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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB Fenty, Afghanistan	2009/11/14	2100	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)	(b)(3), (b)(6)	O4/MAJ

8. ORGANIZATION OR ADDRESS

TASK FORCE MOUNTAIN WARRIOR, 4th BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION

9.

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

PLS COMPLETE A TYPED, SIGNED AND WITNESSED DA FORM 2823 (SWORN STATEMENT) INCLUDING YOUR FULL NAME, SSN, UNIT AND ASSIGNED DUTY POSITION ON 8 SEPT 2009.

MAJ (b)(3), (b)(6) BDE FSO, TF MOUNTAIN WARRIOR

PLS ADDRESS THE FOLLOWING QUESTIONS:

WERE YOU PRESENT IN THE OPERATIONS CENTER DURING THIS EVENT? IF SO, DURING WHAT TIME PERIODS?

A: I WAS NOT PRESENT IN THE TOC. I WORK IN A BACK OFFICE IN THE BDE HQS BUILDING. I WORK FROM 0700 UNTIL 2200 DAILY.

Q: WHAT WAS YOUR UNDERSTANDING OF THE STATUS OF AVAILABLE FIRE SUPPORT BEFORE AND DURING THE MISSION?

A: I HAVE BEEN THE BRIGADE FSO SINCE 27 AUG 2009 WHEN I ARRIVED AT THE UNIT ON FOB FENTY. THERE ARE NUMEROUS OVERLAPPING INDIRECT FIRE SUPPORT SYSTEMS THAT COVER THE KONAR RIVER VALLEY. THE FOLLOWING SYSTEMS WERE AVAILABLE IN TF CHOSIN AO BEFORE AND AFTER 8 SEP 2009. (b)(2)High

(b)(2)High

Q: WERE YOU AWARE THAT (b)(2)High WAS NOT AVAILABLE TO FIRING UNITS IN RANGE TO SUPPORT THE OPERATION?

(b)(2)High

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 INDICATED.

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB Fenty DATED 2009/11/14

9. STATEMENT *(Continued)*

Q: PARTICIPANTS IN THE ACTION STATE THAT AFTER THE INITIAL PHASE, ALL SUPPORTING INDIRECT FIRES WERE DENIED FOR THE REMAINDER OF THE ACTION. TO YOUR KNOWLEDGE, IS THIS ACCURATE?

A: I HAVE NO KNOWLEDGE OF THIS. ALL FIRES ARE CLEARED AND APPROVED BY THE TF BN BATTLE SPACE OWNER. IN THIS INCIDENT THAT WOULD BE TF CHOSIN (1-32IN). BRIGADE DOES NOT APPROVE/CLEAR FIRES. AT BRIGADE I WORK THE APPROVAL OF ALL PRE-ASSAULT (b)(2)High FIRES.

Q: WHAT CONDITIONS WOULD JUSTIFY NOT APPROVING REQUESTED FIRES BY UNITS IN CONTACT?

A: AIR SPACE DECONFLICTION NOT DONE MIGHT BUT THAT DECISION IS STILL WITH THE BATTLE SPACE OWNER.

Q: WHAT ROLE IF ANY DID YOU PLAY IN DECISIONS TO DENY REQUESTS FOR FIRE?

A: NONE. I PLAY NO ROLE IN APPOVING OR DENYING FIRES TO SUPPORT TROOPS IN CONTACT.

Q: PARTICIPANTS IN THE ACTION STATE THAT, EXCEPT FOR THE FIRST FIRE MISSION, SUBSEQUENT FIRE MISSIONS THAT WERE FIRED WERE INEFFECTIVE. WAS FIRING DATA FOR "PRE-PLANNED" TARGETS PROVIDED TO THE FIRING UNITS?

A: I DO NOT KNOW. THAT WOULD BE BEST ANSWERED BY THE CHOSIN (1-32IN) FSO/FSNCO OR FIRING UNIT FDO. I ONLY SEE PRE-PLANNED TARGETS THAT ARE SUBMITTED AS PART OF A CONOP FOR BRIGADE APPROVAL OR RESOURCING.

Q: DID THE COMISAF "TACTICAL DIRECTIVE"CONSTRAIN, LIMIT OR PREVENT THE USE OF ANY SUPPORTING FIRES 'JRING THIS EVENT SO FAR AS YOU KNOW?

A: I DO NOT KNOW IF THE TACTICAL DIRECTIVE CONSTRAINED, LIMITED, OR PREVENTED FIRES IN THIS SITUATION.

Q: DO YOU HAVE ANYTHING ELSE TO ADD?

A: NO

**********NOTHING FOLLOWS**********

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB Fenty DATED 2009/11/14

9. STATEMENT *(Continued)*

THIS PAGE NOT USED

AFFIDAVIT

I, MAJ (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 TI MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAV CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT H THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR

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

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

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

SSG, US Army

HHC, 704BSB, FOB Fenty, Afghanistan

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of November, 2009 at FOB Fenty, Afghanistan

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

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

(Typed Name of Person Administering Oath)

Article 136

(Authority To Administer Oaths)

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