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	2009/09/17	1200	

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

8. ORGANIZATION OR ADDRESS

ETT 2-8

9.

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

September 7, 2009, meeting night prior to our mission in Gangigal. Discussion: who was going where, order of movement, responsibilities, most likely scenario, worst case scenario, Fires, medivac, and return.

At 0310 on September 8th we left Camp Joyce and linked up with the Afghan Border Police enroute to Gangigal. At roughly 0345 I dismounted and linked up with SSgt (b)(2)High, (b)(3), (b)(6) ANA, (b)(2)High. We moved to our position through the flat lying area just west of Gangigal. As we got closer to the mountain in which our position was to be, we saw flashlights with men moving on the east side. We radioed in what we saw and made the decision to go to the far west of the mountain to start our climb. When we reached the bottom of the mountain we split our team up so we would have an over watch. I and two ANA started up the mountain to find a good position providing over watch for (b)(2)High, (b)(3), (b)(6) (b)(2)High ANA. At roughly 0520 I heard small arms fire but was unable to observe anything because I had yet to reach my fighting position. It took another fifteen minutes as I reached the most eastern peak of the mountain to where we had good eyes on Gangigal and there we set up our fighting position.

Once at my position I had all the ANA (b)(2)High being a RPG gunner (b)(2)High and a PKM, and (b)(2)High as a radio operator. We had (b)(2)High ANA with AK's and I had my M4. SSgt (b)(3), (b)(6) set up a separate fighting position where he was manning a (b)(2)High way up the mountain directly below us in visual sight. He also had the terp for the time being. Not long after we reached our fighting position the small arms fire turned into heavy machine gun fire with indirect fire. At that time we were able to observe heavy enemy fire coming from the mountain directly to our east, which was directly north of Gangigal. I called for SSgt (b)(3), (b)(6) to send the terp so I could communicate with our RPG gunner. We both observed PID on an enemy target and told him if he was within range to take it out. The shot was right on target and had good effects. Within the next hour we observed three more targets, two being machine gun bunkers that were providing the enemy with heavy fire. Once again they were within our range and we were able to get positive effects. Just a few moments later we started receiving enemy mortars from our position as they landed 20 meters long over our heads landing at our backs as we were observing the mountain to our east. We were able to identify the location of the incoming AAF fires so we engaged them with another RPG and PKM fire. After we got air on station we talked (b)(2)High on a target and marked it with a RPG as (b)(2)High followed with rockets. The heavy machine gun and indirect fires coming from the mountain to our east slowed down tremendously after positive effects from the (b)(2)High

All the time this was going on the earpiece attached to my ear had continuous chatter from all elements involved in the mission. I remember looking down at my watch the first chance I had and it was 0800 already 2 ½ hours into the fight next thing I look down and 1000, 2 more hours gone. I heard constant requests for fire support through Captain (b)(3), (b)(6) and numerous requests for air on station, but all we got were excuses on why we couldn't have either. "You're too close to the village", "The air is engaged in another mission." I remember hearing SSgt Kenefick giving his grid on two different occasions for fire support and Captain (b)(3), (b)(6) getting annoyed with the answers we were getting for support laughing over the radio at how ridiculous the whole situation was. I remember we were trying to evacuate the village but we had no cover in which to protect us from leaving and (b)(2)High to help with our exit. Our evacuation plans quickly changed after we lost contact with LT Johnson, GySgt Johnson, SSgt Kenefick, and HM3 Layton.

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.

