



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

May 5, 2016

Incorporating Change 4, December 10, 2019

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEF OF THE NATIONAL GUARD BUREAU
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ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
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ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Directive-type Memorandum (DTM)-16-003 – “Policy Guidance for the Disinterment of Unidentified Human Remains”

References: See Attachment 1

Purpose. In accordance with the authority in DoD Directive 5124.02 and the guidance in the April 14, 2015 Deputy Secretary of Defense Memorandum, this DTM:

- Establishes policy, assigns responsibilities, and provides standards and procedures for DoD disinterment from cemeteries administered by the Department of the Army (DA), the Department of Veterans Affairs (VA), and the American Battle Monuments Commission (ABMC), for identification purposes, of all unidentified human remains in graves marked “unknown.”
- This DTM is effective May 5, 2016; it will be incorporated into the DoD instruction on mortuary affairs currently under development. This DTM will expire effective December 31, 2021.

Applicability. This DTM:

- Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office

of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this DTM as the “DoD Components”).

- Does not apply to the disinterment of group remains-known or individually identified remains.
- Does not apply to unaccounted-for Service members who were lost at sea or to human remains entombed in U.S. Navy vessels that currently serve as national memorials. However, human remains affiliated with losses from a national memorial Navy vessel that are buried in a national or other cemetery, may be considered for disinterment in accordance with this DTM, provided that the thresholds set forth below are met.

Definitions. See Glossary.

Policy.

- A request for disinterment of remains from cemeteries administered by the DA, VA, or ABMC, for the purpose of making individual identifications in pursuit of past conflict personnel accounting, may be submitted to the DoD official authorized to act for the Department on disinterment requests, only after the Deputy Assistant Secretary of Defense for Military Community and Family Policy (DASD(MC&FP)) determines that the following thresholds are met:
 - For cases of commingled remains interred as group remains-unknown, research by the Defense POW/MIA Accounting Agency (DPAA) indicates that at least 60 percent of the Service members associated with the group can be individually identified.
 - For cases of individual unknown remains, research indicates that it is more likely than not that DoD can identify the remains.
- To meet these thresholds, DoD must ensure that deoxyribonucleic acid (DNA) family reference samples or other medical means of identification are available for at least 60 percent of the potentially associated Service members (for commingled unknown remains) and at least 50 percent of the potentially associated Service members (for individual unknown remains) and must conduct historical research to determine whether it is more likely than not that the unknown remains can be identified. Research must consist of available information such as:
 - The individual deceased personnel files; mortuary processing files, to include the record establishing the unknown remains determination; incident reports; eye witness statements; official military personnel files; or missing air crew reports.

- Other archival records such as unit after action reports, American Grave Registration Service records that provide historical evidence, and any other records necessary to determine the list of possible missing Service members for consideration.
- DoD must have the scientific and technological ability and capacity to process the unknown remains for identification within 48 months after the date of disinterment. DoD must ensure that medical and dental records, or family reference samples for DNA comparison, are available and that the available records/samples would render it possible to identify the type of remains expected to be discovered upon disinterment (for example, having only chest x-rays on file would not justify disinterment of a set of remains if interment records indicate that a torso had not been buried).
- Out of respect for the families of those unaccounted for, there will be no public release of information (this includes, but is not limited to, public releases, public statements, articles, etc.) to the media or general public concerning the identification of remains, with or without Service members' names, until 24 hours after notification to the next of kin regarding the accountability status of the member. In the event of a multiple loss incident, the start time for the 24-hour period will commence upon notification of the last family member. Coordination between Services is required to ensure notification of all next of kin affected by single incident, multi-Service losses.
- Within DoD, only the Secretary of the Military Department concerned may provide information to the media or general public concerning disposition of group remains, but not until at least 24 hours after notifying the next of kin. The 24-hour period will commence upon the notification of the last family member.

Responsibilities. See Attachment 2.

Procedures. See Attachment 3.

Releasability. **Cleared for public release.** This DTM is available on the DoD Issuances Website at <https://www.esd.whs.mil/DD/>.

Summary of Change 4. The changes to this issuance update and reassign the Under Secretary of Defense for Policy responsibilities to the Director, DPAA; and because of enhanced scientific and technological ability and capacity to process unknown remains for identification, revises the period allowed for identification of remains from 24 months to 48 months after the date of disinterment.

A handwritten signature in black ink, appearing to read "Peter Levine". The signature is stylized with several loops and a long horizontal stroke extending to the right.

