



NATO TRAINING MISSION - AFGHANISTAN
COMBINED SECURITY TRANSITION COMMAND - AFGHANISTAN
KABUL, AFGHANISTAN
APO AE 09356

5 August 2010

From: Commander, Combined Security Transition Command -
Afghanistan
To: Colonel John R. Bernier, U.S. Air Force
Subj: PRELIMINARY INQUIRY INTO THE DEATH OF HT2 JUSTIN J.
MCNELEY, USN THAT OCCURRED ON 23 JULY 2010
Ref: (a) JAGMAN

1. This appoints you, per Chapter II of reference (a), to inquire into the facts and circumstances surrounding the death of HT2 Justin McNeley, USN and to make a line of duty determination.
2. Investigate whether HT2 McNeley died in the line of duty and not as a result of misconduct. Report your findings of fact, opinions and recommendations in letter form by 9 August 2010, unless an extension of time is granted. If you have not done so previously, read Chapter II of reference (a) in its entirety before beginning your investigation.
3. You may seek legal advice from (b)(3) (b)(6), USN, during the course of your investigation.

W B Caldwell

WILLIAM B. CALDWELL, IV
LTG, USA
COMMANDING



HEADQUARTERS
NATO TRAINING MISSION - AFGHANISTAN
COMBINED SECURITY TRANSITION COMMAND - AFGHANISTAN
KABUL, AFGHANISTAN
APO AE 09356

2 OCT 2010

FIRST ENDORSEMENT on [REDACTED], USAF Ltr of 14 Aug 2010

From: Commander, Combined Security Transition Command - Afghanistan
To: File

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1. Readdressed.
2. The following additional summary of findings is added:

HT2 McNeley spoke to [REDACTED], S-1, about his and CS2 Newlove's travel plans for 23 August 2010. Their planned route included a stop at Camp Phoenix and Camp Eggers and they wanted to do a route recon. [REDACTED] suspected that the route recon was motivated by a desire to sightsee. [REDACTED] approved the request but also directed McNeley to talk with [REDACTED] had been delegated the authority to approve ground movements and convoys for the COIN Training Center. Neither HT2 McNeley nor CS2 Newlove spoke to [REDACTED] about the proposed movement.

3. The investigating officer's recommendation is modified as follows: Initially, my opinion is that HT2 McNeley's death was due to his own misconduct and therefore not in the line of duty. HT2 McNeley violated NTM-A, CSTC-A, and CTC-A policies when he traveled on 23 July 2010 in a single vehicle uparmored SUV movement to areas of Afghanistan where he had no official military mission. However, given the leadership climate and the leadership's failure to follow and enforce the established standards, I find that HT2 McNeley died in the line of duty, not due to his own misconduct.

4. Subject to the foregoing comments, the summary of facts and recommendations are approved.

5. By separate correspondence a copy of this investigation and my endorsement will be provided to USCOMNAVCENT to provide the next of kin.

WILLIAM B. CALDWELL IV

Copy to:
COMNAVPERSCOM MILLINGTON TN (PERS 62)
COMUSNAVCENT BAHRAIN

14 August 2010

From: [REDACTED] (b)(3) (b)(6), U.S. Air Force, Investigating Officer
To: Commander, Combined Security Transition Command - Afghanistan

SUBJ: PRELIMINARY INQUIRY INTO THE DEATH OF HT2 JUSTIN J. MCNELEY, USN THAT OCCURRED ON 23 JULY 2010

Ref: (a) JAGMAN, Section 0204

1. This reports completion of the preliminary inquiry conducted in accordance with reference (a) into the death of HT2 Justin J. McNeley, USN.

2. Personnel contacted:

[REDACTED] (b)(3) (b)(6), S1, Counterinsurgency Training Center - A (CTC-A), NCOIC, CTC-A
[REDACTED] (b)(3) (b)(6), ANCOIC, CTC-A
[REDACTED] (b)(3) (b)(6), Ground Movement NCO, CTC-A

3. Materials reviewed:

Contingency Support TEMADD Orders for HT2 McNeley Justin Jacob, [REDACTED] (b)(6)
[REDACTED] (b)(3) (b)(6), S1, CTC-A, Statement
[REDACTED] (b)(3) (b)(6), NCOIC, CTC-A, Statement
[REDACTED] (b)(3) (b)(6), ANCOIC, CTC-A, Statement
[REDACTED] (b)(3) (b)(6), Ground Movement NCO, CTC-A, Statement
Law Enforcement Professionals Reports

4. Summary of findings: HT2 Justin J. McNeley was on Contingency Support TEMMADD Orders which placed him on temporary additional duty in support of GWOT contingency operations. HT2 McNeley was on active duty on 23 July 2010. His orders detailed him to COIN Academy Support in Afghanistan under Noble Eagle Number 4272-0008.

On 22 July 2010, HT2 McNeley requested permission to travel in a single-vehicle convoy from Julien and travel north on [REDACTED] (b)(1)1.4a west on [REDACTED] (b)(1)1.4a to a lake approximately eight kilometers west of the Afghan Police Academy, head south to join with [REDACTED] (b)(1)1.4a and from there, head into Camp Eggers for a medical appointment for CS2 Newlove.

HT2 McNeley and CS2 Newlove departed Camp Julien at approximately 0730L to begin their single-vehicle convoy. Their exact route of travel, number of stops, and location of stops during the day of 23 July is not precisely known; however, several details are available. At approximately 1345L, while on their convoy to Kabul International Airport, [REDACTED] (b)(3) (b)(6) [REDACTED] (b)(3) (b)(6) saw HT2 McNeley and CS2 Newlove in their vehicle in the vicinity of the KIA, heading in the direction of Camp Phoenix on route ABBEY. CS2

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(b)(3) (b)(6) stated again that HT2 McNeley was driving and there were only two individuals in the vehicle. (b)(3) (b)(6) attempted to contact HT2 McNeley's vehicle using the MBITR, but he could not raise them. He then sent a text message asking, "what's up" and received the response "nothing." Later in the day, a Camp Eggers Medical Clinic technician, (b)(3) (b)(6) (b)(3) (b)(6), stated that he saw HT2 McNeley and CS2 Newlove, and personally assisted CS2 Newlove at the Medical Clinic at Camp Eggers sometime in the afternoon of 23 July. Also, Navy doctor (b)(3) (b)(6) stated that he saw both sailors in his office around 1500L. (b)(3) (b)(6), who works at the Royal House at Camp Eggers as a Hospital Administrator, stated that he met with HT2 McNeley and CS2 Newlove at his office until approximately 1530-1600L. He stated that they both appeared to be in a good spirits and that when they left, they said they were heading back to Camp Julien.

(b)(3) (b)(6), the senior Navy enlisted member assigned to Camp Julien, stated that HT2 McNeley and CS2 Newlove called her around 1620-1640L and said they were leaving the Green Zone. The duty officer of the day was (b)(3) (b)(6) (b)(3) (b)(6). He stated that he spoke with HT2 McNeley and CS2 Newlove at 1640L. He said he called CS2 Newlove's phone, but HT2 McNeley answered and McNeley seemed to be in a very good mood. (b)(3) (b)(6) stated that he was surprised that McNeley answered Newlove's phone. This fact led him to believe that CS2 Newlove was driving at the time.

(b)(3) (b)(6) stated that she received a text message from HT2 McNeley and CS2 Newlove at approximately 1745L saying, "we're still good, see you soon." (b)(3) (b)(6) said that she called them again at approximately 1800-1815L and they texted back, "still OK and on (b)(1)1.4a". That text was the last communication that anyone had with either HT2 McNeley or CS2 Newlove.

In spite of their statements to (b)(3) (b)(6), technical evidence demonstrates that HT2 McNeley and CS2 Newlove were falsely reporting their positions. At approximately 1645L, rather than just leaving the Green Zone as they stated to (b)(3) (b)(6), HT2 McNeley and CS2 Newlove were significantly south of that position, almost directly abeam Camp Julien to the east on (b)(1)1.4a. At around 1745L, HT2 McNeley and CS2 Newlove were approximately 60 kilometers south of Camp Julien on (b)(1)1.4a but their text to (b)(3) (b)(6) stated that they were on (b)(1)1.4a.

Through various technical means and their own reporting, it appears that HT2 McNeley and CS2 Newlove drove south on (b)(1)1.4a and when they reached the vicinity of FOB Shank, turned right and headed towards the Charkh District. Reports indicate HT2 McNeley and CS2 Newlove drove through several manned Afghan National Police (ANP) checkpoints in order to arrive at their final destination. At present, there is no firm reporting as to what exactly happened to the sailors once they arrived in the Charkh District. Various reports state that the two sailors stopped and asked someone for directions, stopped at a bazaar for a period of time, and then were subsequently chased and ambushed by Taliban insurgents.

