

Annex 2 - Discrepancies and Mistakes associated with interments, disinterments, and transinterments at ANC

1. Unintended double burial of remains: gravesite 67/2133.

a. Evidence reflected: [REDACTED] was interred in gravesite 67/2133 in 1995. In January 2008, the cremated remains of [REDACTED] US Air Force, were also interred in 67/2133. In May 2008, [REDACTED] daughter informed ANC officials that someone else's headstone was on her father's gravesite. The headstone reflected the name of [REDACTED]. ANC determined that since [REDACTED] and [REDACTED] were not related, the cremated remains of [REDACTED] were mistakenly interred in gravesite 67/2133. Mr. Higginbotham was notified of the problem and supervised the transinterment of [REDACTED] remains to a new gravesite on 16 May 2008. Mr. Higginbotham testified that he informed Mr. Metzler soon after he was told about the grave issue. On 16 May 2008, Ms. Tanner sent an e-mail to Mr. Higginbotham and Mr. Metzler indicating she called the daughter of [REDACTED], explained the situation to her, and told her that a headstone had been ordered and a temporary marker would be placed on the gravesite. Ms. Tanner testified that since she included Mr. Metzler on the e-mail, she believed he knew about the incident when it occurred. Mr. Metzler testified that he recalled receiving Ms. Tanner's e-mail, and that he understood when he read it that it referenced corrective actions directed by Mr. Higginbotham concerning the unintended double burial of [REDACTED] cremated remains. Mr. Metzler further testified, however, that he was not informed about the issue on the day it was first raised by [REDACTED] daughter.

b. Under ANC Operating Procedure 1AN, dated 1 February 1999, and signed by Mr. Metzler, transinterments "must be approved by the Superintendent who shall document each transinterment that he authorizes by executing a memorandum which specifies the reasons for transinterment of the particular remains" and the Administrative Services Division will "mail corrected copies of the records to the family or representative" and "retain a copy of the Superintendent memorandum authorizing the transinterment." Evidence reflected that a memorandum authorizing the transinterment was not completed in May 2008, and that Mr. Metzler first tried to telephonically notify the next of kin (NOK) of [REDACTED] regarding the transinterment of [REDACTED] cremated remains on 2 November 2009. This attempted telephonic notification did not occur until over 18 months after the transinterment of [REDACTED] cremated remains to another gravesite. Additionally, evidence reflected that corrected copies of the burial records were not mailed to the NOK until November 2009. Mr. Metzler testified he delegated authority to Mr. Higginbotham to approve a transinterment. But in an e-mail Mr. Metzler sent to Mr. Higginbotham, Ms. White, Ms. Tanner, and Ms. Horst on 23 October 2009, Mr. Metzler stated there was no memorandum from him authorizing the re-location of [REDACTED] remains, that this

was a "big-problem," and that "any and all problems in the cemetery with remains that have to be re-located must come thru me first and a memo issued." Mr. Higginbotham testified that he didn't know about the ANC transinterment policy until the media inquiry in 2009. Mr. Higginbotham further testified that when he asked Mr. Metzler about this policy, Mr. Metzler told him "don't worry about that. That's something we put together to satisfy Military District of Washington (MDW) two years ago when they had some Congressional questions." Mr. Higginbotham complained this was an example of Mr. Metzler's unilateral management.

c. An Executive Summary (EXSUM), dated 27 October 2009, and approved by Mr. Metzler, reflected that Mr. Metzler was "made aware" of the unintended double burial of [REDACTED] remains after receiving a media inquiry on 23 October 2009. Additionally, the EXSUM reflected that [REDACTED] family was notified and the remains were subsequently re-located to a new grave, 2130-1...." Mr. Metzler testified he reviewed and approved this EXSUM, and provided it to either the Office of the Assistant Secretary of the Army (ASA), Manpower and Reserve Affairs (M&RA) or to the Office of the ASA, Civil Works. The EXSUM was then forwarded to the Secretary of the Army or the Assistant Secretaries.

d. While the EXSUM Mr. Metzler provided to either the ASA, M&RA or ASA, CW indicated he did not know about the incident involving [REDACTED] cremated remains until the media inquiry in October 2009, Mr. Metzler testified that he was first made aware of the incident on 16 May 2008 after ANC had taken corrective actions. Mr. Higginbotham and Ms. Tanner corroborated this in their testimony. Additionally, evidence established that contrary to the EXSUM, dated 27 October 2009, which indicated [REDACTED] was notified before the transinterment of [REDACTED] remains, [REDACTED] NOK were in fact not notified until November 2009. Therefore, evidence established that the EXSUM approved by Mr. Metzler and provided to senior army leadership contained inaccurate and seemingly misleading information.

e. The improper burial and consequent transinterment of [REDACTED] remains reflected multiple failures in the ANC burial process, to include the following: the engineering technician's initial selection of a gravesite that was already occupied; the gravesite itself was apparently not properly marked with [REDACTED] headstone; the Interment Services Branch's (ISB) failure to identify this gravesite as already being occupied during the preparation of the associated interment paperwork and during their grave check validation; the failure to obtain Mr. Metzler's approval for the transinterment of [REDACTED] remains; the failure to properly document the transinterment; and the failure to provide the NOK with the corrected burial documentation after the transinterment was completed. Moreover, ANC leadership failed to thoroughly investigate this matter once it was raised as an issue, and thus failed to determine what caused the unintended double burial and what corrective actions were required to prevent a similar situation from occurring again.

2. Remains encountered in a gravesite thought to be unoccupied.

a. Gravesite 68/449.

