HEADQUARTER
REGIONAL COMMAND (SOUTH WEST)
INTERNATIONAL SECURITY ASSISTANCE FORCE
CAMP LEATHERNECK, AFGHANISTAN
FPO AE 96427-2513

IN REPLY REFER TO
5830
IO (b)(3), (b)(6)
27 Jul 11

MEMORANDUM FOR THE RECORD

From: Investigating Officer, Colonel (b)(3), (b)(6) USMC
To: Commander, United States Forces - Afghanistan

Subj: SUPPLEMENTAL INFORMATION REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

Ref: (a) (U) JAGINST 5800.7E, Change Transmittal 2, Manual of the Judge Advocate General (JAGMAN), 16 September 08
(b) (U) Commander, United States Forces-Afghanistan Appointment Memorandum dated 9 April 2011
(c) ~~(U/FOUO)~~ COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW), 25 April, 2011

Encl: (56) ~~(S//REL USA, ISAF, NATO)~~ Sgt (b)(3), (b)(6) helmet camera video from 6 April, 2011

1. ~~(U/FOUO)~~ In accordance with the references (a) and (b), the enclosed video is submitted as supplemental information to the command investigation into the friendly fire incident that occurred on April 6, 2011 in Regional Command-Southwest, reference (C). It should be added to the command investigation as enclosure (56).

2. ~~(U/FOUO)~~ The video is from a helmet camera worn by Sergeant (b)(3), (b)(6) during the combat patrol conducted on April 6, 2011. The video depicts the patrol from commencement until mid way through the evacuation of the casualties.

3. ~~(U/FOUO)~~ I reviewed the entire video and find that it does not change the findings of fact, opinions, or recommendations of the command investigation. It does confirm all the findings of fact related to the conduct of the patrol, hellfire strike, and casualty evacuation process. Since it confirms the findings of the investigation it should be formally included in order to ensure a full and accurate recording of the events surrounding this friendly fire incident but does not necessitate reopening of the investigation.

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

HEADQUARTERS
United States Forces-Afghanistan
Kabul, Afghanistan
APO AE 09356

USFOR-A-SJA (11-009)

28 MAY 2011

MEMORANDUM FOR RECORD

SUBJECT: Action Memo - JAGMAN Command Investigation into the Friendly Fire Incident on 6 April 2011 in Regional Command-Southwest (RC-SW)

1. I have reviewed the JAGMAN investigation Col (b)(3), (b)(6) USMC, conducted into the facts and circumstances surrounding the deaths of one U.S. Marine, SSgt Jeremy D. Smith, and one Sailor, HN Benjamin D. Rast, in RC-SW, Sangin Valley, Afghanistan on 6 April 2011. The Investigating Officer's (IO's) findings and recommendations are approved. I also make and approve an additional finding that both Servicemembers died while conducting combat operations and in direct contact with hostile enemy forces.

2. I hereby direct the findings and recommendations be forwarded to the USFOR-A Deputy Commander for Operations for whatever action, if any, he deems appropriate. I further direct the findings and recommendations be forwarded to the Commander, II MEF, for whatever disciplinary or administrative action, if any, he deems appropriate.

3. I would like to express my deepest sorrow over the deaths of SSgt Jeremy Smith and HN Benjamin Rast. The loss of Jeremy and Benjamin leaves an absence in our ranks that cannot be filled. That absence rests in the hearts and minds of the men and women who served with them. Though no words I can offer will assuage the grief that accompanies such an unfortunate tragedy, I hope that Jeremy's and Benjamin's family and friends find some measure of comfort in knowing they served with honor and were well respected by their unit and the chain-of-command.

DAVID H. PETRAEUS
General, United States Army
Commander
International Security Assistance Force/
United States Forces-Afghanistan

Pages 3 through 4 redacted for the following reasons:
- -
Two pages totally denied:(b)(2), (b)(3), (b)(5) and (b)(6) applies.

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INTERNATIONAL SECURITY ASSISTANCE FORCE
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FPO AE 96427-2513

5830
(b)(3), (b)(6)
25 APR 11

From: Colonel (b)(3), (b)(6) /0302 USMC

To: Commander, U.S. Forces - Afghanistan

Subj: SUMMARY OF THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW) (U~~/FOUO~~)

Encl: (1) (U~~/FOUO~~) Appointment Memorandum dated 9 April 2011
(2) (U~~/FOUO~~) Graphics

1. (U~~/FOUO~~) As directed by the appointing memorandum (Encl 1) this unclassified summary of the subject command investigation is provided.

2. (U~~/FOUO~~) I with Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) advised by the legal counsel of Lieutenant Colonel (b)(3), (b)(6), conducted a comprehensive investigation into the events surrounding the friendly fire incident that claimed the lives of Staff Sergeant (SSgt) Jeremy Smith, USMC, and Hospitalman (HN) Benjamin Rast, USN, in the Sangin valley area on April 6, 2011. We reviewed all pertinent records and documents as well as interviewing all the personnel involved. We drafted a classified report of our investigation, signed April 25, that includes all the pertinent information discovered during our investigative efforts. There remains a large amount of video, written, and interview material that was seen as non-germane to the investigation and would have made the report unwieldy. This information has been retained at RC-SW and can be accessed by contacting the RC-SW Office of the Staff Judge Advocate (SJA), (b)(2).

3. (U~~/FOUO~~) Background and Scheme of Maneuver. The ground units involved had been operating together for approximately 30 days in an area of operations that was highly active - averaging more than one IED event and one small arms fire contact per day. On April 6, 2011 the ground force mission was to secure a portion of Route 611 by departing the patrol base as one mounted element, dismounting in the objective area, and then clearing the route and area on the west side of the route (no more than 100 meters) with a dismounted element supported by a mounted element. The dismounted squad leader decided to deploy an element to sweep the route (Route Sweep Team) and western shoulder, with an overwatch element (Overwatch Team) deployed further to their west. The overwatch team was engaged by the enemy shortly after dismounting and pursued the enemy eventually halting approximately 200 - 250 meters west of the route. Throughout this action the on scene ground force commander believed that he had one dismounted element adjacent to the route when in fact he had two; one just adjacent within 100 meters and a second in contact with the enemy approximately 200 meters west of the route.

4. (U/~~FOUO~~) Summary of the Incident. On April 6, 2011 at 0851D* SSgt Jeremy Smith and HN Benjamin Rast were struck by friendly fire from a Predator firing a HELLFIRE missile. The missile functioned properly and struck the target area intended by the commander, however the exact disposition of ground forces was not known by all involved in the execution of the strike. Enemy contact, compartmentalized terrain, and a lack of overall common situational awareness led to friendly forces moving to an unanticipated position resulting in their targeting as assumed enemy forces. Indications and warnings of this pending error were available but unrecognized by the ground force commander, higher headquarters command centers, and the Predator crew. Even if indications that the personnel were firing away from friendly forces were communicated, it is deemed likely that the strike would have occurred anyway due to the ground force's perception of friendly disposition and the source of enemy contact. The key shortfall was a lack of accurate friendly locations of the ground force. Absent this clarity, no unit or person involved in the strike process could have confidently intervened to prevent this tragedy. The immediate ground force commander was not aware that his forces were in the vicinity of the target area, did not refute the targeting of the personnel by accurately indentifying the source of enemy contact, and was unable to use anything other than communicated position reports to improve his situational awareness. Information was available to the Predator crew that potentially could have increased the commander's understanding of the situation but this information was not communicated to the ground force commander or the JTAC. In the final analysis the chain of events that led to SSgt Smith and HN Rast being targeted and ultimately killed by friendly fire was initiated by the on scene ground force commander's lack of overall situational awareness and inability to accurately communicate his friendly force disposition with respect to the enemy.

5. (U/~~FOUO~~) Timeline of events:

0720D*	Ground force departs friendly lines
0807D*	Ground force dismounts at objective area
0820D*	Initial enemy contact
0827D*	Predator directed to scan objective area for enemy
0840D*	Predator identifies three personnel in the vicinity of a compound of interest
0841:12D*	Muzzle flashes observed by Predator IVO three personnel
0841:43D*	JTAC communicates 9-line CAS request to Predator
0842D*	Muzzle flashes again observed by Predator IVO three personnel
0849D*	JTAC communicates ground commander's call sign approving strike
0851D*	HELLFIRE Impact
0852D*	Ground force indicates possible friendly casualties
0855D*	Additional medical personnel arrive at point of impact
D*	Ground force submits casualty report for 1-urgent and 1-routine
D*	Ground force operation center requests MEDEVAC of 2-urgent casualties
(b)(1)1.4a	Casualties commence movement to ground evacuation vehicles
D*	On scene commander reports additional enemy contact
D*	Casualties arrive at vehicles and are reported as 2-FKIA
D*	Ground evacuation vehicles commence movement to HLZ

D* Vehicles arrive at HLZ
D* HN Rast officially declared KIA
(b)(1)1.4a D* SSgt Smith officially declared KIA
D* MEDEVAC aircraft departs HLZ
D* MEDEVAC aircraft arrives at Role 3 hospital.

6. (U~~/FOUO~~) Although the medical evacuation process took longer than the goal for arrival of an urgent casualty at a Role 3 facility, one casualty was killed instantly and the other was immediately assessed as having suffered a mortal penetrating head wound. Medical officials confirmed that the wounds sustained "were not survivable, regardless of medical care rendered in the field, during evacuation, or in a hospital setting." Approximately (b)(1)1.4a minutes was spent stabilizing the mortally wounded casualty at the point of injury and another (b)(1)1.4a minutes was used to carry both casualties from the point of injury to the nearest ground evacuation point. On arrival at the evacuation point the casualties were confirmed as FKIA.

7. (U~~/FOUO~~) As a result of our investigation into this incident we concluded that:

a. (U~~/FOUO~~) SSgt Smith and HN Rast were both mobilized reservists on active duty conducting combat operations in Afghanistan and their deaths were due to friendly fire. They died in the line of duty and not due to their own misconduct

b. (U~~/FOUO~~) All coalition personnel involved in the execution of this strike attempted to execute their combat duties appropriately and were not culpably negligent or derelict in their duties. A lack of comprehensive situational awareness by all parties in the process, initiated by the on scene commander's inability to interpret and communicate accurate friendly positions, was the cause for the targeting of coalition personnel by coalition fires.

c. (U~~/FOUO~~) Fire support enablers (JTACs and JFOs) could have been more effectively integrated and employed on the battlefield to help enhance the commander's understanding of the situation as well as the ability to integrate fires with ground actions.

d. (U~~/FOUO~~) All personnel involved in planning and executing this strike did so convinced, albeit erroneously, that the personnel in the target area were enemy actively firing at coalition forces.

e. (U~~/FOUO~~) The position of the enemy firing at coalition forces was never commonly established. The units in direct contact were confident in the location of the enemy and were certain, based on that observation, they would not be targeted. Those involved in the strike process were mistakenly but equally convinced that they were observing and targeting enemy personnel. None realized their error until seconds before the delivery of fires.

f. (U~~/FOUO~~) Predator MCE and DGS internal procedures, SOPs, and communication capabilities should be reviewed.

g. (U~~/FOUO~~) The medical care and evacuation process provided to SSgt Smith and HN Rast was adequate and timely. Both suffered ultimately mortal wounds and enhanced field medical care was provided to them in less than five minutes after injury.

Complete opinions and corresponding recommendations concerning the above items are contained in the classified version of the completed command investigation.

8. (U~~/FOUO~~) We recommended that key elements of this incident be used to inform the training process for future deploying units. The following issues should be addressed:

a. (U~~/FOUO~~) The early and proper integration of fire support enablers (JTACs and JFOs) and their employment to augment the ground commander's overall situational awareness.

b. (U~~/FOUO~~) Awareness and tracking of enemy and friendly disposition in a dynamic, distributed tactical environment.

c. (U~~/FOUO~~) Weaponeering and target precedence in a nontraditional tactical environment.

d. (U~~/FOUO~~) Integration of Predator in both ISR and kinetic roles.

e. (U~~/FOUO~~) Position reporting in a distributed tactical fight. Single or dual point reports are inherently inaccurate. Units need to monitor lead, trail position with associated left and right lateral limits for the friendly force.

9. (U~~/FOUO~~) The point of contact for any questions regarding this summary or the completed investigation is the RC-SW Office of the Staff Judge Advocate (b)(2) or (b)(2)

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

COL USMC LTCOL USMC MAJ USMC MAJ USAF CAPT USAF

Pages 9 through 14 redacted for the following reasons:
- -ENCLOSURE (1) APPOINTMENT MEMORANDUM, PAGES 5-6 OF THIS SUMMARY IS NOT INCLUDED HERE. IT IS INCLUDED AS ENCLOSURE (1) OF THE COMMA
INVESTIGATION
ENCLOSURE (2) GRAPHICS (4 pages)
REMOVED DUE TO FOIA EXEMPTION 5 U.S.C 552 (b) (1)1.4a

HEADQUARTERS
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INTERNATIONAL SECURITY ASSISTANCE FORCE
CAMP LEATHERNECK, AFGHANISTAN
FPO AE 96427-2513

IN REPLY REFER TO:
5830
RPN
25 Apr 11

From: Colonel (b)(3), (b)(6) /0302 USMC
To: Commander, US Forces - Afghanistan

Subj: CLASSIFIED SUMMARY OF THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW) (U~~/FOUO~~)

Encl: (1) (U~~/FOUO~~) Commander, United States Forces - Afghanistan, Appointment Memorandum dated 9 April 2011
(2) ~~(C)~~ Graphics

Preliminary Statement

1. (U~~/FOUO~~) In accordance with the appointment memorandum (Encl 1), this classified summary is submitted of the command investigation into the circumstances surrounding the friendly fire incident on 6 April 2011 in Regional Command-Southwest, Sangin Valley, Afghanistan.

2. (U~~/FOUO~~) The Investigating Officer was assisted by:

a. (U~~/FOUO~~) Deputy Investigating Officer, Major (b)(3), (b)(6) (USMC), RC (SW) Air Planner and JTAC.

b. (U~~/FOUO~~) Major (b)(3), (b)(6) (USAF), MQ-1B Predator Pilot subject matter expert.

c. (U~~/FOUO~~) Captain (b)(3), (b)(6) (USAF), DCGS subject matter expert.

d. (U~~/FOUO~~) Lieutenant Colonel (b)(3), (b)(6) (USMC), Deputy Staff Judge Advocate, RC (SW), legal advisor.

3. (U~~/FOUO~~) The investigating officer was able to interview all relevant personnel during the course of the investigation. The evidence was collected in a series of interviews at Patrol Base Alcatraz, Forward Operating Base Jackson, Forward Operating Base Edinburgh and via phone interviews with CONUS based personnel located in California and Indiana.

4. ~~(S//REL USA, ISAF, NATO)~~ Materials Reviewed. All personnel involved in this incident from Co A, 2nd Reconnaissance Battalion, the (b)(1)1.4a crew and support personnel, 2nd Platoon, Co A, 1st Bn 23rd Marines, Army MEDEVAC Crew, and Bastion Medical and Mortuary Affairs personnel were contacted and statements collected. Additionally, we reviewed the complete (b)(1)1.4a video with voice communication included. This comprehensive amount of information was thoroughly reviewed to give the investigation team a complete understanding of the circumstances surrounding this incident. The pertinent items and material have been included as enclosures to this investigation to provide the reader a concise understanding of the incident. The excess documentation accumulated in the course of the investigation will be retained by RC-SW for reference as required. Point of contact for these materials is the RC-SW Office of the Staff Judge Advocate (SJA), (b)(2) .

