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 dated November 22, 1943 (SSN)

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FT DRUM NY	2009/11/16 (b)(3), (b)(6)	0633L	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)	(b)(3), (b)(6)	O-3/ACTIVE

8. ORGANIZATION OR ADDRESS

FT DRUM NY, SOUTH RIVA RIDGE LOOP BLDG (b)(2)High

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

1. WRT TO THE SITUATION ON THE GROUND DURING THE ACTION, WHAT DID THE 1-32 IN BATTLESTAFF KNOW AND WHEN DID THEY KNOW IT? AT WHAT POINT DID IT BECOME CLEAR THAT THIS WAS A SIGNIFICANT EVENT REQUIRING BCT COMMANDER ATTENTION?

AT APPROXIMATELY 0530L THE OVERWATCH ELEMENT (b)(2)High NOTIFIED TF CHOSIN TOC THAT AN ANA OP WAS IN CONTACT. A PROPER SALUTE REPORT WAS NOT SENT EVEN AFTER REQUESTS WERE MADE BY THE TF CHOSIN BATTLE NCO AND RTO'S IN THE TOC (b)(2)High I CALLED AN IMMEDIATE SUPPRESSION FIRE MISSION ON A PLANNED TARGET NEAR THE VACINITY OF THE ANA OP. A (b)(2)High RELAYED THAT THE ANA OP WAS TAKING FIRE FROM THE NORTH, SOUTH AND EAST. THOUGH WE DID HAVE A GRID FOR THIS OP, WE DID NOT RECEIVE A LOCATION (GRID) FOR THE 2-8 FT OR THE ANSF GROUND ELEMENTS. (b)(2)High ALSO RELAYED THAT THE SIZE OF THE AAF WAS MUCH GREATER THAN INITIALLY REPORTED. AT 0635 (b)(2)High RELAYS THAT (b)(2)High AND FT ELEMENTS ARE ATTEMPTING TO BREAK CONTACT. FROM THE ENEMY. AT 0707L (b)(2)High NOTIFIED TF CHOSIN TOC OF AN INCOMING MEDEVAC REQUEST. AT 0709 (b)(2)High HAVE THEIR COA TO TF CHOSIN TOC AT (b)(2)High AT 0715L MA (b)(3), (b)(6) TF MOUNTAIN WARRIOR CURRENT OPS CALLED TF CHOSIN TOC AND NOTIFIED US THEY HAD BEEN MONITORING ALL AND WOULD MAKE CCA LOCATED AT FOB LENTY AVAILIBLE. AT 0739 CCA WAS WHEELS UP FROM FOB LENTY ENROUTE TO GANIGAI (b)(2)High (b)(2)High RELAYED A 9 LINE MEDEVAC REQUEST TO TF CHOSIN TOC AT (b)(2)High RELAYED THAT IX ASV HAD SLIDDEN OFF OF THE ROAD. AT 0800L CPT (b)(3), (b)(6) RECEIVED THE SHIFT CHANGE BRIEF AND TOOK CONTROL OF THE TOC.

THIS EVENT WAS GIVEN PRIORITY BY TF CHOSIN TOC PERSONNEL FROM THE FIRST REPORT FROM (b)(2)High STATING THE ANA OP WAS IN CONTACT. TF CHOSIN TOC PERSONNEL GENERATED REPORTS FOR BDE FROM THE BEGINNING OF THE EVENT UNTIL ITS CLOSE. THIS EVENT WAS CONSIDERED SIGNIFICANT ENOUGH FOR SPECIAL ASSETS REQUESTS UPON RECEIPT FROM (b)(2)High OF THE GREATER AAF SIZE ENGAGING CT AND ANSF. IT IS NOT CONSIDERED THE RESPONSIBILITY OF A BATTALION TOC TO NOTIFY BCT COMMANDER DIRECTLY. (b)(2)High WAS THE BASE COMMANDER DURING THE EVENT AND IT WAS HIS CALL TO MOUNTAIN WARRIOR WHICH NOTIFIED THE BCT COMMANDER. I HAVE NO KNOWLEDGE OF WHEN THIS CALL TOOK PLACE.