(1) Evidence reflected that [REDACTED] was interred in gravesite 68/549 in 1980. A review of all the associated burial documentation, to include the record of interment, burial card, funeral schedule, and intake sheet, indicated that [REDACTED] husband, [REDACTED], was subsequently interred with his wife's remains in 68/549 in 1988. In May 2003, while preparing for an interment in gravesite 68/449, which was located adjacent to the foot of gravesite 68/549, cemetery workers uncovered a casket of remains in gravesite 68/449 which was not marked and was believed to be unoccupied. Workers from the Field Operations Division notified Mr. Higginbotham of the discovery. He went to the gravesite to assess the situation and then directed the ISB staff to search through its records to identify the remains in 68/449. ISB could not locate any documentation indicating a burial took place in 68/449. Mr. Higginbotham testified that he notified Mr. Metzler about the discovery on the same day. Mr. Metzler, however, testified he was not made aware of the issue until 20 July 2009 when his public affairs officer asked him about it. Mr. Higginbotham further testified that he directed Ms. White and Ms. Tanner to prepare a temporary grave marker and to order a headstone with the inscription "unknown." Ms. Tanner testified that Mr. Higginbotham told her to prepare a burial card indicating the remains in 68/449 were unknown. She could not recall, however, if he told her to order a headstone. A headstone for 68/449 was not actually ordered until July 2009.

[IO Note: Due to the contradictory testimony and a lack of corroborating evidence to support either Mr. Higginbotham's or Mr. Metzler's conflicting recollections of this event, the IO could not determine when Mr. Metzler was first made aware of the discovery of the remains in gravesite 68/449.]

(2) In July 2009, after the media reported there were unknown remains in an unmarked grave at ANC, Mr. Metzler directed his staff to conduct a thorough review of grave cards, historical burial documentation, and the Burial Operations Support System (BOSS) to determine if an interment ever took place in 68/449. No evidence was found to indicate an interment in 68/449. At some point following the staff's review, Mr. Metzler directed ISB to order an "unknown" headstone for 68/449. After the media reported that a headstone inscribed with "unknown" was placed on 68/449, Mr. Metzler hired a company to use ground penetrating radar (GPR) to determine how many remains were actually interred in gravesite 68/549, gravesite 68/449, and the gravesites adjacent to those two gravesites. Mr. Higginbotham testified that the ASA-CW advised Mr. Metzler to do this. The GPR results revealed just one set of remains in 68/449 and one set of remains in 68/549. Based on these GPR results, Mr. Metzler concluded the remains in 68/449 were those of [REDACTED] and that [REDACTED] remains were mistakenly interred in the wrong gravesite back in 1988.

(3) The discovery of the remains in 68/449 and ANC's failure to take appropriate action after the remains were initially discovered indicate multiple failures in ANC's burial process. First, ANC did not have documentation for the remains interred in 68/449. If the remains were in fact those of [REDACTED], then Field Operations Division buried them in the wrong gravesite back in 1988. If the remains were not [REDACTED] remains, then ANC lost accountability of the remains interred in 68/449. Second, after discovering the problem in 2003, ANC failed to appropriately investigate and resolve the issue concerning the identity of the remains and further failed to ensure that the remains were appropriately marked, which led to their remaining unmarked for over six years.

b. Gravesite 42/1186.

(1) Evidence reflected that three members of the [REDACTED] were interred in gravesite 42/1185, with the final interment occurring in September 2007. A review of the burial documentation reflected that the [REDACTED] family had a reservation for gravesite 42/1186, which was located adjacent to the side of gravesite 42/1185. Yet back in 1996, [REDACTED] had informed ANC that she wanted to be interred in her daughter's and husband's joint gravesite - gravesite 42/1185. ANC acknowledged [REDACTED] request and confirmed that she would be interred in gravesite 42/1185. After receiving confirmation that Mr. and Mrs. [REDACTED] and their daughter would be buried together in gravesite 42/1185, the [REDACTED] family cancelled their reservation for gravesite 42/1186. The record of interment for [REDACTED], who was interred in September 2007, indicated her remains were buried in the right-half of gravesite 42/1185. Multiple interments in a single gravesite are common; DA PAM 290-5 provides a standard layout for three interments in a single gravesite.

(2) In January 2009, while preparing for an interment, cemetery workers unexpectedly encountered a casket of remains in gravesite 42/1186. This gravesite was not marked and was believed to be unoccupied and therefore available for an interment. Mr. Darrell C. Stafford, Engineering Equipment Supervisor, ANC, testified that Mr. Charles W. Montgomery Sr., Engineer Equipment operator, ANC, notified him after the discovery was made. Mr. Stafford could not recall if Mr. Higginbotham or Mr. Metzler were notified. Mr. Stafford testified he decided to cover the gravesite since it could not be used for the scheduled interment. Mr. Daniel Manning, Engineering Technician, ANC, informed Ms. Tanner of the discovery and she prepared a burial card for gravesite 42/1186 that simply stated "obstructed," without any additional information, to ensure it would not be selected again for a future interment.

(3) While Ms. Tanner testified that she was told back in January 2009 that the casket was not situated in the center of gravesite 42/1186, both Mr. Montgomery and Mr. Stafford, who actually saw the casket in gravesite 42/1186, testified that the casket was in the center of gravesite 42/1186. Mr. Manning could not clearly identify how the casket was situated. Both Mr. Metzler and Mr. Higginbotham testified they did not learn

of the discovery of the remains in gravesite 42/1186 until it was brought to their attention during an AR 15-6 investigation initiated by the MDW and conducted in July - October 2009. On 21 August 2009, Mr. Metzler directed Ms. Tanner to update the burial card for gravesite 42/1186 to indicate that it was obstructed from a casket in gravesite 42/1185.

(4) Mr. Metzler testified that Ms. Tanner informed him that a casket from gravesite 42/1185 was obstructing gravesite 42/1186. From this he stated he "could only conclude that she was informed of this incident by the interment crew." Mr. Metzler further testified that he did not discuss this matter with anyone that was at the gravesite when the casket was discovered in gravesite 42/1186, and that he did not know what information Ms. Tanner received. He accepted Ms. Tanner's explanation that the casket was one of three that had been interred in gravesite 42/1185, and took no further action to confirm Ms. Tanner's conclusion.

