

MEMORANDUM FOR THE DEPUTY COMMANDER

SUBJECT: Investigation of friendly fire death of SFC John J. Tobiason, HHD, 15TH PSB BN, on 28 November 2007, Camp Victory, Iraq.

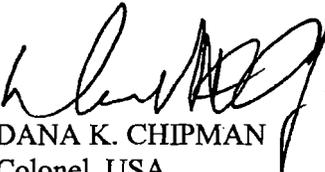
1. The reports of investigation. This matter is addressed in an investigation conducted pursuant to Army Regulation 15-6 (AR 15-6) by LTC Todd Heussner, USA. Upon receiving the report we promptly forwarded an unredacted copy of the AR 15-6 report to the Department of the Army's fatal accident branch so preparations could begin for briefing SFC Tobiason's family.
2. Facts regarding the fratricide. The investigation establishes that SFC Tobiason was killed near the Victory Gym by a stray round from an Iraqi Army (IA) weapon fired by IA forces responding to an attack by Anti-Iraqi Forces along the perimeter of the Victory Base Complex. There were no warnings of incoming rounds, sufficient cover was available, and SFC Tobiason was wearing his ACU uniform and all required equipment at the time he was hit. The investigation recommended no actions against anyone as a result of this event.
 - a. SFC Tobiason was struck in the chest by a single 12.7 x 108 mm round causing massive, fatal damage.
 - b. There was no warning of incoming or stray rounds before SFC Tobiason was hit. After SFC Tobiason was struck, other rounds were heard hitting in the vicinity.
 - c. A firefight started in the vicinity of Al Furat, along the Victory Base Complex perimeter at 1700h local. Four guard towers were engaged by small arms and machinegun fire. At the same time an IA checkpoint was engaged by small arms and machinegun fire. The towers made positive identification and engaged AIF using PKM machineguns, M4s, M240Bs, and M2 .50 caliber weapons.
 - d. The battle space owners closest to the IA checkpoint witnessed IA Soldiers firing indiscriminately in response to the AIF attack. Soldiers from 1-28 IN saw IA soldiers fire in the direction of the Victory Base Complex. SFC Tobiason was killed by round of the type fired by the DSH-K machineguns used by the IA. The 1-28 Soldiers heard heavy machinegun fire, but did not see the DSH-K machinegun firing. The 1-28 has no reports of AIF having a DSH-K machinegun in their battle space.
3. Lessons learned. One recommendation forwarded to the Iraqi Assistance Group for action is that IA soldiers receive refresher training on fire discipline, or, in the alternative, be issued weapons incapable of ranging coalition FOBs. A second recommendation forwarded to MNC-I C3 AT/FP and the MND-B commanders for consideration is that a metal roof cover any structure which routinely contains 25 or more Soldiers
4. Review and release of information contained within the report of investigation.

a. A complete security review of the AR 15-6 report of investigation has been completed by the MNC-I Security Manager. CCJA and CCJ6 have also fully redacted the AR 15-6 report of investigation so that it can be released to SFC Tobiason's family as well as anyone who may request it under the Freedom Of Information Act (FOIA).

b. MNC-I has properly reclassified the redacted AR 15-6 report of investigation so that it is now "unclassified" in its redacted form and as such the redacted AR 15-6 report is appropriate for release to any future requesters who may invoke the FOIA.

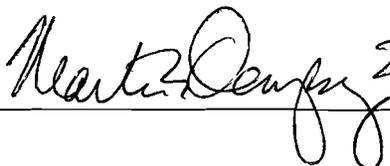
c. Established practice within the USCENTCOM chain of command is that fratricide investigations are forwarded for your review and express approval before a properly redacted copy of the report can be provided to a deceased service member's next of kin or other persons outside DoD. Providing such reports to the PNOK is in keeping with the requirements placed on the individual armed services by DoD Instruction 1300.18, *Military Personnel Casualty Matters, Policies, and Procedures* (Dec. 18, 2000).

d. I recommend you approve releasing redacted copies of this report of investigation and report of the supplemental investigation to SFC Tobiason's next of kin by initialing at the bottom of this memo. Your approval would also allow for release to be properly made under the FOIA.


DANA K. CHIPMAN
Colonel, USA
Staff Judge Advocate

DCDR Action:

Approve release of a redacted Report of Investigation for next of kin briefing and requests made under the FOIA.

Approve  26 Feb 08 Disapprove _____
Other _____