

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

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

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

APPROVING

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

I approve the findings of the investigating officer, LTC)(3),(b)(

Recommendations:

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

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

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

b)(3),(b)(3)(b)(6), (b)(2)High b)(3),(b)(6)

e. That a claims payment be provided to the family of the deceased. (Agree) (Disagree) (Remand to BCT Cdr)

f. Remand to the BCT Commander. (Agree) (Disagree)

g. Other:

 18 MAR 2008

COL (b)(3),(b)(6)

JEFFERY W. HAMMOND, Major General, USA, Commanding



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
Headquarters, 4th IBCT, 1st Infantry Division
FOB FALCON, IRAQ
APO AE 09361

AFZN-BC

13 January 2008

MEMORANDUM FOR Commander, 4th Infantry Brigade Combat Team, FOB Falcon, Iraq APO AE 09361

SUBJECT: Investigative AR 15-6 Report RE: Death of Local National Citizen.

1. Purpose. The purpose of this document is to report the investigating officers' findings and recommendations concerning the death of a local national in the vicinity of COP Blackfoot.

2. Summary.

- a) The 1st Platoon of Eagle Company returned to COP Blackfoot at 31 1604 DEC 07 after a combat patrol in (b)(2)High according to the command post log at Exhibit 7.
- b) SSG (b)(3),(b)(6), the Platoon Sergeant moved his Soldiers according to plan to the COP Blackfoot weapons range. His purpose was to confirm zeroes on rifles and to cross train Soldiers on the (b)(2)High (Exhibit 5c).
- c) 2nd Squad lead by SSG (b)(3),(b)(6) assumed positions in the Eastern portion of the building's 2nd floor. (Exhibit D)
- d) 3rd Squad lead by SSG (b)(3),(b)(6) assumed positions in the western portion of the building's 2nd floor. The (b)(2)High under the control of SSG (b)(3),(b)(6) was positioned on the third floor above the stairwell. SSG (b)(3),(b)(6) the 3rd Squad Leader, requested a "hot" status for the range at 1615. Eagle CP confirmed the range was "hot" at 1620. Squad leaders identified to each Soldier their targets to engage and their sectors of fire. Once their instruction was complete, the Soldiers began to confirm zero of their (b)(2)High weapons. (Exhibit E)
- e) At approximately 1630 the Command Post received a phone call from (b)(6) a Volunteer from the area, who reported that someone was shot just south of the COP firing range. The Eagle Company Command Post and the Sergeant of

CENTCOM 017965

CLASS A ACCIDENT (LN DEATH)_4-1ID_31DEC07_2-2SCR

IO)(3),(b)(

AFZN-BC

SUBJECT: Investigative AR 15-6 Report RE: Death of Local National Citizen.

the Guard directed a cease fire at approximately 1634. 1st PLT moved to verify the report. (Exhibit 7)

f) At 1650, 1st PLT departed COP Blackfoot and at approximately 1657 found the wounded local national. The platoon medic immediately checked the victim determining that he was not breathing nor had a pulse. There was a entry wound in the upper back and an exit wound near the left shoulder. (Exhibit 7)

g) At 1710, LT (b)(3),(b)(6) spoke to some near-by local nationals and gathered information on the deceased. 1st Platoon secured the local national's cell phone and the local national's 10,000 dinar. (Exhibit 7)

h) The Platoon turned the body over to (b)(6) to give to the family. (Exhibit 7)

3. Applicable Orders and Regulations.

(b)(2)High

4. Findings:

a) What are the Division, Corps and Army Standards for range certification and operation in MND-B?

(b)(2)High, Nonresponsive

AFZN-BC

SUBJECT: Investigative AR 15-6 Report RE: Death of Local
National Citizen.

(b)(2)High, Nonresponsive

b) What aspects of the COP Blackfoot Range did and did not
comply with the required range standards?

(b)(2)High, Nonresponsive

AFZN-BC

SUBJECT: Investigative AR 15-6 Report RE: Death of Local
National Citizen.

(b)(2)High, Nonresponsive

AFZN-BC

SUBJECT: Investigative AR 15-6 Report RE: Death of Local National Citizen.

