



DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
103 THIRD AVENUE
FORT LESLEY J. McNAIR, DC 20319-5058

REPLY TO
ATTENTION OF

ANCG

OCT 08 2009

MEMORANDUM FOR Assistant Secretary of the Army (ASA/CW/Ms. Jo-Ellen Darcy),
108 Army Pentagon, Room 3E446, Washington DC 20310-0108

SUBJECT: AR 15-6 Arlington National Cemetery Gravesite Accountability

1. Attached please find the final action on the AR 15-6 investigation into media reports of an improperly marked grave at Arlington National Cemetery. The complete investigation previously provided for coordination is unchanged. The final action is provided to coordinate implementation of approved recommendations and for inclusion in the ongoing assessment of Arlington National Cemetery by the US Army Office of the Inspector General.
2. Consistent with approved recommendation 9.a., I have tasked the superintendent of Arlington National Cemetery to develop a plan to first determine whether there are two caskets in Section 68, Grave 549 using every feasible noninvasive means and contingency actions. Secondly, determine the identity of the casket in Section 68, grave 449, also employing every feasible noninvasive means. In accordance with approved recommendation 9.b., I have also tasked the superintendant to develop and publish a policy identifying specific action that should be taken in the unlikely event there are other misidentified available grave sites.
3. I am available to discuss the proposed findings and recommendations as you require.

Encl


KARL R. HORST
Brigadier General, US Army
Commanding



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ANCS

OCT 07 2009

MEMORANDUM FOR RECORD

SUBJECT: Approving Authority Action on AR 15-6, Arlington National Cemetery
Gravesite Accountability, Section VIII, DA Form 1574

1. Findings are approved.
2. Concur with the recommendations with three minor exceptions. In paragraph 9.a., any invasive measures to identify the casket in Section 68, Grave 449 should be undertaken only after every feasible noninvasive effort has been made to confirm or eliminate the presence of two caskets in Section 68, Grave 549. In paragraphs 9.c. and 9.d., once the appropriate agency for a re-inspection and a manpower assessment is determined, the inspection/assessment will be coordinated and scheduled as deemed appropriate.
3. Subject investigation will be forwarded to the Commanding General, Military District of Washington for coordination with the Assistant Secretary of the Army (Civil Works) in accordance with General Order 13 to determine the optimal means for appropriate implementation of the recommendations and for inclusion in the Department of the Army Inspector General inspection of Arlington National Cemetery.


TRACEY E. NICHOLSON
COL, GS
Chief of Staff

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Report of Investigative Findings and Recommendations Pursuant to Army Regulation 15-6 Arlington National Cemetery Gravesite Accountability

1. Introduction.

a. On 23 July 2009, Colonel Daniel L. Baggio, in his capacity as Chief of Staff, U.S. Army Military District of Washington, directed the conduct of an informal investigation pursuant to Army Regulation 15-6, to determine the validity of reports that at least one gravesite at Arlington National Cemetery was improperly marked. The appointment order is Appendix 1. An article published by Salon.com on 21 July 2009 (Appendix 2), alleged that in 2003, Arlington National Cemetery (ANC) workers had discovered remains in Section 68, Grave 449, a gravesite that was not marked by a headstone, and was supposedly empty. The appointment order reflected the investigating officer's report of findings would include, at minimum:

- Whether the report that at least one gravesite at ANC was improperly marked was accurate;
- If a gravesite was discovered to be improperly marked, document when the situation was first discovered, and actions management took upon discovery;
- If a gravesite was improperly marked, determine how accountability was lost and the extent of any action to regain accountability and properly mark the grave site;
- Determine, to the extent possible, the identity of improperly interred remains;
- Determine whether procedures currently in place are sufficient to prevent a recurrence of improper site marking;
- Recommend additional measures that should take place to prevent further occurrences.

b. Eyewitness testimony does reflect that in May 2003, while preparing for a burial at Section 68, Grave 449, ANC workers did discover a casket that was not marked by a headstone. This report will address the situation surrounding the discovery, and actions management took to regain accountability and properly mark the gravesite. It will also address whether remains in this unmarked site could be identified. The report will conclude with a consolidated analysis of whether procedures are currently in place to prevent a recurrence of improper site marking, and recommend additional measures to prevent further occurrences.

c. In addition to the investigative findings, this report will review pertinent regulations, as well as general cemetery processes established at ANC, as a basis for investigating officer (IO) recommendations.

d. The chronology of investigative activities is included in Appendix 3.

2. List of Exhibits.

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a. Interviews/Sworn Statements. The IO interviewed 11 members of the ANC staff during the conduct of this informal investigation. Interviews were conducted under oath. Two of these interviews did not render information pertinent to investigative findings, thus were not included in the final report. The written testimony and supporting Privacy Act Statements from nine witnesses are included as exhibits to this report. During this investigation, the IO obtained background information from a member of the Veteran's Administration familiar with National Cemetery operations. The information obtained from this interview was used for comparative analysis, and did not directly support investigative findings.

b. Documents. The IO obtained a total of 22 documents to support investigative findings and recommendations. With the exception of the article at Exhibit 4, and the excerpt from DA Pam 290-5 at Exhibit 6, the original documents are on file at Arlington National Cemetery. The IO also created two documents (Exhibits 7 and 15) to synthesize data associated with the investigative findings. These documents, and supporting written testimony, are listed as numbered exhibits in Appendix 8.

