allowance **(Military only)**. Enter first name(s), middle initial, last name(s) and relationship of person to receive unpaid pay and allowances at the time of death. The member may indicate anyone to receive this payment. If the member designated two or more beneficiaries, state the percentage to be paid each in item 10c. If the member does not wish to designate a beneficiary, enter "By Law." The member is urged to designate a beneficiary for unpaid pay and allowances as payment will be made to the person in order of precedence by law (10 USC 2271) in the absence of a designation. Seek legal advice if naming a minor child as beneficiary. **NOT APPLICABLE to civilians.**

ITEM 12b. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 12c. If the member designated two or more beneficiaries, state the percentage to be paid each in this section. The sum shares must equal 100 percent. **NOT APPLICABLE to civilians.**

ITEM 13a. Enter the name and relationship of the Person Authorized to Direct Disposition (PADD) of your remains should you become a casualty. Only the following persons may be named as a PADD: surviving spouse, blood relative of legal age, or adoptive relatives of the decedent. If neither of these three can be found, a person standing in loco parentis may be named. **NOT APPLICABLE to civilians.**

ITEM 13b. Address and telephone number of PADD. **NOT APPLICABLE to civilians.**

ITEM 14. Continuations/Remarks. Use this item for remarks or continuation of other items, if necessary. Prefix entry with the number of the item being continued; for example, 5/John J./son/ 19851220/321 Pecan Drive, Schertz TX 78151. Also use this item to list name, address, and relationship of other persons the member desires to be notified. Other dependents may also be listed. This block offers the greatest amount of flexibility for the member to record other important information not otherwise requested but considered extremely useful in the casualty notification and assistance process. Besides continuing information from other blocks on this form, the member may desire to include additional information such as: NOK language barriers, location or existence of a Will, additional private insurance information, other family member contact numbers, etc. If additional space is required, attach a supplemental sheet of standard bond paper with the information.

ITEM 15. Signature of Service Member/Civilian. Check and verify all entries and sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade if applicable. May be electronically signed (see DoD Instruction 1300.18 for guidelines).

ITEM 16. Signature of Witness. Have a witness (disinterested person) sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade as appropriate. A witness signature is not required for electronic versions of the DD Form 93 (see DoD Instruction 1300.18).

ITEM 17. Date the member or civilian signs the form. This item is an ink entry and must be completed on all copies.

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E9. ENCLOSURE 9EXAMPLE OF COMPLETED RECORD OF EMERGENCY DATA (DD FORM 93)