(b)(2)High, Nonresponsive

c) Describe range operations and identify the personnel on the range and weapon systems used by each personnel on 31 December 2007.

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

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

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

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

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

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

(b)(2)High, Nonresponsive

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

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

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

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

AFZN-BC

SUBJECT: Investigative AR 15-6 Report RE: Death of Local National Citizen.

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

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

(b)(2)High, Nonresponsive

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

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

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

d) Specific findings regarding the cause of death of the local national found by E Company upon conclusion of the range operations on 31 December 2007: I find that it is probable that fire from COP Blackfoot's range inflicted the wound that killed the local national. Evidence that supports this assessment are:

- 1) Eagle Company had inadequate controls to prevent local national entry into this area. The local national reports indicate that the victim was traveling on foot in this area going to or returning from paying a bill;
- 2) Eagle Company found the local national (b)(2)High from the firing positions. The position of the local national's body was clearly within the SDZ of the range. His position was outside of unaided visual detection range. This deduction logically explains why no cease fire was given prior to the mortal wounding of the local national;
- 3) The nature of the wound to the local national is consistent with the weapons fired that day;
- 4) The ISV notified Eagle Company of the local national's wounding during the time in which Soldiers were firing on the range.

AFZN-BC

SUBJECT: Investigative AR 15-6 Report RE: Death of Local National Citizen.

5. Specific Findings and Recommendations Regarding Unit Leadership.

a) I find that Captain (b)(3),(b)(6) failure to certify this range constitutes simple negligence. (b)(5)

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

(b)(5)

1) Simple negligence is the absence of due care that is, an act or omission of a person who is under a duty to use due care which exhibits a lack of that degree of care of the safety of others which a reasonably careful person would have exercised under the same or similar circumstances.

2) Captain (b)(3),(b)(6) had a duty to adhere to the requirements of DA PAM 385-63 in operating a range on COP Blackfoot. He did not perform this duty due to his ignorance of the requirement. Diligence in executing this task could have prevented this incident.

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

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

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

(b)(5)

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

b) I find that LTC (b)(3),(b)(6) failed to ensure Captain (b)(3),(b)(6) performed Captain (b)(3),(b)(6) duty in certifying the range. LTC (b)(3),(b)(6) also failed to conduct risk management for the range - a specific duty assigned to battalion commanders in

AFZN-BC

SUBJECT: Investigative AR 15-6 Report RE: Death of Local National Citizen.

DA PAM 385-63. I believe that this failure constitutes simple negligence. (b)(5) (b)(3),(b)(6)

(b)(5)

c) I find that SSG (b)(3),(b)(6) (OIC), SSG (b)(3),(b)(6) (Range Safety Officer) and SSG (b)(3),(b)(6) (Range Safety Officer) operated an unsafe range. (b)(5)

(b)(5)

6. Additional Recommendations:

(b)(5)

7. The POC for this memorandum is the undersigned at 777-1065 or (b)(3),(b)(6), (b)(2)High@us.army.smil.mil.

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

LTC, IN
Investigating Officer

Exhibit I



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTINATIONAL DIVISION-BAGHDAD
FOB FALCON, BAGHDAD, IRAQ APO AE 09361
"DUTY FIRST"

AFZN-BC

8 January 2008

MEMORANDUM FOR LTC (b)(3),(b)(6) Headquarters and Headquarters
Company, 4th Infantry Brigade Combat Team, Multinational Division - Baghdad, FOB
Falcon, Baghdad, Iraq APO AE 09361

SUBJECT: Appointment of 15-6 Investigating Officer (RE: Death of Local National
Citizen)

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into circumstances surrounding the shooting death of an Iraqi Local National Citizen. The incident involved the use of the COP Blackfoot firing range by E Company, 2-2 SCR Soldiers and took place on 31 December 2007, at approximately 1630 hours in the vicinity of (b)(2)High Baghdad, Iraq.