3. Review of Pertinent References.

a. 32 CFR, Chapter 5, Part 553 - Army National Cemeteries, dated 1 July 2009 (Extract at Appendix 4). The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis. Per information posted to the Government Printing Office website, CFR Title 32 (Department of Defense) was revised 1 July 2009. Chapter 5, Part 553, Section 4 states that the Assistant Secretary of the Army for Civil Works (ASA(CW)) is directly responsible to the Secretary of the Army for policy formulation in the administration of the Army National Cemeteries, which include ANC and the Soldiers' and Airmen's Home National Cemetery. It reflects the Adjutant General is responsible for day-to-day administration, operation and maintenance. Specific responsibilities for ANC are delegated to the Commander, Military District of Washington (MDW) in accordance with a Memorandum of Understanding.

b. Headquarters, Department of the Army General Orders Number 13, Army National Cemeteries, 29 October 2004 (Appendix 5). This General Order outlines Department of the Army responsibilities for policy, program, budget, official ceremonies, and day-to-day operations of Army National Cemeteries. A review of this order reflects that the Army National Cemeteries Program is established as a DA civil works activity under the overall supervision of the Under Secretary of the Army. ANC is assigned under the Commander, MDW. The General Order assigns the following responsibilities to Headquarters, DA Offices for the Army National Cemeteries:

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(1) The Assistant Secretary of the Army (Civil Works) formulates and oversees the program and budget for the Army National Cemeteries, including proposals for placement of memorials and monuments.

(2) The Assistant Secretary of the Army (Manpower and Reserve Affairs) formulates interment and inurnment policy.

(3) The Chief of Public Affairs formulates and oversees the public affairs policy.

(4) The Commander, MDW coordinates all official ceremonies at Arlington National Cemetery; and provides Army military honors for private memorial services and Army ceremonial support for the Army National Cemeteries, including the honor guard at the Tomb of the Unknowns.

(5) The Superintendent, ANC oversees day-to-day execution of the Army National Cemeteries Program, to include administration, operation, and maintenance. The Superintendent is responsible for private ceremonies at the Cemeteries, as well as public ceremonies other than those official ceremonies assigned to the Commander, MDW.

(6) Matters involving areas of responsibility not assigned will be coordinated and presented to the Secretary of the Army or Under Secretary of the Army for decision.

c. Army Regulation (AR) 290-5, Army National Cemeteries, 1 September 1980 (Extract at Appendix 6). This regulation states the authority and assigns the responsibilities for the development, operation, maintenance, and administration of Arlington and Soldier's Home National Cemeteries, a civil works activity of the Department of the Army. Chapter 1, paragraph 1-2 reflects the ASA(CW) is directly responsible to the Secretary of the Army for policy formulation in the administration of the Army National Cemeteries. The Adjutant General Center is responsible for day-to-day administration, operation, and maintenance. AR 290-5, Chapter 4 prescribes biennial inspections (technical, operating, administrative, and inspector general inspections) to be conducted at Army National Cemeteries by the U.S. Army Military District of Washington. It also prescribes technical and operating inspections (on alternate years) to be conducted by the Adjutant General Center. Neither General Orders No. 13, nor the CFR, outlines inspection requirements.

d. DA Pamphlet (DA Pam) 290-5, Administration, Operation, and Maintenance of Army Cemeteries, 1 May 1991 (Extract at Appendix 7). This pamphlet describes the procedures and policies for the administration, operation, and maintenance of Arlington National Cemetery, Soldiers' and Airmen's Home National Cemetery, and Army Post Cemeteries. It is a guide for the Superintendents of the Army's two national cemeteries. A review of this DA Pam reflects it is a guide to aid in discharging duties for the overall cemetery mission. As stated in para 1-1, this pamphlet is a "sole source of reference on cemetery administrative policies, regulations, procedures and technical requirements." Page 1 reflects that the proponent agency for this pamphlet is the U.S. Total Army Personnel Command, and that interim changes to this pamphlet are not official unless

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they are authenticated by The Adjutant General. Chapter 2, paragraph 2-1 states that the Commander, MDW, under the direction of the ASA(CW), administers, operates and maintains the Arlington and Soldiers' and Airmen's Home National Cemeteries. Under the Commander's supervision, the Superintendent, ANC, takes care of the day-to-day operation, maintenance, and administration of these cemeteries. Citations pertinent to specific findings of this investigation are included in following sections of this report. Of note, there is no published procedure established in DA Pam 290-5 that outlines actions the ANC staff will take if a casket or grave liner is discovered in an unmarked gravesite. Nor is there a published procedure to address actions the ANC staff will take if headstones are discovered to have been placed at the wrong gravesite, or are inscribed with the incorrect gravesite location.

4. ANC Background.

a. Since the first interment of a military service member on 13 May 1864, a total of 330,195 personnel have been laid to rest at Arlington National Cemetery (ANC) (Exhibit 1). In Fiscal Year 2009 (FY09), ANC employees prepared for and conducted between 27 and 30 funerals on an average operating day for decedents meeting eligibility requirements listed in 32 CFR, Chapter 5, Part 553.15. These include in-ground burials (interments), and placement of cremated remains (inurnments) in the columbarium. ANC operates 250 days a year - it is closed on weekends and Federal Holidays - conducting roughly 6,400 scheduled funerals annually.

b. The National Cemeteries Act of 1973 (Public Law 93-43), transferred 82 of then 84 National Cemeteries established under the Secretary of the Army to the Department of Veteran Affairs. The two National Cemeteries that remain under the Department of the Army (DA) are ANC, and the Soldiers' and Airmen's Home National Cemetery. The Veterans Administration currently operates 130 National Cemeteries.