RECORD OF EMERGENCY DATA				
PRIVACY ACT STATEMENT				
<p>AUTHORITY: 5 USC 552, 10 USC 655, 1475 to 1480 and 2771, 38 USC 1970, 44 USC 3101, and EO 9397 (SSN).</p> <p>PRINCIPAL PURPOSES: This form is used by military personnel and Department of Defense civilian and contractor personnel, collectively referred to as civilians, when applicable. For military personnel, it is used to designate beneficiaries for certain benefits in the event of the Service member's death. It is also a guide for disposition of that member's pay and allowances if captured, missing or interned. It also shows names and addresses of the person(s) the Service member desires to be notified in case of emergency or death. For civilian personnel, it is used to expedite the notification process in the event of an emergency and/or the death of the member. The purpose of soliciting the SSN is to provide positive identification. All items may not be applicable.</p> <p>ROUTINE USES: None.</p> <p>DISCLOSURE: Voluntary; however, failure to provide accurate personal identifier information and other solicited information will delay notification and the processing of benefits to designated beneficiaries if applicable.</p>				
<p style="text-align: center;">INSTRUCTIONS TO SERVICE MEMBER</p> <p>This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty (other family members or fiancé), and, to designate beneficiaries for certain benefits if you die. IT IS YOUR RESPONSIBILITY to keep your Record of Emergency Data up to date to show your desires as to beneficiaries to receive certain death payments, and to show changes in your family or other personnel listed, for example, as a result of marriage, civil court action, death, or address change.</p>		<p style="text-align: center;">INSTRUCTIONS TO CIVILIANS</p> <p>This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty. Not every item on this form is applicable to you. This form is used by the Department of Defense (DoD) to expedite notification in the case of emergencies or death. It does not have a legal impact on other forms you may have completed with the DoD or your employer.</p>		
<p>IMPORTANT: This form is divided into two sections: Section 1 - Emergency Contact Information and Section 2 - Benefits Related Information. READ THE INSTRUCTIONS ON PAGES 3 AND 4 BEFORE COMPLETING THIS FORM.</p>				
SECTION 1 - EMERGENCY CONTACT INFORMATION				
<p>1. NAME (Last, First, Middle Initial)</p> <p>WARD, Mark L.</p>		<p>2. SSN</p> <p>111-11-1111</p>		
<p>3a. SERVICE/CIVILIAN CATEGORY</p> <p><input type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input checked="" type="checkbox"/> MARINE CORPS <input type="checkbox"/> AIR FORCE <input type="checkbox"/> DoD <input type="checkbox"/> CIVILIAN <input type="checkbox"/> CONTRACTOR</p>			<p>b. REPORTING UNIT CODE/DUTY STATION</p> <p>151</p>	
<p>4a. SPOUSE NAME (If applicable) (Last, First, Middle Initial)</p> <p>Patricia A.</p> <p><input type="checkbox"/> SINGLE <input type="checkbox"/> DIVORCED <input type="checkbox"/> WIDOWED</p>		<p>b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER</p> <p>126 Clover Leaf Blvd. Lake Ridge, VA 23134 (703) 743-1212</p>		
<p>5. CHILDREN</p> <p>a. NAME (Last, First, Middle Initial)</p>		<p>b. RELATIONSHIP</p>	<p>c. DATE OF BIRTH (YYYYMMDD)</p>	<p>d. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER</p>
Pratte, Kelly J.		Daughter	19740720	5643 Highwater Way Greenville, NC 54323 (252) 614-3425
DeGuzman, Debbie J.		Daughter	19761031	345 South Western Denver, CO 80012 (303) 884-5634
S A M P L E				
<p>6a. FATHER NAME (Last, First, Middle Initial)</p> <p>WARD, Luther R. Jr.</p>		<p>b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER</p> <p>674 Apple Way Warsaw, MO 28542 (660) 498-3412</p>		
<p>7a. MOTHER NAME (Last, First, Middle Initial)</p> <p>WARD, Audrey J.</p>		<p>b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER</p> <p>Deceased</p>		
<p>8a. DO NOT NOTIFY DUE TO ILL HEALTH</p> <p>None</p>		<p>b. NOTIFY INSTEAD</p>		
<p>9a. DESIGNATED PERSON(S) (Military only)</p> <p>Alan D. Lovelace Sr.</p>		<p>b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER</p> <p>11136 Hightower Kansas City, MO 64134 (816) 446-5635</p>		
<p>10. CONTRACTING AGENCY AND TELEPHONE NUMBER (Contractors only)</p>				

DD FORM 93, JAN 2008

PREVIOUS EDITION IS OBSOLETE.

Reset

Adobe 7.0 Professional

DoDI 1300.18, January 8, 2008

EXAMPLE OF COMPLETED RECORD OF EMERGENCY DATA (DD FORM 93)

SECTION 2 - BENEFITS RELATED INFORMATION			
11a. BENEFICIARY(IES) FOR DEATH GRATUITY <i>(Military only)</i>	b. RELATIONSHIP	c. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	d. PERCENTAGE
Patricia A. Ward	Spouse	126 Clover Leaf Blvd., Lake Ridge, VA 23134 (703) 743-1212	70%
Kelly J. Pratte	Daughter	5643 Highwater Way, Greenville, NC 54323 (252) 614-3425	10%
Debbie J. Deguzman	Daughter	345 South Western, Denver, CO 80012 (303) 884-5634	10%
Lisa J. Smith	Friend	4545 Peachtree Lane, Agusta, GA 45334 (324) 987-9988	10%
12a. BENEFICIARY(IES) FOR UNPAID PAY/ALLOWANCES <i>(Military only) NAME AND RELATIONSHIP</i>		b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	c. PERCENTAGE
Patricia A. Ward (Spouse)		126 Clover Leaf Blvd. Lake Ridge, VA 23134 (703) 743-1212	100
13a. PERSON AUTHORIZED TO DIRECT DISPOSITION (PADD) <i>(Military only) NAME AND RELATIONSHIP</i>		b. ADDRESS (Include ZIP Code) AND TELEPHONE NUMBER	
Patricia A. Ward (Spouse)		126 Clover Leaf Blvd. Lake Ridge, VA 23134 (703) 743-1212	
14. CONTINUATION/REMARKS			
I have a Will in the safety deposit box at Navy Federal in Springfield, VA.			
I have a life insurance policy through USA A.			
S A M P L E			
Notify my sister's (death only) - Claudia Polidexter, 343 7th St. SW. Platte, MO 34897 and Gail Ward, 666 Pine Box Rd., Smithville, MO 56345 (803) 857-7846			
15. SIGNATURE OF SERVICE MEMBER/CIVILIAN <i>(Include rank, rate, or grade if applicable)</i>		16. SIGNATURE OF WITNESS <i>(Include rank, rate, or grade as appropriate)</i>	17. DATE SIGNED <i>(YYYYMMDD)</i>
electronically signed			