2. Specifically, I want you to investigate the circumstances surrounding how the shooting occurred. You will also need to address the following:

a. What are the Division, CORPs, and Army standards for range certification and operation in MND-B?

b. Identify what aspects of the COP Blackfoot range did and did not comply with the required range standards.

c. What is the proper approval process for range operations in MND-B? (identify the process and approval authorities for range establishment, range personnel qualifications, and range operations).

d. Identify what aspects of the COP Blackfoot range did and did not comply with the appropriate range approval process.

e. Describe the range operations on COP Blackfoot on 31 December 2007. Provide storyboards that show the orientation of the weapon systems and show the relationship between the range and the body of the local national.

f. Identify the personnel on the range and weapon systems used by each personnel on 31 December 2007.

g. Make specific findings regarding the cause of the death of the local national found by E Company upon conclusion of the range operations on 31 December 2007.

CENTCOM 017973

CLASS A ACCIDENT (LN DEATH)_4-1ID_31DEC07_2-2SCR

IO)(3)(b)(

AFZN-BC

SUBJECT: Appointment as 15-6 Investigating Officer (RE: Death of Local National Citizen)

3. This duty takes precedence over all other duties until you complete your investigation. Upon receipt of this memorandum, promptly contact the Brigade Judge Advocate, Major (b)(3),(b)(6) / Room 207, 4th IBCT Headquarters Building, FOB Falcon, to receive advice on how you should conduct the investigation under AR 15-6.

4. In your investigation, you must follow the informal procedures described in AR 15-6. I want you to thoroughly investigate this matter and any matters that arise in the course of your investigation. You will interview all witnesses and parties connected with this incident. Pursuant to AR 15-6, paragraph 3-1, and UCMJ, Article 136, you have the authority to administer oaths to witnesses interviewed. Your report will include sworn statements on DA Forms 2823 taken from all relevant sources with knowledge of the incident and the surrounding circumstances.

5. If, when interviewing any Soldier, you reasonably suspect that the individual has committed an offense in violation of the Uniform Code of Military Justice (UCMJ), you must advise that Soldier of his/her rights under Article 31, UCMJ, before asking any further questions. You will use a DA Form 3881 to advise such suspects of their Article 31(b) rights. If you have questions on this issue, consult with the Brigade Judge Advocate.

6. You should secure copies of any documents that might substantiate or refute the testimony of the complainant, alleged perpetrator(s), or named witnesses, and include these documents in your final report.

7. When you complete your investigation, you should review the evidence, determine if the investigation adequately addresses the allegations, and make specific findings and recommendations regarding the matters outlined in paragraphs 1 & 2. Your recommendations should include ways, if applicable, to correct systematic, procedural, or training problems contributing to the shooting and death of the local national citizen. When writing your findings, you will need to cite the evidence that supports your findings. You should also attempt to reconcile any conflicting evidence or conflicting statements and identify whom you believe and why.

8. You must provide a Privacy Act statement to a witness if the report of proceedings will be filed in a system of records from which it can be retrieved by reference to the name or other personal identifier of that witness. AR 15-6, Appendix B provides guidance for preparing Privacy Act statements. If any questions arise regarding the need for a Privacy Act statement, consult with the Brigade Judge Advocate.

AFZN-BC

SUBJECT: Appointment as 15-6 Investigating Officer (RE: Death of Local National Citizen)

9. You will thoroughly investigate the above matter and make every effort to obtain the evidence in a timely fashion. Submit your findings and recommendations on DA Form 1574 through the Brigade Judge Advocate to this office within 10 days of receipt of this memorandum. If you need additional time, I must personally approve the extension.

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

COL, IN
Commanding



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTINATIONAL DIVISION-BAGHDAD
FOB FALCON, BAGHDAD, IRAQ APO AE 09361
"DUTY FIRST"

AFZN-BC

4 January 2008

MEMORANDUM FOR MAJ (b)(3),(b)(6) Headquarters and Headquarters Company,
2nd Squadron, 2nd Stryker Cavalry Regiment, 4th Infantry Brigade Combat Team,
Multinational Division - Baghdad, FOB Falcon, Baghdad, Iraq APO AE 09361

SUBJECT: Appointment of 15-6 Investigating Officer (RE: Death of Local National
Citizen)