c. As noted in DA Pam 290-5, paragraph 2-2, the ANC budget is developed by the Superintendent, ANC, under guidance of the Assistant Secretary of the Army (Civil Works) (ASA(CW)), and submitted directly to the Office of Management and Budget (OMB). This appropriation is completely separate from the Department of Defense (DoD) appropriation, and is defended before Congress by the Superintendent, ANC, and representatives of the ASA(CW). In FY09, the ANC budget totaled \$36.730 million (Exhibit 2); which included funding to pay the salaries of 95 DA civilian employees.

d. The ANC 10-year resource plan (Exhibit 3) reflects that ANC requested \$3.310 million between FY08 and FY10 to support the development of the Total Cemetery Management System (TCMS). A key component of TCMS is the full automation of interment scheduling services, and gravesite validation that will digitally synchronize data from four separate sources: gravesite index cards, headstone records, cemetery maps, and decedent records of interment (Exhibit 4). As currently planned, the project will incorporate Global Positioning System data to reflect coordinates for actual gravesite locations. To date, ANC has received \$1.885 million for the TCMS effort, with the remaining \$1.425 million projected for allocation in FY10.

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5. Review of ANC Staff Responsibilities. Under the Office of the Superintendent, there are two primary ANC Divisions that prepare for and conduct daily funerals, and provide quality assurance support: the Administrative Services Division and the Field Operations Division. During background research, the IO compiled a consolidated list of process tasks to clarify specific ANC procedures in use today that are not codified in DA Pam 290-5 (Exhibit 7). During witness interviews, the task list was validated for accuracy by: Supervisor, ISB; Supervisor, IOB; Engineering Technician; Cemetery Services Quality Inspector, and Field Operations Division Quality Assurance Specialist.

a. Administrative Services Division. Resident in this division are the Interment Services Branch (ISB), the Engineering Technician (ET), and the Cemetery Services Quality Inspector.

(1) The ISB schedules funerals, verifies interment eligibility, maintains interment records, orders headstones through the VA's Burial Operations Support System (BOSS), and coordinates funeral support (to include honor guards and chaplains). These tasks are executed by the Branch Supervisor and four interment services staff members. Additionally, a staff of nine ISB Cemetery Representatives oversees each funeral service, meeting family members and distinguished visitors, and ensuring the quality and dignity of each funeral service is maintained. Although DA Pam 290-5, paragraph 4-14a reflects that the Superintendent is responsible for the assignment of all cemetery gravesites, the Supervisor, ISB actually designates the cemetery or columbarium section to be used for each funeral, ensuring they are not conducted in close proximity to one another on a given day. The Interment Services Branch Chief oversees the preparation of the daily funeral schedule, and the "Special Sheet" which provides required information for the Field Operations Division to prepare gravesites for funeral services. At the end of each day, the Interment Services Branch consolidates the "Daily Book" which includes the daily funeral schedule and individual records supporting each funeral service. These records are placed in the ANC historical files.

(2) After the Supervisor, ISB selects the cemetery section to be used for a scheduled burial, the ET selects the specific gravesite to be used within that section. The ET verifies a gravesite is available for use by researching its status (e.g. available, obstructed, occupied, reserved) on the paper copy cemetery section gravesite layout plan. If there is any question about the suitability of the gravesite, the ET will physically view the site prior to making the assignment. The ET is responsible for preparing the "Daily Map" which lists all gravesites designated for the day's burials, and for marking/staking the gravesites that indicate where the Field Operations Division equipment operators are to dig.

(3) The duties of the Cemetery Services Quality Inspector (QI) include checking headstones received from the VA to ensure they are placed at the correct gravesite, and that they are inscribed correctly. The QI checks the front of the headstone to ensure decedent information is correctly noted, and the back of the headstone to ensure the

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section and gravesite location are accurate. Once verified, the QI removes the gravesite Temporary Marker, and enters the headstone "set date" in the VA's BOSS.

b. Field Operations Division. Resident in this Division are the Interment Operations Branch (IOB), and the Quality Assurance Specialist (QA).

(1) The IOB prepares grave and columbarium sites for funerals. For burials, this includes digging the graves indicated on the ET's "Daily Map," to the dimension specifications listed on the ISB "Special Sheet." The equipment operators verify that the staked gravesite is at the location listed on the "Daily Map" and "Special Sheet." The IOB also prepares the gravesite for the funeral: removing dirt, installing artificial turf, laying ladders, setting up tents to protect family members from inclement weather, and installing the Temporary Grave Marker provided by ISB. After the funeral, the IOB staff closes the gravesite.

(2) The IOB QA Specialist ensures that all pre-funeral tasks are completed to standard, and verifies that the Temporary Grave Marker is located at the correct gravesite prior to interment.

6. Review of ANC Records and Reports. DA Pam 290-5 describes a variety of records ANC uses today to document interments.

a. Gravesite layout plans (paragraph 7-4). These show the layout of individual gravesites and consist of one or more sheets delineating the developed area and sections of the cemetery in which interments have been made or authorized. These plans are drawn to scale and show the location of buildings, structures, utilities and drainage lines and other data needed to facilitate and control the accurate layout of gravesites. These plans must be maintained to reflect the current status of each gravesite, whether occupied, reserved, obstructed or available.

b. Grave index cards (paragraph 7-2) ANC maintains an indexed card file for each section of the cemetery in which burials have been made or are authorized. All gravesites in each section, whether occupied, reserved, obstructed, or available are listed in numerical order to correspond with the gravesites indicated on the cemetery section layout plan. As interments are made, entries are made on the grave index card to correspond with decedent information shown on the DA Form 2122, Record of Interment. If there is more than one interment in a single gravesite (service member, spouse(s), eligible children), the grave index card reflects decedent information for all those interred at that site.