SUBJ: CLASSIFIED SUMMARY OF THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW) (U~~/FOUO~~)

Summary of Investigation

1. (U~~/FOUO~~) The Investigation Team provides the following list of key personnel associated with their call signs:

(b)(1)1.4a : PLT CMDR 2nd Plt A Co/ 1/23, 2ndLt (b)(3), (b)(6) (In DS of A Co./ 2nd Recon Bn)
Squad Leader 2nd Plt 1/23, Sgt (b)(3), (b)(6) (Road Sweep Team)
Team Leader, Sgt (b)(3), (b)(6) 2nd Plt 1/23 (Over watch Team)

Capt (b)(3), (b)(6) CO A Co/ 2nd Recon Bn
Capt (b)(3), (b)(6) XO A Co/ 2nd Recon Bn, JTAC
(b)(1)1.4a GySgt (b)(3), (b)(6) BN Fires Chief / 2nd Recon Bn, JTAC
Capt (b)(3), (b)(6) BN Watch Officer / 2nd Recon Bn, JTAC

Pilot in Command: Capt (b)(3), (b)(6), 196 RS
Sensor Operator: SrA (b)(3), (b)(6) , 196 RS
Mission Intelligence Coordinator (MIC) (trainee): TSgt (b)(3), (b)(6) 196 RS
Mission Intelligence Coordinator (trainer): TSgt (b)(3), (b)(6) , 196 RS
Imagery Mission Supervisor, TSgt (b)(3), (b)(6) , 137 IS
Geospatial Analyst, A1C (b)(3), (b)(6), 137 IS
Tactical Communicator, SSgt (b)(3), (b)(6) , 137 IS

(b)(1)1.4a : MEDEVAC UH-60 from TF THUNDER
Pilot, CW2 (b)(3), (b)(6)
Co-Pilot, CW2 (b)(3), (b)(6)

BASTION ROLE 3 HOSPITAL RECEIVING PHYSICIAN: LCDR (b)(3), (b)(6)

2. (U~~/FOUO~~) Map Orientation:

a. ~~(S/REL USA, ISAF, NATO)~~ The germane battlefield geometry on 6 April 2011 within OP BOX NEMESIS within the Upper Sangin Valley (USV) along Rte 611 in 2nd Recon Bn's battlespace can best be understood by examining the maps include with the complete command investigation (CI enclosures (5) through (7)).

b. ~~(S/REL USA, ISAF, NATO)~~ 2nd Reconnaissance Battalion's Area of Operations is in (b)(1)1.4a within the Upper Sangin Valley (USV). The area is defined by the Helmand River, the fertile, irrigated areas to the east and west of it (the Green Zone), and a primary north / south running unimproved surface road (Route 611). Coalition military activity in this area centers on Rte 611 as forces work to secure it and the Green Zone to the west of Rte 611 where the population centers are and the enemy fighters operate. Over the 30 days prior to this incident the 2nd Reconnaissance Battalion area of operations had been highly active with 30 IED events, 39 small arms fire/rocket propelled grenade contacts, and 8 engagements that required the employment of ground or aviation fires (CI enclosure 8).

3. (U~~/FOUO~~) Summary of Incident:

a. ~~(S/REL USA, ISAF, NATO)~~ Scheme of Maneuver. At 0720D* April 6, 2011 2nd Platoon, Co A, 1st Bn 23rd Marines (b)(1)1.4a departed friendly lines at Patrol Base Alcatraz to secure a section of Route 611 between the (b)(1)1.4a and

SUBJ: CLASSIFIED SUMMARY OF THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW) (U/~~FOUO~~)

(b)(1)1.4a in order to prevent enemy from interfering with Afghan and coalition freedom of movement along Rte (b)(1)1.4a. They deployed in (b)(1)1.4a vehicles (b)(1)1.4a MRAP and (b)(1)1.4a MATV) with (b)(1)1.4a Marines (b)(1)1.4a Navy Corpsmen, (b)(1)1.4a interpreter, and (b)(1)1.4a Improvised Explosive Device Detection Dogs. Staff Sergeant (SSgt) Smith was the platoon sergeant and Hospitalman (HN) Rast was the dismounted corpsman. The planned scheme of maneuver was to move mounted to the objective area then have a dismounted Road Sweep Team (RS TM) clear the route and western shoulder of the road (to a depth of no greater than 100 meters) overwatched by a mounted element remaining on Rte 611. The leader of the RS TM, Sergeant (b)(3), (b)(6) planned to deploy his squad with him leading the RS TM and Sergeant (b)(3), (b)(6) leading an Overwatch Team (OW TM) that would maneuver further to the west to protect the RS TM's flank. This plan to have two dismounted maneuver elements was never clear to the on scene commander, Lieutenant (b)(3), (b)(6)

~~(S//REL USA, ISAF, NATO)~~ (b)(1)1.4a moved north along Rte 611 and dismounted as planned. The RS TM began clearing the route and western shoulder remaining within approximately 50 meters of the road. The OW Team maneuvered west of Rte 611 approximately 150 meters and at 0820D* took fire from enemy to the west - southwest. A Predator, (b)(1)1.4a , was on station and at 0827D* was directed to support (b)(1)1.4a by scanning for enemy west of route 611. GySgt (b)(3), (b)(6) ((b)(1)1.4a), the Co A 2nd Recon Bn JTAC, was in direct communication with (b)(1)1.4a for the duration of their mission. The OW TM sought cover in a nearby north-south running canal (running adjacent to Building 58) and began to maneuver to the south to engage the enemy. The RS TM remained within approximately 50 meters of the road and maneuvered south along a north-south running canal. The OW TM reported their position to Sgt (b)(3), (b)(6) , but was either reported to Lt (b)(3), (b)(6) erroneously or was never received. Throughout the engagement Lt (b)(3), (b)(6) would report the RS TM's position as the position for all dismounts.

~~(S//REL USA, ISAF, NATO)~~ At 0840D* (b)(1)1.4a reported three heat signatures in the vicinity of building 58 and noted muzzle flashes. This fire was assessed by a portion of the (b)(1)1.4a DGS IN crew (Distributed Ground Station Indiana) as being oriented to the west, away from friendly forces. This would remain their assessment throughout the action on this day. The pilot and the JTAC assessed this fire as being towards friendly forces, based on the on scene ground commander's reported position of friendly forces.

~~(S//REL USA, ISAF, NATO)~~ At 0841D* (b)(1)1.4a submitted a standard 9-line request for a HELLFIRE strike on the three personnel in the vicinity of building 58. Co A 2nd Recon Bn ((b)(1)1.4a) requested friendly positions, mounted and dismounted, from (b)(1)1.4a on two occasions prior to planning the kinetic strike and then confirmed those positions as well as the direction of enemy contact in the process of submitting the request for Close Air Support (CAS). At 0843D* (b)(1)1.4a was informed of the intent to strike the target and confirmed friendly positions. At 0845D* DGS IN reiterated their assessment that the observed personnel were shooting to the west, away from the friendly forces on Rte 611 to the east, by a private chat with the (b)(1)1.4a MIC

(Mission Intelligence Coordinator). The on scene ground commander, the JTAC, and the (b)(1)1.4a Pilot were never made aware of this assessment.

~~(S//REL USA, ISAF, NATO)~~ The (b)(1)1.4a dismounted elements were informed of the intent to strike enemy in the vicinity of building 58 and were told to "seek cover" as the strike would be "Danger Close". Sgt (b)(3), (b)(6) the OW TM leader, was uncertain where building 58 was and asked a member of his team to confirm the location. In the meantime the HELLFIRE was launched and the ground force was informed; "17 seconds" to impact. Immediately prior to the missile impact Sgt (b)(3), (b)(6) was informed that building 58 was "the wrong building".

~~(S//REL USA, ISAF, NATO)~~ At 0852D* the HELLFIRE impacted and Sgt (b)(3), (b)(6) immediately ordered "cease fire" indicating that two of his men may have been injured by the strike. Sgt (b)(3), (b)(6) immediately moved to assess SSgt Smith, who he determined was KIA based on the severity of wounds, and HN Rast, who he also determined to be KIA based on no pulse and a penetrating head wound. Within five minutes additional members of the team responded to the point of impact to provide medical assistance and were able to move HN Rast to cover where a pulse was located and his airway restored. A more complete wound assessment confirmed the mortal penetrating head wound. The assessment and stabilization process took approximately 20 minutes. The two casualties were then carried to Rte 611, which took approximately 40 minutes. Shortly after the impact of the HELLFIRE, enemy contact resumed from the west, east, and north prompting a decision to ground evacuate the casualties to PB Alcataz for heliborne extraction. At (b)(1)1.4a * the casualties reached the mounted element on Rte 611 and both casualties were confirmed as KIA. (b)(1)1.4a arrived back at PB Alcatraz at (b)(1)1.4a * and the casualties were formally evaluated with an official time of death listed as 1024D* for HN Rast and 1025D* for SSgt Smith at PB Alcatraz. The casualties arrived at Bastion Role 3 hospital at (b)(1)1.4a *. There a physician determined that HN Rast and SSgt Smith sustained injuries that were not survivable, regardless of medical care rendered in the field, during evacuation, or in a hospital setting.

b. ~~(S/REL USA, ISAF, NATO)~~ Summary. On April 6, 2011 Staff Sergeant Jeremy Smith and Hospitalman Benjamin Rast were killed by friendly fire from a MQ-1B Predator firing a HELLFIRE missile. The missile functioned properly and struck the target area intended by the commander, however the disposition of ground forces was not known by all involved in the execution of the strike. Enemy contact, compartmentalized terrain, and a lack of overall common situational awareness led to friendly forces moving to an unanticipated position resulting in their targeting as assumed enemy forces. Indications and warnings of this pending error were available but unrecognized by the ground force commander, higher headquarters command centers and the Predator crew. Information was available to the Predator crew that could have potentially increased his understanding of the situation but was not communicated to the ground force commander or the JTAC. The key

shortfall was a lack of accurate friendly disposition communicated by the ground force. Absent this clarity, no unit or person involved in the strike process could have confidently intervened to prevent this tragedy. The immediate ground force commander was not aware that his force was in the vicinity of the target area, did not refute the targeting of the area by accurately identifying the source of enemy contact, and was unable to use anything other than communicated position reports to improve his situational awareness. In the final analysis this was the initial and most critical step in a process that resulted in the targeting of Staff Sergeant Smith and Hospitalman Rast for kinetic engagement.

OPINIONS AND RECOMMENDATIONS

1. (U~~/FOUO~~) As a result of our investigation we formed numerous opinions and made recommendations related to them. A review of the full command investigation is required to fully comprehend them all, but the following determinations are provided as an overview.

a. ~~(S/REL TO USA, ISAF, NATO)~~ Staff Sergeant Smith and Hospitalman Rast were mobilized reservists on active duty conducting combat operations against the enemy in the Upper Sangin Valley (USV) on April 6, 2011 when they were erroneously engaged by a Predator HELLFIRE missile in the vicinity of (b)(1)1.4a (b)(1)1.4a (IVO Compound 58, Q6D Sector). Their deaths occurred in the line of duty and were not due to their own misconduct.

b. (U~~/FOUO~~) All personnel involved in the kinetic strike that killed SSgt Smith and HN Rast were attempting to execute their combat duties appropriately and were not culpably negligent or derelict in their duties. A lack of comprehensive situational awareness between command echelons within the ground force, the Joint Terminal Attack Controllers (JTAC) and the Predator crew led to the engagement of coalition forces by coalition fires.

c. ~~(S/REL TO USA, ISAF, NATO)~~ The on-scene ground commander (2ndLt (b)(3), (b)(6) lacked a complete understanding of the planned and actual disposition of his forces, the origin of enemy fires, and the risk posed by the impending HELLFIRE strike. This prevented him from increasing the situational awareness of others involved in the kinetic strike process and also prevented him from aborting the strike due to unacceptable risk to his men. The on-scene commander was prevented from fully appreciating the risk posed by the HELLFIRE due to a lack of information on the actual deployment of the forces on the ground and unclear reporting of friendly as well as enemy locations from his subordinates. We recommended that 2ndLt (b)(3), (b)(6) Sgt (b)(3), (b)(6), and Sgt (b)(3), (b)(6) be formally counseled by their immediate chain of command concerning their tactical performance during this incident.

d. ~~(S/REL TO USA, ISAF, NATO)~~ All involved in this strike believed that they were engaging an enemy position that was actively firing at friendly

forces. This was based on a belief that they accurately understood the positioning of friendly forces and the origin of enemy contact. Even if the information had been made available that the fire from the observed personnel was oriented away from friendly forces, we determined that the strike would have likely still occurred.

e. ~~(S)~~ The (b)(1)1.4a crew's execution of close air support was procedurally correct. The HELLFIRE functioned properly and precisely struck the target requested by the ground force commander.

f. ~~(S)~~ Although DGS IN ultimately had the correct assessment on direction of fire, that information was never relayed by the (b)(1)1.4a crew to the JTAC due to a lack of internal crew communication.

g. (U~~/FOUO~~) The medical care and evacuation process provided for SSgt Smith and HN Rast was adequate and timely. No level of care or earlier provision of care would have prevented their wounds from being fatal. Enhanced field medical care was provided within five minutes of injury and continued for HN Rast up until the time he died of wounds.

h. (U~~/FOUO~~) HM2 (b)(3), (b)(6) and Sgt (b)(3), (b)(6) should be commended for their extraordinary efforts to aid HN Rast. The fact that HN Rast eventually succumbed to his wounds does not diminish the bravery, camaraderie, and medical skill displayed by HM2 (b)(3), (b)(6) and Sgt (b)(3), (b)(6)

2. (U~~/FOUO~~) The point of contact for any questions regarding this summary or the completed investigation is the RC-SW Office of the Staff Judge Advocate (b)(2) or SVOIP (b)(2) .

