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 Joyce	2009/09/19	0004	

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

8. ORGANIZATION OR ADDRESS

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

I was called into the TOC at (b)(2)High and was asked if we had any aircraft available. 0502L, I (b)(2)High (BDE JTAC) and asked them if there was any CAS available. I was told that Ground Alert CAS was the only thing available (b)(2)High minute response times). I was told by the Battle Captain not to declare an Air TIC and that they wanted to engage with artillery.

(b)(2)High the element was still taking sporadic small arms fire and I was asked again by the Battle Captain as well as the FECC element if I could work Split Ops with AO Lethal's Aircraft. However, I was instructed, by (b)(2)High that there was too much going on in (b)(2)High Brigade instructed that all CAS in our AO was dedicated to three TICs other Mtn Warrior BNs, which I reported to my Battle Captain. The Battle Captain was advised that the only CAS available was Ground Alert CAS. Since, Air TICS are only opened at the request of the ground commander, the Battle Captain did not want to open an air TIC at that time. Then CHOSIN TOC started receiving reports 0830L that a element from Combat Company was being sent out to provide support for the (b)(2)High CHOSIN Fires continued to engage the reported enemy with artillery and CCA.

(b)(2)High CHOSIN TOC received the first reports of (b)(2)High members missing. At which time, I declared an Air TIC at 0931L and we were sent 2x F15Es (b)(2)High checked in at 0949L and they began to work comms with the elements on the ground to find accountability for the ETT element and confirm if we have missing personnel. (b)(2)High was the first to establish comms with (b)(2)High element leader on the ground. Once CHOSIN TOC had confirmed reporting of missing members I instructed (b)(2)High to start talking with the ground leader to get us confirmation on the status of his personnel. (b)(2)High we got confirmation through (b)(2)High (b)(2)High that 10 members of a 14 man team made it to their Humvees and were able to drive out of Gangegal. At 1120L we received confirmation that the four missing members were found KIA by the (b)(2)High element, after they rolled back in under the cover of CCA and CAS aircraft.

Overall, when the event started the initial reports stated the ground element was receiving sporadic small arms, and did not represent an urgent need for CAS. Additionally, there was another BN outside the wire taking heavy contact involved in another TIC 15 miles away. Once reports of possible missing US personnel, an Air TIC was immediately declared and we received aircraft overhead.

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

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

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

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

10. EXHIBIT	KING STATEMENT	PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STA ____ AT ____ DATED ____

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, NOV 2006 DA FORM 2823, DEC 1998, IS OBSOLETE APD PE v1.00

Exhibit BR

EXHIBIT III – 1 K.3

STATEMENT OF TSgt (b)(3), (b)(6) TAKEN AT FOB Joyce DATED 19 Sep 09

9. STATEMENT (Continued)

(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 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 FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN(

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

ient)

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

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

FOB Joyce, Afghanistan AD AE 09354

OF

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

TTM, 1-32 IN (b)(3), (b)(6)

FOB Joyce, Afghanistan

ORGANIZATION OR ADDRESS

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

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

(Si (b)(3), (b)(6) Oath)

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

(Type

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

DA FORM 2823, NOV 2006

APD PE v1.00