



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

April 25, 2022

SUBJECT: Six-Month Report Regarding Implementation of Telephonic Personal Appearance Program, *Kennedy v. Whitley*, 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. This letter serves as the Army's second report to the Court regarding the status of the ADRB's Telephonic Personal Appearance Program.

Since the date of the November 15, 2021 letter and through April 18, 2022, the ADRB scheduled 51 telephonic hearings. Of the 51 hearings, 42 applicants participated telephonically as planned. Of the nine applicants who did not call in as scheduled, seven cases were converted to record reviews because the applicant had not had a prior record review. The remaining two applicants who did not call as scheduled had previous record reviews. Those two cases were closed. Should those two choose to again request an upgrade to their discharge, they must now request it from the Army Board for Correction of Military Records.

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 still does not pose 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 continues to emphasize is the importance of verifying an active, reliable phone number for the applicant prior to commencing the board hearing. Overall, the ADRB continues to find 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 Army Review Boards Agency will submit its next six-month report on or about October 25, 2022.

Sincerely,  
The Army Review Boards Agency