

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION FOB Fenty, Afghanistan	2. DATE (YYYYMMDD) 2009/10/03 (b)(3), (b)(6)	3. TIME 2000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS MAJ	
8. ORGANIZATION OR ADDRESS HHC, TF Mountain Warrior, 4-4IBCT, FOB Fenty, Afghanistan			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. What is the nature and extent of loss of personal equipment?

Soldiers from COP Keating essentially lost all of their personal items. The fires that resulted from the insurgent attacks on 3 October 2009 evidently burned all but one of the structures on the COP. Many of the Soldiers were left with simply the clothes on their backs. The majority of Soldiers had personal items, such as, laptop computers, iPods, portable gaming devices, and cameras.

2. What personal claims, if any, were paid as a result of combat actions on COP Keating on 3 Oct 09?

The need to pay claims was immediately recognized by TF Mountain Warrior. A special claims team from the Brigade Legal Office was sent to FOB Bostick a few days after the incident. The team prepared all the paperwork necessary for Soldiers to file their claims in advance of meeting with the Soldiers. The process was streamlined. The Soldiers simply need to explain what items they had lost. The team found all the prices of the lost items. The team then prepared the paperwork for the Soldiers to sign. The claims were immediately shipped back to Fort Carson. Fort Carson's claims office had established a special team themselves to quickly input and adjudicate all of the claims. The claims were processed and approved in just a few days. Fort Carson had not yet received funds for their claims budget (as the fiscal year 2010 Defense Budget has not yet been passed), but they requested special permission to pay the claims. The U.S. Army Claims Service agreed that the circumstances warranted an emergency push of funds. Thus, Fort Carson was provided special funds to pay the COP Keating claims. The initial forty-three claims were processed on 23 October 2009. The total of those claims was roughly \$105,000. Soldiers should be receiving the payment directly deposited into their bank accounts in the next week.

3. Were any Law of Armed Conflict or observed during this engagement? If so, by whom and what were the specific violations? Did the AAF attack the COP from inside Mosques or other protected buildings (e.g., schools, hospitals)?

I am unaware of any specific law of armed conflict violations. I have heard and did see in various reports that AAF did attack our forces from within mosques.

4. What permissions did the unit and/or command seek prior to engaging the mosque?

The unit on the ground is able to return fire, even into a mosque, under the ROE for self-defense. I am not aware of any requests of permission that the command sought before engaging the mosque with ground forces. I have heard that aviation assets may have engaged the mosque as well. My understanding is that the aviators sought permission from LT (b)(3), (b)(6) the 3-61 Commander.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF MAJ (b)(3), (b)(6) TAKEN AT FOB Fenty DATED 1 NOV 2009

9. STATEMENT (Continued)

[The main body of the statement is crossed out with a large diagonal line.]

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

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of November, 2009 at FOB Fenty, Afghanistan

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

Oath

CPT

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

JA

(I type name of Person Administering Oath)

Article 136 UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES