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 GEN Stanley A. MCChrystal, Cdr, ISAF / USFOR-A
(Appointing authority)

on 13 Oct 09 *(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 Washington, DC *(Place)* at 1500 hours *(Time)*

on 13 Oct 09 *(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.)*

MG Guy Swan, Investigating Officer
COL Legal Advisor
LTC (b)(6) Assistant investigator

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 _____ *(Time)* on 2 Nov 09 *(Date)*

and completed findings and recommendations at _____ *(Time)* on 3 Nov 09 *(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?	☐	☐	☒

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.

		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?	☒	☐	☐
	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 ☐)			
	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.

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

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

See attached memorandum.

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.)*

(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.)*