c. Record of Interment (paragraph 7-3). The DA Form 2122 is the official record of interment (ROI), and is the basis for ordering headstone markers from the VA. Among the information listed on the ROI is the decedent name, dates of birth/death/interment, gravesite location, depth of grave, type of container (casket, liner), and next of kin. The ROI is filed in a separate indexed card file, listed alphabetically by decedent. The ANC

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Interment Scheduling System (ISS) is currently used to populate ROI data and print hard copy forms.

d. Temporary Grave/Niche Marker (paragraph 4-13). The Temporary Grave Marker, formerly referred to as DA Form 2385, contains decedent information and gravesite location. It is prepared prior to the funeral, and is placed at the gravesite to mark the grave location until a permanent headstone is received from the VA. Once the permanent headstone is installed and validated at the grave site, the temporary marker is destroyed.

e. Interment Tag (not listed in DA Pam 290-5, example at Exhibit 5). ANC began using waterproof interment tags in the early 1990s. The ISB staff prepares the Interment Tag, reflecting decedent name, cemetery section/gravesite, and date of interment. The ISB Cemetery Representative attaches the tag to the casket after the funeral.

f. Monthly Cemetery Utilization Report, (paragraph 7-6). A monthly report prepared by the Supervisor, Administrative Services Division. This monthly snapshot indicates gravesite capacity, as well as interment and disinterment totals for the reporting period. DA Pam 290-5 states that any difference between the number of interments during the month, and the number of gravesites used, will be entered and explained under the remarks section. This report is now automated. An example is Exhibit 1.

7. Potential Scenarios that Could Lead to Loss of Accountability. Before addressing the specifics of what was discovered at Section 68, Grave 449, it is important to review how accountability for a specific interment could be lost, or perceived as lost. IO notes taken during witness testimony reflect possible scenarios.

a. Casket could shift underground (Exhibits 25 and 29). Under the right conditions, such as wet soil and sloping terrain, caskets can shift underground and impact another gravesite. Caskets in cement liners (vaults) are less likely to move underground due to the weight of the container.

b. Headstone could be inscribed with the wrong site location, and be placed at the wrong gravesite (Exhibit 26). Each government-provided headstone is inscribed on the back side with the section and grave number for the interment site. On a few occasions, especially in the older cemetery sections, ANC workers have noted the decedent information on the front side of the markers matched interment records, but the site locations inscribed on the back of the headstones were incorrect. It is plausible that in past years, before the current quality assurance personnel were added to the ANC staff, that a headstone inscribed with an incorrect site location could have been set at the wrong gravesite.

c. Headstones could be improperly placed during reset and realignment (R&R) activities (Exhibit 26). Cemetery sections marked with government-provided headstones undergo periodic R&R to ensure the headstones remain at the proper height and present a uniform appearance. During this process, headstones are removed from the head of the grave, and the ground underneath is either lowered or raised to ensure the headstone

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stands at an average height of 24 inches (DA Pam 290-5, paragraph 4-18,e). ANC quality assurance processes used to check section R&R make this scenario unlikely today. However, it is plausible that in past years, a headstone could have been reset within a specific cemetery section at the wrong gravesite.

d. Off-set caskets for sites with multiple interments could encroach on adjoining gravesites. DA Pam 290-5, Figure 4-4 (Exhibit 6) reflects how interments are executed with multiple caskets. For gravesites with three or four caskets, ANC uses an off-set procedure where two caskets are placed side-by-side to fill a 5-foot wide grave. As shown, the left side and right side of the grave is determined standing at the head of the grave, looking to the foot of the grave. Records of Interment and grave index cards reflect burials are Center Line (CL), Right Half of center line (RH), or Left Half of center line (LH). If the caskets are placed outside the five-foot width, a portion may be uncovered or "discovered" when an adjoining grave is dug. Testimony indicates that there have been some instances where caskets interred as RH/LH off-sets have been partially uncovered when graves were dug at adjacent sites (Exhibits 28 and 30). A check of the grave index card and record of interment for the adjoining grave would quickly identify the potential for RH/LH off-set encroachment. Accountability is not actually lost in this case. But, those involved in the burial process that are not aware of the results of the administrative review, may perceive that they uncovered a casket in an unmarked gravesite.

e. Interment could be made at an incorrect location. Although not raised as a possible scenario during witness testimony, it is plausible that a casket identified for a specific burial site could be accidentally interred at an incorrect location. This would be more easily understood if the cemetery section was relatively undeveloped, and burial patterns in that section were not executed in sequential order.

8. Current ANC Processes to Prevent Loss of Accountability. Over its 135-year history, ANC's interment processes have continually evolved. Although we can't go back in time to determine the exact standards that were in place 25, 50 or 100 years ago, there are current processes in place to combat many of the scenarios listed above.

a. Verification of Gravesite Location and Placement of Temporary Grave Marker. After the Supervisor, ISB selects the cemetery section for a specific burial, the ET selects the gravesite to be used within that section. The ISB staff prepares the grave index card, listing the decedent name, interment date, and gravesite location. The ISB staff also prepares the Record of Interment, which also includes the cemetery section and gravesite number, cross referenced with the grave index card. The ISB staff then prepares the Temporary Grave Marker, which lists decedent information and gravesite location. Finally, the ISB staff prepares the Interment Tag, which lists decedent name, gravesite location and interment date. The "Special Sheet" (Exhibit 8) and "Daily Map" (Exhibit 9) are normally produced one to two days in advance, listing all gravesites to be used for a specific day's burials. The Interment Operations Branch Work Leaders verify the gravesite location listed on the "Special Sheet" prior to excavation. The Work Leaders place the Temporary Grave Markers at the gravesite prior to the funeral. The Field