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into circumstances surrounding the shooting death of an Iraqi Local National Citizen. The incident involved the use of the COP Blackfoot firing range by E Company, 2-2 SCR Soldiers and took place on 31 December 2007, at approximately 1630 hours in the vicinity of (b)(2)High Baghdad, Iraq.
2. Specifically, I want you to investigate the circumstances surrounding how the shooting occurred. You will also need to address the following:
 - a. Was the firing range located at COP Blackfoot properly inspected and cleared for the caliber of weapons being fired.
 - b. Where was the unit directing and firing their weapons.
 - c. Were proper procedures followed on the range, and whether OPTEMPO may have contributed to this event.
 - d. When and where did this event happen, and who was involved.
3. This duty takes precedence over all other duties until you complete your investigation. Upon receipt of this memorandum, promptly contact the Brigade Judge Advocate, Major (b)(3),(b)(6) / Room 207, 4th IBCT Headquarters Building, FOB Falcon, to receive advice on how you should conduct the investigation under AR 15-6.
4. In your investigation, you must follow the informal procedures described in AR 15-6. I want you to thoroughly investigate this matter and any matters that arise in the course of your investigation. You will interview all witnesses and parties connected with this incident. Pursuant to AR 15-6, paragraph 3-1, and UCMJ, Article 136, you have the authority to administer oaths to witnesses interviewed. Your report will include sworn statements on DA Forms 2823 taken from all relevant sources with knowledge of the incident and the surrounding circumstances.

CENTCOM 017976

AFZN-BC

SUBJECT: Appointment as 15-6 Investigating Officer (RE: Death of Local National Citizen)

5. If, when interviewing any Soldier, you reasonably suspect that the individual has committed an offense in violation of the Uniform Code of Military Justice (UCMJ), you must advise that Soldier of his/her rights under Article 31, UCMJ, before asking any further questions. You will use a DA Form 3881 to advise such suspects of their Article 31(b) rights. If you have questions on this issue, consult with the Brigade Judge Advocate.
6. You should secure copies of any documents that might substantiate or refute the testimony of the complainant, alleged perpetrator(s), or named witnesses, and include these documents in your final report.
7. When you complete your investigation, you should review the evidence, determine if the investigation adequately addresses the allegations, and make specific findings and recommendations regarding the matters outlined in paragraphs 1 & 2. Your recommendations should include ways, if applicable, to correct systematic, procedural, or training problems contributing to the shooting and death of the local national citizen. When writing your findings, you will need to cite the evidence that supports your findings. You should also attempt to reconcile any conflicting evidence or conflicting statements and identify whom you believe and why.
8. You must provide a Privacy Act statement to a witness if the report of proceedings will be filed in a system of records from which it can be retrieved by reference to the name or other personal identifier of that witness. AR 15-6, Appendix B provides guidance for preparing Privacy Act statements. If any questions arise regarding the need for a Privacy Act statement, consult with the Brigade Judge Advocate.
9. You will thoroughly investigate the above matter and make every effort to obtain the evidence in a timely fashion. Submit your findings and recommendations on DA Form 1574 through the Brigade Judge Advocate to this office within 14 days of receipt of this memorandum. If you need additional time, I must personally approve the extension.

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

COL³(t)IN
Commanding



DEPARTMENT OF THE ARMY
BRIGADE OPERATIONAL LAW TEAM
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
FOB FALCON, IRAQ APO AE 09361

REPLY TO
ATTENTION OF:

AFZN-BC-JA

17 January 2008

MEMORANDUM FOR COMMANDER, 4 IBCT, MND-B, FOB Falcon, Iraq APO AE 09361

SUBJECT: Legal Review of AR 15-6 Investigation Re: Alleged Accidental Shooting of a Local National by Personnel on the 2-2 SCR COP Blackfoot Range

1. Legal Review. In accordance with AR 15-6, paragraph 2-3(b), I have reviewed the AR 15-6 investigation into the facts and circumstances involving the alleged accidental shooting of a local national by Personnel on the 2-2 SCR COP Blackfoot Range on 31 December 2007. I make the following determinations:

a. The investigation complies with the legal requirements under AR 15-6. The brigade commander decided to switch IOs in this case from MAJ (b)(3),(b)(6), 2-2 SQDN XO, to LTC (b)(3),(b)(6) Brigade DCO, due to the possibility of SQDN CDR responsibility for the range.

b. Errors in the investigation, if any, do not have a material adverse effect on any individual's substantial rights as related to an informal AR 15-6 investigation.