DD FORM 93 (BACK), JAN 2008

Reset

DoDI 1300.18, January 8, 2008

E10. ENCLOSURE 10

PROCEDURES FOR NOTIFYING THE MILITARY SERVICE CASUALTY OFFICES OF DEATH INVESTIGATIONS

When an investigation into the cause or circumstances surrounding the death of a military member or DoD civilian employee who becomes a fatality while accompanying military personnel in the field or as a result of military-related actions is initiated, the appropriate Military Service Casualty Headquarters Office shall be notified immediately. At a minimum, the Casualty Office shall be provided written confirmation containing:

- a. The name of the DoD organization conducting the investigation.*
- b. The type of investigation being conducted.*
- c. The existence of any reports by the investigating organization that have been or will be issued as a result of the investigation.*
- d. A point of contact within the investigating organization that can provide information on the status of the completion of any investigative reports.*
- e. The procedures for family members to obtain a copy of the completed report(s), to the extent such reports may be furnished consistent with sections 552 and 552a of Reference (h), and to obtain assistance in obtaining a copy of the completed report(s).*
- f. The procedures for family members to obtain answers to their questions on the completed investigation from a fully qualified representative.*



DoD INSTRUCTION 5154.30

ARMED FORCES MEDICAL EXAMINER SYSTEM (AFMES) OPERATIONS

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

Effective: December 29, 2015
Change 1, Effective: *December 21, 2017*

Releasability: ~~Cleared for public release. Available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.~~
Cleared for public release. This instruction is available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.

Reissues and Cancels: DoD Instruction 5154.30, "Armed Forces Institute of Pathology Operations," March 18, 2003

Incorporates and Cancels: DoD Directive, 5154.24, "Armed Forces Institute of Pathology (AFIP)," October 3, 2001
 Directive-type Memorandum, 12-001, "Department of Defense Executive Agent (DoD EA) for the Armed Forces Medical Examiner System (AFMES) and the National Museum of Health and Medicine (NMHM)," March 8, 2012, as amended

Approved by: Brad Carson, Acting Under Secretary of Defense for Personnel and Readiness
Change 1, Approved by: *Edward J. Burbol, Chief, Directives Division, Washington Headquarters Services*

Purpose: This issuance:

DoDI 5154.30, December 29, 2015

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- Establishes policy, assigns responsibilities, and provides direction for forensic medicine activities throughout DoD In accordance with the authority in DoD Directive (DoDD) 5124.02.
- Provides for the continued operation and governance of AFMES, a component of the Defense Health Agency (DHA) under DoDD 5136.13, in carrying out assigned functions, including those under Section 1471 of Title 10, United States Code (U.S.C.).

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY.

a. DoD maintains forensic medicine capabilities to support DoD and other external stakeholders.

b. The AFMES is established as a subordinate element of the DHA to:

(1) Perform forensic pathology investigations in accordance with Section 1471 of Title 10, U.S.C.

