

WRITTEN STATEMENT OF

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(MILITARY PERSONNEL POLICY)

OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND
READINESS

DEPARTMENT OF DEFENSE

BEFORE THE

COMMITTEE ON GOVERNMENT OVERSIGHT AND REFORM

SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND DEFENSE, AND
FOREIGN OPERATIONS

UNITED STATES HOUSE OF REPRESENTATIVES

ON

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Mr. Lernes J. Hebert

Director, Officer & Enlisted Personnel Management



Mr. Lernes J. Hebert is assigned to the Office of the Under Secretary of Defense, Personnel and Readiness, serving as the Director, Officer & Enlisted Personnel Management, a component of the Office of the Deputy Assistant Secretary of Defense, Military Personnel Policy. Mr Hebert has served in Military Personnel Policy since August 2003 and provides oversight for post-accession officer and enlisted management policy for the Department of Defense. During his tenure, Mr. Hebert led the Department through major initiatives to restructure career longevity provisions, joint officer management and most recently, general and flag officer management.

Mr. Hebert holds a Master of Science degree in National Security Strategy from the National War College, National Defense University, and a Master of Arts degree in Management and Computer Resource Management from Webster University. He is a graduate of the University of Louisiana with a Bachelor of Science degree in Management.

Mr. Hebert retired from the United States Air Force at the rank of colonel, having served 24 years in the field of personnel management. Key assignments included staff assignments with the United States Air Force, Air Force Personnel Center, and Air Combat Command and unit command tours with the 27th Fighter Wing, Clovis Air Force Base, New Mexico, 4404th Wing (provisional), Dhahran, Saudi Arabia and the 7276th Air Base Group, Iraklion Air Station Crete Greece.

Awards include the Defense Medal for Exceptional Civilian Service, Defense Superior Service Medal, Meritorious Service Medal with four oak leaf clusters, and the Air Force Commendation Medal with one oak leaf cluster.

Chairman Chaffetz, Congressman Tierney and distinguished members of the committee, I am honored to come before you this morning to address your concerns with:

the fabrication of military service records and awards by those who fraudulently seek to obtain personal and professional benefit; the Department's ability to maintain adequate databases to track and promptly access Official Military Personnel Files (service records); and the extent to which service records are made available to those seeking verification.

As the Director of Officer and Enlisted Personnel Management under the Office of the Under Secretary of Defense for Personnel and Readiness, my office is responsible for Decorations and Awards policy and for policy regarding the Department of Defense (DD) Form 214, "Certificate of Release or Discharge from Active Duty." The DD Form 214 includes the member's period of military service and decorations and awards conferred upon the member during that service. My office also authored the report to the Senate and House Armed Services on a "Searchable Military Valor Decorations Database," dated March 2009. My intent is to provide a brief synopsis of that report's findings as it relates to this subject.

The Department shares your concerns regarding the fabrication of military service records and awards records by those who fraudulently seek to obtain personal and professional benefit. As you are probably aware, in accordance with title 18 U.S.C., §704, often referred to as the Stolen Valor Act, anyone who:

"falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both."

Although the Department of Defense is not responsible for prosecuting criminal offenses under the Stolen Valor Act, the Military Departments do provide verification of claims to military decorations and awards based on requests from the Department of Justice, State Attorneys Generals, law enforcement agencies and members of Congress. Each Military Department has the authority to prosecute and discipline currently serving members who fraudulently claim military decorations and awards. While even one false claim is too many, the limited frequency of such claims does help to inform the way forward.

Regarding the committee's interest in the Department's ability to maintain adequate databases to track and promptly access service records, each Military Department is responsible for maintaining and accessing official military personnel records. The Military Department witnesses here today should be able to further address their respective Services' military decorations and awards records and the timeliness of responses for verification of award of military decorations with regard to fraudulent claims.

Each Military Service currently maintains digitized official military personnel files, which include the DD214 and documents detailing military decorations and awards conferred; however, each Military Service migrated to digitized records at different periods:

Army – Oct 17, 1992

Navy – Jan 1, 1995

Marines – Jan 1, 1999

Air Force – Oct 1, 2004

Official military personnel records that have not been digitized are maintained at the National Personnel Records Center (NPRC) or the National Archives.

Authorized government agencies that need to access the Military Department's digitized official military personnel records may do so through the Defense Personnel Records Information Retrieval System. Some of the agencies that currently have access include: The Department of Veterans Affairs; Federal Bureau of Investigations; Department of Homeland Security; Department of Labor; and the Federal Aviation Administration. Government agencies with an official need to review these records may request access through the Defense Personnel Records Information Retrieval System web-site. Over the past few years, there has been a significant increase in the use of the Defense Personnel Records Information and Retrieval System. The number of transactions increased from over 266,000 in 2008 to over 713,000 in 2011. The number of government agencies using the system has also increased significantly. This system provides a fast and efficient means for accessing official military personnel records and for verifying military decorations and awards with regard to fraudulent claims. However, limitations inherent in such an automated system do not allow us to determine the specific purpose of each inquiry. In other words, we cannot determine if a specific query by the Department of Veterans Affairs was for verification of awards or for some other purpose.

Each Military Department must individually process requests for verification of military decorations made by organizations that do not have access to the Defense Personnel Records Information Retrieval System. Additionally, the Military Departments must individually process requests for verification of military decorations when digitized files do not exist and the official military personnel records are maintained at the National Personnel Records Center or the National Archives. Each Military Department provides priority responses to requests by law enforcement organizations or members of Congress for verification of military decorations. Naturally, verification of paper or microfiche records is more time consuming, as these records

must be located and reviewed to determine decorations and awards conferred. Also, verification of these records is not always definitive, as there was a fire at the National Personnel Records Center in 1973 that destroyed approximately 16 to 18 million Army and Air Force official military personnel files.

The Department's "Report to the Senate and House Armed Services Committees on a Searchable Military Valor Decorations Database," March 2009, which was previously provided to the committee's staff, details the issues associated with establishing a publically accessible database of valor decorations for the purpose of combating fraudulent claims to military decorations. The Department determined that although the intent of such an endeavor was laudable, the database would have little utility for reducing the number of fraudulent valor award claims since the utility of such a database is limited by the fact that the Privacy Act precludes inclusion of the personal information (e.g., social security number and date of birth) necessary to identify bona fide valor award recipients. Given that 16 to 18 million official military personnel records were destroyed in the fire at the National Personnel Records Center, and the lack of computerized record keeping during previous conflicts, the Department determined that it could only populate such a database to a sufficiently accurate level (95%) from September 11, 2001 forward. However, this does not obviate the issues associated with the Privacy Act. Therefore, the findings in the 2009 report, regarding establishing a publically accessible valor database are still valid today. However, the 2009 report did not address the fact that government agencies with an official need to access each Military Department's digitized official military personnel records may do so through the Defense Personnel Records Information Retrieval System. Using the Defense Personnel Records Information Retrieval System, government agencies can view decorations and awards conferred, certificates of release or discharge from active Duty

(DD214s), and a multitude of other records pertaining to military service. Given the expansion of the Defense Personnel Records Information Retrieval System and the fact that each Military Department has priority procedures in place to respond to requests for verification of awards conferred, there appear to be adequate procedures in place to verify fraudulent claims to military decorations and/or military service.

The Military Department witnesses here today should be able to further address their respective Services' military decorations and awards records and the timeliness of responses for verification of award of military decorations. I thank you again for the opportunity to testify and for your continued support of our military members and their families. I look forward to your questions.