c. Sufficient evidence supports the findings for an informal AR 15-6 investigation with these additional considerations:

1) Conflicting evidence exists to identify the true cause of the local national's death.

a) Some evidence exists that a source other than a round from the range could have killed the local national. For example, SPC (b)(3),(b)(6) the medic who examined the body, indicates in his statement that the local national's skin was already cool to the touch, that the body seemed bloated, and that the local national's head did not touch the ground when SPC (b)(3),(b)(6) examined the body. Mr. (b)(6) the unit's local sphere of influence who reported the body, also informed the unit that he received a report about the body at approximately 1610, which would have been 10 minutes before the range ever started. These factors indicate that the local national may have been killed earlier in the day by someone other than COP Blackfoot range personnel.

b) On the other hand, SPC (b)(3),(b)(6) also notes that the local national's limbs were quite flexible. This factor combined with the points highlighted by the IO support the IOs finding that a round from the range "probably" killed the local national.

CENTCOM 017978

2) I did contact (b)(3),(b)(6), the (b)(3),(b)(6) at FOB Liberty, directly following this incident. At that time, the brigade did not have any indication of criminal misconduct or criminal negligence regarding the case. The unit also turned the body immediately over to the local nationals for burial. The unit did not find a bullet and the injuries on the body indicated that the bullet passed clean through the local national's body. Therefore, CID did not have a bullet for forensics testing, and the investigating officer had already collected statements from everyone at the range. As a result, no reason existed for CID to launch into a criminal investigation.

3) Although the IO finds that particular individuals were negligent in the operations of this range, this case does not satisfy the elements of negligent homicide, especially beyond a reasonable doubt.

a) As noted above, some facts do exist that indicate that the death may have occurred prior to the operation of the range.

b) The proof of simple negligence as related to the death in this case will be greatly contested, especially when this range is compared to other US ranges and test fire areas operated in Iraq. Additionally, range establishment at home stations is an installation function, and a commander is normally only responsible for the execution of the range.

c) The case also comes with strong mitigation for the leaders involved with the range. For example, the commander did not have a criminal intent behind the range but instead was trying to ensure that his unit maintained their weapons proficiency. The commander had also taken several steps to increase the safety of the range.

d. The recommendations are consistent with the findings. In this case, the

(b)(5)

2. Appointing Authority Action. In accordance with AR 15-6, paragraph 2-3(a), the appointing authority is neither bound nor limited by the findings or recommendations of an investigation. Accordingly, the appointing authority may take one of several actions in this case:

a. Adopt the findings and recommendations as they are and take action not inconsistent with the recommendations.

b. Require the investigating officer to conduct a further investigation and resubmit findings of fact and recommendations.

AFZN-BC-JA

SUBJECT: Legal Review of AR 15-6 Investigation Re: Alleged Accidental Shooting of a Local National by Personnel on the 2-2 SCR COP Blackfoot Range

4. The POC for is the undersigned at sVOIP: 777-1189 or
(b)(3),(b)(6), (b)(2)High@4bct1id.army.smil. mil. Please call if there are any questions.

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

MAJ, JA
Brigade Judge Advocate



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTINATIONAL DIVISION-BAGHDAD
FOB FALCON, BAGHDAD, IRAQ APO AE 09361
"DUTY FIRST"

AFZN-BC

22 January 2008

MEMORANDUM FOR Commander, 4th Infantry Division & Multi-National Division-
Baghdad, FOB Liberty, Baghdad

SUBJECT: Recommendations on the Investigation Regarding the 2-2 SCR COP
Blackfoot Range

1. The purpose of this correspondence is to provide you with my recommendations regarding the investigation concerning the local national body found in the vicinity of the 2-2 SCR's COP Blackfoot Range on 31 December 2007.

2. Findings. I recommend that you (b)(5)

(b)(5)

3. Recommendations. I recommend that you (b)(5)

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

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

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

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

(b)(5)

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

4. Please refer any questions or concerns to Major (b)(3),(b)(6) 4-1 ID Brigade
Judge Advocate, at 777-1150 or b)(3),(b)(6), (b)(2)Higl@4bct1id.army.smil.mil.