(2) Exercise DoD scientific authority for the identification of remains of DoD-affiliated personnel in deaths from past conflicts and other designated conflicts as provided in Section 1509 of Title 10, U.S.C.

c. DoD maintains expertise and capabilities in current and emerging forensic medicine disciplines, including but not limited to, forensic pathology, forensic anthropology, forensic odontology, DNA sciences, forensic toxicology, and mortality surveillance.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R):

- a. Establishes policy and provides overall guidance for the AFMES.
- b. Develops, in coordination with the Under Secretary of Defense for Policy, identification and laboratory policy in accordance with the AFMES and Section 1509 of Title 10, U.S.C.
- c. Develops, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, forensic medicine policy in accordance with DoDD 5205.15E.

2.2. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)). Under the authority, direction, and control of the USD(P&R), the ASD(HA):

- a. Develops policy for, provides policy oversight of, and monitors the implementation of this issuance to ensure effective and efficient forensic medicine activities throughout DoD.
- b. Directs that forensic medicine activities are appropriately reflected in the Defense Medical Programming Guidance and in the DoD budget.
- c. Receives technical advice from the Armed Forces Medical Examiner (AFME) through the Director, DHA, and advises the USD(P&R) on execution of the responsibilities for forensic medicine disciplines.

2.3. DIRECTOR, DHA. Under the authority, direction, and control of the USD(P&R) through the ASD(HA), the Director, DHA:

- a. Exercises authority, direction, and control over the AFME.
- b. Monitors daily operations, provides administrative support, and maintains operational and functional oversight, including responsibility to administer the budget, personnel, information technology, facilities, and other resources required to support the missions and functions of the AFMES.
- c. Appoints a forensic pathologist certified by the American Board of Pathology as the AFME from among nominees from the Army, Navy, and Air Force.
- d. Appoints a forensic pathologist certified by the American Board of Pathology to the Defense POW/MIA Accounting Agency (DPAA) to:
 - (1) Exercise scientific identification authority as provided in Section 1509 of Title 10, U.S.C.

(2) Establish identification and laboratory procedures in accordance with the AFMES.

(3) Advise the DPAA Director on forensic science disciplines.

e. Assures the ability of the AFME to carry out authorities under Section 1471 of Title 10, U.S.C.

f. Coordinates with the DoD Component heads to identify requirements for forensic medicine activities.

2.4. AFME. Under the authority, direction and control of the Director, DHA, the AFME:

a. Serves as:

(1) The Chief, AFMES, and leads the AFMES organization.

(2) The DoD scientific authority for the identification of remains of DoD-affiliated personnel in current deaths and of other deceased individuals for whom a death certificate has not been issued.

(3) The DoD scientific authority for the identification of remains of DoD-affiliated personnel in deaths from past conflicts and other designated conflicts, in accordance with Section 1509 of Title 10, U.S.C.

b. Delegates his or her authority under Section 1471 of Title 10, U.S.C., to the Deputy Armed Forces Medical Examiner, Deputy Medical Examiners, Regional Medical Examiners, and other board-certified forensic pathologists under the cognizance of the AFME when professional credentials are verified.

c. Develops and establishes appropriate standards, processes, and procedures to fulfill requirements for forensic medicine disciplines in accordance with DoDDs 1300.22E, 5205.15E, 6490.14; and Department of Defense Instruction (DoDI) 5505.10, and 1300.18.

d. Develops, establishes, and maintains laboratory accreditation; training and professional certification; and research, development, test and evaluation programs.

e. Ensures the medical examiner whose primary duties include identification of remains in support of DPAA for past conflicts and other designated conflicts in accordance with Section 1509 of Title 10, U.S.C., is fully informed in order to establish identification and laboratory policy consistent with the AFMES.

f. Oversees:

(1) The identification of remains in accordance with Title 10, U.S.C., and DoDD 1300.22E.

(2) The operation of the central forensic toxicology laboratory for the DoD Drug Testing Program in accordance with DoDIs 1010.01 and 1010.16.

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(3) The operation of the Armed Forces DNA Identification Laboratory (AFDIL) to perform DNA testing for identification of human remains from peacetime casualties and from current and past conflicts and other designated conflicts. As authorized by the Director, DHA or ASD(HA), the AFDIL may perform DNA testing for other federal agencies on a reimbursable basis.

(4) The operation of the Armed Forces Repository of Specimen Samples for the Identification of Remains (AFRSSIR) in accordance with DoD Directive 5400.11 and DoD 5400.11-R to collect and store specimen samples for the identification of the human remains of any Service member, DoD civilian employee, or contractor personnel supporting military forces in accordance with this instruction.