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

COL USMC LTCOL USMC MAJ USMC MAJ USAF CAPT USAF

Pages 21 through 26 redacted for the following reasons:
- -
ENCLOSURE (2) GRAPHICS (4 pages)
REMOVED DUE TO FOIA EXEMPTION 5 U.S.C 552 (b) (1)1.4a
Pages 15 through 18 of 11-009 BOB and Death of Rast - Smith - Summary are redacted under FOIA exemption (b)(1)1.4a

HEADQUARTERS
REGIONAL COMMAND (SOUTH WEST)
INTERNATIONAL SECURITY ASSISTANCE FORCE
CAMP LEATHERNECK, AFGHANISTAN
FPO AE 96427-2513

IN REPLY REFER TO:
5830
S-1
25 Apr 11

From: Colonel (b)(3), (b)(6) 0302 USMC
To: Commander, US Forces - Afghanistan

Subj: COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW) (U/FOUO)

Ref: (a) JAGINST 5800.7E, Change Transmittal 2, Manual of the Judge Advocate General (JAGMAN), 16 September 08
(b) Joint Publication 3-09.3, Close Air Support, dated 8 July 2009
(c) Standard Operating Procedure (SOP) 398 Target Management and Employment of Indirect Fires ISO ISAF Offensive Operations

Encl: (1) (U/~~FOUO~~) Commander, United States Forces - Afghanistan, Appointment Memorandum dated 9 April 2011
(2) ~~(S//REL USA, ISAF, NATO)~~ Preliminary Inquiry into the alleged friendly fire incident on 6 April 2011 between 2d Reconnaissance Battalion and 1st Battalion, 23D Marine Regiment
(3) (U/~~FOUO~~) Email to Armed Forces Medical Examiner requesting autopsy
(4) ~~(S//REL USA, ISAF, NATO)~~ 2nd Plt, Co A, 1/23 table of organization on 6 April
(5) ~~(S//REL USA, ISAF, NATO)~~ Map - Upper Sangin Valley 1:50,000
(6) ~~(S//REL USA, ISAF, NATO)~~ Map - Upper Sangin Valley 1:12,500
(7) ~~(S//REL USA, ISAF, NATO)~~ Map - Upper Sangin Valley 1:1,500
(8) ~~(S//REL USA, ISAF, NATO)~~ 2d Recon Bn Area of Operations summary
(9) ~~(S//REL USA, ISAF, NATO)~~ Mission Card, 6 April (photo), 2nd Lt (b)(3), (b)(6)
(10) (U/~~FOUO~~) SSgt Jeremy Smith, USMC, (b)(6) . BIR, BTR and PCR
(11) (U/~~FOUO~~) HN Benjamin Rast, USN, (b)(6) . BIR, BTR and PCR
(12) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Capt (b)(3), (b)(6) USMC, (b)(3), (b)(6) '0203, Co A Executive Officer, JTAC, 2d Recon Bn
(13) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- GySgt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) '0861, Fires Chief, JTAC, 2d Recon Bn
(14) ~~(S//REL USA, ISAF, NATO)~~ Written Statement- Sgt (b)(3), (b)(6) USMC, (b)(3), (b)(6) '3521, Motor Transport Operator, 2d Recon Bn
(15) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- MSgt (b)(3), (b)(6) USMC, (b)(3), (b)(6) '0321, Co A Ops Chief, 2d Recon Bn
(16) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Capt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) '7565, BN Air Officer, 2d Recon Bn
(17) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- 1st Lt (b)(3), (b)(6) USMC, (b)(3), (b)(6) '0602, BN WO, 2d Recon Bn
(18) ~~(S//REL USA, ISAF, NATO)~~ Command and Control Graphic
(19) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- 2nd Lt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) '0302, Platoon Commander, 2nd Plt, Co A, 1/23

(20) ~~(S//REL USA, ISAF, NATO)~~ Co A, 2d Recon BN COC Logbook (photos) from 6 Apr 11

(21) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Sgt (b)(3), (b)(6) USMC, (b)(3), (b)(6) /0311, Squad Leader, 2nd Plt, Co A, 1/23

(22) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Sgt (b)(3), (b)(6) USMC, (b)(3), (b)(6) /0331, Team Leader, 2nd Plt, Co A, 1/23

(23) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Sgt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) /8541, Sniper, H&S Co, Scout Sniper Plt

(24) ~~(S)~~ mIRC and audio recordings transcript from 6 Apr 11

(25) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Sgt (b)(3), (b)(6) USMC, (b)(3), (b)(6) , Sniper, H&S Co, Scout Sniper Plt

(26) (U/~~/FOUO)~~ 2nd Plt, Co A, 1/23 Scheme of Maneuver on 6 April

(27) ~~(S//REL USA, ISAF, NATO)~~ (b)(1)1.4a video and snapshots of video from 6 Apr 2011

(28) ~~(S)~~ Written Statement- LtCol (b)(3), (b)(6) , USAF, (b)(3), (b)(6) , Mission Operations Commander, DGS IN, 137 IS

(29) ~~(S)~~ Written Statement- A1C (b)(3), (b)(6) USAF, (b)(3), (b)(6) Geospatial Analyst, DGS IN, 137 IS

(30) ~~(S)~~ Written Statement and Interview Summary- Capt (b)(3), (b)(6) USAF, (b)(3), (b)(6) , MQ-1B Predator pilot, 196RS

(31) (U) Joint Publication 3-09.3, Close Air Support, dated 8 July 2009 excerpt for Type 2 CAS (Ref B)

(32) ~~(S//REL USA, ISAF, NATO)~~ ISAF SOP 398 Target Management and Employment of Indirect Fires, excerpt for ROE 421-424

(33) ~~(S)~~ Written Statement and Interview Summary- TSgt (b)(3), (b)(6) USAF, (b)(3), (b)(6) Mission Intelligence Coordinator (MIC), 196RS

(34) ~~(S)~~ Written Statement and Interview Summary- TSgt (b)(3), (b)(6) (b)(3), (b)(6) , USAF, (b)(3), (b)(6) MIC trainee, 196RS

(35) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Sgt (b)(3), (b)(6) USMC, (b)(3), (b)(6) , Radio Operator, Co A, 2d Recon Bn

(36) ~~(S//REL USA, ACGU)~~ AFTTP 3-1.DCGS excerpt

(37) ~~(S)~~ Written Statement- TSgt (b)(3), (b)(6) USAF, (b)(3), (b)(6) IMS, DGS IN, 137 IS

(38) ~~(S)~~ Written Statement- TSgt (b)(3), (b)(6) USAF, (b)(3), (b)(6) Geospatial Analyst, DGS IN, 137 IS

(39) ~~(S)~~ Written Statement- SSgt (b)(3), (b)(6) , USAF, (b)(3), (b)(6) Screener DGS IN, 137 IS

(40) ~~(S)~~ Written Statement- SSgt (b)(3), (b)(6) USAF, (b)(3), (b)(6) TACOM, DGS IN, 137 IS

(41) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Cpl (b)(3), (b)(6) , USMC, (b)(3), (b)(6) 8541, Sniper/JFO, H&S Co, Scout Sniper Plt

(42) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- HM2 (b)(3), (b)(6) USN, (b)(3), (b)(6) , Navy Corpsman

(43) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- Sgt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) , Driver, 2nd Plt, Co A, 1/23

(44) ~~(S//REL USA, ISAF, NATO)~~ Written Statement- LCpl (b)(3), (b)(6) USMC, (b)(3), (b)(6) 2nd Plt, Co A, 1/23

(45) ~~(S//REL USA, ISAF, NATO)~~ Written Statement- Cpl (b)(3), (b)(6) , USMC, (b)(3), (b)(6) 2nd Plt, Co A, 1/23

(46) ~~(S//REL USA, ISAF, NATO)~~ RC (SW) Personnel Evacuation Coordination Center (PECC) Story board from 6 Apr 2011
(47) ~~(S//REL USA, ISAF, NATO)~~ TF Thunder, (b)(1)1.4a Story board from 6 Apr 2011
(48) ~~(S//REL USA, ISAF, NATO)~~ Written Statement- CW2 (b)(3), (b)(6) USA, (b)(3), (b)(6) MEDEVAC Pilot in Command, Co C, 1-214
(49) ~~(S//REL USA, ISAF, NATO)~~ Written Statement- CW2 (b)(3), (b)(6) USA, (b)(3), (b)(6) , MEDEVAC Co-Pilot, Co C, 1-214
(50) ~~(S//REL USA, ISAF, NATO)~~ Written Statement- Sgt (b)(3), (b)(6) USA, (b)(3), (b)(6) , Medic Co C, 1-214
(51) ~~(S//REL USA, ISAF, NATO)~~ Written Statement, Capt (b)(3), (b)(6) , USMC (b)(3), (b)(6) Company Commander Co A, 2d Recon Bn
(52) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- HM1 (b)(3), (b)(6) USN, (b)(3), (b)(6) , Navy Corpsman assigned to Co A IDC/LPO, 2d Recon Bn
(53) (U/~~FOUO~~) Mortuary Affairs assessment of HN Benjamin Rast
(54) (U/~~FOUO~~) Mortuary Affairs assessment of SSgt Jeremy Smith
(55) (U/~~FOUO~~) Written Statement and Interview Summary- LCDR (b)(3), (b)(6) (b)(3), (b)(6) USN, (b)(3), (b)(6) , Emergency Room Doctor, US Contingent at UK Bastion Role 3 Hospital

(U/~~FOUO~~) Preliminary Statement

1. (U/~~FOUO~~) In accordance with reference (a) and the appointment memorandum (ENCL 1), this command investigation was conducted to examine the circumstances surrounding the friendly fire incident on 6 April 2011 in Regional Command-Southwest, Sangin Valley, Afghanistan. All evidence was collected in person by the Investigating Officer. All directives from the Investigation Convening Authority have been met.

2. (U/~~FOUO~~) No delays were experienced in the performance of this investigation. All evidence is considered reliable, and all personnel contacted were professional and helpful during the conduct of the investigation. All evidence required to complete this investigation has been collected except for the final autopsy results, which were requested from Dover AFB (ENCL 3) but were not available by the investigation due date. Per reference (a), documents subsequently obtained will be forwarded by separate correspondence via the review chain.

3. (U/~~FOUO~~) The Investigating Officer was assisted by:

a. (U/~~FOUO~~) Deputy Investigating Officer, Major (b)(3), (b)(6) (USMC), RC (SW) Air Planner and JTAC.

b. (U/~~FOUO~~) Major (b)(3), (b)(6) (USAF), MQ-1B Predator Pilot subject matter expert.

c. (U/~~FOUO~~) Captain (b)(3), (b)(6) (USAF), DCGS subject matter expert.

d. (U/~~FOUO~~) Lieutenant Colonel (b)(3), (b)(6) (USMC), Deputy Staff Judge Advocate, RC (SW), legal advisor.

4. (U/~~FOUO~~) The investigating officer was able to interview all relevant personnel during the course of the investigation. The evidence was collected in a series of interviews at Patrol Base Alcatraz, Forward Operating Base

Jackson, Forward Operating Base Edinburgh and via phone interviews with CONUS based personnel located in California and Indiana.

5. ~~(S//REL USA, ISAF, NATO)~~ Materials Reviewed. All personnel involved in this incident from Co A, 2d Reconnaissance Battalion, the (b)(1)1.4a crew and support personnel, 2nd Platoon, Co A, 1st Bn 23rd Marines, Army MEDEVAC Crew, and Bastion Medical and Mortuary Affairs personnel were contacted and statements collected. Additionally, we reviewed the complete (b)(1)1.4a video with voice communication included. This comprehensive amount of information was thoroughly reviewed to give the investigation team a complete understanding of the circumstances surrounding this incident. The pertinent items and material have been included as enclosures to this investigation to provide the reader a concise understanding of the incident. The excess documentation accumulated in the course of the investigation will be retained by RC-SW for reference as required. Point of contact for these materials is the RC-SW Office of the Staff Judge Advocate (SJA), SVOIP (b)(2)

(U/~~FOUO~~) Summary of Investigation

1. (U/~~FOUO~~) The Investigation Team provides the following list of key personnel associated with their call signs (Encl 4):

2nd Lt (b)(3), (b)(6) Platoon Commander of 2nd Plt Co A, 1/23, (In DS of Co A, 2d Recon Bn)
Sgt (b)(3), (b)(6) Squad Leader of 2nd Plt Co A, 1/23, (Road Sweep Team)
Sgt , Team Leader of 2nd Plt Co A, 1/23, (Over watch Team)

Capt (b)(2)High, (b)(6) Commanding Officer of Co A, 2d Recon Bn
Capt (b)(3), (b)(6) Executive Officer of Co A, 2d Recon Bn, JTAC
GySgt (b)(3), (b)(6) Battalion Fires Chief / 2d Recon Bn, JTAC
Capt Mason Battalion Watch Officer / 2d Recon Bn, JTAC

(b)(1)1.4a
Pilot in Command: Capt (b)(3), (b)(6) 196 RS
Sensor Operator: SrA (b)(3), (b)(6) , 196 RS
Mission Intelligence Coordinator (MIC) (trainee): TSgt (b)(3), (b)(6) 196 RS
Mission Intelligence Coordinator (trainer): TSgt (b)(3), (b)(6) 196 RS
Imagery Mission Supervisor, TSgt (b)(3), (b)(6) 137 IS
Geospatial Analyst, A1C (b)(3), (b)(6) 137 IS
Tactical Communicator, SSgt (b)(3), (b)(6) , 137 IS

MEDEVAC (UH-60) from TF THUNDER
Pilot, CW2 (b)(3), (b)(6)
Co-Pilot, CW2 (b)(3), (b)(6)

BASTION ROLE 3 HOSPITAL RECEIVING PHYSICIAN: LCDR (b)(3), (b)(6)

2. (U/~~FOUO~~) Map Orientation:

a. (U/~~FOUO~~) The germane battlefield geometry on 6 April 2011 within OP BOX NEMESIS within the Upper Sangin Valley (USV) along Rte 611 in 2d Recon Bn's battlespace can best be understood by examining the maps in enclosures (5) through (7).

b. ~~(S/REL USA, ISAF, NATO)~~ (b)(1)1.4a (b)(1)1.4a

(b)(1)1.4a

3. (U/~~FOUO~~) Based on the PREDATOR video and conversations with the witnesses, the weather had no impact on military operations for 6 April 2011. The ceiling and visibility were unrestricted the entire day.

4. (U/~~FOUO~~) Summary of Incident: On April 6, 2011 Staff Sergeant Jeremy Smith and Hospitalman Benjamin Rast were killed by friendly fire from a MQ-1B Predator firing a HELLFIRE missile. The missile functioned properly and struck the target area intended by the commander, however the disposition of ground forces was not known by all involved in the execution of the strike. Enemy contact, compartmentalized terrain, and a lack of overall common situational awareness led to friendly forces moving to an unanticipated position resulting in their targeting as assumed enemy forces. Indications and warnings of this pending error were available but unrecognized by the ground force commander, higher headquarters command centers and the Predator crew. Information was available to the Predator crew that could have potentially increased his understanding of the situation but was not communicated to the ground force commander or the JTAC. The key shortfall was a lack of accurate friendly locations by the ground force. Absent this clarity, no unit or person involved in the strike process could have confidently intervened to prevent a tragedy like this. The immediate ground force commander was not aware that his force was in the vicinity of the target area, did not refute the targeting of the area by accurately identifying the source of enemy contact, and was unable to use anything other than communicated position reports to improve his situational awareness. In the final analysis this was the initial and most critical step in a process that resulted in the targeting of Staff Sergeant Smith and Hospitalman Rast for kinetic engagement.