Peter Levine
Acting

Attachments:
As stated

ATTACHMENT 1

REFERENCES

Army Regulation 290-5, "Army National Cemeteries," September 1, 1980
Code of Federal Regulations, Title 38, Subpart 38.621
Deputy Secretary of Defense Memorandum "Disinterment of Unknowns from the National Memorial Cemetery of the Pacific," April 14, 2015
DoD Directive 1300.22, "Mortuary Affairs Policy," October 30, 2015, as amended
DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
DoD Instruction 1300.18, "Department of Defense (DoD) Personnel Casualty Matters, Policies, and Procedures," January 8, 2008, as amended
United States Code, Title 10, Sections 1487 and 1488(c)
United States Code, Title 36, Section 2104

ATTACHMENT 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the ASD(M&RA):

a. Monitors the implementation of, and compliance by the DoD Components and other entities (to include non-governmental organizations and non-federal entities) with, the policies and procedures set forth in this DTM.

b. Serves as the DoD central point of contact for disinterment policy.

c. Develops, in coordination with the Under Secretary of Defense for Policy, through the Director, DPAA, disinterment policies and procedures necessary to support the Under Secretary of Defense for Policy's responsibility for accounting for and recovering the remains of Service members who are unaccounted for from designated conflicts.

d. Serves as the DoD official authorized to act for the Department on disinterment requests and provides oversight of on behalf of the Secretary of Defense, especially for highly sensitive cases. On behalf of the DoD, the ASD(M&RA) may grant consent or decline to consent to a request for the disinterment of unknown individual or group remains from cemeteries administered by the DA, VA, and ABMC.

2. DASD(MC&FP). Under the authority, direction, and control of the ASD(M&RA), the DASD(MC&FP):

a. Exercises sole authority to notify requesting officials, officials(s) of the DA, VA, or ABMC, as appropriate, and the Military Departments, as to the action taken by the ASD(M&RA) in granting consent or declining to consent to a disinterment request.

b. Maintains administrative records on requests for the disinterment of unknown remains and actions related to such requests.

3. Director, DPAA. The Director, DPAA, under the authority, direction, and control of the Under Secretary of Defense for Policy:

a. Provides the funding for the disinterment and transportation of remains when disinterment is approved.

b. Provides a quarterly report to the ASD(M&RA) on the status of the attempted identification of disinterred remains. For all remains disinterred from a cemetery administered

by the DA, VA, or ABMC, this report will include, at a minimum, the case identifier, the date of disinterment, and the date identification is made. Once information about a set of remains is added to the quarterly report, it shall remain a part of the report, and its status updated quarterly. Information about a set of remains may be removed from the report submitted in the first full quarter following the quarter in which the set of remains is reported as having been identified. Concurrent with the removal of an entry from the report, the DASD(MC&FP) shall ensure that all information about the identified remains is transferred to an archived file.

c. Coordinates with the USD(P&R), through the ASD(M&RA), on the development of disinterment policies and procedures for accounting for and recovering Service member remains unaccounted for from designated conflicts.

d. Initiates, reviews, and evaluates potential disinterment cases from designated conflicts for consideration by the appropriate authorities in accordance with this DTM.

e. Will inform the DA, VA, and ABMC of any requests for disinterments that will be submitted to the ASD(M&RA) for consideration.

f. Coordinates with the Secretary of the Army on the date, time, and manner in which it proposes to carry out a disinterment of remains for an unknown buried in a cemetery administered by the DA, provided the ASD(M&RA) has granted consent and the Army has approved such disinterment in accordance with this DTM.

g. Coordinates with the Executive Director, and Deputy Director, Cemetery Operations, National Cemetery Administration, VA, on the date, time, and manner in which it proposes to carry out a disinterment of remains for an unknown buried in a cemetery administered by the National Cemetery Administration, provided the ASD(M&RA) has granted consent and the VA has approved such disinterment in accordance with this DTM.

h. Coordinates with the Secretary of the ABMC on the date, time, and manner in which it proposes to carry out a disinterment of remains for an unknown buried in a cemetery administered by the ABMC, provided the ASD(M&RA) has granted consent to such disinterment and ABMC has acknowledged such disinterment in accordance with this DTM.

i. Coordinates disinterment operations by providing early notification to the affected cemetery and its officials, so that appropriate planning may be conducted. DPAA will be considerate of cemetery operational concerns (e.g., special memorial events and availability of cemetery personnel and resources) in its planning process.

j. Provides an annual report, no later than March 31 each year, to the ASD(M&RA) that includes a detailed summary for each disinterred unknown that has not been identified within 48 months or other approved timeline as of December 31 of the previous year.

4. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

- a. Review requests for the disinterment of unidentified remains related to their department and provide a recommendation as to whether or not the remains should be disinterred. Recommendations not to disinter should be accompanied by a detailed rationale supporting the recommendation, including an explanation of the risks of disinterment.
- b. Refer potential disinterment cases from designated conflicts to the DPAA for research, review, and evaluation for disinterment.
- c. Serve as the focal point for family members for purposes of obtaining family reference samples in accordance with the Armed Forces DNA Identification Laboratory's instructions and DNA Form 332 - v7.0W.
- d. Exercise responsibility for providing all updates to family members regarding possible disinterment, identification, and reports of investigation in accordance with DoDI 1300.18.

5. SECRETARY OF THE ARMY. In addition to the responsibilities in Section 4 of this attachment, the Secretary of the Army serves as the approval or disapproval authority for requests for the disinterment of remains in unknown marked graves in cemeteries administered by the DA, provided the ASD(M&RA) has consented to such disinterment in accordance with this DTM.

ATTACHMENT 3

PROCEDURES

1. DISINTERMENT REQUESTS

a. Family members or other interested private or public persons typically submit disinterment requests to a Service Casualty or Mortuary Office. Such offices receiving those requests must forward them to DPAA for action.

b. DPAA may also initiate requests for disinterment based on its internal analysis of the likelihood of making individual identifications in cases that meet the thresholds listed in the policy section of this DTM.

c. The Secretary of the Army is the approval authority for requests for the disinterment of remains from cemeteries administered by the DA, provided the ASD(M&RA) has granted consent to such disinterment in accordance with this DTM.

d. The Secretary of Veterans Affairs, through the VA National Cemetery Administration, Office of Cemetery Operations, is the approval authority for requests for the disinterment of remains from the individual VA administered cemeteries pursuant to Subpart 38.621, of Title 38, Code of Federal Regulations, provided the ASD(M&RA) has granted consent to such disinterment in accordance with this DTM.

e. The Secretary of the ABMC has the authority to allow members of the Armed Forces to enter or re-enter an ABMC administered cemetery to disinter or reinter remains, as necessary. For the purposes of this DTM, the timing and tempo of approved disinterment operations are subject to approval by the Secretary of the ABMC, once ASD(M&RA) has granted consent in accordance with this DTM and may be executed by DPAA on behalf of the Secretary of the Military Department concerned.

2. PROCESSING DISINTERMENT REQUESTS

a. DPAA will prepare disinterment request packets containing:

(1) The request and any other documentation provided by family members or other interested private or public persons concerned, as applicable.

(2) DPAA's analysis of the likelihood of making individual identifications, applying the criteria set forth in this DTM.

(3) The Director, DPAA's recommendation and justification.

b. DPAA will coordinate disinterment request packets with the following:

- (1) The Secretary(ies) of the Military Departments concerned.
- (2) Other experts as required.

c. Once all coordination is received, the Director, DPAA, will provide a recommendation to the DASD(MC&FP), with an action package that includes at a minimum:

- (1) The request that initiated the action.
- (2) The recommendation and justification of the Service Secretary or designee concerned.
- (3) The opinions of any experts that were consulted.
- (4) A statement from the Armed Forces DNA Identification Laboratory as to whether or not there are relevant family reference samples available for comparison with any DNA obtained from sampling the remains.
- (5) Information as to whether or not ante mortem medical and dental records are available.
- (6) An analysis of historical records.
- (7) Any other relevant information of interest of which the DASD(MC&FP) should be aware (e.g., Congressional interest, dissenting opinions from family members).

d. DASD(MC&FP) will review the package and provide a recommendation, together with the package, to the ASD(M&RA) for review and action.

e. Once ASD(M&RA) has granted consent or declined to consent to a disinterment request, the DASD(MC&FP) will notify the Secretary(ies) of the Military Departments concerned, and official(s) of the DA, VA, or ABMC, as appropriate, and:

- (1) If the ASD(M&RA) declines to consent to a family or third-party disinterment request, the Secretary of the Military Department concerned will notify the family of the decision.
- (2) If the ASD(M&RA) consents to a DPAA, family, or third-party disinterment request, DASD(MC&FP) will forward a memorandum requesting disinterment to official(s) of the DA, VA, or ABMC, as appropriate, with a copy furnished to DPAA and the Secretary of the Military Department concerned. The Secretary of the Military Department concerned will provide a status update to the family.

f. DPAA will coordinate the time, place, and manner of disinterment of the remains with official(s) of the DA, VA, or ABMC, as appropriate (see Paragraphs 3.f.-g. of Attachment 2).

g. Third parties who initiated the request for disinterment will be notified by the designated official of the Military Department concerned that the ASD(M&RA) has granted consent or declined to consent to the disinterment. Third parties are not entitled to receive family updates.