Exhibit V

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

STATEMENT OF GYSGT (b)(3), (b)(6) TAKEN AT FOB JOYCE DATED 2009/09/17

9. STATEMENT *(Continued)*

Now air has arrived on station and we have casualties. A 9-line is being requested and after all the info is given someone comes back with the question "Is the U.S. casualty Army or Marine?" The reply is "what does it matter it's a U.S. casualty." After a short pause the question comes back again "is the U.S. casualtv Army or Marine," "Army" was the reply. About this time SSg(b)(3), (b)(6) was getting in touch with SSgt(b)(3), (b)(6)and C(b)(3), (b)(6) get some vehicles into the village to retrieve our wounded Soldiers, Marines, and ANA. I got the terp at my position to get on the ANA radio and tell the ANA vehicles to follow SSgt(b)(3), (b)(6)and C(b)(3), (b)(6)to the village. As SSgt (b)(3), (b)(6) vic started making its way up to the village we observed AAF running to a position at the bottom of the mountain. I radioed in "enemy at your 9 o'clock, driver's side," within 5 seconds SSgt(b)(3), (b)(6)and Cpl (b)(3), (b)(6)ere getting fired at with RPG's, machine guns, mortars, and small arms fire. At this time they were the only vehicle out there so they quickly turned around to get out of the kill zone. Once they got linked up with the other Vic's they headed back into Gangigal this time for good. SSg(b)(3), (b)(6)rovided good direction and talked SSgt(b)(3), (b)(6)into the village as we did the same for the ANA using our terp and the ANA radio. At this time most of the chatter was with (b)(2)High who it seemed like everyone was talking to talking them on to targets. While that was going on we had eyes on our vic's staged at the bottom of the Gangigal village, we kept sweeping the mountain to our east as our vic's were easy targets to the enemy and very vulnerable. It seemed like our vic's were out there forever picking up the wounded and dead taking them to our designated LZ keeping them from further danger. SSgt (b)(3), (b)(6)nade numerous attempts to get them help with the wounded, as (b)(2)Highlement with medics and vics were just outside our ORP but no luck (b)(2)Highdioed back they weren't given permission. Finally I hear we have accountability of everyone and we are getting ready to evacuate the village. Unbeknown to me our guys were dead. At this time everyone is accounted for and all elements were to make their way back to the ORP while our team (b)(2)Highovide over watch from our position.

We were given the word to make our way down. We asked if someone could meet us at the bottom of the mountain because of the large flat danger grounds that we got shot at just five days prior. We were told that th(b)(2)Highement had Vic's that were staying behind and they would try to get them as close to our position as possible. About five minutes later as we are still at the top of the mountain I noticed the dust cloud of all the Vic's leaving. At that time I got in contact with (b)(2)High to ensure we had support from them as they were all we had. It took us a good 30 to 40 minutes to get to the bottom of the mountain however we got separated from SSg(b)(3), (b)(6)s he took a different route down the mountain from his position. It took another 30 minutes to link back up with him all while (b)(2)High was providing us an over watch. As we had just linked up (b)(2)High let us know that they had to refuel and be back(b)(2)Highnutes. We stayed set for the time being until we had air back on station to provide us with cover to cross the danger area of the valley. At that time our ETT team from Fortress did a radio check with us to let us know that they had come and were our way out. So with (b)(2)High as our cover we made our way across the flat land about 500 meters and linked up with our vics.

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

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

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

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

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

STATEMENT OF GYSGT (b)(3), (b)(6) TAKEN AT FOB JOYCE DATED 2009/09/17

9. STATEMENT *(Continued)*

I remember looking down at my watch when driving back through the gate and into Joyce, 1530. Totally exhausted I received confirmation that we had lost four of our guys. Our CO and 1stSgt gone, medivaced. Then I saw our guy's gear that were KIA and was told their weapons were missing along with Comm and other gear (b)(2)High radio's (b)(2)High (b)(2)High 9's and (b)(2)High 240 serial number (b)(2)High all missing. I was left numb and depleted.

(b)(2)High

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

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

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

AFFIDAVIT

I, GYSGT (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 INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

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

HHC, 1-32 Inf Regt

FOB Joyce

ORGANIZATION OR ADDRESS

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

E CO 1-32 IN

FOB JOYCE

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of September, 2009 at FOB Joyce

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

Commissioned Officer, United States Marine Corps

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

DA FORM 2823, NOV 2006

APD PE v1.00