(U/~~FOUO~~) Finding of Facts

1. ~~(S/REL USA, ISAF, NATO)~~ 2nd Platoon (Plt), Company A, 1st Battalion, 23rd Marines (1/23), in Direct Support of Company A 2d Reconnaissance Battalion (2d Recon Bn), mission was to secure Rte 611 from the (b)(1)1.4a to the (b)(1)1.4a northing in order to prevent the enemy from interfering with civilian and friendly freedom of movement along Rte 611. 2nd Lt (b)(3), (b)(6) was the platoon leader. This unit is known by the call sign (b)(1)1.4a (Encl 1, 9)

2. (U/~~FOUO~~) That Staff Sergeant Jeremy D. Smith, (b)(6) /0313, U.S. Marine Corps, a mobilized reservist on active duty, was the Platoon Sergeant of 2nd Plt Co A 1/23. (Encl 10)

3. (U/~~FOUO~~) That Hospitalman Benjamin D. Rast, (b)(6) U.S. Navy, a mobilized reservist on active duty, was a Navy Corpsman assigned to 2nd Plt Co A 1/23. (Encl 11)

SUBJ: COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

4. ~~(S/REL USA, ISAF, NATO)~~ On 6 April 2011, in the Company A Reconnaissance Operations Center (ROC) at PB Alcatraz, Capt (b)(3), (b)(6) was serving as the Company Watch Officer, GySgt (b)(3), (b)(6) was serving as the Company JTAC, Sgt (b)(3), (b)(6) was serving as the Radio Operator, and MSgt (b)(3), (b)(6) (b)(3), (b)(6) was assisting by plotting friendly/enemy positions on the map board. Capt (b)(3), (b)(6) was the Commanding Officer for Company A. Company A ROC is known by the call sign (b)(1)1.4a (Encl 12, 13, 14)

5. ~~(S/REL USA, ISAF, NATO)~~ Capt (b)(3), (b)(6) was serving as the Bn Air Officer and 1stLt (b)(3), (b)(6) was serving as the Bn Watch Officer in the 2d Recon Bn FWD ROC located at FOB Jackson.(Encl 16, 17)

6. ~~(S/REL USA, ISAF, NATO)~~ 2nd Plt Co A 1/23 had positive internal Very High Frequency (VHF) communications with the Company A ROC and BFT communications with the 2d Recon Bn FWD ROC. (Encl 18)

7. ~~(S/REL USA, ISAF, NATO)~~ Company A ROC had positive VHF communications with MESQUITE, BLESSE 13 and the 2d Recon Bn FWD ROC. The Company A ROC also had positive High Performance Waveform (HPW) messaging communications with the 2d Recon Bn FWD ROC. (Encl 18)

8. ~~(S/REL USA, ISAF, NATO)~~ 2d Recon Bn FWD ROC had positive VHF communications/HPW messaging communications with the Company A ROC and mIRC/SIPR/SVOIP connectivity. (Encl 18)

9. ~~(S/REL USA, ISAF, NATO)~~ During the event, the 2d Recon Bn FWD ROC and Company A ROC were able to view the ISR feed from (b)(1)1.4a (Encl 18)

10. ~~(S/REL USA, ISAF, NATO)~~ At 0720D* on 2nd Plt, Co A, 6 Apr 11, 1/23 (b)(1)1.4a departed friendly lines from PB Alcatraz under the command of 2nd Lt (b)(3), (b)(6) Their mission was to conduct route security operations along Rte 611 in (b)(1)1.4a within the Upper Sangin Valley (USV). (Encl 9)

11. ~~(S/REL USA, ISAF, NATO)~~ (b)(1)1.4a scheme of maneuver for the 6th of April was to proceed north along Rte 611 as a mounted unit with a (b)(1)1.4a vehicle section. At a predetermined point, (b)(1)1.4a passengers (pax) would dismount and sweep through compounds on the west side of the 611 directly off the road. They planned to operate from the (b)(1)1.4a to the (b)(1)1.4a northing. (Encl 9)

12. ~~(S/REL USA, ISAF, NATO)~~ (b)(1)1.4a departed friendly lines mounted, with (b)(1)1.4a MRAPS (b)(1)1.4a 6x6), (b)(1)1.4a U.S. Marines, (b)(1)1.4a U.S. Sailors, one Interpreter (TERP), and (b)(1)1.4a military working dogs (K9). (Encl 9, 19, 20)

13. ~~(S/REL USA, ISAF, NATO)~~ At 0751D*, Vehicle (b)(1)1.4a of the (b)(1)1.4a mounted patrol struck an Improvised Explosive Device (IED) that resulted in a low order explosion (b)(1)1.4a (Encl 4, 20)

14. (U/~~FOUO~~) (b)(1)1.4a commander elected to proceed to the predetermined dismount point since the IED was low order and did not impact (b)(1)1.4a mission. The IED explosion caused no damage and no casualties. (Encl 19)

15. (S/~~REL USA, ISAF, NATO~~) At 0807D*, (b)(1)1.4a dismounted their vehicles at (b)(1)1.4a (Encl 20)

16. (U/~~FOUO~~) Sgt (b)(3), (b)(6) was the 1st Squad Leader and in charge of the dismounted element that was conducting the sweep through compounds on the west side of Rte 611. Sgt (b)(3), (b)(6) radio operator was Sgt (b)(3), (b)(6) Sgt (b)(3), (b)(6) team will be known as the Road Sweep Team (RS Team). (Encl 4, 8, 21)

17. (U/~~FOUO~~) Sgt (b)(3), (b)(6) was the team leader that provided west flank security for Sgt (b)(3), (b)(6) team. Sgt (b)(3), (b)(6) team was composed of SSgt Smith, LCpl (b)(3), (b)(6) and HN Rast. In trace of Sgt (b)(3), (b)(6) team were the snipers and Joint Fires Officer (JFO): Sgt (b)(3), (b)(6) , Cpl (b)(3), (b)(6) (b)(3), (b)(6) (JFO) and Sgt (b)(3), (b)(6) . Sgt (b)(3), (b)(6) team and the snipers will be known as the Over Watch team (OW Team). (Encl 4, 8, 22)

18. ~~(S/REL USA, ISAF, NATO)~~ The OW Team's order of movement west into the Green Zone, at (b)(1)1.4a was SSgt Smith, LCpl (b)(3), (b)(6) Sgt (b)(3), (b)(6) HN Rast, Sgt (b)(3), (b)(6) Sgt (b)(3), (b)(6) Cpl (b)(3), (b)(6) (JFO). (Encl 21, 22, 23)

19. ~~(S/REL USA, ISAF, NATO)~~ At 0820D*, (b)(1)1.4a OW Team, (b)(1)1.4a (b)(1)1.4a derived from Sgt (b)(3), (b)(6) commercial GPS, received small arms fire (SAF) west to south west from their location. Sgt (b)(3), (b)(6) reported SAF 150 meters west to Sgt (b)(3), (b)(6) and then maneuvered to close with the enemy to the west. Sgt (b)(3), (b)(6) reported SAF to Lt (b)(3), (b)(6) (Encl 22, 23)

20. ~~(S/REL USA, ISAF, NATO)~~ At 0823D*, Lt. (b)(3), (b)(6) communicated his friendly dismount team's position 50 meters west of Rte 611 to (b)(1)1.4a via radio reflected Sgt (b)(3), (b)(6) position, not the furthest west position of Sgt (b)(3), (b)(6) team. (Encl 13)

21. ~~(S)~~ At 0827D*, Capt (b)(1)1.4a, (b)(3), (b)(6) directed (b)(1)1.4a to place crosshairs (b)(1)1.4a to locate the (b)(1)1.4a vehicle mounted element. (Encl 16, 24)

22. ~~(S/REL USA, ISAF, NATO)~~ At 0827D*, (b)(1)1.4a reported that fire originated from the northwest and consisted of well aimed SAF shots followed by medium machinegun (MMG) fire (b)(1)1.4a This grid was ultimately recognized as inaccurate once (b)(1)1.4a was asked to scan there; as it was four kilometers west of any friendly position. (Encl 5, 6, 20)

23. ~~(S/REL USA, ISAF, NATO)~~ At 0827D*, (b)(1)1.4a directed (b)(1)1.4a to scan in the vicinity of (b)(1)1.4a northing along Rte 611. (Encl 24)

24. ~~(S/REL USA, ISAF, NATO~~) The OW Team continued to move west to close with the enemy and sought cover in a canal with an adjacent two foot high wall for cover. They then began to move south along the canal. Sgt (b)(3), (b)(6) reported his team's position to Sgt (b)(3), (b)(6) as (b)(1)1.4a (Encl 22, 23)

25. ~~(S/REL USA, ISAF, NATO)~~ Due to the enemy contact, the order of movement south along the canal had changed to SSgt Smith, HN Rast, LCpl (b)(3), (b)(6) Sgt (b)(3), (b)(6) Sgt (b)(3), (b)(6) Sgt (b)(3), (b)(6) and Cpl (b)(3), (b)(6) (JFO). (Encl 22, 23, 25)

26. ~~(S/REL USA, ISAF, NATO)~~ Sgt (b)(3), (b)(6) element, the RS Team, with Sgt (b)(3), (b)(6) as the Radio Operator, was located in the tree line approximately 200 meters east of Sgt (b)(3), (b)(6) OW Team. (Encl 7, 26)

27. ~~(S/REL USA, ISAF, NATO)~~ (b)(1)1.4a asked, at 0828D*, for the location of dismounted elements. (b)(1)1.4a updated the friendly position as (b)(1)1.4a (b)(1)1.4a which was Sgt (b)(3), (b)(6) RS Team's location. This report of the dismounted element's location remained the same up until the kinetic strike of the HELLFIRE. (Encl 20)

28. ~~(S)~~ At 0831D*, (b)(1)1.4a established visual contact with the friendly force mounted element at (b)(1)1.4a (Encl 24, 27)

29. ~~(S/REL USA, ISAF, NATO)~~ At 0835D*, (b)(1)1.4a passed the following friendly positions to (b)(1)1.4a his southern vehicle's location as 41S PR 86947 62466, and his northern vehicle's location as (b)(1)1.4a (Encl 19, 20)

30. ~~(S/REL USA, ISAF, NATO)~~ At 0837D*, (b)(1)1.4a reported "observing all friendly forces are on the 611 or just adjacent in that tree line with another northern vehicle (vic) at the (b)(1)1.4a southern vic at the (b)(1)1.4a to (b)(1)1.4a directed (b)(1)1.4a to "focus around approximate 300 meter scan to the west of the friendly forces convoy". (b)(1)1.4a directed (b)(1)1.4a to "look for personnel possibly moving in the tree lines or moving in on friendly forces, and look at the northeast to southwest running tree line at approximately (b)(1)1.4a (Encl 24)

31. ~~(S)~~ At 0838D*, (b)(1)1.4a began to scan for enemy taking cover on the west side of the northeast to southwest running tree line (b)(1)1.4a (b)(1)1.4a approximately 200 meters west of friendly position on Rte 611. (Encl 24, 27, 30)

32. ~~(S)~~ At 0840:30D*, (b)(1)1.4a picked up three heat signatures in vicinity of Building 58. (Encl 7, 24, 27, 30)

33. ~~(S)~~ Between 0840D* and 0841D*: Distributed Ground Station Indiana (DGS IN) reported:

"friendlies in FOV"

"personnel were shooting west"

"disregard"

"not friendlies"

"unable to discern who personnel were". (Encl 24, 36)

34. ~~(S)~~ DGS IN did not have Distributed Crew Communications (DCC) interphone capability for the (b)(1)1.4a mission. (Encl 28, 36)

35. ~~(S)~~ The DGS IN Geospatial Analyst could not positively identify the personnel as friendly forces. He then sought guidance from his supervisor and retracted his statement in mIRC by typing: "unable to discern who personnel were". (Encl 29)

36. ~~(S)~~ At 0841:12D*, (b)(1)1.4a pilot, Capt (b)(3), (b)(6) saw muzzle flashes IVO (b)(1)1.4a and immediately passed this observation to (b)(1)1.4a over the radio. The Company A ROC then reported this information to (b)(1)1.4a via VHF communications. (Encl 20, 24, 30)

37. ~~(S/REL USA, ISAF, NATO)~~ (b)(1)1.4a pilot believed the direction of fire was east towards the (b)(1)1.4a mounted element on Rte 611, but he never passed that assessment to the JTAC or the rest of the crew. (Encl 30)

38. ~~(S/REL USA, ISAF, NATO)~~ The (b)(1)1.4a pilot did not see the direction of fire assessment from DGS IN in mIRC chat which stated: "personnel were shooting west". (Encl 24, 30)

39. ~~(S/REL USA, ISAF, NATO)~~ At 0841:43D*, Co A 2d Recon Bn JTAC, (b)(1)1.4a passed the following 9-line to BLESSE 13: "Type 2, bomb on target 1, 2, 3 from overhead, line 4 3000, enemy fighting position, (b)(1)1.4a none, east 200, egress back to the overhead. Advise when ready for remarks." The 9-line was broken down as follows:

"Type 2" Close Air Support(CAS)
"Bomb on Target"
1.IP/2.Heading/3.Distance- "From Overhead"
4.Elevation - "3000"
(b)(1)1.4a
6.Target location - (b)(1)1.4a '
7.Type mark - "none"
8.Friendly location - "east 200"
9.Egress - "egress back to the overhead"
"Advise when ready for remarks" (Encl 24, 27, 31, 32)

40. ~~(S)~~ At 0842:08D*, (b)(1)1.4a MIC posted "possible muzzle flashes" in the main mIRC chat room. (Encl 24)

41. ~~(S)~~ At 0842:15D*, (b)(1)1.4a pilot read back 9-line information to (b)(1)1.4a (b)(1)1.4a and transmitted "ready for restrictions and remarks". (Encl 24)

42. ~~(S)~~ At 0842D*, (b)(1)1.4a MIC trainee, TSgt (b)(3), (b)(6) called over his trainer/supervisor, TSgt (b)(3), (b)(6) for assistance due to the escalation of events and told the MIC trainer that he assessed the direction of fire was towards friendly forces. (Encl 33, 34)

43. ~~(S/REL USA, ISAF, NATO)~~ At 0843D*, (b)(1)1.4a passed to (b)(1)1.4a remarks "final attack heading south to north, ROE 421-422, standby ground commander call sign". (Encl 24, 27, 32)

44. ~~(S/REL USA, ISAF, NATO)~~ The (b)(1)1.4a pilot responded to (b)(1)1.4a "requesting north to south final attack heading", and read back "ROE 421-422, ready for ground commander's call sign." (Encl 24, 32)

45. ~~(S/REL USA, ISAF, NATO)~~ At 0843D*, (b)(1)1.4a informed (b)(1)1.4a "enemy has been located southwest of Building 58" and indicated intent to engage by telling (b)(1)1.4a to "Get your guys down - Danger Close". (Encl 20, 31)

46. ~~(S/REL USA, ISAF, NATO)~~ 2nd Lt (b)(3), (b)(6) told his platoon about the impending strike saying, "Get behind cover and report back". (Encl 19, 35)

47. ~~(S/REL USA, ISAF, NATO)~~ Sgt (b)(3), (b)(6) informed those members of his team close to him to take cover and passed the word via radio to the remainder of the force. He then reported to Lt (b)(3), (b)(6) that all forces had taken cover. (Encl 35)

48. ~~(S)~~ At 0843:26D*, the (b)(1)1.4a MIC posted (b)(1)1.4a into the main mIRC chat room because (b)(1)1.4a had passed a 9-line. This is in accordance with direction from a unit-level weapon employment checklist. (Encl 24, 33, 34, 36)

