

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) 2009/10/19	3. TIME 1450	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS BRAVO TROOP, 3-61 CAV			

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

1. What is your duty position?

A. I'm a 240 gunner for Bravo section 1st platoon.

2. How long have you been in the Army? How long in country for this deployment?

A. I have been in for 4 years and 7 months. I have been in Afghanistan for almost five months now.

3. Do you have prior combat deployments? If so where and when.

A. I have one Prior deployment to Mosul Iraq. We got there in Oct 2005 and left Oct 2006.

4. Where was your battle position on 3 Oct 09 at COP Keating?

A. My original position was to go to stand 2 truck 1 (located as southernmost position of COP facing North) and help out the gunner that was there. As the fight progressed I was part of the assaulting force that took the COP back, so I was all over the battlefield once we started doing that.

5. What were your actions during the fight?

A. At first I was helping stand 2 truck 1 (located on the south east side of the cop about midway between points 13 and 16 backed up against the wall). reload his .50 cal and also providing covering fire for his six (his rear) because we didn't have any other positions behind that truck and it was pretty much on the edge of the COP. Once we ran out of ammo I ran to grab somebody to help me carry .50 ammo back up there and got pinned down right outside the barracks. Once we regrouped and were able to hold them off I became part of the part of the 6-man team to drive the AAF off of the COP and as far back as possible. We started at the aid station and pushed up to the ammo supply point (ASP). Once we got there myself and SSG(b)(3), (b)(6) cleared the ASG commanders little hut and SSG(b)(3), (b)(6) setup security around the ASP. I went up to the fighting position that we had right next to the ASP that looked up the river where we had put our 240 gunner (located at point 6 on the map). He had said that there was an RPK position set up over by the ANP checkpoint and they had good cover so we sat there for a little bit waiting for them to start firing and two guys got up to run and I shot the first one and PF(b)(3), (b)(6) the second one. I then started marking the area with smoke from my 203 for CCA to see so they could hit because we didn't have a good angle to actually hit the position. We were taking sniper fire from up on the north face at the same time so I grabbed an AT4 from the ASP and launched it at the position I had thought he was at. Not sure if I killed him or not but we didn't take anymore sniper from there then about 5 min later we started taking automatic machine gun fire from the diving board (terrain feature southeast of the COP) so I got another AT4 from the ASP and hit the machine gun nest. SSG(b)(3), (b)(6) then put SP(b)(3), (b)(6) up to help support the 240 gunner at the fighting position, shortly after that he started yelling that somebody was walking up on him and SSG(b)(3), (b)(6) and myself started yelling shoot him and right at that point an enemy fighter had beat SP(b)(3), (b)(6) to it and shot him in the arm. The 240 gunner then shot the enemy fighter. (CONTINUED)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>1</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 SPC (b)(3), (b)(6) TAKEN AT FOB Fenty DATED 2009/10/19

9. STATEMENT (Continued)

(CONTINUATION)

Once we realized they were trying to make another push to get into the COP, myself and SSG(b)(3), (b)(6) started throwing grenades over the hesco barriers to prevent them from further entering or getting any closer to the ECP. After that SSG(b)(3), (b)(6) went back to the TOC and him and the other PLT SGT (b)(3), (b)(6) and the LT (b)(3), (b)(6) hashed out a plan to take back the rest of the COP. He then came back and told us what was going to happen. Our job was to take back the ASP and shura building (ECP) while Blue PLT gave us covering fire. We waited for the covering fire and I stepped out and put a 203 through the door of the shura building. We then rushed up and SPC(b)(3), (b)(6) prayed about 200 hundred rounds into the shura building and we entered. Once we got in we discovered a PKM leaning against the ECP side door but there was no body that we found in that particular area. Once inside the shura building we started taking heavy machine gun fire and RPG fire from all over the village of Irmul. SSG(b)(3), (b)(6) tried calling in a fire mission as best he could from the door way of the ECP but it wasn't too accurate. At about that point, air assets checked back on station and began firing on the village. And we started getting a lot more and accurate bomb drops which helped a lot and prevented them from regrouping and sending a second wave. Shortly after we got word that SG(b)(3), (b)(6) and PF(b)(3), (b)(6) were still alive and had SPC Mace up near a HMMWV (LRAS 2) and asked if he could provide covering fire so that they could bring SPC Mace down to the aid station because he was wounded pretty badly. And of course we said yes so we timed it with a bomb drop on Irmul village. Once it hit, all 6 of us started firing everything we had into everything we could. They made it down into the aid station and I went to see how SG(b)(3), (b)(6) and SPC Mace were doing. SG(b)(3), (b)(6) was fine so I grabbed him up and took him back to the shura building. He then informed us that he knew where a few U.S. KIAs were so we spent about the next 2 hours pushing out and recovering bodies and bringing them back to the aid station. Myself and SG(b)(3), (b)(6) recovered SPC Griffins body from behind the shura building between points 10 and 1 on the where the truck is located on the map. Griffins was wearing a tan T-shirt, PT shorts, and running shoes. He was wearing all his PPE. He was assigned to the platoon that had the mission to go out on patrol that night It had appeared he had been shot in the head. We found SGT Martins body underneath the laundry trailer (about 5 meters from point 14 on the map) with wounds to his leg which he had appeared to patch up himself and a bullet hole in the back of his head. SGT Martins was wearing his ACUs and all of his PPE. We found SGT Gallegos's body on the backside of the latrine (about 10 meters north of point 14 on the map). It appeared SGT Gallegos had died as the result of an RPG explosion. SGT Gallegos was wearing ACUs and all of his PPE. Once all that was done we got word that QRF was on the way and would be there in about an hour so we just hunkered down and waited for them to show up.

7. What was the first enemy action you saw? Where were you and where did you move.

A. I was sleeping when the first rounds impacted. The first stuff that I actually saw was indirect fire, RPG and machine gun fire up at truck 1 and I basically stayed there to continue to reload. The way stand to worked is the platoon that was on patrols for that week would man the stand to positions during stand to hours along with the usual COP defense positions. There were two scout platoons on the COP and we were on force pro that week so Blue Plt manned the stand to positions.

8. Was anyone near you wounded or killed? Who, and what was the nature of there injuries.

A. SSG(b)(3), (b)(6) had received shrapnel wounds to his arm at some point and returned to duty, SP(b)(3), (b)(6) had got shot in the arm and was flown back to the states, SPC(b)(3), (b)(6) had got shrapnel to his face and arm and was flown back to the states. I had received shrapnel at some point of the engagement as well and returned back to duty.

9. Did you have experience with the ANA? How effective was the working relationship with assigned ANA/ANP elements?

A. I had little experience with the ANA and almost none with the ANP. The ANA worked with the Latvians almost all the time so we didn't really have a "working" relationship with them. The ANP never really came to us for anything unless they needed ammo so we didn't work with them at all.

10. Did you interact with the local community? How were you received by the locals?

A. We really didn't interact with them too much besides the workers that helped us out on the COP. When we would walk through the village it kind of seemed as though everybody would try and avoid us. They would all just walk the opposite direction or watch us from a stand off.

11. I did not have any weapons malfunctions during the fight. During a lull in the battle I got a bottle of CLP and soaked down all my guys weapons. It was probably one of the only days all the weapons worked.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

This page not used.

AFFIDAVIT

I, SPC (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 FREE! _____ JT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFL

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

WITNES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of October, 2009 at FOB Fenty, Afghanistan

Yara Regal NCO
ORGANIZATION OR ADDRESS

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

(b)(3), (b)(6) CPT, JA
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ARTICLE 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

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