II. WHAT INFORMATION WAS PASSED TO THE 4-4 BCT TOC AND WHEN?
THE 4-4 TOC WAS MONITORING ALL VIA (b)(2)High TRAFFIC FROM THE INITIAL CONTACT THROUGH THE INTRE ENGAGEMENT. IN ADDITION TO THE (b)(2)High TRAFFIC, CCA REQUESTS, AND PHONE CALLS. TF CHOSIN BATTLE NCO BEGAN THE CTOC REPORT AND THE BEGINNING OF THE EVENT UNTIL CLOSE. THE INFORMATION THAT WAS PASSED TO BCT WAS THE EXACT INFORMATION THAT WE RECEIVED FROM THE GROUND ELEMENTS.
PARTICIPANTS STATE THAT THE 2-8 FT AND OTHER US PERSONNEL COULD NOT COMMUNICATE WITH THE 1-32 IN TOC AND WERE FORCED TO RELAY THRU A (b)(2)High ON HIGH GROUND. WAS REPORTING FROM THAT SCOUT ELEMENT TO THE 1-32 IN TOC ACCURATE OR INACCURATE? PLS BE SPECIFIC

THE REPORTING FROM THE SCOUT ELEMENT IN OVERWATCH WAS AS ACCURATE AS IT COULD BE GIVEN THE LOCATION OF THE OVERWATCH POSITION AND THE POSITION OF 2-8 FT. I DO NOT KNOW HOW MUCH INFORMATION WAS GIVEN TO THE SCOUT ELEMENT (b)(2)High I ONLY HAVE THE INFORMATION AND REPORTS THAT WERE RELAYED TO THE TOC BY (b)(2)High. ASKING ME TO SPECULATE ON WETHER THE REPORTS WERE ACCURATE OR INACCURATE IS ASKING ME TO BRING TO QUESTION THE RELIABILITY OF TF CHOSIN SCOUTS. I TRUST AND BELIEVE THAT ALL REPORTS THAT WERE GIVEN TO TF CHOSIN TOC BY (b)(2)High WERE TIMELY AND ACCURATE AS POSSIBLE.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
	(b)(3), (b)(6)	

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 RE-INDICATED.

EXHIBIT III – 1 C.2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 06,55 (b)(3), (b)(6) DATE 2009/11/16

9. STATEMENT (Continued)

II. WHO WAS THE SENIOR MEMBER PRESENT IN THE 1-32 IN TOC? DID YOU MAKE TACTICAL DECISIONS, OR DID A SUPERIOR?

THEN MAJ (b)(3), (b)(6) (HOSIN) WAS PRESENT IN THE TOC. HE WAS NOT PRESENT INITIALLY BUT WAS NOTIFIED UPON RECEIPT OF THE FIRST FIRE MISSION REQUIRING HIS APPROVAL. HE ARRIVED IN THE TOC SHORTLY AFTER APPROVING THE FIRE MISSION. HE WAS THE ACTING BASE COMMANDER WHILE (b)(2)High WAS ON R AND R. THE ONLY TACTICAL DECISION MADE BY MYSELF WAS TO SEND THE GROUND QRF ELEMENT (b)(2)High PLATOON, TO THE UNITS IN CONTACT. THIS PLATOON WAS STAGED AT THE MOUTH OF GANJGAL VALLEY FOR THIS EXACT PURPOSE. THIS DECISION WAS MADE WITH THE HOPE OF PROVIDING ADDED FIRE POWER WITH THE HEAVY WEAPONS ON THE TRUCKS, AND BECAUSE FM COMMS WITH THE TF CHOSIN TOC, THE 1-32 ANA, ABP UNITS ALREADY ON THE GROUND IN GANJGAL HAD NOT RELAYED THEIR POSITION TO THE TF CHOSIN TOC EVEN AFTER REPEATED REQUESTS. THEREFORE, WE DID NOT HAVE AN EXACT LOCATION TO SEND THE QRF ELEMENT TO. THE VALLEY IS BROAD AND OPEN WITH LIMITED COVER AND CONCEALMENT. THE POSITION OF THE ANA AND QRF ELEMENTS WOULD NOT BE DIFFICULT TO LOCATE BY A CONVOY MOVING UP THE VALLEY.