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Operations Division Quality Assurance Specialist physically checks the Temporary Grave Marker to ensure it is located at the correct gravesite. The ISB Cemetery Representative assigned to a specific funeral re-verifies the gravesite location on the day of the burial. After the funeral service, the Cemetery Representative attaches the Interment Tag to the casket. ANC began using Interment Tags in the early 1990s as another means of verifying interred remains.

b. Verification of Headstone Placement and Replacement. The ISB staff orders government-provided headstones using the VA's automated Burial Operations Support System (BOSS). Inscription data for each headstone is verified with the Record of Interment, to include decedent information and gravesite location. When a headstone is received, it is checked for damage by an ANC contractor, and set at the gravesite according to the site location inscribed on the back of the headstone. The Cemetery Services Quality Inspector (QI), or member of his staff, then physically checks the condition and placement of each headstone, verifying the site location inscribed on the headstone matches the location on the Temporary Grave Marker. If there are no discrepancies, the QI staff removes the temporary marker, and enters the headstone "set date" in BOSS. When broken or damaged headstones are discovered in the cemetery, they are removed. ISB orders a new headstone, and prepares a Temporary Grave Marker to mark the gravesite. When the replacement headstone arrives, the same quality assurance process is used to set the headstone and verify correct placement before the Temporary Grave Marker is removed.

c. R&R Quality Assurance. Cemetery section R&R is performed by an ANC contractor, in accordance with the contract performance work statement (Exhibit 10). The Cemetery Services QI is the contract officer representative. Contractors remove the headstones and place them vertically at the head of the grave while the realignment work is performed. Headstones are replaced immediately. When the R&R for a cemetery section is complete, the Cemetery Services QI checks the contractor's work by verifying the headstones are replaced in numerical sequence, and ensuring the total number of headstones in the section matches the number reported by the contractor. The IO viewed an R&R in Section 42 on 7 August 2009. The contractors removed each headstone and laid it on top of the gravesite while they excavated the headstone location. The headstone went back in place immediately after excavation. There was no evidence that headstones were being placed in any other location than directly over the grave while work was performed. The process was performed to the standard described in the cemetery Services QI sworn testimony (Exhibit 26).

9. Summary of Investigative Findings. Eyewitness testimony reflects that in May 2003, while preparing for a burial at Section 68, Grave 449, ANC workers did discover a casket that was not marked by a headstone. Additional sworn testimony reflects that in January 2009, ANC workers partially uncovered a casket in Section 42, Grave 1186 that also appeared to be unmarked by a headstone. This section will address the situation surrounding each discovery, actions management took to regain accountability and properly mark the gravesites, and an analysis of whether potential remains in these unmarked sites could be identified.

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a. Section 68, Grave 449.

(1) Discovery of Casket at Unmarked Gravesite. On 21 or 22 May 2003, ANC staff prepared a grave in Section 68 for the interment of Captain ██████████, USN. The Daily Schedule for 22 May 2003 reflected the grave assignment for the ██████████ funeral was Section 68, Grave 449 (Exhibit 11). The Daily Map also reflected a burial at Section 68, Grave 449 (Exhibit 11). While digging the grave in Section 68, Grave 449, a site not marked with a headstone or temporary marker, the equipment operator uncovered casket, and reported the discovery to Ms. Tanner in ISB. She notified the Deputy Superintendent, Mr. Higginbotham (Exhibit 27). Although there are conflicting accounts with regard to who viewed the discovery at Section 68, Grave 449, sworn testimony confirms that the IOB Supervisor, Mr. Stafford, and the Deputy Superintendent, Mr. Higginbotham, went to the gravesite to assess the situation (Exhibits 28 and 29). Both Mr. Stafford and Mr. Higginbotham remember seeing a casket in the grave that was not contained in a liner. Mr. Higginbotham testified that there was no visible marker or interment tag on the casket to identify any remains that might be contained therein. Mr. Higginbotham asked ISB to review the grave index card file and cemetery section grave layout plan to determine if either reflected a previous interment at that site. Neither did. After the initial administrative review, Mr Stafford testified that Mr. Higginbotham told him to close the grave. The ISB Supervisor, Ms. Tanner reflected that the ██████████ burial was moved to an adjacent gravesite, Section 68, Grave 450 (Exhibit 27). CAPT ██████████ Record of Interment and the grave index card for Section 68, Grave 450 (Exhibit 12) reflect he is interred at that site.

(2) Initial Management Actions. After the grave was closed, Mr. Higginbotham and the ISB staff conducted a check of the grave index cards to determine if the card for Section 68, Grave 449 had been misfiled (Exhibits 27, 29, 30). They checked all grave cards in Section 68, and looked for the grave card in each cemetery section that had a grave numbered 449. ISB checked the historical file Daily Books/Intake Sheets for several months prior to the discovery to determine if there was any record of a recent interment at that site. Neither search resolved whose casket was in Section 68, Grave 449. Mr. Higginbotham testified that he told the Director of Administrative Services, Ms. White, and Ms. Tanner, to prepare a Temporary Grave Marker for the site and order a headstone (Exhibits 29 and 30). Mr. Higginbotham also testified he told the Cemetery Superintendent, Mr. Metzler, about the discovery the same day. In his sworn testimony, Mr. Metzler stated he was not made aware of the discovery in Section 68, Grave 449 until 20 July 2009 (Exhibit 31). Mr. Higginbotham stated that he prepared a hand written grave index card for Section 68, Grave 449 that detailed what was discovered, who had knowledge (to include the Superintendent), and the date/time. Ms. Tanner testified that Mr. Higginbotham told her to prepare the grave index card for Section 68, Site 449. She verified that the grave index card on file for Section 68, Grave 449 (Exhibit 27) was the one she prepared at the time of discovery. The IO found no evidence of the hand-written grave index card Mr. Higginbotham described in the Section 68 index card file. When asked if a headstone had been ordered at the time of discovery, Ms. White stated that she thought Ms. Tanner had taken the action, but that apparently the headstone was not

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ordered at the time (Exhibit 30). Based on conflicting recollections, and the absence of any written documentation, the IO could not confirm if the Superintendent was informed of this discovery in 2003.

