

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 BOSTICK, AFGHANISTAN	2. DATE (YYYYMMDD) 2009/10/21	3. TIME 1310	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E7/AD	
8. ORGANIZATION OR ADDRESS TRP B, 3RD SQN-61ST CAV REGT, 4IBCT-4ID, APO AE 09354			

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

1. WHAT IS YOUR DUTY POSITION? Platoon Sergeant for 3rd Platoon B Troop 3-61 CAV 4-4 ID

2. HOW LONG HAVE YOU BEEN IN THE ARMY? HOW LONG IN COUNTRY FOR THIS DEPLOYMENT? In the Army 17 years and I have been in Afghanistan for 5 months.

3. DO YOU HAVE PRIOR COMBAT DEPLOYMENTS? IF SO, WHEN AND WHERE? Bosnia (IFOR) 1995? Iraq 2003?

4. WHERE WAS YOUR BATTLE POSITION ON 3 October 2009 AT COP KEATING? Blue Platoon Barracks, TOC, Aid Station, Shura Building, DFAC, and Red Barracks.

5. WHAT WERE YOUR ACTIONS DURING THE FIGHT? On the morning of 3 OCT 2009, we were awoken by a incoming round. I woke up ensuring that everyone was gearing up and getting ready to push ammo and supplies to the trucks that were on force protection and stand to. During this time we were being engaged with an extreme amount of machine gun fire, sniper fire, incoming, and B-10 rounds. My actions were to get the soldiers of Blue platoon to reinforce and re-supply the trucks in the fight. We were pinned down at times but under heavy fire we had got to the trucks. I went to the TOC to give a situation report telling them that we were getting fire from all sides and it was very heavy. I then ran to the Shura building with SGT Kirk to help out with the fight, once we got to the Shura building I had turned back to get the ASP unlocked, once I turned back the Shura building was hit very hard by several RPG rounds and B-10 rounds. I then bypassed the ASP and went back to the blue barracks to get more men to get to the Shura building to get casualties and more soldiers into the fight. Once getting to the barracks, some of my soldiers were returning from re-supplying the trucks with multiple shrapnel wounds, I then called B Troop Xray on the radio and alerted then that the Shura building had been hit hard and needed soldiers for the casualties and defensive measures. I immediately started first aid on SG (b)(3), (b)(6) and SG (b)(3), (b)(6) then sent them back out to continue the fight along with SPC Scusa and SP (b)(3), (b)(6) PC Scusa was hit by sniper fire in the neck killing him instantly, SP (b)(3), (b)(6) was hit with grazing fire to the back. SP (b)(3), (b)(6) crawled back to the barracks and I gave him first aid, SG (b)(3), (b)(6) and SG (b)(3), (b)(6) grabbed smoke grenades to conceal their move to get SPC Scusa to the AID station. Once they did, they then, along with SP (b)(3), (b)(6) moved to the ASP to get it open. I then moved back to the TOC to give another situation report. We were getting reports that the AAF were in the camp coming in through the ECP and the ANA camp. I then moved soldiers to secure the East side of the camp to prevent AAF from further access. We also learned then that the ANA soldiers abandoned their post and were hiding in the buildings. I could only account for 5 ANA which were wounded or hiding through out the camp. They were also caught going through the barracks during the fight and stealing US Soldiers personal effects. The Latvian ETT team was doing everything in the power to get the remaining ANA to move to their positions and fight but the ANA commander refused. I then moved with a M240 and small team to secure the South end of the COP. I was stopped short by machine gun fire hitting the ground. I then set up a defensive position. I heard over the radio that we had friendlies moving to the north so I shot over 500 rounds of cover fire with the M240 to cover their move. I then had SG (b)(3), (b)(6) place me so I could get to the Aid station to get an assessment of our KIA and wounded. Once I got there and got accountability along with SSG (b)(3), (b)(6) planned to retake the COP. We then bounded to the west moving up to and clearing the ASP and Shura building. (CONTINUED)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>3</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 SFC (b)(3), (b)(6) TAKEN AT FOB BOSTICK DATED 2009/10/21

9. STATEMENT (Continued)

(CONTINUATION) We then moved and bounded to recover our KIAs (SGT Martin and SSG Gallegos). Once we secured the KIAs and we had elements holding the Shura building, I moved back to the Aid station. I then moved a team along with the Latvians to help reinforce the south and push west. I then picked up the M240 to cover their move and shot towards the switchbacks killing one AAF behind the maintenance shack. I then picked up the Latvian Sniper rifle and was scanning the North Face finding movement. I then knew it was the sniper threat and killed him. I then was moving to and from all positions to ensure they were OK and were in good positions to fight from. I then went to the TOC to give and receive situation reports. We are now basically hunkering down and listening to the bomb drops and awaiting the QRF. Once the QRF was on COP Keating, they alerted us that they had found SPC Hardt's body. I then gathered a team to recover his body. That night we then did LZ security and getting the wounded and KIAs evacuated. The next day I inspected every soldier for injuries and inspected every soldiers' weapon and kit ensuring they were ready to fight. We then had a mission to walk the camp to look for anything that would be good intelligence and sensitive items. We then set up a sweep team to go through the town of Urmal looking for more intelligence. During both sweeps, we found several dead AAF and paperwork that we turned over to the S-2. We were then waiting for more helicopters to evacuate our equipment and soldiers.

6. WHAT VULNERABILITIES DID YOU SEE OR FEEL AT COP KEATING? A COP in a bowl with very high ground all around, to many locals working on the COP, ANA were no use at all

7. WHAT WAS FIRST ENEMY ACTION YOU SAW? WHERE WERE YOU, AND WHERE DID YOU MOVE? An incoming round by the Blue barracks, I moved to the TOC after giving instructions to my soldiers.

8. WAS ANYONE NEAR YOU WOUNDED OR KILLED? WHO, AND WHAT WAS THE NATURE OF INJURIES? WHAT WAS HE WEARING AT THE TIME? WAS HE WEARING HIS FULL BATTLE GEAR? SPC Scusa was killed by sniper fire to the neck. He was in full kit - ACH, IOTV, eyepro etc. The only thing he might not have had on was his ACU top.

9. DID YOU HAVE EXPERIENCE WITH THE ANA? HOW EFFECTIVE WAS THE WORKING RELATIONSHIP WITH ASSIGNED ANA/ANP ELEMENTS? No working relationship, 0% Effectiveness, The ANP, ASG, and ANA that were there left their post.

10. DID YOU INTERACT WITH THE LOCAL COMMUNITY? HOW WERE YOU RECEIVED BY THE LOCALS? Unknown no interaction with the locals.

11. ARE YOU AWARE OF ANY WEAPON MALFUNCTION DURING THE ATTACK? There were no malfunctions that I know of. The only ones I know of that were damaged were due to enemy fire. All personal weapons worked flawlessly.

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF SFC (b)(3), (b)(6) TAKEN AT FOB Bostick DATED 2009/10/21

9. STATEMENT (Continued)

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

AFFIDAVIT

I, SFC (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21st day of October, 2009 at FOB BOSTICK, AFGHANISTAN, APO AE 09354

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

ORGANIZATION OR ADDRESS

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

CPT

JA

(Typed Name of Person Administering Oath)

Article 136 UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Page 4 redacted for the following reason:

(b)(2)High and (b)(1)1.4a, c and g applies.