49. ~~(S)~~ From the moment (b)(1)1.4a was passed in mIRC, the (b)(1)1.4a pilot focused on two things: communications with (b)(1)1.4a and keeping the aircraft in position. (Encl 30)

50. ~~(S/REL USA, ISAF, NATO)~~ At 0843, (b)(1)1.4a confirmed disposition of ground forces with (b)(1)1.4a (Encl 24)

51. ~~(S)~~ The members of the DGS IN understood that during (b)(1)1.4a operations they were to adopt a non-interference role, unless they observed an imminent LOAC violation or women and children were observed in the sensor field of view. (Encl 28, 29, 37, 38, 39, 40)

52. ~~(S)~~ At 0845:52D*, The DGS IN Imagery Mission Supervisor (IMS) instructed the tactical communicator (TACOM) to open the private chat with the MIC because, after reviewing the video feed, the DGS IN assessment continued to be that the targeted personnel were shooting to the west and the friendly convoy was positioned to the east. DGS IN brought up a private chat window with (b)(1)1.4a MIC reiterating that "personnel in FOV are shooting towards the west and that the convoy was to the east". (Encl 24, 37, 40)

53. ~~(S)~~ The information from the private chat regarding the direction of fire of personnel in field of view (FOV) was never passed to the pilot or sensor operator by the MIC trainee or trainer. The MIC trainee and trainer both acknowledged receiving the private chat and indicate that at this point they realized they needed to review their own assessment. (Encl 33, 34)

54. ~~(S)~~ At 0847:54D*, (b)(1)1.4a MIC responded to the DGS IN private chat with the request to "double check coordinates". (Encl 24)

55. ~~(S/REL USA, ISAF, NATO)~~ At 0848:56D*, (b)(1)1.4a passed ground commanders callsign as (b)(1)1.4a to the (b)(1)1.4a pilot indicating he was ready for immediate strike. (Encl 24)

56. ~~(S)~~ At 0849:26D*, DGS IN responded to (b)(1)1.4a MIC private chat and confirmed the coordinates posted in the main chat window were the same for the individuals in current FOV, (b)(1)1.4a (Encl 24)

57. ~~(S)~~ At 0850D*, (b)(1)1.4a MIC responded back to private chat stating that "distance is off". The MIC trainee was directed by the MIC trainer to type in "distance is off." The MIC trainer indicated that he meant to say "direction is off". The statement was never corrected. (Encl 24, 33, 34)

58. ~~(S/REL USA, ISAF, NATO)~~ At 0850D*, (b)(1)1.4a gave (b)(1)1.4a "cleared hot" indicating he gave (b)(1)1.4a permission to fire the HELLFIRE. (Encl 24)

59. ~~(S/REL USA, ISAF, NATO)~~ Sgt (b)(3), (b)(6) requested Cpl (b)(3), (b)(6) to look at Grid Reference Graphic (GRG) for Building 58; Cpl (b)(3), (b)(6) replied that "Building 58 is the wrong building". The HELLFIRE impact occurred prior to Sgt (b)(3), (b)(6) ability to communicate this information to (b)(1)1.4a (Encl 22, 41)

60. ~~(S/REL USA, ISAF, NATO)~~ The OW Team took cover. Sgt (b)(3), (b)(6) got the majority of his OW team down in the canal. SSgt Smith (the southernmost person in FOV) and HN Rast (the northernmost person in FOV) took cover utilizing a prone position. (Encl 27)

61. ~~(S)~~ At 0851:37D*, (b)(1)1.4a pilot called (b)(1)1.4a time of flight 17 seconds" indicating that the HELLFIRE missile was launched from the Predator. (Encl 24)

62. ~~(S/REL USA, ISAF, NATO)~~ (b)(1)1.4a passed "17 seconds" to (b)(1)1.4a (b)(1)1.4a passed "17 seconds" to dismount teams, RS Team and OW Team. (Encl 13, 19, 35)

63. ~~(S/REL USA, ISAF, NATO)~~ Sgt (b)(3), (b)(6) passed to his OW Team "17 seconds" then the HELLFIRE immediately impacted. (Encl 22)

64. ~~(S)~~ At 0851:56D*, (b)(1)1.4a pilot called "splash" indicating that the HELLFIRE missile had impacted the target. (Encl 24, 27)

65. ~~(S/REL USA, ISAF, NATO)~~ At 0852D*, Sgt (b)(3), (b)(6) called "cease fire" on radio and moved from his covered position to assess SSgt Smith and HN Rast. Sgt (b)(3), (b)(6) assessed SSgt Smith as Friendly Killed in Action (FKIA) and HN Rast to have mortal wounds based on no pulse and massive blood loss. Sgt (b)(3), (b)(6) saw a large penetrating head wound behind the right ear of HN Rast. (Encl 22, 27)

66. (U~~/FOUO)~~ At 0852D*, (b)(1)1.4a received reports from (b)(1)1.4a that the HELLFIRE may have struck two friendly personnel and that he planned to evacuate casualties to PB Alcatraz. (Encl 20)

67. ~~(S/REL USA, ISAF, NATO)~~ At 0855D*, Sgt (b)(3), (b)(6) and the RS Team, HM2 (b)(3), (b)(6) and Sgt (b)(3), (b)(6) arrived at the HELLFIRE strike location. (Encl 27)

68. (U~~/FOUO~~) HM2 (b)(3), (b)(6) confirmed SSgt Smith as FKIA and began to work on HN Rast. He established a light pulse on HN Rast and began rescue breathing. (Encl 42)

69. ~~(S/REL USA, ISAF, NATO)~~ After the HELLFIRE strike, the OW Team began to receive sustained enemy contact. (Encl 22, 23, 42)

70. (U/~~FOUO~~) At 0859D*, due to enemy SAF, the OW Team moved HN Rast to cover behind a wall and continued working on him for approx 20-30 minutes. HM2 (b)(3), (b)(6) was able to restore HN Rast's breathing for a short period of time. (Encl 27, 42)

71. (U/~~FOUO~~) HM2 (b)(3), (b)(6) continued to search HN Rast for wounds and discovered a penetrating head wound behind his right ear and decided that HN Rast must be evacuated immediately back to the vehicles.(Encl 42, 43)

72. ~~(S/REL USA, ISAF, NATO)~~ At 0909D*, (b)(1)1.4a reported being engaged with enemy indirect fire from the east. (Encl 20, 42, 44, 45)

73. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a A MEDEVAC 9-line was passed from (b)(1)1.4a to (b)(1)1.4a as well as communicating the location of a Hasty LZ (HLZ) east of 623 northing, (b)(1)1.4a reported one CAT C (routine) and one CAT A (urgent). (Encl 20)

74. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a directed (b)(1)1.4a to try to evacuate casualties via vehicles to PB Alcatraz. (Encl 20)

75. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a requested a MEDEVAC. Loc, (b)(1)1.4a LZ (b)(1)1.4a (PB Alcatraz's HLZ), two urgent casualties (CAT A), HR4233 (HN Rast) sustained injuries; blast, concussion and in/out of consciousness, AS (b)(1)1.4a (SSgt Smith) sustained injuries; blast, fragmentation and blood loss. (Encl 46, 47)

76. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a , RC(SW) Personnel Evacuation Coordination Center(PECC) recommended sending the two urgent casualties to Bastion with (b)(1)1.4a (MEDEVAC). (Encl 46)

77. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a took off from FOB Edinburgh. (Encl 47)

78. ~~(S/REL USA, ISAF, NATO)~~ (b)(1)1.4a arrived overhead PB Alcatraz with (b)(1)1.4a (AH-1W) as escort. (Encl 48)

79. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a reported enemy SAF from the north. (Encl 20)

80. (U/~~FOUO~~) It took approximately (b)(1)1.4a minutes to move the casualties to the mounted element's location on Rte 611. This delay was due to various reasons:

the transport of casualties, difficult terrain, and sporadic enemy SAF. (Encl 23, 42, 43)

81. (U/~~FOUO~~) After getting back to the vehicles HM2 (b)(3), (b)(6) reassessed HN Rast and confirmed him as FKIA. (Encl 42)

82. (U/~~FOUO~~) At (b)(1)1.4a confirmed to (b)(1)1.4a that he had two FKIA. (Encl 20)

83. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a transmitted to (b)(1)1.4a and 2d Recon ROC that there were now two FKIA. (Encl 46, 48, 50)

84. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a requested a quick reaction force (QRF) from (b)(1)1.4a directed QRF to secure Rte 611 for (b)(1)1.4a MEDEVAC. (Encl 14, 19, 51)

85. ~~(S/REL USA, ISAF, NATO)~~ (b)(1)1.4a reloaded the mounted element (b)(1)1.4a (b)(1)1.4a (Encl 23)

86. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a the QRF (A3) departed friendly lines to secure 611 in support of (ISO) the MEDEVAC. (Encl 20)

87. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a departed the area of operations for PB Alcatraz south on Rte 611. (Encl 20)

88. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a arrived at PB Alcatraz. (Encl 20)

89. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a landed at PB Alcatraz. (Encl 47)

90. (U/~~FOUO~~) HM1 (b)(3), (b)(6) Co A 2d Recon Bn corpsman, pronounced HN Rast as FKIA. Official time of death was reported as 1024D*. However, in HM1 (b)(3), (b)(6) statement he erroneously recalled time of death as 1054D*. (Encl 52, 53)

91. (U/~~FOUO~~) HM1 (b)(3), (b)(6) pronounced SSgt Smith as FKIA. Official time of death was reported as 1025D*. However, in HM1 (b)(3), (b)(6) statement he erroneously recalled time of death as 1055D*. (Encl 52, 54)

92. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a took off at PB Alcatraz enroute to Bastion. (Encl 47)

93. ~~(S/REL USA, ISAF, NATO)~~ At (b)(1)1.4a landed at Bastion Role 3 Hospital. (Encl 47)

94. (U/~~FOUO~~) At (b)(1)1.4a LCDR (b)(3), (b)(6) Emergency Room Doctor, received the two FKIA at Bastion Role 3 Hospital. (Encl 53, 54, 55)

95. (U/~~FOUO~~) HN Rast sustained fragmentation wounds to the right side of his body including his right arm, shoulder and back. There was a large

penetrating wound to the right side of his head behind the right ear. (Encl 53, 55)

96. (U/~~FOUO~~) SSgt Smith sustained massive blast injuries to the head and face. Additionally, there were fragmentation wounds to all four extremities. (Encl 54, 55)

97. (U/~~FOUO~~) The injuries that HN Rast and SSgt Smith sustained were not survivable, regardless of medical care rendered in the field, during evacuation or in a hospital setting. (Encl 53, 54, 55)

98. (U/~~FOUO~~) In summarizing the key events related to this incident the following timeline is provided: (Encl 9, 20, 22, 23, 24, 27, 46, 47, 52-54)

0720D*	(b)(1)1.4a	departs friendly lines
0807D*		dismounts at objective area
0820D*	Initial enemy contact	
0827D*	(b)(1)1.4a	directed to scan objective area for enemy
0840D*		identifies 3 personnel in vicinity of building 58
0841:12D*	Muzzle flashes observed by (b)(1)1.4a from 3 personnel	
0841:43D*	Co A 2d Recon JTAC passes 9-line CAS request	
0842D*	Muzzle flashes again observed by (b)(1)1.4a	
0849D*	Co A 2d Recon passes ground commander's call sign	
0851D*	HELLFIRE impact	
0852D*	(b)(1)1.4a	indicates possible friendly casualties
0855D*	Additional medical personnel arrive point of impact	
D*	(b)(1)1.4a	submit casualty report for 1-urgent and 1-routine
D*	Co A 2d Recon request evacuation of 2-urgent casualties	
		starts ground movement of casualties to vehicles
(b)(1)1.4a D*	(b)(1)1.4a	reports additional enemy contact
D*	Casualties arrive at vehicles. (b)(1)1.4a reports 2-FKIA	
D*		vehicles en route to PB Alcatraz
D*	(b)(1)1.4a	vehicles arrive PB Alcatraz
D*	(b)(1)1.4a	lands at PB Alcatraz
1024/1025D*	HN Rast and SSgt Smith officially declared FKIA	
D*		takes off from PB Alcatraz
(b)(1)1.4a D*	(b)(1)1.4a	lands at Bastion Role 3 Hospital

(U/~~FOUO~~) OPINIONS

1. ~~(S/REL TO USA, ISAF, NATO)~~ Staff Sergeant Smith and Hospitalman Rast were mobilized reservists on active duty conducting combat operations against the enemy in the Upper Sangin Valley (USV) on April 6, 2011 when they were erroneously engaged by a Predator launched HELLFIRE missile in the vicinity of (b)(1)1.4a (IVO Compound 58, (b)(1)1.4a Sector). (FF 1, 2, 3, 10, 11, 17, 25, 39, 55, 58, 60, 65, 68, 81, 90, 91, 94, 95, 96, 97)

2. (U/~~FOUO~~) Staff Sergeant Smith's death occurred in the line of duty and was not due to his own misconduct. (FF 1, 2, 10, 11, 17, 25, 65, 68, 91, 94, 96, 97)

3. (U/~~FOUO~~) Hospitalman Rast's death occurred in the line of duty and was not due to his own misconduct. (FF 1, 3, 10, 11, 17, 25, 65, 68, 81, 90, 94, 95, 97)

4. (U/~~FOUO~~) All personnel involved in the kinetic strike that killed SSgt Smith and HN Rast were attempting to execute their combat duties appropriately and were not culpably negligent or derelict in their duties. A lack of comprehensive situational awareness between command echelons within the ground force, the Joint Terminal Attack Controllers (JTAC) and the Predator crew led to the engagement of coalition forces by coalition fires. (FF 4-9, 11, 15-25, 27-31, 32, 33, 36, 37, 39 42, 43, 45, 46, 49, 50, 52, 54, 57, 59, 60, 63, 65, 67, 70, 71, 73, 75, 80, 81, 89, 92, 93, 94-97)

5. ~~(S/REL TO USA, ISAF, NATO)~~ The on-scene ground commander (2nd Lt (b)(3), (b)(6) lacked a complete understanding of the planned and actual disposition of his forces, the origin of enemy fires, and the risk posed by the impending HELLFIRE strike. This prevented him from increasing the situational awareness of others involved in the kinetic strike process and also prevented him from aborting the strike due to an unacceptable risk to his men. (FF 10-12, 16, 17, 19, 20, 24, 26, 27, 29, 45-47, 59)

6. ~~(S/REL TO USA, ISAF, NATO)~~ The on-scene commander's scheme of maneuver envisioned a single dismounted maneuver element. The dismounted element leader, Sgt (b)(3), (b)(6) planned for an independent maneuver element (satellite patrol) that would over watch his western flank. Terrain and enemy contact eventually resulted in this over watch element being located approximately 200 meters west of the remainder of the dismounts in the vicinity of compound 58. A lack of awareness of this plan, and absent clear combat reporting, that highlighted it, prevented 2nd Lt (b)(3), (b)(6) from recognizing the potential danger of conducting a kinetic strike in the vicinity of compound 58. The lack of clearly communicated combat reports from Sgt (b)(3), (b)(5) and Sgt (b)(3), (b)(6) did not allow the on-scene commander to improve his situational awareness during the course of combat actions. (FF 10-12, 16, 17, 19, 20, 24, 26, 27, 29, 45-47, 59, 60, 62, 63, 65, 67, 70)

