

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 LTC (P) (b)(3), (b)(6) CDR, 1-17 IN REGT
(Appointing authority)

on 25 July 2006 *(Date)* *(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)*

SECTION II - SESSIONS

The *(investigation) (board)* commenced at FOB MAREZ, IRAQ at _____
(Place) (Time)

on 26 July 2006 *(Date)* *(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.)*

CPT (b)(3), (b)(6) Investigating Officer

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 1900 on 26JUL05
(Time) (Date)
 and completed findings and recommendations at 2300 on 260JUL05
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1	Inclosures <i>(para 3-15, AR 15-6)</i>			
	Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements <i>(Certificate, if statement provided orally)?</i>			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i>			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board?			X

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.

005404

		YES	NO ¹⁾	NA ²⁾
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?		X	
	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?	X		
	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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
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.

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

The *(investigating officer) (board)*, having carefully considered the evidence, finds:
See attached Memorandum for Record, dated 26 July, 2006, paragraph 3 a.

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

In view of the above findings, the *(investigating officer) (board)* recommends:
See attached Memorandum for Record, dated 26 July, 2006, paragraph 3 b.

005406

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)

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.)

005407

Pages 5 through 6 redacted for the following reasons:

(b)(5)

Serious Incident Report

Subject: SIR Number *(WILL BE PROVIDED BY G3 OPS)*

1. Category:

2. Type of Incident: 1 X EOF LNs KIA

3. Date/Time of Incident: 220729JUL06

4. Location: (b)(2)High

5. Other Information:

6. Personnel Involved:

a. Subjects Name: (b)(3), (b)(6)

- 1. Pay Grade: PFC**
- 2. SSN:** (b)(3), (b)(6)
- 3. Race:** (b)(6)
- 4. Position: REAR SAW GUNNER**
- 5. Security Clearance: SECRET**
- 6. Units and Station of Assignment: 2/C/1-17**
- 7. Duty Status: ACTIVE**

b. Subjects Name: (b)(3), (b)(6)

- 1. Pay Grade: SGT (P)**
- 2. SSN:** (b)(3), (b)(6)
- 3. Race:** (b)(6)
- 4. Position: BRAVO TEAM LEADER / 1ST SQD**
- 5. Security Clearance: SECRET**
- 8. Units and Station of Assignment: 2/C/1-17**
- 9. Duty Status: ACTIVE**

7. Summary of Incident: 220729JUL06: 2/C CONDUCTED EOF ON A (b)(6) (b)(6) IN THE AL FAROUK NEIGHBORHOOD (b)(2)High (b)(2)High ELEMENT WAS CONDUCTING A DISMOUNTED PATROL AT THE TIME ON (b)(2)High ALLEY WAYS IN THAT NEIGHBORHOOD. AT APPROXIMATELY (b)(2)High ELEMENT TRIED YELLING AT THE LN TO GET HIM TO STOP. AT (b)(2)High ELEMENT CONTINUED TO (b)(2)High TO STOP. AT (b)(2)High ELEMENT (b)(2)High (b)(2)High TRYING TO GET THE VEHICLE TO STOP. AT APPROXIMATELY (b)(2)High THE VEHICLE DID NOT DEVIATE FROM ITS COURSE. ELEMENT THEN SWITCHED TO LETHAL FIRES AND KILLED THE 1 X LN (b)(6) IN THE VEHICLE. OTHER CONTRIBUTING FACTORS TO THE EOF, VEHICLE WAS A BOLO VEHICLE WITH (b)(2)High AT NO TIME DID THE VEHICLE SLOW DOWN UNTIL LETHAL FIRES WERE TAKEN. THERE WERE ALSO NO OTHER LN's IN THE

VICINITY AND THE SHOPS WERE CLOSED IN THE AREA IN AN OTHERWISE FAIRLY BUSY RESIDENTIAL NEIGHBORHOOD. ELEMENT CONDUCTED SSE ON THE VEHICLE WITH NEGATIVE RESULTS. X-SPRAY TESTS ON THE INDIVIDUAL AND VEHICLE WERE NEGATIVE. ELEMENT MOVED THE BODY TO THE SIDE OF THE ROAD AT (b)(2)High AND REQUESTED JCC TO RECOVER THE VEHICLE. ELEMENT MOVED BODY TO THE AL JAMOURI MORGUE AND FILED A POLICE REPORT WITH THE AL JAMOURI IP STATION. ELEMENT REQUESTED THE AL JAMOURI IP's CONTACT 1W WITH PHONE NUMBER OF FAMILY AFTER THEY SHOW UP TO CLAIM THE BODY TO FACILITATE ANY FURTHER ACTIONS. NO BDA NO CAS. NFTR.

Remarks. A 15-6 WILL BE INITIATED. PLATOON IS CONDUCTING FOLLOW UPS IOT LOCATE THE LN's RESIDENCE FOR CONDOLENCE PAYMENT.

9. Publicity:

10. Command Reporting: TF 1-17 IN BN

11. POC: 1-17 BTL CPT, (b)(2)High

12. Downgrading Instructions:

13. Approved/Released By: LTC (b)(3), (b)(6) BN XO