IV. DESCRIBE INDETAIL WHAT YOU BRIEFED YOUR REPLACEMENT AT THE 0800 SHIFT CHANGE BRIEF?

THE INCOMING BATTLE CAPTAIN (CPT (b)(3), (b)(6) WAS BRIEFED ON THE FRIENDLY POSITIONS WHICH WE KNEW AT THE TIME, AND THEIR STATUS. HE WAS GIVEN (b)(2)High TRAFFIC LOGS SHOWING THE EVENTS AS THEY TOOK PLACE IN SEQUENCE. HE WAS GIVEN THE STATUS AND MEDEVAC TIMES FOR ALL WIA SOLDIERS. HE WAS GIVEN THE CALL SIGNS FOR THE CCA PRESENT IN THE VALLEY. HE WAS GIVEN THE CALL SIGNS AND UNIT NAMES FOR ALL GROUND FORCES IN THE VALLEY. ALL HAND OFF PROCEDURES WERE FOLLOWED IAW THE TF CHOSIN STANDARD FOR TOC OPERATIONS.

V. WHAT ASSETS/RESOURCES OR ACTIONS WERE REQUESTED IC/W THIS EVENT AND WHEN? WHAT WAS PROVIDED AND WHEN?

THIS MISSION WAS PLANNED TO BE EXECUTED ON 07 NOV. I WAS NOT INVOLVED IN THE PLANNING PROCESS SO I WAS NOT PRIVEY TO THE SPECIFIC ASSETS THAT WERE REQUESTED. SINCE THE DATE WAS MOVED TO THE RIGHT ONE DAY, THERE WERE NO ASSETS ORGANIC TO THIS MISSION. INDIRECT FIRE ASSETS WERE AVAILABLE THROUGHOUT THE MISSION. 155MM GUNS OUT OF FOB WRIGHT AND 120MM MORTARS OUT OF FOB JOYCE WERE AVAILABLE FOR EMPLOYMENT. AS MENTIONED BEFORE, CCA WAS REQUESTED FROM TF PALADIN/SE DIRECT COMMUNICATION WITH THE 3RD AVIATION BATTALION IS NOT UNCOMMON IN ORDER TO SECURE ASSETS FOR QUICK RESPONSE MISSIONS. NO ISR WAS AVAILABLE FOR THIS MISSION. CAS WAS REQUESTED ONCE THE LOCATIONS OF THE GROUND ELEMENTS AND AAF ELEMENTS WERE DETERMINED AND ENCL II WAS DETERMINED THAT THE NATURE OF THE CONTACT JUSTIFIED SPINNING UP G-CAS.

VI. WHAT DECISIONS DID YOU MAKE IC/W THIS EVENT?

THEN MAJ (b)(2)High, (b)(3), (b)(6) WAS PRESENT IN THE TOC. HE WAS NOT PRESENT INITIALLY BUT WAS NOTIFIED UPON RECEIPT OF THE FIRST FIRE MISSION REQUIRING HIS APPROVAL. HE ARRIVED IN THE TOC SHORTLY AFTER APPROVING THE FIRE MISSION. HE WAS THE ACTING BASE COMMANDER WHILE (b)(2)High WAS ON R AND R. THE ONLY TACTICAL DECISION MADE BY MYSELF WAS TO SEND THE GROUND QRF ELEMENT (b)(2)High PLATOON, TO THE UNITS IN CONTACT. THIS PLATOON WAS STAGED AT THE MOUTH OF GANJGAL VALLEY FOR THIS EXACT PURPOSE. THIS DECISION WAS MADE WITH THE HOPE OF PROVIDING ADDED FIRE POWER WITH THE HEAVY WEAPONS ON THE TRUCKS, AND BECAUSE FM COMMS WITH THE TF CHOSIN TOC, THE 1-32 ANA, ABP UNITS ALREADY ON THE GROUND IN GANJGAL HAD NOT RELAYED THEIR POSITION TO THE TF CHOSIN TOC EVEN AFTER REPEATED REQUESTS. THEREFORE, WE DID NOT HAVE AN EXACT LOCATION TO SEND THE QRF ELEMENT TO. THE VALLEY IS BROAD AND OPEN WITH LIMITED COVER AND CONCEALMENT. THE POSITION OF THE ANA AND QRF ELEMENTS WOULD NOT BE DIFFICULT TO LOCATE BY A CONVOY MOVING UP THE VALLEY.

VII. DID THE COMSAF TACTICAL DIRECTIVE CONSTRAIN, LIMIT OR PREVENT THE USE OF ANY SUPPORTING FIRES OR AVIATION DURING THIS EVENT? SPECIFICALLY AS YOU KNOW?