7. ~~(S/REL TO USA, ISAF, NATO)~~ The JTAC, (b)(1)1.4a (GySgt (b)(3), (b)(6) felt that he was engaging a validated enemy firing position. (b)(1)1.4a had indications of muzzle flashes from a covered position 200 meters west from Rte 611. The muzzle flashes were interpreted as hostile action. (b)(1)1.4a requested friendly locations on multiple occasions. (b)(1)1.4a believed that all friendly forces were either on Rte 611 or in close proximity TO Rte 611. Based on all information given, (b)(1)1.4a believed without a doubt to have positive identification of an enemy position firing on friendly forces along Rte 611. (FF 20, 23, 27, 28, 30, 36, 39)

8. ~~(S/REL TO USA, ISAF, NATO)~~ (b)(1)1.4a did not use his Joint Fires Officer (JFO) effectively. The JFO, Cpl (b)(3), (b)(6) was recently added to 1/23's platoon and was not fully integrated into the day's mission as a JFO. (b)(1)1.4a did not get to train or operate with the new JFO addition. Had the

JFO been integrated with 1/23 before they began operations in the USV, and been used effectively, this could have potentially increased the situational awareness of the Platoon Commander and the JTAC, (b)(1)1.4a (FF 17, 18, 25, 29, 46)

9. ~~(S/REL TO USA, ISAF, NATO)~~ The positional relationship between friendly forces and enemy forces, perceived and confirmed through actual contact, was never clearly understood by all involved in this incident. The over watch team knew where the enemy was located through direct contact and never assumed any other position would be struck with fires. The JTAC, (b)(1)1.4a (b)(1)1.4a and (b)(1)1.4a crew perceived the enemy to be located in the vicinity of compound 58 based on observed muzzle flashes from that location and assurance from the ground force that friendly forces were located on or within 50 meters of Rte 611. This resulted in an erroneous request from Co A, 2d Recon Bn to attack friendly personnel that the on scene commander was not able to refute. (b)(1)1.4a should have asked the friendly force engaged in the small arms fight to provide some type of secondary means of validating the enemy's position (i.e. smoke, mark). (FF 10-20, 22, 24-33, 39, 45, 46, 50, 55, 59, 60, 65)

10. ~~(S/REL TO USA, ISAF, NATO)~~ The use of grids and GRG reference points (e.g. building 58) made complete situational awareness difficult for the ground force. The dismounted element was reporting grid position and those planning the strike were using grids as well as GRG references. The ground force did not correlate the two until immediately prior to the impact of the HELLFIRE, realizing too late that they were at the targeted location. (FF 13, 15, 18, 19, 20, 22, 28, 29, 30, 39, 45, 59)

11. ~~(S/REL TO USA, ISAF, NATO)~~ The ground force, specifically the over watch team, had been in direct contact with the enemy, positively knew the enemy location, and never assumed that any other position other than the area they were taking contact from, approximately 300 meters west of compound 58, would be engaged. They were unable to clearly report this so the position of the enemy, with respect to the over watch team and compound 58, was not understood by all. (FF 17, 18, 19, 20, 22, 24, 25, 27, 59)

12. (U/~~FOUO)~~ The adaptation to enemy tactics that presents fleeting targets for engagement resulted in a speed of kinetic strike process that made the development of complete situational awareness more challenging. (FF 19, 32, 36, 39, 40, 55, 58, 61, 62, 64, 65)

13. ~~(S)~~ The (b)(1)1.4a crew's execution of a close air support HELLFIRE strike in support of the ground force commander was procedurally correct, IAW JP 3-09.3. The HELLFIRE launched by the (b)(1)1.4a crew functioned properly and precisely struck the desired target requested by (b)(1)1.4a and approved by (b)(1)1.4a (FF 30, 41, 44, 48, 55, 58, 61, 64)

14. ~~(S)~~ The lack of Distributed Crew Communications (DCC) interphone capability for the (b)(1)1.4a mission hindered the DGS IN's capability to have increased situational awareness of the tactical situation. DCC would have

allowed the DGS IN crew to hear the developing CAS situation and to be aware of what callout information had been passed over the radio to (b)(1)1.4a (FF 34, 36, 37, 38, 39, 43, 53, 55, 58, 61)

15. ~~(S) Upon receipt of a priv~~ate chat from DGS IN with a conflicting assessment of the direction of observed fire, the MIC should have immediately notified the (b)(1)1.4a pilot. This would have enabled the pilot to relay that assessment to the ground force commander for additional consideration. (FF 52, 53)

16. ~~(S) After the 9-line passa~~ge, (b)(1)1.4a operations in mIRC chat impeded the passage of a critical assessment regarding direction of fire to the (b)(1)1.4a Pilot. As executed, this prevented the (b)(1)1.4a and ground commander from being made aware of this assessment. (FF 48, 51, 52, 53)

17. ~~(S)~~ After DGS IN confirmed that their assessment of the target's direction of fire away from friendly forces on Rte 611 had been verified as accurate through review of the video feed, DGS IN should have been more assertive with their assessment, to include repeating their assessment in the main chat~~ room~~. DGS IN should have persisted with their assessment until the (b)(1)1.4a crew either accepted or refuted their assessment. (FF 33, 51, 52, 54, 56, 57)

18. ~~(S)~~ The rapid pacing of the CAS engagement, from initial target acquisition to weapon release, hampered efforts by the (b)(1)1.4a MICs to independently verify DGS IN's conflicting assessment concerning the direction of fire and achieve comprehensive situational awareness. (FF 24, 42, 52, 53, 54, 56, ~~57, 58~~, 61)

19. ~~(S)~~ Regardless of the direction of fire assessment as "away from friendly forces" called by the DGS IN crew, the (b)(1)1.4a crew would have proceeded~~ with~~ the HELLFIRE strike execution due to their perceived high situational awareness of friendly and enemy force disposition, based on position reports from (b)(1)1.4a and observation provided through (b)(1)1.4a . (FF 20, 27~~, 28~~, 29, 30, 37, 50)

20. ~~(S)~~ If the (b)(1)1.4a crew would have confirmed the DGS IN assessment concerning~~ the~~ direction of fire away from friendly forces and passed that information on to (b)(1)1.4a would have proceeded with HELLFIRE strike execution due to his misperception of friendly and enemy force disposition, based on position reports from (b)(1)1.4a (FF 20, 27, 29, 30, 50, 53, 57)

21. (U~~/FOUO~~) The number and severity of wounds of the casualties was confused in the reporting process. The initial report of casualties from the on-scene commander was one urgent (HN Rast) with reported injuries as concussion, in and out of consciousness and one routine (SSgt Smith) with reported injuries as fragmentation and blood loss. SSgt Smith was upgraded to urgent by Co A 2d Recon Bn based upon the description of his injuries when in reality his wounds were instantly fatal. His FKIA status was not reported as

such due to the reluctance to broadcast a FKIA on the radio during an ongoing engagement. This resulted in CO A, 2d Recon Bn requesting MEDEVAC for two urgent casualties. (FF 73, 74, 75, 76)

22. ~~(S/REL TO USA, ISAF, NATO)~~ The decision by the on scene commander to ground evacuate the casualties to a secure HLZ at PB Alcatraz was appropriate. Continued enemy contact after the HELLFIRE strike and the ultimate determination that both casualties had died of wounds made a point of injury evacuation impractical. (FF 65-83, 88, 92)

23. ~~(S/REL TO USA, ISAF, NATO)~~ The requirement for (b)(1)1.4a to loiter overhead in the vicinity of PB Alcatraz was due to their launch prior to completion of the ground movement of the casualties to the intended HLZ. The initial MEDEVAC request was sent by Co A, 2d Recon Bn with the instructions that the aircraft should not be launched until ground evacuation was confirmed by the ground force. The identification of two urgent casualties led to the procedurally automatic launch of the MEDEVAC aircraft. (FF 73-78, 80, 83, 85, 87, 88, 89, 92)

24. (U/~~FOUO~~) The medical care and evacuation process provided to SSgt Smith and HN Rast was adequate and timely. No level of care or earlier provision of care would have prevented their wounds from being fatal. Enhanced field medical care was provided within five minutes of injury and continued for HN Rast up until the time he died of wounds. (FF 95, 96, 97)

(U/~~FOUO~~) RECOMMENDATIONS

1. (U/~~FOUO~~) Elements of this incident should be expeditiously declassified and released to the forces in order to inform the training process of future deploying units. The following issues should be addressed:

a. (U/~~FOUO~~) The early and proper integration of fire support enablers (JTACs and JFOs).

b. (U/~~FOUO~~) Maintenance of friendly and enemy disposition in a dynamic, distributed tactical environment.

c. (U/~~FOUO~~) Weaponeering and target precedence in a nontraditional tactical environment.

d. (U/~~FOUO~~) Integration of Predator in both ISR and kinetic roles.

e. (U/~~FOUO~~) Position reporting in a distributed tactical fight. Single or dual point reports are inherently inaccurate. Units must monitor lead, trail position with associated left and right lateral limits for the friendly force.

2. ~~(S/REL TO USA, ISAF, NATO)~~ All infantry units deployed to Afghanistan, despite anticipated tasking, ISO OEF should be tasked and organized with the appropriate amount of JTACs and JFOs. Units should integrate and train in a

combined arms environment with fully qualified JTACs and JFOs before arriving in CENTCOM AOR. This would enable any infantry unit the flexibility to perform multiple missions.

3. ~~(S/REL TO USA, ISAF, NATO)~~ When conducting "Type 2" CAS utilizing a Remotely Piloted Aircraft (RPA) operating under a JTAC not collocated with friendly ground forces, every attempt should be made to differentiate between friendly and enemy ground positions during a danger close/near danger close situation. The JTAC should request ground forces engaged with enemy forces visually identify friendly (b)(1)1.4a

(b)(1)1.4a

4. (U~~/FOUO)~~ During any delay in extraction of casualties to a low threat environment, MEDEVACs should reposition to a secure landing zone to reduce the transit time and extend the MEDEVAC aircraft's time on station.

5. ~~(S/REL TO USA, ACGU)~~ The implementation of the Distributed Crew Communications (DCC) capability needs to be completed at all DGS locations. An interphone capability between the DGS Mission Operations Commander and the Mission Control Element (MCE) for purposes of transmitting/receiving crew communications and monitoring aircraft ARC-210 will give the DGS analysts much better situational awareness, especially during a potential kinetic event. Giving the DGS Mission Operations Commander a transmit capability is especially important in the event that mIRC is inoperable, and/or a critical assessment is unacknowledged by the MCE. However, specific TTP's for DCC transmit capability first need to be developed to enable effective voice communications from the DGS to the MCE. Had DGS IN been DCC capable during this particular mission, the increased situational awareness from the interphone receive capability would have, at the very least, given them much better insight into the rapid sequence of events leading to the kinetic strike. Additionally, had the DGS IN Mission Operations Commander had a transmit capability to the MCE, DGS IN could have ensured that the entire BLESSE 13 crew immediately received their conflicting assessment regarding the direction of fire away from friendly forces.

6. ~~(S/REL TO USA, ACGU)~~ (b)(1)1.4a guidance in the AFTTP 3-1.DCGS, Chapter 4, 4.3.12.3.2 – 4.3.12.3.4., needs to be clarified. The paragraph that references (b)(1)1.4a mission critical information needs to specifically direct that if any perceived imminent LOAC, ROE, or Fratricide event is perceived, the DGS will immediately post that information in the main mIRC mission room. As the section is currently written, that information should be whispered to the MIC in a private chat. Limiting such important information to a private chat does not give enough visibility to the other key personnel in the (b)(1)1.4a and it creates an unnecessary layer of one-on-one communication from the DGS to the MIC.

7. ~~(S)~~ Unit level MQ-1 and MQ-9 guidance regarding (b)(1)1.4a operations should be revised. Currently, (b)(1)1.4a initiation is a directive checklist item to complete upon 9-line passage, regardless of the tactical situation.

MIC Weapons Employment checklists should be changed to direct (b)(1)1.4a initiation on an "as required" basis during a kinetic engagement. This change will allow the crew to reserve (b)(1)1.4a initiation for situations when non-essential chat impedes effective strike execution.

8. (U/~~FOUO~~) Second Lieutenant (b)(3), (b)(6) should be formally counseled by his immediate chain of command concerning the following issues stemming from this incident:

a. (U/~~FOUO~~) The requirement for him to have a complete understanding of the situation on the ground, to accurately communicate that to others, and to actively participate in actions taken to support his unit.

b. (U/~~FOUO~~) The requirement to conduct pre-mission briefs and rehearsals that makes the planned subordinate scheme of maneuver clear.

c. (U/~~FOUO~~) The requirement to rehearse communications procedures and the combat reporting process to ensure accurate and timely sharing of key information.

d. (U/~~FOUO~~) The requirement to combine information reported by radio with personal observation to ensure comprehensive understanding of the situation.

e. (U/~~FOUO~~) The requirement to fully integrate and rehearse employment of JFOs in support of missions in order to allow supporting fires to be requested at his initiative and enhance his understanding of actions on the battlefield.

9. (U/~~FOUO~~) Sergeant (b)(3), (b)(6) should be formally counseled by his immediate chain of command concerning his requirement to adequately communicate his planned scheme of maneuver to the commander. Additionally, his requirement to communicate the status of ongoing actions to enable development of comprehensive situational awareness by all who are in support of his unit.

10. (U/~~FOUO~~) Sergeant (b)(3), (b)(6) should be formally counseled by his immediate chain of command concerning his requirement to communicate the status of ongoing actions to enable development of comprehensive situational awareness by all who are in support of his unit.

11. (U/~~FOUO~~) HM2 (b)(3), (b)(6) and Sgt (b)(3), (b)(6) should be commended for their extraordinary efforts to aid HN Rast. After the HELLFIRE strike they immediately rushed from the vehicles on Rte 611 to the casualties covering over 200 meters of rough, contested terrain arriving at their side in less than 5 minutes. They instantly assessed the casualties and acted to stabilize HN Rast for evacuation. They moved him to cover, restored his airway, and did a thorough wound assessment during which they discovered that HN Rast had suffered a mortal head wound. Undeterred, they prepared him for movement and led the unit effort to again traverse the 200 meters of rough terrain with two casualties and in the face of continuing enemy contact. The fact that HN

Rast eventually succumbed to his wounds does not diminish the bravery, camaraderie, and medical skill displayed by HM2 (b)(3), (b)(6) and Sgt (b)(3), (b)(6)

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

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

Colonel, USMC

Major, USMC

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

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

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

Captain, USAF

Major, USAF

Lieutenant Colonel, USMC

HEADQUARTERS
United States Forces–Afghanistan
Kabul, Afghanistan
APO AE 09356

CDR USFOR-A

9 April 2011

MEMORANDUM FOR COLONEL (b)(3), (b)(6) USMC

SUBJECT: Command Investigation into the Friendly Fire Incident that Occurred on 6 April 2011 in Regional Command-Southwest (RC-SW)

1. Reference JAGINST 5800.7EC CH-2 (JAGMAN)

2. You are hereby appointed, per Chapter II of the reference, to inquire into the facts and circumstances surrounding the deaths of two United States Marines on 6 April 2011 in RC(SW) that resulted from injuries sustained from a Hellfire missile fired from a Predator in response to a CAS request. Individuals listed below are also appointed to this investigation in their listed capacities.

a. Major (b)(3), (b)(6) USMC, is hereby designated as a member of the investigative team as your deputy investigating officer.

b. Captain (b)(3), (b)(6) USAF, is hereby designated as a member of the investigative team as a subject matter expert.

c. Major (b)(3), (b)(6) USAF, is hereby designated as a member of the investigative team as a subject matter expert.

d. Lieutenant Colonel (b)(3), (b)(6) USMC, Deputy Staff Judge Advocate, II Marine Expeditionary Force (Forward), is hereby appointed as your legal advisor. You will consult with him before making any substantive efforts regarding your investigation. Lieutenant Colonel (b)(3), (b)(6) e-mail address is (b)(2), (b)(3), (b)(6) and he can be reached at (b)(2)

e. You may request that additional individuals or subject matter experts be appointed by me in writing to assist you in your investigation.