(5) Mr. Higginbotham testified that if the casket had been in the center of gravesite 42/1186, he probably "would have tried to verify there are actually three caskets" in gravesite 42/1185. Mr. Metzler concluded that gravesite 42/1186 was obstructed by [REDACTED] casket of remains which had been interred in the right-half of gravesite 42/1185, and did not see a need to confirm through the use of GPR technology the number of caskets interred in gravesite 42/1185.

(6) Based on Mr. Metzler's determination that gravesite 42/1186 was obstructed by a casket of remains that was protruding from the boundary of gravesite 42/1185, the mistake made with respect to the discovery of remains in gravesite 42/1186 stemmed from the Field Operations Division's failure to notify ISB that the casket of [REDACTED] remains intended for burial in gravesite 42/1185 protruded into the adjacent gravesite 42/1186. This failure caused the remains of [REDACTED] to be mistakenly disturbed. Moreover, the partial obstruction into gravesite 42/1186 prevented the use of what should have been an otherwise available gravesite. Compounding these issues, there were no written procedures addressing what actions the Field Operations Division should take if an interment in one gravesite caused an obstruction into another.

c. Gravesite in section 64. Testimony from several witnesses (Mr. Claude E. Callahan, Engineer Equipment Operator, Mr. Oscar T. Otts, and Mr. Marquette Copeland, Cemetery Caretakers) reflected that during the summer of 2009, remains were encountered in what was thought to be an unoccupied gravesite. Mr. Callahan testified that he was at the gravesite when the discovery was made. He further testified that he knew of three to four similar discoveries that had been made over the five years he had worked at ANC. Mr. Callahan attributed these discoveries to "poor management" and a lack of accountability because of record keeping mistakes. Mr. Callahan explained that problems existed "because the left hand doesn't know what the right hand is doing," which stemmed from the "personality conflict" between Mr. Metzler and Mr. Higginbotham. Mr. Otts testified that, in the summer of 2009, he

was made aware of a discovery of remains in what was thought to be an unoccupied gravesite. Mr. Otts believed that this mistake occurred because ISB did not have the correct documentation. He further testified that cremated remains had been found in supposedly empty gravesites approximately three times over the last year. When asked, both Ms. Tanner and Mr. Higginbotham testified they were unaware of any such discoveries in the summer of 2009.

[IO Note: Although unsure, Mr. Callahan thought the gravesite was in section 67, while Mr. Otts and Mr. Copeland recalled the gravesite being in section 64.]

d. Gravesite 33/4791.

(1) Evidence reflected that on 25 November 1981, remains were encountered in gravesite 33/4791 while the site was being prepared for an interment. Burial documentation reflected that the remains were identified as unknown.

(2) Given this discovery occurred almost 30 years ago, cemetery personnel and leadership could not provide additional information relevant to this discovery. Based on testimony concerning similar incidents with respect to gravesites, the IO presumes this gravesite was unmarked when the discovery was made, that it was believed to be an unoccupied gravesite, and that the associated burial records could not be located. Evidence indicated this discovery also represented a loss of accountability of an individual's remains.

e. The FY 08 ANC Report to Congress stated that "in rare cases, the ground crews have opened an unmarked, presumably available grave only to find that it has already been used." In explaining this statement, Mr. Metzler testified that remains were encountered in gravesites thought to be empty and available "a small handful of times, half dozen or less."

3. Improper handling of cremated remains.

a. Cremated remains found in the ANC spoils area. Evidence indicated at least four separate occasions when urns of cremated remains were found in the ANC spoils area.

[IO Note: When cemetery workers prepare a gravesite for burial, excess dirt from the gravesite is deposited in the ANC spoils area. Once remains are positioned in a gravesite, cemetery workers use dirt from the spoils area to refill the gravesite. The ANC spoils area was also referred to as the ANC landfill in witness testimony, but does not refer to an area where garbage is deposited.]

(1) Evidence reflected that cremated remains were found in the ANC spoils area on 1 March 2002 and interred in gravesite 69/5253 as "unknown."

[IO Note: Cremated remains are normally interred at a depth of three feet whereas a casket of remains is normally interred at five or seven feet. If a casket of remains is interred in a gravesite that already contains interred cremated remains, then the cremated remains are supposed to be first located and removed from the gravesite so that the casket can be buried in the gravesite first at a depth of at least five feet. The cremated remains are then placed back in the open gravesite above the casket before the gravesite is filled back in.]

(a) A cemetery worker found the cremated remains in the ANC spoils area on 1 March 2002. There were no markings on the urn to identify the cremated remains. Mr. Higginbotham was notified and the urn was buried in gravesite 69/5253 as "unknown." The burial card subsequently prepared for gravesite 69/5253 reflected that these were "unknown" cremated remains found in the ANC spoils area.

[IO Note: Some urns were marked with the name of the decedent. Mr. Metzler testified that approximately five or six years ago he implemented a policy that all caskets and urns would have "tags" attached to them to identify the name of the decedent.]

(b) Ms. Tanner testified that for gravesites already occupied by previously interred remains, ISB would manually update the funeral schedule to indicate the type and location of the existing remains in the gravesite. ISB provided the funeral schedule to the Field Operations Division one to two days before the burial. When preparing a gravesite with interred cremated remains, Field Operations Division would remove small amounts of dirt at a time so they could locate and temporarily remove the cremated remains.

(c) ANC lost accountability of the cremated remains now interred in gravesite 69/5253 and did not determine what error(s) caused this mistake. There were at least three possibilities: 1) ISB failed to annotate on the funeral schedule that there were cremated remains buried in a particular gravesite, and, therefore, Field Operations Division mistakenly removed the cremated remains from the gravesite without noticing that an urn was present in the excavated dirt; 2) Field Operations Division failed to note that the funeral schedule indicated that there were cremated remains in a particular gravesite, and, therefore, Field Operations Division mistakenly removed the cremated remains from the gravesite without noticing that an urn was present in the excavated dirt; or 3) Field Operations Division knew cremated remains were interred in a particular gravesite but failed to locate them, and instead mistakenly removed the cremated remains from the gravesite without noticing the presence of an an urn in the excavated dirt.

