



DEPARTMENT OF THE ARMY
ARMY REVIEW BOARDS AGENCY
251 18TH STREET SOUTH, SUITE 385
ARLINGTON, VA 22202-3531

November 15, 2021

SUBJECT: Six-Month Report Regarding Implementation of Telephonic Personal Appearance Program, *Kennedy v. Wormuth*, 3:16-cv-02010

The Honorable Charles S. Haight
Richard C. Lee United States Courthouse
141 Church Street
New Haven, CT 06510

Dear Judge Haight:

As stipulated in the settlement agreement in the subject case, the Army Discharge Review Board (ADRB) is required at six-month intervals to report to the Court and to Plaintiffs the ADRB's progress in implementing its Telephonic Personal Appearance Program. According to the terms of the agreement, the report shall include, but is not limited to: (a) steps the Army has taken, is taking, and will take to facilitate applicants' access to telephonic appearance with minimal, if any, travel; (b) steps the Army has taken, is taking, and will take to enable applicants to access telephonic hearings year-round; (c) the number of telephonic hearings completed during the prior six months; and (d) the location of hearings not chosen by the applicant, and the number of hearings in those locations. This letter is intended to satisfy that requirement.

In October 2020, and prior to finalization of the settlement agreement in this case, the ADRB initiated a telephonic personal appearance program as a substitute for in-person personal appearances. This was done in response to the COVID-19 pandemic, which rendered in-person appearances unsafe. Applicants who requested on their DD Form 293 (Application for the Review of discharge from the Armed Forces of the United States) to appear before the board in Washington, D.C., or to travel to a board closest to the applicant, were given the option of participating in a telephonic hearing in lieu of an in-person board. As of the date of this letter, the ADRB has conducted 119 telephonic hearings of which 70 telephonic hearings have occurred since the date of settlement. Of the 119 hearings, 102 applicants participated telephonically as planned. However, 17 cases were converted to record review cases because the applicant failed to "show" for the telephonic hearing.

The location of the telephonic hearings has not been an issue because the boards are conducted telephonically, with the board calling the applicant at the location convenient to the applicant. "Year-round" access is not a significant problem because applicants are permitted to schedule a hearing whenever convenient to them and whenever ADRB board members are not otherwise occupied with other duties. One lesson the ADRB has learned from implementing the program is the importance of verifying an active, reliable phone number for the applicant prior to commencing the board hearing. Overall, the ADRB has found that applicants, their representatives, and their witnesses have had little

difficulty in phoning the ADRB and little difficulty in effectively advocating their cases to the board members.

The ADRB will submit its next six-month report on April 26, 2022.

Sincerely,

A handwritten signature in black ink that reads "Gary J. Cregan". The signature is written in a cursive, flowing style.

Gary J. Cregan
Colonel, U.S. Army
President, Military Review Boards
Army Review Boards Agency