3. The scope of your investigation can be as broad as necessary. You will, however, investigate the circumstances surrounding the deaths of the two Marines, as well as any injuries that others sustained as a result of the Hellfire missile fired on 6 April 2011 and report to me any fault, negligence, or responsibility. Additionally, you will address the provision of medical care to all concerned, to include MEDEVAC response times. You will determine whether any deficiencies violated policy, regulations, or the Uniform Code of Military Justice. You will also fully address the sufficiency of actions relating to operations, logistics, and command and control. You will make recommendations for corrective action, including administrative or disciplinary action, if appropriate.

CDR USFOR-A
SUBJECT: Command Investigation into the Friendly Fire Incident that Occurred on 6 April 2011 in Regional Command-Southwest (RC-SW)

4. All witness statements will be sworn to by the individuals making them and will be provided in writing. If it is not possible to obtain a written and/or sworn statement from a particular witness, you will swear to the accuracy of any transcription or summary of such witness testimony in whatever form it appears within your investigative report. When a person is requested to supply personal information in a statement, the individual shall complete a Privacy Act statement in accordance with section 0207.e. of the reference.

5. If you suspect a U.S. service member of having committed an offense, you must advise that person of his or her rights under Article 31(b), UCMJ, using a Rights Warning/Waiver Certificate. If you suspect an officer senior to you of having committed a crime, you must immediately notify your legal advisor. Ensure that all personal information is obtained from official DoD records whenever possible.

6. If the investigation should uncover or encounter information which reflects the possibility of criminal behavior, e.g., dereliction of duty on the part of an international NATO officer or representative, any further investigation into the officer's or representative's culpability should cease immediately and you should contact your legal advisor.

7. The completed investigation will include classified and unclassified summaries. You must ensure proper classification marking for each paragraph, page, and exhibit included in your report of investigation. You will exercise discretion when enclosing graphic photographs (e.g., autopsy photos) to the investigative report, and you shall familiarize yourself with section 0232 of the reference.

8. You will make line of duty determinations in accordance with the reference for the two deceased Marines, as well as for any individuals who were injured.

9. This investigation is your priority and you will have the complete support of U.S. Forces–Afghanistan directorates and subordinate commands for administrative support, security, movement, coordination, and any other assistance you might require, to include any subsequent classification review and/or declassification effort.

10. You will submit your completed report of investigation no later than 25 April 2011. The USFOR-A Staff Judge Advocate may grant extensions to this deadline. All requests for an extension will be made in writing and explain the reason(s) why additional time is needed to complete this investigation.

DAVID H. PETRAEUS
General, United States Army
Commanding

UNITED STATES MARINE CORPS
2D RECONNAISSANCE BATTALION
2D MARINE DIVISION (FWD)
UNIT 76676
FPO, AE 09510-6676

IN REPLY REFER TO:
5830
S-1
9 Apr 11

From: Captain (b)(3), (b)(6) /0202 USMC
To: Commanding Officer, 2d Reconnaissance Battalion

Subj: PRELIMINARY INQUIRY INTO THE ALLEGED FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 BETWEEN 2D RECONNAISSANCE BATTALION AND 1ST BATTALION, 23D MARINE REGIMENT

Ref: (a) JAGINST 5800.7D (JAGMAN)

Encl: (1) Written Statement- 2ndLt (b)(3), (b)(6) /0302, Plt Cmdr, RCT-8 QRF Plt
(2) Written Statement- Sgt (b)(3), (b)(6) /0311, Squad Ldr, RCT-8 QRF Plt
(3) Written Statement- 1stLt (b)(3), (b)(6) /0602, Bn WO, 2d Recon Bn
(4) Written Statement- Capt (b)(3), (b)(6) /7565, Bn AirO, 2d Recon Bn
(5) Written Statement- GySgt (b)(3), (b)(6) /0861, Bn Fires Chief, 2d Recon Bn
(6) Written Statement- Capt (b)(3), (b)(6) /0203, A Co XO, 2d Recon Bn
(7) Written Statement- MSgt (b)(3), (b)(6) /0321, A Co Ops Chief, 2d Recon Bn
(8) Written Statement- Sgt (b)(3), (b)(6) /3521, MT Operator, 2d Recon Bn
(9) Video- (b)(1)1.4a Hellfire Strike from 6 Apr 11
(10) mIRC Window Recordings from 6 Apr 11
(11) Photos of A Co, 2d Recon Bn Radio Traffic Logbook from 6 Apr 11
(12) Photos of A Co, 2d Recon Bn Map Board from 6 Apr 11
(13) Blue Force Tracker (BFT) Messages from 6 Apr 11
(14) High Performance Waveform (HPW) Messages from 6 Apr 11

1. Under chapter II, part B of the reference I, Capt (b)(3), (b)(6) was appointed to inquire into the circumstances surrounding alleged friendly fire incident which occurred on 6 April 2011, between 2d Reconnaissance Battalion and the Quick Reaction Force (QRF) Platoon in direct support from 1st Battalion, 23d Marine Regiment in 2d Reconnaissance Battalion's area of operation, Sangin District, Helmand Province, Afghanistan.

2. Personnel contacted:

a. 2ndLt (b)(3), (b)(6) /0302, Plt Cmdr, RCT-8 QRF Plt
b. Sgt (b)(3), (b)(6) /0311, Squad Ldr, RCT-8 QRF Plt
c. 1stLt (b)(3), (b)(6) /0602, Bn WO, 2d Recon Bn
d. Capt (b)(3), (b)(6) /7565, Bn AirO, 2d Recon Bn
e. GySgt (b)(3), (b)(6) /0861, Bn Fires Chief, 2d Recon Bn
f. Capt (b)(3), (b)(6) /0203, A Co XO, 2d Recon Bn
g. MSgt (b)(3), (b)(6) /0321, A Co Ops Chief, 2d Recon Bn
h. Sgt (b)(3), (b)(6) /3521, MT Operator, 2d Recon Bn

3. Materials Reviewed:

a. Written Statement- 2ndLt (b)(3), (b)(6) /0302, Plt Cmdr, RCT-8 QRF Plt
b. Written Statement- Sgt (b)(3), (b)(6) /0311, Squad Ldr, RCT-8 QRF Plt
c. Written Statement- 1stLt (b)(3), (b)(6) /0602, Bn WO, 2d Recon Bn
d. Written Statement- Capt (b)(3), (b)(6) /7565, Bn AirO, 2d Recon Bn
e. Written Statement- GySgt (b)(3), (b)(6) /0861, Bn Fires Chief, 2d Recon Bn
f. Written Statement- Capt (b)(3), (b)(6) /0203, A Co XO, 2d Recon Bn
g. Written Statement- MSgt (b)(3), (b)(6) /0321, A Co Ops Chief, 2d Recon Bn
h. Written Statement- Sgt (b)(3), (b)(6) /3521, MT Operator, 2d Recon Bn
i. Video- (b)(1)1.4a Hellfire Strike from 6 Apr 11
j. mIRC Window Recordings from 6 Apr 11
k. Photos of A Co, 2d Recon Bn Radio Traffic Logbook from 6 Apr 11
l. Photos of A Co, 2d Recon Bn Map Board from 6 Apr 11
m. Blue Force Tracker (BFT) Messages from 6 Apr 11
n. High Performance Wave (HPW) Messages from 6 Apr 11

4. Summary of findings: Based on the personnel contacted and the materials reviewed between 6-9 Apr 11, below is a list of facts.

a. At approximately 0720D* on 6 Apr 11, RCT-8 QRF Plt departed friendly lines from PB Alcatraz under the command of 2ndLt (b)(3), (b)(6) Sgt (b)(3), (b)(6) was the 1st Squad Leader, in charge of the dismounted element. Their mission was to conduct route security operations along Route 611 in (b)(1)1.4a within the Upper Sangin Valley (USV).

b. During the event, Capt (b)(3), (b)(6) was serving as the Company Watch Officer, GySgt (b)(3), (b)(6) was serving as the Company JTAC, Sgt (b)(3), (b)(6) was serving as the Radio Operator, and MSgt (b)(3), (b)(6) was assisting by plotting friendly/enemy positions on the map board located at the Company A Reconnaissance Operations Center (ROC) at PB Alcatraz.

c. During the event, Capt (b)(3), (b)(6) was serving as the Bn Air Officer and 1stLt (b)(3), (b)(6) was serving as the Bn Watch Officer in the 2d Recon Bn FWD ROC located at FOB Jackson.

d. During the event, RCT-8 QRF Plt had positive internal VHF communications, VHF communications with the Company A ROC and BFT communications with the 2d Recon Bn FWD ROC.

e. During the event, the Company A ROC had positive VHF communications with the RCT-8 QRF Plt, (b)(1)1.4a and the 2d Recon Bn FWD ROC. The Company A ROC also had positive HPW messaging communications with the 2d Recon Bn FWD ROC.

f. During the event, the 2d Recon Bn FWD ROC had positive VHF communications/HPW messaging communications with the Company A ROC and mIRC/SIPR/SVOIP with the 2d Recon Bn Main ROC located at Camp Leatherneck and RCT-8 located at FOB Delaram.

g. During the event, the 2d Recon Bn FWD ROC, 2d Recon Bn Main ROC and Company A ROC were able to view the ISR feed from (b)(1)1.4a

h. At approximately 0825D* on 6 Apr 11, while conducting a mounted patrol along Route 611, the RCT-8 QRF Plt began receiving small arms fire from an unknown insurgent location to their west. RCT-8 QRF Plt maneuvered a dismounted element towards the insurgent's possible location, and maintained a mounted element along Route 611.

i. The 2d Recon Bn FWD ROC confirmed friendly force locations with the Company A ROC of (b)(1)1.4a for the RCT-8 QRF Plt via VHF communications. This same location was also passed from the RCT-8 QRF Plt to the 2d Recon Bn FWD ROC via BFT messaging in their initial SALTA report.

j. RCT-8 QRF Plt did not have positive identification of the location of the insurgents engaging them. RCT-8 QRF Plt passed to the Company A ROC that the small arms fire appeared to be originating from IVO Compound 58 in the Q6D Sector of the USV.

k. Blesse-13 was able to positively identify muzzle flashes from (b)(1)1.4a (b)(1)1.4a, approximately 40 m southwest of Compound 58 in the Q6D Sector. This information was passed from (b)(1)1.4a to the Company A ROC via VHF communications. The Company A ROC then passed this information to the 2d Recon Bn FWD ROC via VHF communications.

l. At approximately 0838D* on 6 Apr 11, the Company A ROC had reported friendly force locations for the RCT-8 QRF Plt of (b)(1)1.4a Northing for the lead vehicle along Route 611, (b)(1)1.4a for the trail vehicle along Route 611, and (b)(1)1.4a for the dismounted element to 2d Recon Bn FWD ROC via HPW.

m. At approximately (b)(1)1.4aD*, as per the request of the Company A ROC, the 2d Recon Bn FWD ROC submitted the Nine Line CAS request in the RCT_8_ASE_TACPL mIRC window.

n. At approximately 0844D*, RCT-8 QRF Plt had confirmed with the Company A ROC that all friendly forces were in their vehicles or had cover prior to the Hellfire strike from (b)(1)1.4a .

o. (b)(1)1.4a was cleared to engage targets (b)(1)1.4a by the Company A ROC. At approximately 0851D* on 6 Apr 11, (b)(1)1.4a engaged this target area with one Hellfire rocket, the round was on target and functioned properly.

p. The Hellfire strike by (b)(1)1.4a was not an insurgent fighting position, it was friendly forces from the RCT-8 QRF Plt dismounted element. This Hellfire strike resulted in two friendly force casualties.

5. Recommendations: It is recommended that a Command Investigation be conducted. After reviewing the above listed materials and contacting the above listed personnel, it is confirmed that the event in question was in fact a friendly fire incident. To determine in full detail the events that led up to the friendly fire incident, all submitted material and additional radio traffic needs to be further analyzed. Personnel related to the incident however not contacted during this PI consist of the crew operating

SUBJ: PRELIMINARY INQUIRY INTO THE ALLEGED FRIENDLY FIRE INCIDENT ON 6 APRIL 2011 BETWEEN 2D RECONNAISSANCE BATTALION AND 1ST BATTALION, 23D MARINE REGIMENT

(b)(1) 1.4a and the staff of the 2d Recon Bn Main ROC during the time of the friendly fire incident.