(2) Evidence reflected that an ANC contractor found cremated remains in the ANC spoils area approximately three years ago (and returned them to a gravesite in section 42).

(a) Mr. Stafford testified that approximately three years ago (~ 2007) a contractor employed by the cemetery found an urn of cremated remains in the ANC spoils area. The contractor gave the urn to him and he, in turn, was able to determine the identity of the cremated remains because a name was on the urn. Mr. Stafford recognized the cremated remains were from a gravesite in section 42 where there had been a recent burial. Mr. Stafford did not think he notified Ms. Tanner or the cemetery leadership because he was able to return the urn to its proper gravesite. He further testified that after he reburied the urn, he did not look back at the funeral sheet to determine if the cremated remains were identified on the funeral sheet.

(b) While proper accountability was apparently restored with respect to the cremated remains found in the spoils area and returned to the gravesite in section 42, this incident involved multiple mistakes. First, the cremated remains were mistakenly removed from the gravesite and deposited in the ANC spoils area. Second, Mr. Stafford did not look into the matter to determine how the urn was deposited in the ANC spoils area. Lastly, his failure to inform the cemetery leadership denied them the opportunity to review the circumstances of a recent burial mistake to determine the cause(s) and to identify potential measures to prevent a re-occurrence in the future.

(3) Evidence reflected that Mr. Montgomery found cremated remains in the ANC spoils area approximately four years ago (and that he returned them to a gravesite in section 67).

(a) Mr. Montgomery testified that approximately four years ago he found cremated remains in the ANC spoils area while loading dirt into a truck. The urn had a tag attached to it identifying the cremated remains. He testified that he notified Mr. Stafford, and that he believed Mr. Stafford informed Mr. Higginbotham. Mr. Stafford and Mr. Higginbotham determined that the urn belonged in a gravesite in section 67 and re-buried it there. Mr. Montgomery could not recall who re-buried the urn, but thought it could have been him.

(b) Since the urn had an identification tag, ANC was able to return the cremated remains to the appropriate gravesite. Nevertheless, these cremated remains were mistakenly removed from the gravesite and deposited in the ANC spoils area. Mr. Stafford and/or Mr. Higginbotham failed to thoroughly review the matter to determine how the cremated remains ended up in the spoils area.

(4) Evidence reflected that cremated remains were found in the ANC spoils area on 18 March 2010, and returned to gravesite 25/3680-3.

(a) On 18 March 2010, Mr. Metzler was notified of the discovery of an urn of cremated remains in the ANC spoils area. The urn was marked with the name [REDACTED] and was returned to its proper gravesite at 25/3680-3. [REDACTED] was interred

in 2009; her husband, [REDACTED] was interred in a casket in gravesite 25/3680-3 on 12 March 2010. The funeral sheet for 12 March 2010 identified the existence of [REDACTED] cremated remains in gravesite 25/3680-3.

(b) [REDACTED] cremated remains were mistakenly removed from gravesite 25/3680-3 and deposited in the ANC spoils area for at least six days. Since the funeral sheet indicated that her cremated remains were interred in the gravesite, it appears Field Operations Division personnel failed to locate and properly remove [REDACTED] cremated remains when they prepared the gravesite for the burial of [REDACTED] casketed remains. Since the urn was marked with an identification tag, the cremated remains were identified and re-located to the proper gravesite. Mr. Metzler signed a memorandum approving the transinterment of [REDACTED] cremated remains and directing an investigation into the incident.

(c) Mr. Metzler testified this mistake resulted from "sloppiness in the employee's preparing the gravesite, that they didn't take the time to find the urn that was indicated in the special sheet." Mr. Metzler informed the supervisor that he needed to take the appropriate action regarding this incident.

(d) While no documented procedures regarding the preparation of gravesites containing interred cremated remains currently exist, Mr. Higginbotham testified that ANC is developing such a policy to prevent cremated remains from being improperly removed from gravesites.

b. Cremated remains improperly disturbed. In addition to the four discoveries of cremated remains in the ANC spoils area, witness testimony reflected other occasions when cremated remains were mistakenly removed from gravesites. Mr. Otts testified that backhoe operators had mistakenly removed cremated remains, but that these cremated remains were identified and put back into their respective gravesites. Ms. Tanner testified that over the years cremated remains were mistakenly removed by backhoes "because the cremates are not put in the same place all the time." When asked if there was a documented policy to address this issue, Ms. Tanner was unaware of one. Mr. Higginbotham testified that ANC followed the procedures in DA Pamphlet 290-5, which provides guidelines concerning the preparation of gravesites for both casketed remains and cremated remains.

4. Unmarked gravesites at ANC.

a. Gravesite 7/9941 EH. In November 2009, [REDACTED] a family member of [REDACTED] who was interred at ANC in gravesite 7/9941 EH, submitted a complaint to the IG, MDW, concerning [REDACTED] unmarked gravesite. The IG Action Request, which documented [REDACTED] complaint, was identified as WZ 10-0023.

(1) In early 2002, ██████████ contacted Ms. Tanner and informed her there was no headstone or marker on ██████████ grave. In a letter dated 20 February 2002, Ms. Tanner replied to Mr. Everett that a headstone had been ordered. Mr. Everett returned to ANC a year later and discovered there was still no headstone on ██████████ grave. He called Ms. Tanner and she told him that she would look into the matter and call him back. She did not call him back so he sent her a letter in 2005 to remind her of their previous conversations and included a copy of the letter that she had sent him in 2002. He returned a year later and once again discovered there was still no headstone on ██████████ grave.

