

PATTERN LETTER > Legal Demands >> No Court Order BUT With Vet Authorization

OMB No. 3095-0038 Expires XX/XX/XXXX

We are pleased to provide a certificate under seal certifying copies of the military records. Furnished in response to your request, the following documents are enclosed: ^ .

Information of a personal nature relating to a third person and appearing in the records requested has been deleted from the attached reproductions pursuant to the Freedom of Information Act, U.S.C. 552(b)(6), the Privacy Act of 1974, 5 U.S.C. 552A, and the regulations of the agency that created the documents. If you require reproductions without deletions, you must submit a valid court order. See below for information about this requirement. Reproductions produced pursuant to a valid court order will be authenticated under the seal of the National Archives and Records Administration.

Court Order Requirements: Access to military or civilian personnel and medical records on file at the National Personnel Records Center, St. Louis, Missouri, may be gained pursuant “to the order of a court of competent jurisdiction.” Valid court orders should be addressed to this Center. Subpoenas qualify as orders of a court of competent jurisdiction only if they have been signed by a judge. To be valid, court orders must also be signed by a judge. Authority for these requirements is 5 U.S.C. 552a(b)(11), as interpreted by *Doe vs. DiGenova*, 779 F. 2d. 74 (D.C. Cir. 1985), and *Stiles vs. Atlanta Gas and Light Company*, 453 F. Supp. 798 (N.D. Ga. 1978).

Please furnish the address of the clerk of the court so that photocopies may be furnished in the form of a certificate under seal to the clerk of the court issuing the order. Or, the photocopies may be sent to a recipient other than the clerk of the court as long as the order of the court names another recipient and gives the appropriate address. Under applicable Federal Law, photocopies so certified shall be admitted into evidence as original records 44 U.S.C. Sec. 2116(b). It is also helpful to furnish the names and addresses of attorneys involved.

The court order must describe the records and information desired in sufficient detail to identify them with accuracy. A minimum of detail would include as many of the following as possible: The complete name, service number, social security number, date of birth, branch of service or Federal agency by which employed, and dates of military service (active, reserve, or retired) or of Federal employment. If clinical treatment records are needed, include also the dates, places, and type(s) of treatment given.

The court order should be addressed and sent to either of the following addresses, as appropriate:

Assistant Director

National Personnel Records Center, NARA
(Military Personnel Records)
1 Archives Drive
St. Louis, MO 63138-1002

Assistant Director

National Personnel Records Center, NARA
(Civilian Personnel Records)
1411 Boulder Boulevard
Valmeyer, IL 62295-2603

As an alternative to obtaining a court order, you may obtain certified copies of military or civilian personnel and medical records by providing the signed and dated release authorization of

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the subject of the record. The release authorization must be dated within the last year and must state specifically that the documents may be released to you.

PAPERWORK REDUCTION ACT PUBLIC BURDEN STATEMENT

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. The information requested on this form is being collected and used by the National Personnel Records Center to ensure that the requirement is met to obtain either a court order or a release from the veteran before access to military and civilian personnel and medical records is granted. Public burden reporting for this collection of information is estimated to be fifteen minutes per response, including time for reviewing instructions and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to National Archives and Records Administration (MP), 8601 Adelphi Road, College Park, MD 20740-6001. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. SEND COMPLETED FORMS TO THE APPROPRIATE ADDRESS(ES) SHOWN ABOVE.