

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 49  
A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS

PRESENTATION TO THE  
HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

BY

MAJOR GENERAL DARRYLL D. M. WONG  
INTERIM ADJUTANT GENERAL  
February 10, 2011

Chair Aquino, Vice Chair Cullen, and Members of the Committee:

I am Major General Darryll D. M. Wong, Interim State Adjutant General. I am testifying on House Bill 49.

We support House Bill 49. This measure allows the disposition of military service member's remains directed by the person authorized as indicated on the United States Department of Defense Record of Emergency Data executed by the service member.

Thank you for the opportunity to provide this written testimony.

**Representative Henry Aquino, Public Safety and Military Affairs Committee  
February 10, 2011**

**Testimony of  
Laurie Crehan, Ed.D.  
Quality of Life Regional Liaison  
Office of the Assistant Secretary of Defense, Military Community & Family Policy  
DoD-State Liaison Office**

**HB 49 DISPOSITION OF BODY; ARMED FORCES SERVICE MEMBERS**

**The Department of Defense State Liaison Office** operates under the direction of the Under Secretary of Defense for Personnel and Readiness, and the Deputy Assistant Secretary for Military Community and Family Policy. Our mission is to be a resource to state policymakers as they work to address quality of life issues of military families.

**Testimony**

Chair Aquino and members of the House Public Safety and Military Affairs Committee, on behalf of the Deputy Assistant Secretary of Defense, I would like to thank you for the opportunity to submit testimony today on HB 49, a bill relating to disposition of human remains.

Our request is simply to recognize in state statute the approach that Service members under Title 10 USC Section 1482 are required by federal law to follow in designating a person to direct the disposition of their remains (what we call a PADD). The DD Form 93 is an essential part of their military record, also designating their beneficiaries for Service members' Group Life Insurance. Service members are required to update it annually and before any deployment. Our request will ensure that the DD Form 93 is consulted and viewed as the legally sufficient document for designating a PADD.

Forty-eight percent of Service members are less than 25 years old. Since they are required to designate a PADD on the DD Form 93, it is highly unlikely they will research to see whether they also need to follow a different state requirement for designating an agent in the event of their untimely death. The proposed amendment to state law on disposition removes confusion for the family

Let me illustrate our issue by sharing a case with you that shows what can happen when there is a lack of clarity in which rule to follow in designating a PADD:

*A deceased Soldier who was married but estranged from his wife, elected his mother as the PADD on DD Form 93. The mother wanted to cremate the Soldier; however, the funeral home refused to cremate the remains without the wife's consent (based on the rules of the state). The spouse was reluctant to sign the consent for cremation and only after a military attorney intervened, did the wife eventually consent.*

Eventually the wishes of the Service member to have his mother direct disposition were honored; however, this situation, and the unnecessary delay it caused, could have been avoided if the state statute in question had referred to the DD Form 93.

This bill will also enable coroners to confidently refer to a single document to approach the Service member's choice for directing the disposition of his or her remains. This will avoid the possibility of giving the body to a person not listed on DD Form 93 against the Service member's wishes and a person who may be ineligible to receive DoD funds for burial.

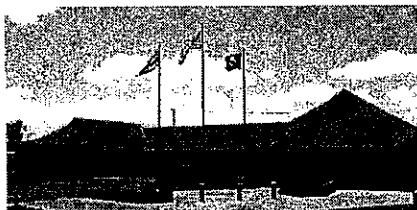
In addition, having DD Form 93 in statute will make estate planners aware of its important use by the federal government. If they were to help a Service member create a

durable power of attorney or a will, they could align both the DD Form 93 and their paperwork so that there are no conflicts, thus better serving their client. If a Service member wanted to update their DD Form 93 based on the advice of their attorney, they could do that on the spot on the attorney's computer.

Thank you for the time and consideration of this matter. Please do not hesitate to contact me if you have any questions.

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# THE OAHU VETERANS COUNCIL



"a gathering place for veterans"  
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Veterans of Foreign Wars - Post 970  
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January 27, 2011

## TESTIMONY REGARDING HOUSE BILL 49 RELATING TO ARMED FORCES SERVICE MEMBERS HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

### HEARING ON THURSDAY, FEBRUARY 10TH, AT 9AM, IN CONFERENCE ROOM 309

Aloha Chair Aquino: The Oahu Veterans Council's member organization's identified in the left margin represent the interests of over 80,000 veterans and their families. On Thursday, January 27<sup>th</sup>, our legislative committee voted to testify, in support of House Bill 49, as follows:

We firmly believe Hawaii State law should be amended to recognize the federally prescribed DD Form 93, or its successor form, as an acceptable method of determining the person authorized to direct disposition of an armed forces service member's remains. Oahu Veterans Council delegates performed creditable military service under the flag of the United States of America and the State of Hawaii. We honor our Nation, State and Families under these flags, and firmly believe the subject form will not undermine this official tradition in any way.

We thoughtfully and respectfully encourage your committee to remind those who ignore this noble effort to assist the service member's survivors in their time of grief of the limitations that can be placed on their sentiments by the US Constitution, in recommending approval of HB49 as written.

Mahalo for allowing us to testify in support of this very important Bill.

*Fred Ballard*

Fred Ballard; President



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