(2) Ms. Tanner testified she recalled being notified of ██████████ missing headstone back in 2002. She believed she input the information into BOSS to order a replacement headstone, but thought she might not have submitted the order properly. Ms. Tanner did not recall being contacted by ██████████ or anyone else until it was brought to her attention by the IG, MDW, in December 2009. Once informed by the IG, MDW, she ensured that the headstone was ordered and that the gravesite was properly marked. When asked who was supposed to ensure that headstones ordered by ANC actually arrive at ANC and are placed on their respective gravesites, Ms. Tanner testified that "nobody actually tracks it." She further testified that her office did not maintain a suspense file for headstones ordered by them. Further evidence reflected that the headstone was finally ordered on 8 December 2009 and placed on ██████████ grave by 5 January 2010.

(3) ██████████ gravesite remained unmarked for over seven years after it was first brought to Ms. Tanner's attention in 2002 that it did not have a headstone. It is unknown, however, how long this gravesite was actually unmarked. ██████████ stated he believed he was in the right location of ██████████ gravesite back in 1995, but when he could not locate a headstone he assumed he was in the wrong part of the cemetery. Ms. White, Ms. Tanner's supervisor, testified that she didn't know of this issue until recently when the IG, MDW, brought it to Mr. Higginbotham's attention.

b. Four gravesites in section 66: 66/4295, 66/7500, 66/1305, 66/726.

(1) In November 2009, Mr. Erik M. Dihle, Supervisory Horticulturist, ANC, provided a list of gravesite discrepancies to Mr. Metzler. These discrepancies were identified by Mr. Stephen J. Van Hoven, Urban Forrester, ANC, while conducting a survey of the trees in ANC. In sections 59 and 66, Mr. Van Hoven identified 34 gravesites that were marked on burial maps as occupied, but which did not have headstones or temporary markers. Mr. Dihle testified that he randomly selected two of the gravesites from section 66, sites 4295 and 7500, and found that both had associated burial documentation, indicating that there were remains interred in each gravesite. In gravesite 66/4295, remains were interred in August 1980, and in gravesite 66/7500, remains were interred in May 2003 and February 2006. Additionally, two

Headstone Reset-Realignment Reports, dated 15 June 2007 and 10 August 2007, indicated there was no headstone on gravesite 66/4295 as of 15 June 2007, and no headstone on gravesite 66/7500 as of 10 August 2007. Ms. Tanner confirmed that no headstones were ordered for these gravesites between the dates of the Reset-Realignment reports and 4 November 2009. Therefore, both gravesites 66/4295 and 66/7500 had been unmarked since at least August 2007. Ms. Tanner testified she did not know about these discrepancies until they were presented to Mr. Metzler in November 2009. Headstones were re-ordered for both gravesites 66/4295 and 66/7500 on 5 November 2009. The IO confirmed that the headstones were received and currently mark both gravesites.

[IO Note: Periodically, headstones at ANC would be reset and realigned to ensure all were at the correct height and in line with each other. This effort was performed by a contractor under the supervision of the ANC contracting officer representative (COR). There were two types of realignments: a full section realignment and a selective realignment. In a selective realignment, Mr. Metzler or the COR would select certain areas, individual headstones, or a row of headstones in one or more sections of ANC for reset and realignment. A Headstone Reset-Realignment report was prepared by section, and identified all headstones that were reset and realigned by the contractor for a particular day. While these reports do not specifically identify "missing" headstones, they can be used to determine if a gravesite was marked with a headstone on the day the contractor performed the reset and realignments.]

(2) Evidence indicated that Headstone Reset-Realignment reports were used to account for work performed by the contractor, but were not used by ANC leaders to identify missing headstones.

(3) During a walk-thru of section 66, the IO identified a headstone that had been recently emplaced on one of the gravesites identified by Mr. Van Hoven as a discrepancy – gravesite 66/1305. The name on the headstone was [REDACTED] and the associated record of interment indicated that she was interred in July 2005. A report from the BOSS system indicated that a headstone for gravesite 66/1305 was ordered on 4 November 2009. A Headstone Reset-Realignment report, dated 4 May 2007, indicated there was a headstone on gravesite 66/1305 as of the date of that report. It is not known when or why the headstone was removed, but the available evidence indicated gravesite 66/1305 was missing a headstone since at least the date that Mr. Van Hoven identified it as a discrepancy during his fall 2009 tree survey.

[IO Note: Mr. Van Hoven provided the IO with a burial map of section 66 on which he had highlighted gravesites that were marked on the map as occupied but which actually had no headstone or temporary marker. Gravesite 66/1305 was one of the sites highlighted.]

(4) While gravesite 66/726 was not identified as a discrepancy by Mr. Van Hoven or anyone else at ANC, the IO identified it as a potential unmarked grave during a walk-thru of section 66. A review of the burial documentation for gravesite 66/726 reflected that [REDACTED] and his wife, [REDACTED], were interred in that gravesite in February 1977 and in June 2006 respectively, confirming that it was an unmarked grave. A Headstone Reset-Realignment report, dated 27 April 2007, indicated a headstone on gravesite 66/726 as of the date of the report. It is not known how long this gravesite was unmarked. The IO presented this information to Ms. Tanner, and she acknowledged through her testimony that it was an unmarked grave, and that temporary markers were recently placed on gravesite 66/726 to mark the remains while awaiting an ordered headstone.

(5) Regarding the list of discrepancies provided to him in November 2009, Mr. Metzler testified that there were a "number" of gravesites missing headstones, and that headstones were re-ordered for those gravesites. Mr. Metzler did not, however, designate anyone to ensure that these gravesites received the appropriate markings.

[IO Note: The IO confirmed that the two unmarked graves identified in Mr. Dihle's report are now marked with the correct headstones.]

c. Unmarked gravesites identified in ANC deficiency reports. A review of recent ANC deficiency reports from 2009 revealed that family members identified four gravesites as missing headstones or temporary markers. These gravesites were: 12/5781, 60/579, 60/926, and 37/2430.

