SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

THORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

.NCIPAL 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	2009/11/15 (b)(3), (b)(6)	1100 (b)(3), (b)(6)	

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 FSE, TF Mountain Warrior (Acting S3 for TF Chosing during incident)

PLS ADDRESS THE FOLLOWING QUESTIONS:

'ERE YOU PRESENT IN THE TOC FOR THIS EVENT? IF SO, WHAT WERE YOUR ACTIONS ON 8 SEPT?

. was present in the TOC only after the 2nd report of casualties. Until that time, I was in the S-3 office. After that report, I moved into the BN TOC. There I assisted in the Battle Tracking and developing the situation, and providing information to LTC(b)(3), (b)(6) Furthermore, I directed the requesting of assets from 4/4BCT.

WERE YOU INVOLVED IN ANY WAY IN PRE-MISSION PLANNNG AND COORDINATION?

I was involved in the initial planning. Chosin planned to be part of the operation until we were unable to get assets from 4/4 BCT. We told both the ANA and ABP CDR that we would not be committing combat power to the operation due to conflicting operation in TF Lethal's AO. The ANA and ABP decided to conduct the operation on their own. I told both the ANA and ABP commanders that we could not provide CCA or CAS for the operation, but we could provide indirect fire support and MEDEVAC.

WERE YOU BRIEFED IN DETAIL ON THIS OPERATION? IF SO, BY WHO AND WHEN?

I was back briefed on the operation by (b)(3), (b)(6) a few days before the operation of what the ANA and ABP plan was. He gave me the account of the ANA/ABP back brief, which was vague and not completely to our US standard for details.

CONTINUED ON NEXT PAGE**********

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

DITIONAL 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 2009/11/15

9. STATEMENT *(Continued)*

WHAT ASSETS, RESOURCES OR ACTIONS WERE REQUESTED FROM 4/4BCT ICW THIS EVENT AND WHEN?

We initially request CCA and UAS for the operation over 96 hours out from the operation. We knew that that would not be supported before the operation. We then did not plan on conducting the operation, assuming that the ANA and ABP would not do the operation without CF Platoons with them. They surprised us and said they would go regardless of the CF PLT and CCA.

WHAT WAS PROVIDED AND WHEN?

Organic 120mm and 155mm support was provided by TF Chosin, CCA and CAS was provided by 4/4BCT once we reported the 6xANSF KIA, 15x ANSF WIA.

WERE FIRE SUPPORT REPRESENTATIVES MISSING FROM PRE-MISSION PLANNNG AND COORDINATION? No.

WHAT WAS YOUR UNDERSTANDING OF THE STATUS OF AVAILABLE FIRE SUPPORT BEFORE AND DURING THE MISSION? WERE YOU BRIEFED ON TYPE AND AMOUNT OF AVAILABLE 120MM MORTAR AND 155MM ARTILLERY AMMUNITION?

I knew that we had our (b)(2)High I was well aware of their capacities and their ammunition status.

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

We did not initially support the call for fires sent because we did not have positive control of our ANSF locations. I treated the ANSF just like I would my own US forces. I would only allow indirect fires if I have positive control of my own forces. Without knowing their location, I wouldn't not allow fratricide to happen.

DID EXISTING FORMAL OR INFORMAL TASK ORGANIZATION AND/OR COMMAND RELATIONSHIPS PLAY A ROLE IN THE OUTCOME OF THIS OPERATION? No.

DID THE COMISAF "TACTICAL DIRECTIVE" CONSTRAIN, LIMIT OR PREVENT THE USE OF ANY SUPPORTING FIRES OR AVIATION DURING THIS EVENT SO FAR AS YOU KNOW? No.

DO YOU HAVE ANYTHING ELSE TO ADD? No.

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

INITIALS OF PERSON MAKING STATEMENT

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB Fenty DATED 2009/11/15

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 THE CONTENTS OF T[illegible]EMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE B[illegible] PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT C[illegible] (b)(3), (b)(6) [illegible]HOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENC[illegible]

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

ing Statement)

WITNESSES:

Subscribed and sworn to before (b)(3), (b)(6) person authorized by law to administer oaths, this 15th day of November, 2009 at FOB Fenty, Afghanistan

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

g Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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