(3) Subsequent Management Actions. Mr. Metzler testified that he was made aware of the discovery in Section 68, Grave 449 on 20 July 2009 (Exhibit 31). He directed an extensive review of grave index cards, and a review of historical records between 1979, when interments began in Section 68, and 2003, when the initial discovery occurred.

(a) Ms. Tanner and her staff conducted another review of grave index cards to determine if a pre-existing grave index card had been misfiled. This included a review of Section 68 from graves 1 to 500, and a review of grave index cards in every cemetery section between graves 400 and 500 (Exhibit 27). No grave index card for Section 68, Grave 449 was discovered.

(b) The ISB staff checked the VA BOSS database to determine if a headstone had been ordered for Section 68, Grave 449. ANC began ordering headstones through this system in 1999. There was no record of a headstone being ordered for Section 68, Grave 449.

(c) Between 22 and 28 July 2009, a team of ANC employees conducted a search of the Daily Books/intake sheets in the historical files from May 1978 to December 1999, and April to May of 2000 (Exhibit 14). There was no record of a funeral conducted at Section 68, Grave 449.

(d) While the administrative review was ongoing, Mr. Metzler directed a Temporary Grave Marker be placed at the Section 68, Grave 449, and a headstone ordered. (Exhibit 31). IO visit to the gravesite on 29 July 2009, confirmed that the grave had been marked with a Temporary Grave Marker.

(4) Review of Burial Pattern Adjacent to Section 68, Grave 449, and Pertinent Interment Records. The IO visited Section 68, Grave 449 on 31 July 2009, to study the burial pattern of adjacent gravesites. These include: Section 68, Grave 448; Section 68, Grave 450; Section 68, Grave 549; and Section 68, Grave 350. These gravesites are represented pictorially at Exhibit 15.

(a) Section 68, Grave 350. The headstone reflects the grave is occupied by CMSGT [REDACTED] interred in 2004, after the May 2003 discovery of the casket in Section 68, Grave 449.

(b) Section 68, Grave 450. Interment records reflect the grave is occupied by CAPT [REDACTED], interred 22 May 2003 (Exhibit 12). This was the gravesite used after the discovery of the casket in Grave 449.

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(c) Section 68, Grave 448. Interment records reflect the grave is occupied by MAJ [REDACTED], interred on 2 March 1988 (Exhibit 16). Casket records show "M/C," reflecting he was buried in a metal casket encased in a concrete liner.

(d) Section 68, Grave 549. Interment records reflect two burials at this gravesite: [REDACTED], interred on 16 May 1980, and [REDACTED], interred on 23 December 1988. Both interment records reflect "Metal/O" or "M/O," reflecting the decedents were interred in a metal casket with no outer case. Neither casket was encased in a liner. (Exhibits 17 and 18).

(5) IO Analysis. This section will review potential scenarios for loss of accountability as applied to the gravesite in Section 68, and provide a potential explanation for the unmarked casket at Grave 449.

(a) Casket could shift underground. If a casket from an adjoining gravesite in Section 68 were to shift underground and impact Grave 449, interment records indicate it could only have done so from Grave 549. The casket in Grave 448 was encased in a liner. Graves 450 and 350 were unoccupied at the time of discovery. The flat terrain in Section 68 would generally not be conducive to producing this effect, but it is a possibility.

(b) Headstone could be inscribed with the wrong site location, and be placed at the wrong gravesite. As indicated, the ANC staff conducted an extensive review of cemetery records, which netted no evidence that a funeral had been conducted at Section 68, Grave 449, nor a headstone ordered for that gravesite. ISB has no records that reflect family member inquiries about a missing headstone at Section 68, Grave 449.

(c) Headstones could be improperly placed during reset and realignment (R&R) activities. Records from the Section 68 R&R, conducted in 2006, reflect there was no headstone in that section inscribed for Grave 449 (Exhibit 19).

(d) Off-set caskets for sites with multiple interments could encroach on adjoining gravesites. Grave 450 was not occupied when the casket was discovered in Grave 449. Records reflect Graves 448 contains a single interment. There is no RH/LH off-set interment to encroach on this gravesite.

(e) Interment could be made at an incorrect location. While there are extensive sets of checks and balances at ANC today to ensure graves are dug and headstones are placed at the correct location, we don't know what processes were in place in the 1980s. It is possible that the casket in Grave 449 is related to a burial in an adjacent gravesite.

1. Witness testimony and historical records indicate that the discovery of a casket in Section 68, Grave 449 did occur on 21 or 22 May 2003, during grave preparations for the [REDACTED] funeral. If the improper interment is related to a burial in an adjacent gravesite, eyewitness testimony that the casket in Grave 449 was not encased in a

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concrete liner suggests the any interred remains are not those of MAJ [REDACTED]. Focus should be placed on the burials in Section 68, Grave 549.