3. DISINTERMENT OVERSIGHT

a. The Director, DPAA, will provide a report to the ASD(M&RA) on a quarterly basis (see Paragraph 3.b. of Attachment 2) concerning unknown remains disinterred, those identified, and remains previously approved for disinterment but not yet identified, during the preceding quarter. This report will at least include:

- (1) A list of each unknown disinterred.
- (2) Date of disinterment.
- (3) A list of each unknown x-file who was identified along with:
 - (a) The name and rank of deceased (if notification has been made).
 - (b) The member's Military Service.
 - (c) The name of the conflict.
 - (d) The name of the associated disinterment project, as appropriate.
 - (f) The date the official notification of the primary next of kin was complete (unless pending).
 - (e) Any additional information the ASD(M&RA) deems appropriate.

b. In addition to the quarterly report, the Director, DPAA, will provide a report no later than March 31 each year to the ASD(M&RA), that includes a detailed summary for each disinterment of unknown remains that have not been identified as of December 31 of the previous year.

- (1) The report summaries will include:
 - (a) The current status of the identification effort, highlighting factors inhibiting identification efforts (e.g., no known next of kin, need additional family reference samples for DNA comparison, or historical analysis is inconsistent with the disinterred remains) relating to specific remains.
 - (b) A determination whether all reasonable scientific, forensic, and technological methods have been exhausted, including any recommendations from independent assessments.

(c) A recommendation whether to continue identification processing or to reinter the remains if all reasonable scientific, forensic, and technological methods have been exhausted.

(d) If the Director, DPAA, recommends continuing with the identification process, the report must specify how much additional time is needed.

(e) Any additional information the ASD(M&RA) deems appropriate.

(2) The ASD(M&RA) will:

(a) Coordinate the Director, DPAA's, report with the respective cemetery headquarters and attempt to adjudicate any potential issues with all stakeholders.

(b) Determine the appropriate action based on the report submitted by the Director, DPAA.

(c) Direct the reinterment of unidentified unknown remains when it is determined to be in the best interest of the DoD.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ABMC	American Battle Monuments Commission
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
DA	Department of the Army
DASD(MC&FP)	Deputy Assistant Secretary of Defense for Military Community and Family Policy
DNA	deoxyribonucleic acid
DPAA	Defense POW/MIA Accounting Agency
DTM	directive-type memorandum
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
VA	Department of Veterans Affairs

PART II. DEFINITIONS

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

ABMC. Established by Congress in 1923 as a federal agency, ABMC is responsible for honoring American armed forces where they have served, and for controlling the construction of military monuments and markers on foreign soil. ABMC administers, operates, and maintains permanent American burial grounds on foreign soil and separate memorials, monuments, and markers worldwide.

approval or disapproval authority. The approval or disapproval authority for a disinterment from a cemetery administered by the Department of the Army is the Secretary of the Army. The approval or disapproval authority for a disinterment from VA administered cemeteries is the Secretary of the VA. The approval or disapproval authority for a disinterment from cemeteries administered by the ABMC is the Secretary, ABMC only after the ASD(M&RA) has granted consent to the disinterment in accordance with this DTM.

case identifier. The X number assigned to an individual unknown or an unknown group.

commingled remains. Remains in a single location that have the potential to be from or are scientifically identified to more than one individual.

designated conflicts. Designated conflicts include:

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

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

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

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

OPERATION ELDORADO CANYON: Beginning April 14, 1986 and ending on April-15, 1986.

Gulf War: Beginning August 2, 1990 and ending on February 28, 1991.

OPERATION IRAQI FREEDOM: Beginning March 18, 2003 and ending on August 31, 2010.

disinterment. The act of removing the remains of a deceased person from their current burial location.

group remains. The unsegregated and unidentified remains of two or more individuals. Group remains may be associated to a known incident involving two or more known individuals or may represent a group that cannot be associated with any known deceased or missing individuals. Group remains may be classified further as:

group remains-known. When the group remains are from a specific incident or battlefield recovery site involving two or more known persons.

group remains-unknown. When the group remains are from an incident or battlefield recovery site involving two or more remains that cannot be associated with any known deceased or missing individuals.

interment. Either the in-ground burial of casketed or cremated remains or the above-ground inurnment of cremated remains, except where the content of this DTM makes clear that only in-ground burial is referenced.

lost at sea. Casualties that occur over, on, or beneath a body of water (e.g., ocean, sea, gulf) where the remains are not recovered after a diligent search.