

From: (b)(6)
To: [MILLER, Stephanie P SES OSD OUSD P-R \(USA\)](#)
Cc: (b)(6)
Subject: FW: General John D. Lavelle, USAF (1916-1979) / Whether Sec. 527, FY25 NDAA Provides for an Actual or an Honorary Promotion
Date: Wednesday, January 8, 2025 4:19:06 PM
Attachments: [image001.jpg](#)
[2018 06 08, CSAF Presn., Bud Day Cert. of Adv.png](#)

Happy New Year Stephanie!

(b)(5) (b)(5)
(b)(5)
(b)(5) (b)(5) Thanks. (b)(6)
(b)(6)

From: Ed Rodriguez <edrodriguezjr@cox.net>
Sent: Saturday, January 4, 2025 12:38 PM
To: (b)(6)
Cc: 'Gordon Wilder' <gordwild@gmail.com>
Subject: RE: General John D. Lavelle, USAF (1916-1979) / Whether Sec. 527, FY25 NDAA Provides for an Actual or an Honorary Promotion

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First, we would like to follow up on your 10 Dec 2024 email. Col Wilder and I would appreciate understanding how Sec. 527 of the FY25 NDAA provides for an actual promotion of General Lavelle to lieutenant general.

Among other factors, Mr. Craig Smith's (SAF/GC) 13 Jun 2018 email causes us to raise this matter. Then, Mr. Smith informed us that "I agree that the authorities are different [i.e., as between Colonel Day and General Lavelle's respective advancements], and that Bud Day's advancement was honorary. Craig"

Col Wilder and I have reviewed and analyzed 12 different post-retirement advancements beginning with that of General Claire Chennault, in 1958, and ending with that of General Lavelle late last year




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THE TWENTY-SEVENTH DAY OF MARCH
TWO THOUSAND EIGHTEEN




to include the advancements of Generals George Washington (1976) and Ulysses Grant (2022). The language of these advancements vary greatly. That said, they all share one caveat. The respective advancements notwithstanding, all prohibited increases in pay, allowances, and benefits.

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(a) ADVANCEMENT. —Colonel George E. “Bud” Day, United States
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From: MILLER, Stephanie P SES OSD OUSD P-R (USA)
Sent: Monday, January 13, 2025 12:59 PM
To: (b)(6)
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Subject: RE: General John D. Lavelle, USAF (1916-1979) / Whether Sec. 527, FY25 NDAA Provides for an Actual or an Honorary Promotion
Signed By: (b)(6)

(b)(6) Appreciate your patience.

In reviewing the exchange below and discussing the matter with DoD subject matter experts, we agree with your original response in early December. Specifically, that Sec. 527 of the FY25 NDAA pertains to an actual advancement on the retired list, not an honorary one. Unlike an honorary advancement or promotion, which would involve no more than a certificate, Major General Lavelle's advancement will result in a change to official Air Force records.

We would have to refer the family to the Department of the Air Force as to what documentation they will provide to record the advancement.

Best regards,
Stephanie

Stephanie P. Miller
DASD MPP

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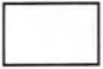
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Subject: RE: General John D. Lavelle, USAF (1916-1979) / SASC and HASC Release Text of FY25 NDAA Agreement

(b)(6)

Thank you.

We'll regroup and consider next steps.

Merry Christmas.

V/R

EFR

From: (b)(6)

Sent: Tuesday, December 10, 2024 12:08 PM

To: Ed Rodriguez <edrodriguezjr@cox.net>

Cc: 'Gordon Wilder' <gordwild@gmail.com>

Subject: RE: General John D. Lavelle, USAF (1916-1979) / SASC and HASC Release Text of FY25 NDAA Agreement

(b)(5)

(b)(6)

From: Ed Rodriguez <edrodriguezjr@cox.net>

Sent: Tuesday, December 10, 2024 11:01 AM

To: (b)(6)

Cc: 'Gordon Wilder' <gordwild@gmail.com>

Subject: RE: General John D. Lavelle, USAF (1916-1979) / SASC and HASC Release Text of FY25 NDAA Agreement

(b)(6)

Good morning.