(5) The operation of a DoD medical mortality registry to archive pertinent medical records, autopsy reports, and investigative reports on every Service member death. The AFME identifies medical, circumstantial, epidemiologic, and prevention issues for military deaths, and makes recommendations for improvements in personnel protective equipment. Military mortality information is reviewed annually with the Director, DHA.

(6) Forensic pathology investigative services rendered to non-DoD entities on a cost reimbursable basis and in accordance with DoDD 1100.20 and DoDI 3025.21.

(7) Consultation (including, as required, diagnostic and consultative services and medico-legal opinions, testimony, and evidence) on medico-legal investigations and related matters to the judge advocates and criminal investigative agencies of the Military Services and other federal agencies.

(8) Medico-legal investigations, including autopsies and DNA studies for identification, to support eligible organizations outside DoD, in accordance with Section 2012 of Title 10, U.S.C. and DoDD 1100.20. Such support is provided on a reimbursable basis, unless providing support serves a valid military training purpose and the support is incidental to the training, in accordance with DoDD 1100.20.

g. Reviews at least annually, with the Director, DHA, the AFMES accomplishments, mission and organization changes, and budget execution.

h. Issues and maintains federal death certificates in cases subject to AFME's authority under Section 1471 of Title 10 and for all cases requiring an overseas death certificate.

i. Maintains an official seal and attests to the authenticity of official records under that seal.

2.5. DOD COMPONENT HEADS. The DoD Component heads:

a. Annually review the forensic medicine services provided by the AFMES for effectiveness and efficiency in meeting their requirements and make appropriate recommendations for improvement to the Director, DHA.

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b. Ensure a DNA reference sample is sent to the AFRSSIR from individuals entering Military Service and all Service members have a sample on file with the AFRSSIR.

c. In accordance with DoDIs 3020.41, 6025.19, and 6490.03, require that Service members, DoD civilian employees, and contractor personnel who accompany military forces are not deployed without collection of a DNA reference specimen, collected in accordance with applicable procedures, to be used for identification of remains. The specimen will be forwarded to the AFRSSIR. No duplicate specimen samples will be held separately from the AFRSSIR.

d. Notify the AFME of the deaths of all Service members on active duty and inactive duty for training, including those retired due to disability within 120 days of death, if the death was the result of an injury or illness incurred while such a member was on a period of active duty. Allow the AFME to review all pertinent medical and dental records, investigative reports, photographs, evidence, x-rays, and retained pathologic materials on any autopsy performed in a DoD medical facility. Medical, casualty, mortuary, law enforcement, and other similar personnel of the DoD Component shall expeditiously report all such deaths to the AFME.

2.6. SECRETARIES OF THE MILITARY DEPARTMENTS. The DoD Component heads: In addition to the responsibilities in Paragraph 2.5., the Secretaries of the Military Departments each nominate a forensic pathologist certified by the American Board of Pathology to serve as the Armed Forces Medical Examiner as requested.

SECTION 3: OPERATIONS

3.1. FORENSIC PATHOLOGY INVESTIGATIONS AND AUTOPSIES

a. Authority. Under the authority, direction, and control of the AFME and in accordance with Section 1471 of Title 10, U.S.C., a medical examiner may conduct a forensic pathology investigation to determine the cause or manner of death of a deceased person if such an investigation is determined to be justified under circumstances described in Paragraph 3.1.b. The investigation may include an autopsy of the decedent's remains.

b. Basis for Investigation. A forensic pathology investigation of a death under this Section is justified if at least one of the circumstances in Paragraph 3.1.b.(1) and one of the circumstances in Paragraph 3.1.b.(2) exist:

(1) Justification under this Paragraph is a circumstance under which:

- (a) It appears the decedent was killed or that the cause of death was unnatural;
- (b) The cause or manner of death is unknown;
- (c) There is reasonable suspicion the death was caused by unlawful means;
- (d) It appears the death resulted from an infectious disease or from the effects of a hazardous material that may have an adverse effect on the military installation or community involved; or
- (e) The identity of the decedent is unknown.