SUBJ: PRELIMINARY INQUIRY INTO THE DEATH OF HT2 JUSTIN J. MCNELEY, USN THAT OCCURRED ON 23 JULY 2010

According to several reports, HT2 McNeley and CS2 Newlove were ambushed by Taliban insurgents sometime between 1800-1930L in the Charkh District. The insurgents were armed with AK-47s and Rocket Propelled Grenades (RPGs). The vehicle was hit by over 100 AK-47 rounds and 2 RPGs. The first RPG fired did minimal damage to the rear of the vehicle; however it appears that the second RPG exploded underneath the Land Cruiser, damaging the transmission and the fuel tank and causing the vehicle to veer off the road to the right, coming to rest against a tree. Search and recovery operations continued until HT2 McNeley's remains were discovered on 26 July, and after that time, operations continued in support of efforts to locate and recover CS2 Newlove. According to various reports, HT2 McNeley died of gunshot wounds suffered during the ambush as he was attempting to exit the vehicle.

(b)(5)

(b)(3) (b)(6)

Pages 6 through 13 redacted for the following reasons:

(b)(5), (b)(6)

Approved for Release

Print Form

CERTIFICATE OF DEATH (OVERSEAS) Acte de décès (D'Outre-Mer)						
NAME OF DECEASED (Last, First, Middle) Nom du décédé (Nom et prénoms) McNeeley, Justin		GRADE Grade E-6	BRANCH OF SERVICE Arme Navy	SOCIAL SECURITY NUMBER Numéro de l'Assurance Social (b)(6)		
ORGANIZATION Organisation		NATION (e.g., United States) Pays	DATE OF BIRTH Date de naissance	SEX Sexe <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		
RACE Race		MARTIAL STATUS État Civil		RELIGION Culte		
<input checked="" type="checkbox"/> CAUCASOID Caucasien		SINGLE Célibataire		PROTESTANT Protestant		
<input type="checkbox"/> NEGROID Négride		MARRIED Marié		CATHOLIC Catholique		
OTHER (Specify) Autre (Spécifier)		WIDOWED Veuf		JEWISH Juif		
NAME OF NEXT OF KIN Nom du plus proche parent			RELATIONSHIP TO DECEASED Parenté du décédé avec le sus			
STREET ADDRESS Domicile à (Rue)			CITY OR TOWN OR STATE Municipalité/État/Code postal (Code postal complet)			
MEDICAL STATEMENT Déclaration médicale						
CAUSE OF DEATH (Enter only one cause per line) Cause du décès (N'indiquer qu'une cause par ligne)					INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'apparition et le décès	
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH Maladie ou condition directement responsable de la mort Polykemia						
ANTECEDENT CAUSES Symptômes précursifs de la mort		MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire				
		UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire				
OTHER SIGNIFICANT CONDITIONS Autres conditions significatives						
MODE OF DEATH Condition de décès		AUTOPSY PERFORMED Autopsie effectuée		DEATH DUE TO EXTERNAL CAUSES Décès dû à des causes extérieures		
<input type="checkbox"/> NATURAL Mort naturelle		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
<input type="checkbox"/> ACCIDENT Mort accidentelle		SIGNATURE OF AUTOPSY Conclusions principales de l'autopsie Recovery autopsy		CIRCUMSTANCES OF DEATH Circonstances de la mort		
<input type="checkbox"/> SUICIDE Suicide		NAME OF PATHOLOGIST Nom du pathologiste		CIRCUMSTANCES OF DEATH Circonstances de la mort		
<input type="checkbox"/> HOMICIDE Homicide		SIGNATURE Signature		DATE Date		
DATE OF DEATH (day, month, year) Date de décès		PLACE OF DEATH Lieu de décès				
July 2010						
I HAVE VIEWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE J'ai examiné les restes mortels du défunt je conclus que le décès est survenu à l'heure indiquée et à la suite des causes énumérées ci-dessus.						
NAME (b)(3) (b)(6)		TITLE OR DEGREE Titre ou diplôme		DATE OF SIGNATURE Date de signature		
		MD				
RELATION OR ADDRESS (b)(3) (b)(6)		SIGNATURE (b)(3) (b)(6)				
DATE 13/26/2010		SIGNATURE (b)(3) (b)(6)				
*State conditions which of contributory nature caused death *État conditions contributives de la mort, mais non la maladie ou condition causant le décès *Preceder la cause de la mort, de la blessure ou de la complication qui a contribué à la mort, mais non la maladie ou condition causant le décès, et *Preceder la condition qui a contribué à la mort, mais n'est pas en rapport avec la maladie ou la condition qui a provoqué la mort.						

PENDING
FINAL TIME
DETERMINATION

DD FORM 1 APR 77 2064