I read on the SASC website that the FY25 NDAA Conference accepted the Senate General Lavelle provision, the provision that provides for an honorary promotion to lieutenant general.

Have we got this right?

If you've the time, can you please tell what happened? Is there more to it?

Thank you.

V/R

EFR



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From: [MILLER, Stephanie P SES OSD OUSD P-R \(USA\)](#)
To: (b)(6)
Cc: (b)(6) [Crutchfield, Donald R SL OSD OUSD P-R \(USA\)](#)
Subject: RE: General John D. Lavelle, USAF (1916-1979) / Whether Sec. 527, FY25 NDAA Provides for an Actual or an Honorary Promotion
Date: Monday, January 13, 2025 12:58:47 PM
Attachments: [image001.jpg](#)

(b)(6) - Appreciate your patience.

In reviewing the exchange below and discussing the matter with DoD subject matter experts, we agree with your original response in early December. Specifically, that Sec. 527 of the FY25 NDAA pertains to an actual advancement on the retired list, not an honorary one. Unlike an honorary advancement or promotion, which would involve no more than a certificate, Major General Lavelle's advancement will result in a change to official Air Force records.

We would have to refer the family to the Department of the Air Force as to what documentation they will provide to record the advancement.

Best regards,
Stephanie

Stephanie P. Miller
DASD MPP

(b)(6)

From: MILLER, Stephanie P SES OSD OUSD P-R (USA) (b)(6)
Sent: Thursday, January 9, 2025 9:26 AM
To: (b)(6)
Cc: (b)(6) Crutchfield, Donald R SL OSD OUSD P-R (USA) (b)(6)
Subject: Re: General John D. Lavelle, USAF (1916-1979) / Whether Sec. 527, FY25 NDAA Provides for an Actual or an Honorary Promotion

Gary — Acknowledging receipt — we'll work on a detailed response and send to you soon.

Happy New Year,
Stephanie

From: (b)(6)
Date: Wednesday, January 8, 2025 at 4:19:32 PM
To: "MILLER, Stephanie P SES OSD OUSD P-R (USA)" (b)(6)
Cc: (b)(6)
Subject: FW: General John D. Lavelle, USAF (1916-1979) / Whether Sec. 527, FY25 NDAA Provides for an Actual or an Honorary Promotion

Happy New Year Stephanie!

(b)(5) (b)(5)
(b)(5) (b)(5)
(b)(5) Thanks. (b)(5)

(b)(6)

From: Ed Rodriguez <edrodriguezjr@cox.net>

Sent: Saturday, January 4, 2025 12:38 PM

To: (b)(6)

Cc: 'Gordon Wilder' <gordwild@gmail.com>

Subject: RE: General John D. Lavelle, USAF (1916-1979) / Whether Sec. 527, FY25 NDAA Provides for an Actual or an Honorary Promotion

(b)(6)

Good afternoon.

Col Wilder and I are emailing you for two reasons.

BLsUF: 1. How can Sec. 527 provide for an actual promotion? 2. John D. Lavelle, Jr., and his counsel request to meet with you.

First, we would like to follow up on your 10 Dec 2024 email. Col Wilder and I would appreciate understanding how Sec. 527 of the FY25 NDAA provides for an actual promotion of General Lavelle to lieutenant general.

Among other factors, Mr. Craig Smith's (SAF/GC) 13 Jun 2018 email causes us to raise this matter. Then, Mr. Smith informed us that "I agree that the authorities are different [i.e., as between Colonel Day and General Lavelle's respective advancements], and that Bud Day's advancement was honorary. Craig"

Col Wilder and I have reviewed and analyzed 12 different post-retirement advancements beginning with that of General Claire Chennault, in 1958, and ending with that of General Lavelle late last year to include the advancements of Generals George Washington (1976) and Ulysses Grant (2022). The language of these advancements vary greatly. That said, they all share one caveat. The respective advancements notwithstanding, all prohibited increases in pay, allowances, and benefits.