(1) Regarding gravesite 37/2430, a gravesite deficiency report, dated 26 April 2009, reflected there was no headstone on the site. Burial documentation indicated that the last interment in this gravesite was on 27 February 1967. A Headstone Reset-Realignment Report, dated 17 June 2005, reflected that there was no headstone on gravesite 37/2430 as of the date of the report. Therefore, the evidence indicates gravesite 37/2430 was unmarked for at least 46 months.

(2) Regarding gravesite 12/5781, a gravesite deficiency report, dated 24 June 2009, reflected there was no headstone on the site. A Headstone Reset-Realignment report, dated 26 September 2008, indicates a headstone on gravesite 12/5781 as of the date of the report. It is not known how long this gravesite was unmarked.

(3) Regarding gravesites 60/579 and 60/926, gravesite deficiency reports, dated 2 March 2009 and 27 March 2009 respectively, reflected there were no headstones on these gravesites. A Headstone Reset-Realignment report, dated 19 December 2005, indicates that headstones were on both gravesites as of the date of the report. It is not known how long these gravesites were unmarked.

[IO Note: Gravesite deficiency reports are available at the ANC Visitor Center. Family members use them to identify errors associated with the gravesite of a deceased loved one. Common discrepancies reported were damaged headstones, incorrect inscriptions, no sod around the headstone, etc. These reports were provided to the Administrative Services Division which has responsibility for reviewing, coordinating, and ensuring discrepancies are appropriately resolved by ANC. ANC also received reports of discrepancies from written correspondence, walk-in complaints, and by telephone. ANC did not capture discrepancies reported in person or by telephone.]

d. On 25 March 2010, the IOs identified two unmarked gravesites in ANC, gravesite 59/2728 and gravesite 66/609. The IOs brought these discrepancies to Ms. Tanner's attention on 25 March 2010 via e-mail. Ms. Tanner responded via an e-mail on 26 March 2010 that both gravesites were marked with temporary markers, and that headstones had been ordered.

(1) With respect to gravesite 59/2728, evidence reflected that the decedent was interred on 29 November 1989, and that there was no headstone on the gravesite on 8 February 2008, the date of the last Headstone Reset-Realignment Report. Ms. Tanner confirmed that no headstone had been ordered for this gravesite between 8 February 2008 and 24 March 2010. Therefore, 59/2728 was unmarked for at least two years.

(2) For gravesite 66/609, evidence reflected that this gravesite was associated with a recent burial on 2 March 2010. The headstone was ordered, but the gravesite did not have a temporary marker to properly identify the remains.

e. A report of section 59 that identified map discrepancies reflected that gravesite 59/418 was an unmarked grave. Evidence reflected that the decedent was interred on 9 February 1985, and that there was no headstone on the gravesite on 11 January 2008, the date of the last Headstone Reset-Realignment Report. Ms. Tanner confirmed that no headstones had been ordered for this gravesite between 11 January 2008 and March 2010. Therefore, 59/418 was unmarked for at least two years.

[IO Note: This gravesite discrepancy was identified sometime after 11 March 2010 when Mr. Metzler directed Mr. Manning and Mr. Groves to check the gravesites believed to be unmarked as indicated by Mr. Dihle's 4 November 2009 report. A headstone was ordered for gravesite 59/418 on 23 March 2010.]

f. A report listing discrepancies identified in section 27 reflected that gravesite 27/1519 was an unmarked grave. ANC identified this issue after it was reported by a media source in April 2010. A temporary marker was placed on the gravesite and a headstone was ordered.

g. With respect to unmarked gravesites:

(1) Mr. Daniel Manning, Engineering Technician, ANC, testified that he identified three unmarked graves in section 64 on the same day approximately one and a half years ago.

(2) Ms. Sharron R. Campbell, Cemetery Representative, ANC, testified she identified unmarked gravesites while performing her duties as Engineering Technician, but could not quantify how often this occurred. Ms. Campbell also testified that one or two times over the last five months she heard the current Engineering Technician call in a grave check which identified an unmarked grave.

[IO Note: Ms. Campbell was the contracting officer representative for the headstone contract from 2003 - 2006. During this time, she also performed the duties of the engineering technician when the assigned technician was not available.]

(3) Mr. Lionel G. Harrell, Office Assistant, ISB, ANC, testified that one to two times a month a family member identified an unmarked grave to ISB.

(4) Mr. Justin R. Groves, Cemetery Caretaker, ANC, testified that he had identified unmarked graves in sections 13 and 27.

(5) Ms. Tanner testified that five to six times a year an unmarked grave was brought to her attention, sometimes by a family member. When asked if unmarked graves were a problem, Ms. Tanner testified "yes," and that she believed someone from ANC should be designated to walk the active sections of the cemetery to identify unmarked gravesites. She testified that she was not required to report unmarked gravesites to Mr. Metzler or Mr. Higginbotham, nor did they ever ask for this information. She further testified that when an unmarked grave was identified, ISB would re-order the headstone. There was no evidence, however, that ANC attempted to determine what happened to the original headstone. Additionally, since ANC has not tracked headstone re-order information, it is not possible to determine how many headstones ISB has re-ordered to replace missing headstones. Testimony from Mr. Metzler, Ms. Tanner, and Ms. White reflected that ANC has not tracked or analyzed the reasons why headstones had to be re-ordered.

[IO Note: Each time a headstone is ordered, a code has to be selected to indicate the reason for the order. Additionally, there is also a replacement reason "remarks" field that is a required data entry. There is no specific code to indicate that a headstone was ordered to replace a "missing" headstone but the "remarks" field could be used to identify the reason a headstone was re-ordered. BOSS has over 20 reports that could be generated, to include one report that provides the reasons why headstones were re-ordered by including the "remarks" field. There was no guidance given, however, by

Ms. Tanner or cemetery leadership to use the "remarks" field to identify headstones that were re-ordered to replace missing headstones. The "remarks" field for some of the headstones that were re-ordered to replace missing headstones was populated with the word "broken."]

