



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

October 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 at six, twelve, and eighteen months after the effective date of settlement 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 third (eighteen month) report to the Court regarding the status of the ADRB's Telephonic Personal Appearance Program.

Since the date of the April 25, 2022 letter and through October 24, 2022, the ADRB scheduled 43 telephonic hearings. Of the 43 hearings, 40 applicants participated telephonically as planned. Of the three applicants who did not call in as scheduled, all three cases were converted to record reviews because the applicant had not had a prior record review.

The location of the telephonic hearings is not 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.

This constitutes the Army Review Boards Agency's final (eighteen month) report to the Court and to Plaintiffs regarding its progress implementing the Telephonic Personal Appearance Program.

Sincerely,
The Army Review Boards Agency