2. Mrs. [REDACTED] was interred in 1980, in a then-sparsely populated cemetery section that had recently been put into use. Interment records reflect her grave was dug to a depth of 7 feet, on center line. Lt Col [REDACTED]'s records reflect he was interred in the same grave in 1988. Interment records indicate his grave was dug to a depth of 5 feet, on center line. Both were buried in metal caskets with no concrete liners. It is possible that either of them could have been mistakenly interred in Grave 449, which is coincidentally one row in front of Grave 549. It is a unique occurrence in ANC cemetery sections that gravesites, exactly 100 numbers apart, line up one behind the other.

(f) The extensive search of ANC administrative records netted no discovery of an improperly filed grave index card, record of a funeral at Section 68, Site 449, or requisition of a headstone for the gravesite. There have been no inquiries from family members pertaining to the absence of a headstone at that site. Although the IO cannot, with certainty, state that the casket in Section 68, Grave 449 belongs to either Lt Col or Mrs. [REDACTED], it is a possibility.

b. Section 42, Grave 1186.

(1) Discovery of Casket at Unmarked Gravesite. Witness testimony reflects that on 15 January 2009, IOB equipment operators dug into the ground in what was supposed to be an unoccupied grave at Section 42, Grave 1186 to prepare for a funeral. Mr. Montgomery, the equipment operator, stated he struck what appeared to be a grave liner at the site, about 18 inches below the surface (Exhibit 32). Mr. Stafford, the IOB Supervisor, inspected the site and remembered seeing a casket (Exhibit 28). Mr. Manning, the Engineering Technician, was called to the scene, and recalled what he thought to be a metal casket (Exhibit 23). Mr. Manning called the discovery into Ms. Tanner, and went to locate another gravesite in Section 42 for the pending funeral. The ISB records check revealed a right half of center line interment at Grave 1185 that was partially obstructing Grave 1186. Mr. Stafford instructed Mr. Montgomery to close the gravesite (Exhibit 28). Ms. Tanner prepared a hand written grave index card for Section 42, Grave 1186, that stated, "Obstructed" (Exhibits 20 and 34). Although Mr. Stafford testified he later remembered seeing a Temporary Grave Marker at the site (Exhibit 27), Ms. Tanner testified that no Temporary Grave Marker had been prepared for Section 42, Grave 1186 since there was not an interment at that gravesite (Exhibit 34).

(2) Management Actions. Ms. Tanner did not remember if she told either the Superintendent or the Deputy Superintendent about the obstructed gravesite in Section 42, Grave 1186 when the discovery took place. She remembered getting instructions to prepare the grave index card (Exhibit 34). Mr. Higginbotham stated he was not aware of a specific finding in Section 42, Grave 1186, although there had been situations over the years where graves had been opened and caskets encroaching from adjacent graves had been discovered (Exhibit 29). Ms. Tanner did present the information to Mr. Metzler on

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18 August 2009. He directed Ms. Tanner to prepare a revised grave index card that more clearly articulated the obstruction at Section 42, Grave 1186. (Exhibits 21/34).

(3) Review of Burial Pattern Adjacent to Section 42, Grave 1186, and Pertinent Interment Records. The IO visited Section 42, Graves 1185 and 1186 to review burial patterns on 7 August 2009. Standing at the headstone of Grave 1185, looking to the foot of the grave, Grave 1186 is to the right. Interment records reflect three burials at Section 42, Grave 1185: [REDACTED] (minor daughter), interred on 31 August 1960; AERM2 [REDACTED], interred on 24 April 1996; and [REDACTED] (wife), interred on 7 September 2007 (Exhibit 22).

(4) IO Analysis. Interment records reflect Miss [REDACTED]'s grave was dug to a depth of 7 feet, on center line. AERM2 [REDACTED]'s records reflect he was interred in the same grave at a depth of 5 feet, on center line, in a metal casket encased in a concrete liner. Per burial policy in 1960 when Miss [REDACTED] was interred, AERM2 [REDACTED] was authorized to reserve the adjoining grave for his and his wife's interment. Miss [REDACTED]'s ROI reflects he elected to reserve Grave 1186. However, in 1996, it appears the family elected to bury him in the same grave as his daughter, reserving Grave 1186 for Mrs. [REDACTED]'s interment. Had the family decided at that time that all three family members would be at some point be interred in Grave 1185, AERM2 [REDACTED]'s burial would have been at a depth of 5 feet, either left half or right half of center line, to make room for his wife's subsequent interment. ANC continued to reserve Section 42, Grave 1186 for Mrs. [REDACTED]. Mrs. [REDACTED]'s interment records reflect that the family requested her burial in Grave 1185, rather than Grave 1186. Her casket was interred in Grave 1185 at a depth of five feet, with a right half off-set. But because her husband's concrete liner was on center line, Mrs. [REDACTED]'s casket was farther off-set to the right than normal. Since technically, Mrs. [REDACTED] was interred in Section 42, Grave 1185, there was no indication in the grave index card file or on the gravesite layout plan that there would be any type of obstruction in Section 42, Grave 1186. Although one of the eyewitnesses remembers seeing a liner, and two recall seeing a casket, the reported depth of the discovery is consistent with a 5-foot grave. That Mrs. [REDACTED]'s casket was partially uncovered during excavation at Section 42, Grave 1186, is a logical explanation.

c. Conclusions. Based on witness testimony and documentary evidence, the IO finds:

(1) The grave in Section 68, Grave 449 was improperly marked. Between May 2003 and July 2009, there is no evidence that a temporary grave marker or a permanent headstone was prepared or placed at the gravesite where a casket was known by ANC staff members to be interred.