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

COL, IN
Commanding

CENTCOM 017982

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL (b)(3),(b)(6) _____
 (Appointing authority)

on 8 JAN 2008 _____ (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
 (Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB FALCON, IRAQ at 0900
 (Place) (Time)

on 9 JAN 2008 (if a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1200 on 13 Jan 08
 (Time) (Date)

and completed findings and recommendations at 1200 on 14 Jan 08
 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

YES NO ^{1/} NA ^{2/}

- ^{1/} Inclosures (para 3-15, AR 15-6)
- Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)
- a. The letter of appointment or a summary of oral appointment data? _____
 - b. Copy of notice to respondent, if any?(See item 9, below) _____
 - c. Other correspondence with respondent or counsel, if any? _____
 - d. All other written communications to or from the appointing authority? _____
 - e. Privacy Act Statements (Certificate, if statement provided orally)? _____
 - f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? _____
 - g. Information as to sessions of a formal board not included on page 1 of this report? _____
 - h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? _____

(b)(2)High

^{1/} Explain all negative answers on an attached sheet.

^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

2	Exhibits (para 3-16, AR 15-6)	YES	NO	1	NA	2
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?					
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?					
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?					
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?					
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?					
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?					
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?					
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?					
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)						
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?					
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?					
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?					
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?					
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?					
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)						
9	Notice to respondents (para 5-5, AR 15-6):					
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?					
	b. Was the date of delivery at least five working days prior to the first session of the board?					
	c. Does each letter of notification indicate —					
	(1) the date, hour, and place of the first session of the board concerning that respondent?					
	(2) the matter to be investigated, including specific allegations against the respondent, if any?					
	(3) the respondent's rights with regard to counsel?					
	(4) the name and address of each witness expected to be called by the recorder?					
	(5) the respondent's rights to be present, present evidence, and call witnesses?					
	d. Was the respondent provided a copy of all unclassified documents in the case file?					
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?					
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):					
	a. Was he properly notified (para 5-5, AR 15-6)?					
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?					
11	Counsel (para 5-6, AR 15-6):					
	a. Was each respondent represented by counsel?					
	Name and business address of counsel:					
	(If counsel is a lawyer, check here <input type="checkbox"/>)					
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?					
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?					
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):					
	a. Was the challenge properly denied and by the appropriate officer?					
	b. Did each member successfully challenged cease to participate in the proceedings?					
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):					
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?					
	b. Examine and object to the introduction of real and documentary evidence, including written statements?					
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?					
	d. Call witnesses and otherwise introduce evidence?					
	e. Testify as a witness?					
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?					
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?					
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?					
FOOTNOTES: 1/ Explain all negative answers on an attached sheet. 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.						

(b)(2)High

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board) , having carefully considered the evidence, finds:

SEE ATTACHED MEMORANDUM

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

SEE ATTACHED MEMORANDUM

**Local National Death
Vicinity COP Blackfoot's Weapon Range
AR 15-6 Investigation**

TABLE OF CONTENTS

1. APPOINTMENT MEMORANDUM
2. EVENT STORYBOARD
3. SIR
4. RANGE LAYOUT
5. SWORN STATEMENTS & DIAGRAMS (EXHIBITS A-G)
 - EXHIBIT A –
 - EXHIBIT B – CPT (b)(3),(b)(6) Commander Eagle Company
 - EXHIBIT C – SSG (b)(3),(b)(6) Acting Platoon Sergeant, 1st PLT, Eagle Company
 - EXHIBIT D – SSG (b)(3),(b)(6) Squad Leader 2nd SQD, 1st PLT, Eagle Company
 - EXHIBIT E – SSG (b)(3),(b)(6) Squad Leader 3rd SQD, 1st PLT, Eagle Company
 - EXHIBIT F – SGT
(b)(3),(b)(6)
 - EXHIBIT G – SGT
6. 2d SQDN RSO/OIC CERTIFICATION
7. EAGLE Company 2d SQDN Command Post Events Log
8. EXCERPTS FROM DA PAM 385-63

(b)(2)High

9. FRAGO_215 [10 AUG 05 DTU] TO MNC-I OPORD 05-02 PARA 2.E.3.A.4. Range Packets Requests
10. STANDARD FORM 600. Chronological Record of Medical Care.

CENTCOM 017988