

**REPORT OF PROCEEDINGS BY INITIAL/SUBSEQUENT BOARD OF INQUIRY
OR FURTHER REVIEW BOARD**

(For use of this form, see DODI 2310.5; the proponent agency is OSD/DPMO)

If more space is required in filling out any portion of this form, attach additional sheets.

SECTION I - APPOINTMENT

1. APPOINTING AUTHORITY	2. DATE APPOINTED (YYYYMMDD)
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(Attach Enclosure 1: Letter of appointment or summary of oral appointment data.)

SECTION II - SESSIONS

3. TYPE OF BOARD <i>(X one)</i>		
<input type="checkbox"/> INITIAL BOARD OF INQUIRY	<input type="checkbox"/> SUBSEQUENT BOARD OF INQUIRY	<input type="checkbox"/> FURTHER REVIEW BOARD
4. LOCATION OF SESSION	5. DATE (YYYYMMDD)	

6. PERSONS PRESENT *(List names of all attending (member(s), legal counsel to the board, missing person(s)' counsel, primary next of kin, other members of the immediate family, previously designated person, retained counsel). After each name, indicate capacity, e.g., Member, Missing Person's Counsel.)*

SECTION III - CHECKLIST FOR PROCEEDINGS

NOTE: Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur during this board.

PART A - COMPLETE IN ALL CASES	YES	NO	N/A
7. ENCLOSURES: Are the following enclosed? <i>(Attached in order listed)</i>			
a. The letter of appointment or a summary of oral appointment data?			
b. All other written communications to or from the appointing authority?			
c. Explanation by the board of any unusual delays, difficulties, irregularities, or other problems?			
d. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the board?			
8. EXHIBITS			
a. Is an index of all evidence considered by the board attached to the report of the board?			
b. Are all items considered as evidence forwarded to the appointing authority with the report of the board?			
c. Is the location of the original evidence indicated?			
9. Were the member(s), counsel for the board, and missing person's counsel present during the findings and recommendation?			

SECTION III - CHECKLIST FOR PROCEEDINGS *(Continued)*

PART B - COMPLETE ONLY FOR INITIAL BOARDS OF INQUIRY

YES NO N/A

10. DUTIES OF THE INITIAL BOARD OF INQUIRY

a. Did the board collect, develop, investigate, record, and safeguard all facts and evidence (<i>such as documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified)</i>) relating to the disappearance or whereabouts and status of each person covered by the inquiry?			
b. Did the board gather information relating to actions taken to find the person, including any evidence of the whereabouts and status of the person arising from such actions?			
c. Did the board collect appropriate documentation of the facts and evidence covered by the board's investigation?			
d. Did the board analyze the facts and evidence?			
e. Did the board make findings based on its analysis of the facts and evidence?			
f. Did the board draw conclusions as to the current whereabouts and status of the person?			
g. Did the board maintain a record of its proceedings?			
h. With respect to each person covered by the inquiry, did the board recommend that the person be placed in a missing status or be declared to have deserted, to be absent without leave, or to be dead?			

PART C - MISSING PERSON'S COUNSEL *(All Boards)*

11. a. Has the identity of the missing person's counsel been made known to the primary next of kin and to the previously designated person?			
b. Did the missing person's counsel have access to all facts and evidence considered by the board during the proceedings?			
c. Did the missing person's counsel observe all official activities of the board during the proceedings?			
d. Did the missing person's counsel have the opportunity to question witnesses appearing before the board?			
e. Did the missing person's counsel monitor (i.e., observe) the deliberations of the board?			
f. Did the missing person's counsel assist the board in ensuring that all appropriate information concerning the case was collected, logged, filed, and safeguarded?			
g. Did the missing person's counsel review the board's report and submit to the appointing authority an independent review of that report?			
h. Has the missing person's counsel's review of the board's report been made an official part of the board's record?			

PART D - RECOMMENDATION OF DEATH *(All Boards)*

12. a. Does credible evidence exist to suggest that the person is dead?			
b. Does the United States possess any credible evidence to suggest that the person is alive?			
c. Have representatives of the United States made a complete search of the area where the person was last seen (<i>unless, after making a good faith effort to obtain access to such area, such representatives are not granted access</i>)?			
d. Have representatives of the United States examined the records of the government or entity having control over the area where the person was last seen (<i>unless, after making a good faith effort to obtain access to the records, the representatives are not granted access</i>)?			
13. If the board makes a recommendation that a missing person be declared dead, does the board's report include the following:			
a. A detailed description of the location where the death occurred?			
b. A statement of the date on which the death occurred?			
c. A description of the location of the body, if recovered?			
d. If the body has been recovered and is not identifiable through visual means, did a forensic pathologist certify that the body recovered is that of the missing person?			