(6) Mr. Brian K. Barnes, Interment Services Specialist, ANC, testified that unmarked graves were identified approximately 15 times a year. In one occurrence, Mr. Barnes testified that a few years ago a family member could not locate her father's gravesite. When Mr. Barnes went out to the gravesite location to help her locate it, he observed that the gravesite was not marked.

(7) Ms. White testified that she was not aware of any gravesite discrepancy reports that identified unmarked gravesites since she was assigned as the Chief, Administrative Services Division, in 2002.

(8) Mr. Metzler, Ms. White, Ms. Tanner, and Ms. Johnson all testified that no reports with respect to gravesite discrepancies, to include unmarked graves, were requested or provided to Mr. Metzler or Mr. Higginbotham. Further, ANC leadership failed to inquire into incidents of unmarked gravesites to determine the cause(s) of these occurrences.

5. Discrepancies between burial maps and ANC gravesites.

a. In a November 2009 report provided to Mr. Metzler, Mr. Dihle identified 12 gravesites in section 59, 26 gravesites in section 65, and 22 gravesites in section 66 that were marked on burial maps as occupied but which had no headstones or temporary markers. Ms. Tanner testified that she did not know about this report.

b. Mr. Higginbotham testified that Mr. Metzler went out to the sections identified in Mr. Dihle's report sometime in November 2009 with Ms. Tanner and possibly Mr. Manning, and that they checked for burial cards for each of the gravesites identified as occupied on the burial maps. There was no evidence to indicate that any other actions were taken with respect to these gravesite discrepancies at that time.

c. Regarding the list of discrepancies provided to him in November 2009, Mr. Metzler testified that he directed a subordinate (Mr. Groves, Mr. Manning, or Mr. Torres) to "validate" that the gravesites identified as missing headstones were correctly identified as "unmarked" graves, and to pass that information to Ms. Bozeman so she could order the respective headstones. This was the only action directed by Mr. Metzler when he received Mr. Dihle's report of discrepancies.

d. Mr. Metzler testified that after DAIG-IN notified him that it would ask him in an upcoming interview what actions he took concerning Mr. Dihle's November 2009 report,

he directed a "full review" of each section to identify any other problems concerning the gravesites in these sections. When asked why he did not direct a full review of each section in November 2009, he stated he "just didn't have the time to get to it."

[IO Note: In the November 2009 report, Mr. Dihle identified two unmarked gravesites, two mis-marked gravesites, and several other gravesites marked on the burial maps as occupied but which had no headstones or temporary markers. Mr. Dihle's report was not an inspection of all the gravesites in those sections, only those that were near existing trees, trees identified on a burial map, and planned tree locations.]

d. Mr. Manning and Mr. Groves prepared a report listing the discrepancies they identified in sections 59, 65, and 66. Evidence reflected the following discrepancies:

(1) Section 59: There were 17 gravesites marked as occupied on the burial map, but none of these gravesites had headstones or burial cards. Additionally, there were 16 gravesites marked on the map as unoccupied, but each had a headstone and a burial card.

(2) Section 65: There were 55 gravesites marked as occupied on the burial map but which did not have headstones or burial cards.

(3) Section 66: There were 45 gravesites marked as occupied on the burial map but which did not have headstones or burial cards. Additionally, there were 78 gravesites marked on the map as unoccupied, but each had a headstone and a burial card.

[IO Note: Mr. Groves was in the process of updating the ANC burial maps for sections 59, 65, and 66 to correct the discrepancies between the burial maps and the respective gravesites.]

e. Mr. Metzler testified:

(1) The review of sections 59, 65, and 66 identified "a number of graves that were indicated as burial that were not," and that some of the gravesite locations were incorrectly shown on the burial maps.

(2) He directed Mr. Manning and Mr. Groves to probe some of the gravesites that were marked on the maps as "occupied" but for which there was no burial documentation. Based on numbering sequences and visual inspections of some of the gravesites, he determined that they did not need to check all of the gravesites. Some of the gravesites incorrectly marked as "occupied" were, at some time in the past, identified as sites for future trees.

(3) He was confident there were no remains interred in any of the gravesites marked as "occupied" but without associated burial documentation. These gravesites were mismarked on the maps because "whoever was coloring the map just was not paying attention to what they were doing." This was primarily due to someone marking the map as "occupied" before the burial took place.

(4) Burial maps for two of the sections were updated with the correct information, and they were working on the updates to the map of the third section. Additionally, the gravesites incorrectly marked as "occupied" are now being used for burials.

f. Ms. Tanner testified that the burial maps were "pathetic" because they were not updated in a consistent manner.

6. Improperly marked gravesites at ANC.

a. In a letter to the Secretary of the Army, [REDACTED], mother of [REDACTED], a US Army Soldier killed in Operation Iraqi Freedom, stated that on Memorial Day weekend 2009, while walking through section 60 of ANC, she noticed two temporary grave markers with the same name. Ms. Meredith brought it to the attention of a cemetery worker so that whichever gravesite was mismarked could be corrected. While Ms. Tanner and Ms. White recalled this incident, neither could explain how it occurred because no one reviewed the incident. Ms. Tanner surmised that the original (correct) temporary marker could have been knocked down and someone could have requested a new one. The original temporary marker could have been found sometime later, and then placed on the incorrect grave by someone who did not know where it should be placed (which would indicate that that grave was unmarked at that time). Ms. Tanner further testified she was not aware of any procedures addressing the replacement of temporary markers when one was broken or knocked down during cemetery operations or otherwise.

b. In the list of discrepancies provided to Mr. Metzler in November 2009, Mr. Dihle identified two improperly placed headstones on adjacent gravesites: the headstone for gravesite 66/610 was placed on gravesite 66/611; the headstone for gravesite 66/611 was on gravesite 66/610. An IO confirmed that these gravesites are now appropriately marked.

c. In section 66, an IO identified five improperly marked gravesites.