(2) Justification under this Paragraph is a circumstance under which:

- (a) The decedent was found dead or died at an installation garrisoned by units of the Military Services that is under the exclusive jurisdiction of the United States;
- (b) The decedent was a Service member on active duty or inactive duty for training;
- (c) The decedent was recently retired in accordance with Chapter 61 of Title 10, U.S.C., as a result of an injury or illness incurred while a member on active duty or inactive duty for training;
- (d) The decedent was a civilian dependent of a Service member and was found dead or died outside of the United States;
- (e) In any other authorized DoD investigation of matters which involves the death, a factual determination of the cause or manner of the death of the decedent is necessary; or
- (f) In any other authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or any other federal agency, an

authorized official of such agency with authority to direct a forensic pathology investigation requests the AFME conduct such an investigation.

(3) Consent of the next-of-kin is not required for any forensic pathology investigation carried out under Paragraph 3.1.b.(2) or any other applicable compulsory authority.

c. Determination of Justification.

(1) Subject to Paragraph 3.1.c.(2), the determination that a circumstance exists under Paragraph 3.1.b.(1) will be made by the AFME.

(2) A commander may, after consultation with the AFME, make the determination that a circumstance exists under Paragraph 3.1.b.(1) and require a forensic pathology investigation under this Section without regard to a determination made by the AFME if:

(a) In a case involving circumstances described in Paragraph 3.1.b.(2)(a), the commander is the commander of the installation where the decedent was found dead or died; or

(b) In a case involving circumstances described in Paragraph 3.1.b.(2)(b), the commander is the commander of the decedent's unit at a level in the chain of command exercising summary court-martial convening authority.

d. Limitation in Concurrent Jurisdiction Cases.

(1) The exercise of authority under this Section is subject to the exercise of primary jurisdiction for the investigation of a death:

(a) In the case of a death in a State (including for this purpose the District of Columbia, the Commonwealth of Puerto Rico, and Guam), by the State or a local government of the State; or

(b) In the case of a death in a foreign country, by that foreign country under any applicable treaty, status of forces agreement, or other international agreement between the United States and that foreign country.

(2) Paragraph 3.1.d.(1) does not limit the authority of the AFME to conduct a forensic pathology investigation of a death that is subject to the exercise of primary jurisdiction by another sovereign nation if the investigation by the other sovereign nation is concluded without a forensic pathology investigation that the AFME considers complete. A forensic pathology investigation is incomplete if the investigation does not include an autopsy of the decedent.

e. Processes. For a forensic pathology investigation under this Section, the AFME will:

(1) Designate one or more qualified pathologists to conduct the investigation.

(2) To the extent practicable and consistent with responsibilities under this Section, give due regard to any applicable law protecting religious beliefs.

(3) As soon as possible, notify the decedent's person authorized to direct disposition of human remains (PADD), as defined in DoDI 1300.18, if known, that the forensic pathology investigation is being conducted.

(4) As soon as practicable after the completion of the investigation, authorize release of the decedent's remains to the person authorized to direct disposition of human remains, if known.

(5) Promptly report the results of the forensic pathology investigation to the official responsible for the overall investigation of the death.

f. Other Forensic Pathology Cases. In other cases in which the AFME does not have jurisdiction under Paragraph 3.1.b., but where the AFME believes a medico-legal investigation is needed with respect to a death for which DoD has an interest in a forensic pathology investigation, the AFME will seek the assistance and cooperation of authorities who exercise jurisdiction for conducting such investigation. In all aircraft mishap investigations where the local medico-legal authority has retained jurisdiction, OAFME may provide assistance as requested by the investigation board.

3.2 AFRSSIR. The AFRSSIR will:

a. Be operated under rules and procedures that ensure, in accordance with DoDD 5400.11 and DoD 5400.11-R, the protection of privacy of the specimen samples and any DNA analysis of those samples.

b. Maintain specimens in accordance with applicable standards. Specimen samples maintained by the AFRSSIR may only be used for:

(1) The identification of human remains.

(2) The identification of any member of the Military Services, DoD civilian employee, or contractor personnel supporting military forces, who is suspected of being missing in action, a prisoner of war, unaccounted for, or detainee, and any other purpose for the benefit of such a member or person as authorized by the ASD(HA).

(3) Internal QA activities to validate processes for collection, maintenance and analysis of samples.

