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United States Senate

COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

CHRISTIAN D. BROSE, STAFF DIRECTOR
ELIZABETH L. KING, MINORITY STAFF DIRECTOR

January 20, 2016

The Honorable Ashton Carter
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Carter:

This is in response to troubling media reports that indicate you are currently reviewing the prior retirement grade determination of retired General David Petraeus, and may be considering reducing his previously approved retirement grade as a result of his misdemeanor conviction.

It is rare that a retirement grade determination is conducted for an officer previously retired from the U.S. armed forces. It is rarer still that such a review would be conducted nearly four and a half years after the date the officer retired. It is well established in law that administrative determinations, such as retirement grade determinations cannot be re-opened, set aside, or a different result ordered except for fraud, manifest error on the face of the proceedings, or newly discovered evidence, presented within a reasonable time and under such circumstances as would be a sufficient cause for granting a new review.

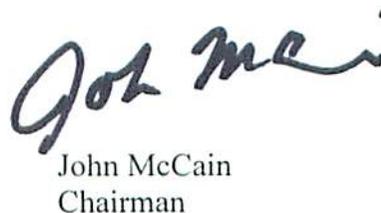
Further, no law requires the Secretary of Defense to reopen and review a prior retirement grade determination following a misdemeanor conviction. It is a discretionary matter and must be considered in fairness to the officer concerned as well as to the integrity of the retirement grade determination process. We are concerned such a retirement grade review, taking place nearly a year after the misdemeanor conviction in which General Petraeus admitted his guilt, and apologized for his actions, is manifestly unreasonable and unfair. We take this opportunity to remind you of General Petraeus' long career of exceptionally distinguished, honorable and dedicated service to our Nation and to the soldiers he so brilliantly led to success in combat. Under these circumstances we urge you to consider that the original retirement grade determination remain unchanged and that he be allowed to retain the title of General in recognition of his honorable service.

Thank you for your service to our nation and we look forward to hearing from you on this matter.

Sincerely,



Jack Reed
Ranking Member



John McCain
Chairman

UNIVERSITY OF CALIFORNIA

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OFFICE OF THE CHAIRMAN

MEMORANDUM FOR THE CHAIRMAN
DATE: 10/15/81
SUBJECT: [Illegible]

The following information was received from [Illegible] regarding [Illegible] on [Illegible]. It is noted that [Illegible] has been [Illegible] and [Illegible] is [Illegible].

It is recommended that [Illegible] be [Illegible] and [Illegible] be [Illegible]. This recommendation is based on [Illegible] and [Illegible].

The [Illegible] of [Illegible] is [Illegible]. The [Illegible] of [Illegible] is [Illegible]. The [Illegible] of [Illegible] is [Illegible].

