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	2009/09/20	1132Z	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)	(b)(6)	W-2

8. ORGANIZATION OR ADDRESS

CTRP, 7-17 CAV, 159 CAB

9.

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

On Wednesday, September 8, 2009 I was the Pilot in Command and Air Mission Commander flying in the right seat of the (b)(2)High aircraft of the Day QRF team in aircraft (b)(2)High call sign (b)(2)High, (b)(1)1.5a 0245Z, our team departed Jalalabad en-route to the Ganjigal Valley to support (b)(2)High a U.S. Marine ETT element that was in heavy contact in a wash to the South West of Ganjigal village. Our team contacted (b)(2)High at Joyce enroute to gain as much information as we could prior to arriving on station. We learned that there were several injured U.S. and ANA soldiers, and that they had taken several waves of sustained contact from their north south and east. We arrived on station at 0315z. We contacted (b)(2)High reported our time on station and (b)(2)High load, and requested a situational update. (b)(2)High informed us of the friendly locations and markings and that he was still under fire from positions to the north east and south. I instructed my team to first identify all friendlies visually. After identifying all friendly positions to include two separate OP's, the VPB at the mouth of the Ganjigal, as well as (b)(2)High location and all Remaining ANA personnel. Upon confirming the location of all friendlies we immediately began to ID enemy locations in order to begin to provide effective fires for the Highlander element. (b)(2)High based on (b)(2)High directions to confirm the areas from which they had taken fire. While lead was marking one of the possible enemy locations (b)(2)High announced that he was again taking small arms fire from a hill mass to their north. (b)(2)High gave us a target handover and cleared us to fire on the hill. (b)(2)High (b)(2)High confirmed the target so I went inbound engaging with the (b)(2)High (b)(2)High machine gun and (b)(2)High After suppressing the area that (b)(2)High had taken fire from, the enemy fire ceased long enough for them to begin moving to their south west to link up with another element with which that they had intended to transfer their causalities to. During their movement they again took fire from locations to the east and south. We continued to suppress as required. As (b)(2)High was moving down the wash a (b)(2)High Medivac checked in informing us he was inbound to get casualties. We advised him to hold west of the valley and we would bring him in when able. Our flight continued to engage north of (b)(2)High position and then pushed over to the location in order to ID enemy personnel. During one of the engagements I heard the crack of bullets passing close to the aircraft and announced that we were taking fire. We continued to suppress the area as well as trying to ID more friendly casualties. Outbound on one of our engagements (b)(2)High one person laying on the ground north east of (b)(2)High position in tan cloths with what looked to be a AK-47 and RPG tube. Initially we thought it was possible enemy laying flat on the ground in hopes that we would not notice him. We came down to as low (b)(2)High get with the (b)(2)High rifle trained on him to verify and discovered that the person was no longer alive. There was a large blood stain on his back as well as blood running from his stomach into the wash. As we were doing this, we began to identify other casualties scattered throughout terraced fields to (b)(2)High east between him and the village of Ganjigal. Some were alive but unable to move, and others were KIA. At that time, because the Medevac aircraft was already on station, we began to identify landing area's in as safe an area as possible halfway between the element in the south western vehicles and (b)(2)High position to the north east. The mounted element continued toward (b)(2)High position and eventually extracted (b)(2)High and their casualties to the VPB that provided some cover between them and the village of Ganjigal.