(1) There were five gravesites with temporary markers from recent interments. Each temporary marker reflected the name of the individual whose remains were recently interred. A review of the burial documentation reflected that at least one other family member was interred in each of these five gravesites. There were, however, no headstones or temporary markers identifying the remains of the previously interred

family members. The temporary marker on each of these gravesites only accounted for one set of remains – meaning at least one set of remains in each gravesite was not appropriately marked.

(2) Ms. Tanner testified that when an additional family member was interred in a gravesite, field operations would sometimes remove the original headstone that marked the remains of the previously interred individual(s). ISB was not informed when field operations removed a headstone, so they would not know to generate additional temporary markers to mark the remains of the previously interred family members. Ms. Tanner testified that the procedures with respect to multiple interments in a grave "has never been consistent." She further explained that there could be only one name on the temporary marker generated by Interment Scheduling System (ISS), which meant that ISB would have to generate more than one temporary marker if the original headstone was removed. Mr. Metzler and Ms. Tanner testified that there was no ANC policy with respect to the marking of graves. Ms. Tanner further indicated, however, that ANC was in the process of developing a policy that covered the marking of graves.

[IO Note: An IO observed the marking of gravesites when there was an interment of an additional family member. During a walk-through of section 66, an IO noted several temporary markers for recent interments that were set in front of the original headstone, indicating Field Operations Division did not always remove the original headstone from the gravesite. In these cases, all interred remains were appropriately marked.]

d. In a letter to DAIG-Investigations Division, [REDACTED], dated 25 January 2010, stated that sometime in 1998 he visited his father's grave at ANC, gravesite 48/817, and identified a mistake on his father's headstone. He sent a letter to the Superintendent, ANC, and received a letter back acknowledging the mistake and assuring the error would be corrected. He later received a letter indicating a new headstone was in place. When [REDACTED] returned to ANC sometime in 2000, he saw that the incorrect headstone was still on his father's grave and that the correct headstone for his father's grave was actually on another grave, gravesite 48/871. Sometime in 2002, he contacted the Superintendent, ANC, to inform him of the errors with respect to the headstones on gravesites 48/817 and 48/871. When [REDACTED] returned in 2004, he observed the correct headstone on his father's grave, and also saw that the headstone now on gravesite 48/871 apparently properly marked the remains of a child who died at birth in 1960. Ms. Tanner testified that she did not recall this incident, but that she was aware of occasions when the wrong headstones were placed on graves.

e. Ms. Tanner testified that occasionally gravesites marked with the wrong headstone were brought to her attention by family members. She explained that one of the reasons a headstone may have been placed on the wrong grave was the language barrier with some of the contractors who did not speak English. When asked how often

graves were improperly marked, Ms. Tanner responded "I mean it might occur a lot and not brought to my attention." Mr. Harrell testified that one to two times a year a family member identified an incorrect marker or headstone on a grave. Ms. Campbell testified that she knew of occasions when the contractor placed incorrect headstones on gravesites. Mr. Callahan testified that he knew of six to seven mismarked graves.

f. The FY 08 ANC Report to Congress stated that "more frequently, ground crews will find that selected gravesites are marked with headstones of other decedents."

g. In section 27, six gravesites were improperly marked. One gravesite (27/4561) was incorrectly marked with the wrong name, and five gravesites (27/417, 27/3031, 27/2822, 27/3658, and 27/4032) were incorrectly marked as unknown, as burial documentation reflected the names of the individuals actually interred in these respective gravesites. Temporary markers were placed on each gravesite and new headstones were ordered. Mr. Metzler testified that they were still trying to resolve issues associated with two other gravesites.

7. Improper gravesite selection. Ms. White and Mr. Harrell testified that occasionally after a gravesite was selected and prepared for a burial, another gravesite was used at the last minute because a family member was previously interred at another location within the cemetery. Ms. White explained that this could occur if the reservation file was not checked, or if the family did not inform ISB of a family member's prior interment at ANC. Mr. Callahan testified he was involved in two incidents when the family was present for a burial, but the gravesite had to be changed at the last minute. Mr. Douglas A. Gilbert, Cemetery Caretaker, ANC, testified that he recently had to relocate remains right before the scheduled burial when it was determined that the decedent's wife was buried in another gravesite. Mr. Dexter E. Johnson, Cemetery Representative, ANC, testified that during a full honors burial service for a veteran, the family informed him that the veteran's spouse was buried in a different gravesite. Mr. Johnson further testified that ISB checked the records and determined that the spouse was indeed buried in a different section of ANC. He apologized to the family for the oversight and the burial was shifted to the correct gravesite. Additionally, the FY 08 ANC Report to Congress stated that "because ANC's records have not yet been validated, errors do occur in gravesite selection."

8. Disinterment from gravesite 35/1747 due to eligibility oversight. Ms. Tanner testified that a recent decedent (January 2010) was disinterred because the decedent was not eligible for burial in ANC because she had remarried. Ms. Tanner explained that the funeral home did not provide this information to ISB during the burial arrangements. Ms. Tanner could not, however, say whether or not the ISB cemetery representative asked the appropriate questions to determine the decedent's eligibility because she had not reviewed the matter to identify how the oversight occurred.

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9. Transinterment from gravesite 8/7528 due to ISB error. Ms. Tanner testified that a recent transinterment (January 2010) took place due to her own oversight. Ms. Tanner explained that a wife, who was a military retiree, was initially buried in gravesite 8/7528 with her husband. When the daughter received the burial documentation, however, she notified ISB that her mother wanted to be buried in her own gravesite. When Ms. Tanner reviewed the relevant records she noticed that the husband's record of interment indicated that his wife was to be buried in her own gravesite. This information was missed when the gravesite was selected for the wife's interment.

[IO Note: This burial preference was not in the ISS, only on the hard copy of the husband's record of interment.]

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