(4) A purpose for which the donor of the sample, a surviving primary next-of-kin as defined in DoDI 1300.18, or, in the case of a contractor or other civilian personnel, the legal next-of-kin, provides consent.

(5) A purpose as provided in Section 1565a of Title 10, U.S.C., when all of the following conditions are met:

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(a) The responsible DoD official has received a valid order of a federal court or military judge. For this purpose, the Chief of the Trial Judiciary of each of the Military Departments is the military judge authorized to issue such an order.

(b) The specimen sample is needed for the investigation or prosecution of a felony or any sexual offense.

(c) The specimen sample can be provided in a manner that does not compromise the ability of the AFRSSIR to maintain a sample for the purpose of identification of remains.

(d) No other source for obtaining a specimen for DNA profile analysis is reasonably available.

c. Establish and maintain a procedure for destruction of samples. A routine destruction schedule will be followed, under which samples will be retained for not more than 50 years.

(1) Individual specimen samples will be destroyed at the request of the donor following the conclusion by the donor of completed military service or other applicable relationship to DoD.

(2) On receipt of such a request, the AFRSSIR will destroy the sample within 180 calendar days and send notification to the donor.

(3) If the donor is deceased, destruction may be requested by the applicable primary or legal next-of-kin.

3.3. OTHER AFMES FUNCTIONS. Consultation (including, as required, diagnostic and consultative services and medico-legal opinions, testimony, and evidence) on medico-legal investigations will, absent extraordinary circumstances as determined by the AFME, be provided under the standard operating procedures of the AFMES.

a. Consultation will include accession of the material into the AFMES case repository as a Government medical record, internal QA review, and the availability of the consulting pathologist to all interested parties with a need to know or authorization for access.

b. AFMES pathologists are normally unavailable for nomination or assignment by convening authorities or military judges as defense consultants or members of the defense team, or other position requiring protection of communications and submitted case materials as privileged attorney-client communications.

GLOSSARY

G.1. ACRONYMS.

AFDIL	Armed Forces DNA Identification Laboratory
AFME	Armed Forces Medical Examiner
AFMES	Armed Forces Medical Examiner System
AFRSSIR	Armed Forces Repository of Specimen Samples for the Identification of Remains
ASD(HA)	Assistant Secretary of Defense for Health Affairs
DHA	Defense Health Agency
DNA	deoxyribonucleic acid
DoDD	DoD Directive
DoDI	DoD Instruction
DPAA	Defense POW/MIA Accounting Agency
QA	quality assurance
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

G.2. DEFINITIONS. These terms and their definitions are for the purpose of this issuance.

autopsy. An examination and dissection of a dead body by a physician for the purpose of determining the cause, mechanism, or manner of death, or the seat of disease, confirming the clinical diagnosis, obtaining specimens for specialized testing, retrieving physical evidence, identifying the deceased or educating medical professionals and students.

completed military service. Includes active duty service, all service as a member of the Selected Reserve, the Individual Ready Reserve, the Standby Reserve, the Retired Reserve, or the Retired Regular Permanent.

forensic medicine disciplines. Those forensic disciplines supporting the DoD's medical missions. They include but are not limited to, forensic pathology, forensic anthropology, forensic odontology, DNA sciences, forensic toxicology, and mortality surveillance.

forensic pathology. The branch of medicine concerned with determining the cause and manner of death and identifying the deceased through medical and scientific means, including the autopsy process.

forensic pathology investigation. A systematic process of gathering, recording, and preserving evidence and information for purposes of positive identification of the deceased, documentation of trauma and preexisting conditions, and investigative correlations to include an interpretation of injury patterns. The goal of a forensic pathology investigation is to determine a cause and

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manner of death compatible with the scene of death, terminal events, and the background of the deceased and to assist with criminal and safety-board investigations. For the purposes of this instruction, the terms forensic pathology investigation and medico-legal death investigation are synonymous.

person authorized to direct disposition of human remains. Defined in DoDI 1300.18.

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REFERENCES

DoD Directive 1100.20, "Support and Services for Eligible Organizations and Activities Outside the Department of Defense," April 12, 2004

DoD Directive 1300.22E, "Mortuary Affairs Policy," October 30, 2015

DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008

DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013

DoD Directive 5205.15E, "DoD Forensic Enterprise (DFE)," April 26, 2011, *as amended*

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