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

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 FOB FENTY DATED 2009/09/20

9. STATEMENT *(Continued)*

Medevac came in bound and landed at an L/Z we had identified for them near the (b)(2)High to extract causalities. At that time the patients were loaded into the Medevac aircraft, with one still remaining at the VPB awaiting pickup (b)(2)High Air Force (b)(2)High aircraft, call sign (b)(2)High came on station to evac the remaining casualty at the VPB. At this point during the mission, as best a I can remember, the (b)(2)High element requested from our TOC an (b)(2)High team due to the fact that he was ready to come back in and extract more causulties but he thought that we were unable to cover them. (b)(2)High my Squadron Commander, called me on (b)(2)High asking why the medevac was requesting (b)(2)High I told him I was unaware they requested this and advised him that the (b)(2)High was unnecessary as we had SWT 2 enroute and I still had ammunition and gas and felt it was unecessary to place them in the airspace with my team. This would just cause more confusion with more aircraft on the same radio net. I explained that my team had the situational awarness of what was happening on the ground and now was not the proper time for a battle handover. I then asked (b)(2)High why the wanted (b)(2)High He explained to me that he felt that if they were on station he would better be able to come in and extract remaining casualties. I then explained to him that the reason I had not brought him in again is because the ground element was not ready for them to come in and pick up anyone. They were still trying their best to find and consolidate more casualties. I advised hime if he wanted to come in and pick up people up we had the location of causilities but they would have to be loaded by the crew as there were no ground elements in the proximity. It so happend at this point that two (b)(2)Low call sign (b)(2)High had arrived. They were enroute to Bostick for QRF and had been redirected to us due to (b)(2)High request. I stacked them (b)(2)High feet and above and conducted a target handover with them, marking enemy locations with the remainder of our ammunition, and lastly flying over the locations (b)(2)High we departed for the FARP at Abad. Our team arrived back on station at 0415Z and relieved the (b)(2)High element after a Battle Handover. (b)(2)High reported they had no eyes on enemy nor had they engaged any targets. To my knowledge, even with (b)(2)High on station, (b)(2)High never came in. This was no fault of (b)(2)High at all, the ground guys just were not ready for med-evac. As we came back on station a small two vehicle mounted element was preparing to move back toward the village to recover the casualties in the terraces west of Ganjigal that we had identified earlier as well as locate more if possible. As the two vehicles moved toward the village, lead began to talk them on to the location of the injured personnel from west to east along their direction of travel. As they came to the first two personnel and began to extract them, they came under fire from their north again at the base of the same hill mass we had previously engaged and reported that the enemy was in a line of trees at the base of the hill. We engaged tree line with (b)(2)High and the enemy firing ceased, but the element then began taking fire from a previously marked but not engaged hill mass to their southeast. Our team suppressed the hillside with (b)(2)High and (b)(2)High while the mounted element loaded the injured personnel into their vehicles. At that time, the mounted element made the assessment that they did not have the combat power to complete the recovery mission, and returned to the VPB. We suppressed the target areas as required in order to cover their ex-fill. During that recovery mission, an element who I remember as being in a position north of the VPB near the wash, had informed us that there were an unknown number of U.S. Marines missing from the element possibly located in the village. We were instructed to search for a (b)(2)High panel somewhere in the village of Ganjigal. We pushed in over the village low and slow. We were in this flight profile because looking for people in a dense village can be difficult. We were unable to locate any marking or U.S. forces at that time. As we continued to look (b)(2)High advised us about another recovery attempt being put together, we informed him that we were getting low on fuel and were not sure if we would have enough station time to cover the entire movement. At that point, we were informed by the same element that had as look for the Marines that the ANA were prepared to launch another recovery attempt and after learning that there were no english speaking personnel involved lead asked him to join their convoy to facilitate another (b)(2)High to the casualties in the terraces. The individual attempted to join the convoy without hesitation, but without a translator and the lack of space caused the ANA soldiers to deny his participation. At that point we requested that someone in the VPB relay through a translator to the ANA mounted element that we would come down very low and slow, (b)(2)High

(b)(2)High (b)(2)High the ANA were observed collecting weapons from one casualty believed to be a translator who was in the washout, but no personnel were recovered by the convoy. As a flight we discussed this and believed this was due to their element taking fire from the north and the southeast again because dismounted ANA soldiers approximately 150 meters west of the mounted element began engaging with small arms and RPG's under our aircraft toward the locations we had engaged earlier. We were unable confirm this due to the lack of communication with the ANA mounted element. At that point, another scout weapons team (SWT) of (b)(2)High had arrived on station to allow us to refuel. After conducting a Battle Handover with the other scout weapons team, my team departed to the FARP to refuel and rearm at Abad. When we arrived back on station after refueling and rearming, (b)(2)High now mounted element was ready to move back toward the village to recover casualties and hopefully locate their missing personnel. As they moved toward the washout from the VPB, they continued to receive sporadic small arms fire from the high ground to the southeast.

INITIALS OF PERSON MAKING STATEMENT (b)(2)High (b)(2)High

STATEMENT OF RYAN ELLIOT NEAL TAKEN AT FOB FENTY DATED 2009/09/20

9. STATEMENT *(Continued)*

I advised (b)(2)High once again that I had (b)(2)High on my aircraft and that I thought it would be a good idea to use it on the outcropping of rocks he was taking fire from. I obtained clearance of fires from (b)(2)High and engaged a fighting position with the missile and the enemy fire stopped. During our Battle Handover with the relieving SWT, they advised us that they had located another group of 5 personnel in a position between two terraces that we had previously not seen. We informed (b)(2)High (b)(2)High the location of this group of personnel, and that they did not appear to be moving.

The Air Force (b)(2)High call sign (b)(2)High was still loitering just outside the Ganjigal Valley and I asked them if they could possibly push in with the (b)(2)High (b)(2)High complete the recovery of the injured or possibly dead personnel. As a flight we were able to talk (b)(2)High on to the location of the 5 personnel in the defilade using both (b)(2)High an F-15 fighter to do multiple show's of force, as well as suppressing the area with our weapons, but because of the elevation change on either side of their location, and because visually they had confirmed the personnel were KIA they were unable to land and assist. By that time, (b)(2)High had sent dismounts to the area to help load the injured personnel, and they reported that those 5 personnel were in fact the missing U.S. Marines, and that all 5 personnel, including the one ANA were KIA. At this point, (b)(2)High dismounted elements had located most of the other casualties spread throughout the terraces, and were loading them into the vehicles. Our (b)(2)High expended a total of (b)(2)High rounds of (b)(2)High (b)(2)High (b)(2)High rockets. We conducted a Battle Handover with another SWT at 0710Z and proceeded to a follow-on Medevac escort mission.

Upon shut down back at JAF we found one (b)(2)High (b)(2)High. //NOTHING FOLLOWS//

(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 (b)(3), (b)(6) OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR (b)(3), (b)(6) (b)(3), (b)(6) IMPLIMENT

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

WITNESSES:

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

S-3 TF Palehorse (b)(3), (b)(6) (b)(3), (b)(6)

FOB FENTY

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of September, 2009 at FOB FENTY (b)(3), (b)(6)

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

(b)(3), (b)(6) CPT, AV, COMMANDING

(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ

(Authority To Administer Oaths)

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