(2) Upon initial discovery of a casket in Section 68, Grave 449 on 21 or 22 May 2003, the Deputy Superintendent checked to see if the casket contained any external markings that would identify the decedent. The Deputy Superintendent gave instructions to close the gravesite. The Deputy Superintendent and ISB Supervisor conducted an administrative review of Section 68 grave index cards, and spot checked other cemetery sections with a graves numbered 449, to determine if a card for Section 68, Grave 449

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had been misfiled. When these checks did not identify the decedent in Section 68, Grave 449, the Deputy Superintendent gave instructions to place a temporary marker at the site and order a headstone. The ISB Supervisor prepared and filed a grave index card that indicated there was a casket in the gravesite. A headstone for Section 68, Grave 449 was not ordered at that time. Based on conflicting sworn testimony, the absence of any written documentation, and lack of eyewitnesses to a conversation that may have taken place between the Deputy Superintendent and Superintendent, the IO could not confirm if the Superintendent was informed of this discovery in 2003.

(3) In July 2009, the Superintendent was aware of the discovery and attempted to re-establish accountability through administrative means. He directed a comprehensive review of cemetery records from 1979 to 1999, and a search of automated headstone records from 1999 to 2009, to determine the identity of a potential decedent in Section 68, Grave 449. In the interim, the Superintendent ensured that a Temporary Grave Marker was placed at the gravesite, pending receipt of a permanent headstone.

(4) The IO could not determine the identity of a potential decedent in Section 68, Grave 449. Since the interment could have occurred at any time between 1979 and 2003, the IO was not able to discern, with certainty, how accountability for this particular interment was lost.

(5) Current processes appear to contain sufficient rigor to prevent future loss of interment accountability. Checks and balances exist today in both ISB and IOB to prevent an interment at a site other than the one listed on decedent interment records. Quality Assurance personnel check the placement of Temporary Grave Markers and headstones. Quality Inspectors monitor and check cemetery section R&R to ensure headstones are not misplaced or reset incorrectly. The addition of Quality Assurance Representatives in the Administrative Services Division and Field Operations Division, and incorporation of Interment Tags to visually identify caskets, indicate how ANC management continues to evolve and improve accountability processes. The automation of ISB paper records as part of TCMS should further improve the accuracy of cemetery records.

(6) Although processes appear to be sound, current gravesite selection practices are not codified. Executing sequential burials to the maximum extent possible in the newer cemetery sections would help ensure gravesites are accurately identified for use. Documenting the procedures required to thoroughly analyze burial patterns at adjacent gravesites in order to identify potential encroachment, could reduce the instances of inadvertently uncovering LH/RH off-set caskets during excavation.

(7) ANC lacks written procedures that direct specific actions the Superintendent, Deputy Superintendent, or staff will take if caskets are discovered in an unmarked/available gravesite. Similarly, there are no written procedures that govern actions the Superintendent, Deputy Superintendent or staff will take to thoroughly document situations where caskets are discovered to have encroached into adjacent gravesites. As reflected at Exhibit 1, there have been over 279,800 in-ground interments at ANC since

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1864. As the TCMS initiative to verify gravesites progresses, administrative discrepancies that have occurred in past years may surface. ANC management needs to be prepared to address these discrepancies, if discovered.

(8) As indicated in the review of current regulations, there is no consensus between the 32 CFR Ch.5 Part 553, General Orders Number 13, AR 290-5, and DA Pam 290-5, that identifies a single proponent responsible for updating regulatory guidance to ensure uniformity of policy and procedure.

(9) Although AR 290-5, last updated in 1981, states that ANC will undergo periodic Command and Inspector General inspections to evaluate technical, operating, and administrative processes, General Orders No. 13 does not assign responsibility to any DA entity to execute a periodic inspection program at ANC.

(10) Over the past 10 years, the average number of annual burials at ANC has risen from 3604 in FY98, to 4377 in FY08 (Exhibit 23). The number of civilian employees on the ANC staff has decreased over the same period from 117 to 95 (Exhibit 24). During this investigation, the IO observed that the ISB workload is particularly heavy. Ms. Tanner has a staff of four employees to schedule 135 to 150 funerals every week, and maintain all interment records. If fully manned, the ISB's nine Cemetery Representatives coordinate and execute three to four funerals each day. A manpower assessment may be warranted to determine if the ANC staff is sized appropriately for the mission.

9. Recommendations.

a. To regain accountability of the potential remains interred in Section 68, Grave 449, the IO recommends that the Superintendent, ANC seek authority to take invasive measures to determine if the casket, or remains contained therein, can be positively identified. If feasible, confirm the presence of two caskets in Section 68, Site 549 during excavation.

b. To establish uniformity of process and practice, the IO recommends the Superintendent publish an ANC policy document that outlines specific actions ANC staff members will take if equipment operators discover caskets or liners in what had been designated as an available gravesite. If determined appropriate, forward to the Assistant Secretary of the Army (Manpower and Reserve Affairs) for incorporation in the next revision of DA Pam 290-5.

c. To ensure adequacy of technical, administrative and operating processes, the IO recommends the Commander, MDW coordinate with the ASA(CW) to determine the appropriate agency to re-initiate periodic inspections of the Army's National Cemeteries. If MDW is the appropriate agency, recommend an inspection of ANC be included in the MDW FY10 Command Inspection Program.

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d. To ensure ANC is adequately staffed to accomplish all technical, administrative and operating tasks, the IO recommends the Commander, MDW request a DA manpower survey for ANC.