PART E - REPORT OF THE BOARD *(All Boards)*

14. a. Does the board's report include a discussion of the facts and evidence considered by the board?			
b. Does the board's report contain the board's recommendation with respect to each person covered by the report?			
c. Does the board's report disclose whether classified documents and information were reviewed by the board or were otherwise used by the board in forming its recommendation?			
d. Is the board's report submitted not later than 30 days after the date of the board's appointment (<i>Initial Boards of Inquiry only</i>)?			

PART F - COMPLETE ONLY FOR SUBSEQUENT BOARDS OF INQUIRY AND FURTHER REVIEW BOARDS

15. SUBSEQUENT BOARDS OF INQUIRY ONLY:

a. Did the board review the commander's preliminary assessment and recommendation and the initial board's report?			
b. Did the board collect and evaluate any document, fact, or other evidence with respect to the whereabouts and status of the person that has become available since the determination of the status of the person during the initial board of inquiry process?			

16. FURTHER REVIEW BOARDS ONLY:

a. Did the board review the commander's preliminary assessment and recommendation, the report of the initial board of inquiry, and the report of the subsequent board of inquiry?			
b. Did the board collect and evaluate any document, fact, or other evidence with respect to the whereabouts and status of the person that has become available since the determination of the status of the person during the subsequent board of inquiry process?			

SECTION III - CHECKLIST FOR PROCEEDINGS *(Continued)*

PART F *(Continued)*

YES NO N/A

17. BOTH SUBSEQUENT BOARDS OF INQUIRY AND FURTHER REVIEW BOARDS:

a. Did the board draw conclusions as to the whereabouts and status of the person?

b. Did the board consider the commander's preliminary assessment and recommendation, reports of any previous boards, all other evidence, and enter a determination whether the status of the person should be continued or changed?

PART G - ATTENDANCE OF CERTAIN INTERESTED PERSONS AT PROCEEDINGS

18. a. Were the missing person's primary next of kin, other members of the immediate family, and any other previously designated person notified, not less than 60 days before the first meeting of the board, of their opportunity to attend the proceedings of the board? *(Subsequent Boards of Inquiry and Further Review Boards only)*

b. Have the names and capacities of interested persons been entered in Section II above?

SECTION IV - FACTS AND EVIDENCE CONSIDERED BY THE BOARD

19. DISCUSS HEREIN THE FACTS AND EVIDENCE CONSIDERED BY THE BOARD:

SECTION V - FINDINGS AND CONCLUSIONS

20. THE BOARD, HAVING CAREFULLY ANALYZED THE FACTS AND EVIDENCE, DETERMINES THAT THE FOLLOWING FINDINGS ARE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE:

21. IN VIEW OF THE ABOVE FINDINGS, THE BOARD CONCLUDES AS TO THE CURRENT WHEREABOUTS AND STATUS OF THE PERSON THAT THE PERSON IS:

SECTION VI - RECOMMENDATION

22. CONSIDERING THE ABOVE FINDINGS AND CONCLUSIONS, THE BOARD RECOMMENDS:

23. X HERE IF CLASSIFIED DOCUMENTS AND INFORMATION WERE REVIEWED BY THE BOARD OR WERE OTHERWISE USED BY THE BOARD IN FORMING ITS RECOMMENDATION.

SECTION VII - AUTHENTICATION

24. THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE.

a. DATE (YYYYMMDD)

b. SIGNATURE OF PRESIDENT

c. SIGNATURE OF MEMBER

d. SIGNATURE OF MEMBER

e. SIGNATURE OF MISSING PERSON'S COUNSEL

SECTION VIII - ACTION BY APPOINTING AUTHORITY

25. a. THE FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE

INITIAL BOARD OF INQUIRY SUBSEQUENT BOARD OF INQUIRY FURTHER REVIEW BOARD

IS:

APPROVED DISAPPROVED APPROVED WITH FOLLOWING EXCEPTIONS/SUBSTITUTIONS

(If the appointing authority returns the proceedings to the board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered enclosure.)

b. SIGNATURE

c. DATE (YYYYMMDD)