THE COMSAF TACTICAL DIRECTIVE MAY HAVE AFFECTED THE 155MM MISSIONS FROM FOB WRIGHT INTO GANJGAL. (b)(2)High MAJ (b)(3), (b)(6) WAS THE APPROVING AUTHORITY FOR THESE MISSIONS. I DID NOT DISAPPROVE ANY FIRE MISSIONS AND I DID NOT PLAN THESE MISSIONS. THE DIRECTIVE DID NOT AFFECT TOC OPERATIONS. MAJ (b)(3), (b)(6) AS THE COMMANDER, AS GROUND COMMANDER OF THIS MISSION HAS A FAR BETTER VIEW POINT FOR ANSWERING THIS QUESTION.

INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)

STATEMENT OF (b)(3), (b)(6) TAKEN AT 0633(b)(3), (b)(6) DATED 2009-11-16

9. STATEMENT (Continued)

WHO DO YOU HAVE ANYTHING ELSE TO ADD?

PRIOR TO THE PLANNING OF THIS MISSION, (b)(2)High SHOULD HAVE BEEN CONSULTED BY MARINE FIT OFFICERS IN ORDER TO GATHER AND ANALYZE SIGINT AND (b)(2)High REPORTS ON AAF MOVEMENT IN GANGAL VALLEY. THIS IS A KNOW HIGHLY KINETIC AREA IN WHICH TF CHOSIN HAD MOVED THROUGH BEFORE. ON EVERY PREVIOUS MISSION TO THIS VALLEY, TF CHOSIN FORCES HAD BEEN ENGAGED BY AAF. KNOWING THIS, 2/8 FI SHOULD HAVE DELAYED THE MISSION UNTIL ASSETS COULD BE LAYED ON.

TF FLETHAL WHOS BATTLE SPACE ENCOMPASSES THE DISTRICTS WEST OF THE KUNAR RIVER WAS RUNNING A BATTALION SIZE OPERATION, OPERATION LETHAL STORM, ON 08 NOV. THIS FACT AFFECTED THE RESPONSE TIME OF CCA AND CAS. TF CHOSIN FIRES NCO WAS IN CONTACT WITH TF PALTHORSE IMMEDIATELY FOLLOWING THE FIRST REQUESTS SENT BY GROUND ELEMENTS FOR CCA. INITIALLY, CCA FARPING AT FOB WRIGHT WAS AUTHORIZED TO BE SENT INTO GANGAL VALLEY. THIS WAS RELAYED TO (b)(2)High WHO RELAYED THIS INFORMATION TO THE GROUND ELEMENTS. A HIGHER MESSAGE WAS SENT TO THE 2X GIESKD BY TF CHOSIN NOTIFYING THEM OF THIS AUTHORIZATION. THE CCA DEPARTED FOB WRIGHT AND PROCEEDED WEST INTO TF FLETHAL'S AOR WITHOUT NOTIFYING TF CHOSIN TOC THAT THEY COULD NOT EXTEND TO OUR HIGHER. A PHONE CALL FROM TF PALTHORSE STATED THAT THE CCA WAS NOT APPROVED TO BE BROUGHT INTO TF CHOSIN AOR. THIS FURTHER ADDED TO THE CONFUSION OF THE GROUND ELEMENTS.

COORDINATION WITH THE BATTLE STAFF IN ORDER TO HAVE GOOD SA OF ONGOING OPERATIONS IS ESSENTIAL. THIS NEVER TOOK PLACE AND THEREFORE SLOWED RESPONSE TIME FOR TOC PERSONNEL. NOT KNOWING WHERE THE FRIENDLY ELEMENTS WERE IN THE VALLEY CAUSED AT LEAST ONE FIRE MISSION TO BE DENIED BY (b)(2)High

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

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

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

(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 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 INTERROGATION.

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

(Signature of Person Making Statement)

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

(Witness)

0gt (b)(3), (b)(6)

10610 Silver Ridge, Fort Drum, NY 13602

(Organization or Address)

Witnessed, sworn to and subscribed before me, a person authorized by law to administer oaths, this 16 day of November 2009 at FT. DRUM NY

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

LAT

(Grade or Status)

ARTICLE 136 (b)(4), UCMJ

(Organization or Address)

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

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

SFC

10610 Silver Ridge Loop Ft Drum NY 13602

(Organization or Address)

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

(Signature of Person Making Statement)

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