With two exceptions, these advancements are executory and provide that the subject officers are to be either "advanced" (3), "appointed" (3), "promoted" (1), "granted" a promotion (1), or "issued" a commission in a higher grade (2).

Of these 10 advancements, nine provide direction to the President on the process by which the advancement is to be achieved. (In General Chennault's case, Private Law 85-493 stated, ipse dixit, that General Chennault, "... shall be advanced on the retired list to the grade of lieutenant general ...," with no mention of any direction to the President.)

The two exceptions are Colonel Day and General Lavelle's respective advancements. The legislation providing for their advancements uses identical language.

FY17 NDAA - Public Law No: 114-328, SEC. 581. POSTHUMOUS
ADVANCEMENT OF COLONEL GEORGE E. "BUD" DAY, UNITED
STATES AIR FORCE, ON THE RETIRED LIST.

(a) ADVANCEMENT. —Colonel George E. "Bud" Day, United States
Air Force (retired), is entitled to hold the rank of brigadier general
while on the retired list of the Air Force.

FY25 NDAA - Public Law No: 118-xxx, SEC. 527. POSTHUMOUS
ADVANCEMENT OF GENERAL JOHN D. LAVELLE, UNITED STATES AIR
FORCE, ON THE RETIRED LIST.

(a) ADVANCEMENT. —General John D. Lavelle, United States Air
Force (retired), is entitled to hold the rank of lieutenant general
while on the retired list of the Air Force.

Unlike the above 10 advancements, their advancements merely state that Colonel Day and General Lavelle have inchoate entitlements to advancements. Furthermore, the Colonel Day and General Lavelle advancements provide no direction to the President as to the process by which their advancements are to be achieved. This lack of direction may be the reason DoD OGC sought DoJ OLC's opinion on how to proceed with Colonel Day's advancement.

To the best of our knowledge, Col Day was not appointed to brigadier general by means of a promotion order. Only a "Certificate of Advancement" evidences his higher grade. The Certificate reads,

CERTIFICATE OF ADVANCEMENT
In the Armed Forces of the United States of America

TO ALL WHO SEE THESE PRESENTS, GREETINGS
THIS IS TO CERTIFY THAT

COLONEL GEORGE E. "BUD" DAY

Having Served Faithfully and Honorably
Is Advanced to the Grade of

BRIGADIER GENERAL

United States AIR FORCE

**The TWENTY-SEVENTH DAY OF MARCH
TWO THOUSAND EIGHTEEN**

The Certificate only bears the signatures of the then SecAF and CSAF.

There is no presidential involvement in Col Day's advancement. None of the Constitutionally required three steps were taken. There was no nomination, confirmation or appointment. As mentioned above, to the best of our knowledge, there was no promotion order. Col Day's advancement has the look and feel of an honorary promotion, not an actual promotion. Please see attached photo of then CSAF General David Goldfein presenting the Certificate of Advancement to Mrs. Day on 08 Jun 2018.

We look forward to any explanation you may provide us as to how General Lavelle's promotion pursuant to Sec. 527, FY25 NDAA is an actual promotion and not merely honorary.

Second, considering the nearly 17 years of work and the level of effort (recall the three binders of General Lavelle submissions, etc.), John D. Lavelle, Jr., and his counsel respectfully request to meet with you for a post-Sec. 527 debriefing.

Please let me know if you have any questions.

Thank you.

V/R
EFR

From: Ed Rodriguez <edrodriguezjr@cox.net>

Sent: Tuesday, December 10, 2024 12:20 PM

To: (b)(6)

Cc: 'Gordon Wilder' <gordwild@gmail.com>

Subject: RE: General John D. Lavelle, USAF (1916-1979) / SASC and HASC Release Text of FY25 NDAA Agreement

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