6. Point of contact is (b)(3), (b)(6) at VOSIP (b)(2) .

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

(1) ~~(S//REL USA, ISAF, NATO)~~ Written Statement - 2ndLt (b)(3), (b)(6) USMC, (b)(3), (b)(6) 0302, Platoon Commander, 2nd Plt Co A 1/23 can be found in Enclosure (19)

(2) ~~(S//REL USA, ISAF, NATO)~~ Written Statement - Sgt (b)(3), (b)(6) USMC, (b)(3), (b)(6) 0311, Squad Leader, 2nd Plt Co A 1/23 can be found in Enclosure (21)

(3) ~~(S//REL USA, ISAF, NATO)~~ Written Statement - 1stLt (b)(3), (b)(6) USMC, (b)(3), (b)(6) 0602, BN WO, 2d Recon Bn can be found in Enclosure (17)

(4) ~~(S//REL USA, ISAF, NATO)~~ Written Statement - Capt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) 7565, BN Air Officer, 2d Recon Bn can be found in Enclosure (16)

(5) ~~(S//REL USA, ISAF, NATO)~~ Written Statement - GySgt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) 0861, Fires Chief, JTAC, 2d Recon Bn can be found in Enclosure (13)

(6) ~~(S//REL USA, ISAF, NATO)~~ Written Statement - Capt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) 0203, Co A Executive Officer, JTAC, 2d Recon Bn can be found in Enclosure (12)

(7) ~~(S//REL USA, ISAF, NATO)~~ Written Statement and Interview Summary- MSgt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) 0321, Co A Ops Chief, 2d Recon Bn can be found in Enclosure (15)

(8) ~~(S//REL USA, ISAF, NATO)~~ Written Statement- Sgt (b)(3), (b)(6) , USMC, (b)(3), (b)(6) 3521, Motor Transport Operator, 2d Recon Bn can be found in Enclosure (14)

(9) ~~(S)~~ Video- (b)(1)1.4a Hellfire Strike from 6 Apr 11 can be found in Enclosure (27)

(10) ~~(S)~~ mIRC Window Recondings from 6 Apr 11 can be found in Enclosure (24)

(11) ~~(S//REL USA, ISAF, NATO)~~ Photos of A Co, 2d Recon Bn Radio Traffic Logbook from 6 Apr 11

(12) ~~(S//REL USA, ISAF, NATO)~~ Photos of A Co, 2d Recon Bn Map Board from 6 Apr 11 can be found in the RC (SW) Command Investigation Archive

(13) ~~(S//REL USA, ISAF, NATO)~~ Blue Force Tracker (BFT) Messages from 6 Apr 11 can be found in the RC (SW) Command Investigation Archive

(14) ~~(S//REL USA, ISAF, NATO)~~ High Performance Waveform (HPW) Messages from 6 Apr 11 can be found in the RC (SW) Command Investigation Archive

(U~~// FOUO~~)

From: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Sent: Monday, April 18, 2011 9:51 PM
To: (b)(3), (b)(6)
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6) CONTR; (b)(3), (b)(6) LtCol (b)(3), (b)(6)
RC(SW) II MEF FWD Deputy SJA
Subject: RE: AUTOPSY REPORT (UNCLASSIFIED)

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

Do you think the autopsy for the two individuals will be complete by 22nd of April? If not can you provide some type of document that we can include in the investigation that can state a resemble timeline of when the autopsy will be available.

v/r,

Maj (b)(3), (b)(6)
(b)(3), (b)(6)
RC(SW) PR Dir/ Air Officer

(b)(3), (b)(6), (b)(2)

-----Original Message-----
From: (b)(3), (b)(6), (b)(2)
Sent: Thursday, April 14, 2011 17:10
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6) CONTR; (b)(3), (b)(6) LtCol (b)(3), (b)(6)
RC(SW) II MEF FWD Deputy SJA
Subject: RE: AUTOPSY REPORT (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you MAJ (b)(3), (b)(6)

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

(b)(2), (b)(3), (b)(6)

(U~~// FOUO~~)

From: (b)(3), (b)(6) Maj USAF AFME AFMAO/OAFME
| (b)(3), (b)(6), (b)(2) |
Sent: Saturday, April 23, 2011 3:11 AM
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Cc: (b)(3), (b)(6) LCDR; (b)(3), (b)(6), (b)(2)
Subject: Autopsy Reports
Signed By: (b)(3), (b)(6), (b)(2)

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

I have just received an email that you sent Ms. (b)(3), (b)(6) requesting autopsy reports on two individuals. I am the staff of record on one of the reports and (b)(3), (b)(6) is the staff of record on the other case. The cases are currently in the QC process and should be available by available May 2nd. I will be away next week, however, (b)(3), (b)(6) will be available to answer questions as he is familiar with both cases. I have included him on the email string. Unfortunately, I do not have his SIPR address but he will be able to forward it to you.

Thanks,

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

(b)(3), (b)(6) MD, PhD
LtCol(sel), USAF, MC
Deputy Medical Examiner and Director Dover Operations
Armed Forces Medical Examiner System

(b)(3), (b)(6), (b)(2)

(U~~// FOUO~~)

(U~~// FOUO~~)

From: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Sent: Saturday, April 23, 2011 9:33 AM
To: (b)(3), (b)(6) II Maj USAF AFME AFMAO/OAFME'
Cc: (b)(3), (b)(6) LCDR; (b)(3), (b)(6), (b)(2) Col (b)(3), (b)(6) LtCol (b)(3), (b)(6) RC(SW) II MEF FWD Deputy SJA
Subject: RE: Autopsy Reports

Sir,
Sounds good. We are completing the Command Investigation on the 25th. Once complete, we will forward it to COMIJC in Kabul. We will contact IJC to determine who the reports need to go to once they are available. Thanks for your help.

v/r,
Maj (b)(3), (b)(6)
(b)(3), (b)(6)
RC(SW) PR Dir/ Air Officer

(b)(3), (b)(6), (b)(2)

-----Original Message-----
From: (b)(3), (b)(6) II Maj USAF AFME AFMAO/OAFME
(b)(3), (b)(6), (b)(2)
Sent: Saturday, April 23, 2011 03:11
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Cc: (b)(3), (b)(6) LCDR; (b)(3), (b)(6), (b)(2)
Subject: Autopsy Reports

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

I have just received an email that you sent Ms. (b)(3), (b)(6) requesting autopsy reports on two individuals. I am the staff of record on one of the reports and (b)(3), (b)(6) is the staff of record on the other case. The cases are currently in the QC process and should be available by available May 2nd. I will be away next week, however, (b)(3), (b)(6) will be available to answer questions as he is familiar with both cases. I have included him on the email

string. Unfortunately, I do not have his SIPR address but he will be able to forward it to you.

Thanks,

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

(b)(3), (b)(6) MD, PhD
LtCol(sel), USAF, MC
Deputy Medical Examiner and Director Dover Operations Armed Forces Medical Examiner System

(b)(3), (b)(6), (b)(2)

(U~~// FOUO~~)

(U~~// FOUO~~)

From: (b)(3), (b)(6), (b)(2)
Sent: Thursday, April 14, 2011 12:37 AM
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer; (b)(3), (b)(6) (b)(3), (b)(6) CONTR
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6)
Subject: RE: AUTOPSY REPORT (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

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

Please include the decedents names and ssn in your request letter.

V/r

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

(b)(3), (b)(6)
Administrative Assistance/Request Specialist Office of the Armed Forces Medical Examiner

(b)(2)

-----Original Message-----
From: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer (b)(3), (b)(6), (b)(2)
Sent: Wednesday, April 13, 2011 11:22 AM
To: (b)(3), (b)(6) CONTR
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6)
Subject: FW: AUTOPSY REPORT

Ladies,

My name is Maj (b)(3), (b)(6) I am Deputy Investigating Officer conducting a IJC Command Investigation into a friendly fire incident. I attached the appointment letter. Part of the investigation is getting the autopsy results to include in the investigation to determine cause of death. I would like to

discuss more into the investigation and was wondering if you all have a SIPR email address that I could send the request.

v/r,

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

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

RC(SW) PR Dir/ Air Officer

(b)(3), (b)(6), (b)(2)

From: (b)(3), (b)(6) CDR (b)(3), (b)(6) RC(SW) MED OPS & Plans
Sent: Wednesday, April 13, 2011 08:49
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Subject: RE: AUTOPSY REPORT

Maj,

You may want to try the DSN lines again today. I believe there was a problem w/ the lines yesterday, numerous individuals I spoke w/ ewre unable to get out, and I received a number of e-mails from CONUS sites that were unable to

ENCLOSURE 3

get in.

To answer your specific question, I do not have a POC at the center.

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

From: (b)(3), (b)(6) Maj (b)(3), (b)(6) E RC(SW) II MEF FWD G3 PR Dir/Air Officer
Sent: Tuesday, April 12, 2011 18:43
To: (b)(3), (b)(6) CDR (b)(3), (b)(6) RC(SW) MED OPS & Plans
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6) LtCol (b)(3), (b)(6) RC(SW) II MEF FWD Deputy SJA; (b)(3), (b)(6) CAPT (b)(3), (b)(6) RC(SW) II MEF FWD Surgeon
Subject: RE: AUTOPSY REPORT

Sir,

I have been unable to contact anyone via DSN. Would happen to have a good poc that I could email the request to. I am not sure the exact procedure to request the reports and the website does not have much more to offer than the Autopsy report request and a fax number.

v/r,

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

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

RC(SW) PR Dir/ Air Officer

(b)(3), (b)(6), (b)(2)

(b)(3), (b)(6), (b)(2)

From: (b)(3), (b)(6) CDR (b)(3), (b)(6) RC(SW) MED OPS & Plans
Sent: Tuesday, April 12, 2011 16:50
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Subject: AUTOPSY REPORT

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

The link below will get you to the Armed Forces Medical Examiners web-site, a contains the request forms you need. There is also a telephone number you can try (b)(2)

(b)(2)

Let me know if there is anything else I might be able to assist w/. As I said, it will likely be 4-6 weeks before a final report is ready.

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

CDR (b)(3), (b)(6) MSC, USN

RC(sw) CMED OPS & Plans

(b)(2)

CONFIDENTIALITY NOTICE: The information contained in this message is intended only for the recipient and may contain information that is confidential. If you are not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient; please be aware that any dissemination, forwarding, printing, copying, disclosure or distribution of this communication is strictly prohibited.
If you have received this communication in error, please immediately notify the sender by replying to the message and deleting all copies, including attachments, from your system.

Classification: UNCLASSIFIED
Caveats: NONE

(U~~// FOUO)~~

Administrative Assistance/Request Specialist Office of the Armed Forces Medical Examiner

(b)(2)

-----Original Message-----
From: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
(b)(3), (b)(6), (b)(2)
Sent: Thursday, April 14, 2011 3:16 AM
To: (b)(3), (b)(6)
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6) CONTR; (b)(3), (b)(6) LtCol (b)(3), (b)(6)
RC(SW) II MEF FWD Deputy SJA
Subject: RE: AUTOPSY REPORT (UNCLASSIFIED)

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

The two individuals are:
SSgt Jeremy D Smith, USMC, xxx-xx- (b)(6)
HN Benjamin D Rast, USN, xxx-xx- (b)(6)

Please let me know what else you need. We would like to pass this information on SIPR, classified secret, due to the high visibility of this incident.

v/r,

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

(b)(3), (b)(6)
RC(SW) PR Dir/ Air Officer

(b)(3), (b)(6), (b)(2)

-----Original Message-----
From: (b)(3), (b)(6), (b)(2)
Sent: Thursday, April 14, 2011 00:37
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer; (b)(3), (b)(6)
(b)(3), (b)(6) CONTR
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6)
Subject: RE: AUTOPSY REPORT (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

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

Please include the decedents names and ssn in your request letter.

V/r

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

Administrative Assistance/Request Specialist Office of the Armed Forces Medical Examiner

(b)(2)

-----Original Message-----
From: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
[(b)(3), (b)(6), (b)(2)]
Sent: Wednesday, April 13, 2011 11:22 AM
To: (b)(3), (b)(6) CONTR
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6)
Subject: FW: AUTOPSY REPORT

Ladies,

My name is Maj (b)(3), (b)(6) I am Deputy Investigating Officer conducting a IJC Command Investigation into a friendly fire incident. I attached the appointment letter. Part of the investigation is getting the autopsy results to include in the investigation to determine cause of death. I would like to discuss more into the investigation and was wondering if you all have a SIPR email address that I could send the request.

v/r,

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

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

(b)(2), (b)(3), (b)(6)

RC(SW) PR Dir/ Air Officer

(b)(3), (b)(6), (b)(2)

From: (b)(3), (b)(6) CDR (b)(3), (b)(6) RC(SW) MED OPS & Plans
Sent: Wednesday, April 13, 2011 08:49
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Subject: RE: AUTOPSY REPORT

Maj,

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

(b)(2), (b)(3), (b)(6)

From: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Sent: Tuesday, April 12, 2011 18:43
To: (b)(3), (b)(6) CDR (b)(3), (b)(6) RC(SW) MED OPS & Plans
Cc: (b)(3), (b)(6) Col (b)(3), (b)(6) LtCol (b)(3), (b)(6) RC(SW) II MEF FWD Deputy SJA; (b)(3), (b)(6) CAPT (b)(3), (b)(6) RC(SW) II MEF FWD Surgeon
Subject: RE: AUTOPSY REPORT

Sir,

I have been unable to contact anyone via DSN. Would happen to have a good poc that I could email the request to. I am not sure the exact procedure to request the reports and the website does not have much more to offer than the Autopsy report request and a fax number.

v/r,

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

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

RC(SW) PR Dir/ Air Officer

(b)(3), (b)(6), (b)(2)

From: (b)(3), (b)(6) CDR (b)(3), (b)(6) RC(SW) MED OPS & Plans

Sent: Tuesday, April 12, 2011 16:50
To: (b)(3), (b)(6) Maj (b)(3), (b)(6) RC(SW) II MEF FWD G3 PR Dir/Air Officer
Subject: AUTOPSY REPORT

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

The link below will get you to the Armed Forces Medical Examiners web-site, a contains the request forms you need. There is also a telephone number you can try (b)(2) .

http://www.afmes.mil/ <blockedhttp://www.afmes.mil/>

Let me know if there is anything else I might be able to assist w/. As I said, it will likely be 4-6 weeks before a final report is ready.

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

CDR (b)(3), (b)(6) MSC, USN

RC(sw) CMED OPS & Plans

(b)(2)

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Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

(U~~// FOUO)~~

Pages 70 through 80 redacted for the following reasons:
- -
ENCLOSURE (4, 5, 6, 7, 8, 9) REMOVED DUE TO FOIA EXEMPTION 5 U.S.C 552 (b) (3), (b) (6), and (b) (1)1.4a

~~FOR OFFICIAL USE ONLY~~

THIS E-MAIL CONTAINS ~~FOR OFFICIAL USE ONLY (FOUO)~~ INFORMATION WHICH MUST BE PROTECTED UNDER THE PRIVACY ACT, DOD 5400.11-R. TREAT ANY ATTACHMENTS AS ~~FOUO~~.

****
DO NOT CHANGE ANYTHING BELOW THIS LINE.
TO CHANGE THIS CASUALTY REPORT, DISCARD THIS EMAIL, RETURN TO DCIPS-FORWARD, MAKE YOUR CHANGES AND GENERATE THE EMAIL AGAIN.
****

****
********** CASUALTY REPORT **********
****

Report Type: INIT

Casualty Type: Hostile

Casualty Status: DECEASED

Casualty Category: Died of Wounds

Report Number: 122110101

Personnel Type: Reserve

Personnel Affiliation: Active Duty

Personnel Category: Recalled/Mobilized

SSN (New/Old): (b)(6)

Last Name: SMITH

First Name: JEREMY

Middle Name: D

Service: United States Marine Corps

Military Rank: SSGT

Military Unit of Assignment: 1/23, RCT-8, 2ND MARDIV FWD (PARENT CMD: 4TH MARDIV)

Date/Time of Incident (New/Old): 20110406/0917

Inflicting Force: U.S. Forces (Buddy)

Incident City: SHAYKH-MUJHAMIHALYAN

Incident Country: Afghanistan

Circumstance: ON 20110406, SSGT SMITH, MALE, 0313, DIED OF WOUNDS SUSTAINED FROM A HELL FIRE MISSILE WHILE CONDUCTING A DISMOUNTED PATROL NORTHEAST OF PATROL BASE ALCATRAZ, HELMAND PROVINCE, AFGHANISTAN. SSGT SMITH WAS PRONOUNCED DECEASED AT 1024 BY LCDR (b)(3), (b)(6), USN. LCDR (b)(3), (b)(6) IDENTIFIED SSGT (b)(3), (b)(6) BY MEANS OF NAME TAPES AND IDENTIFICATION TAGS. SSGT SMITH WAS WEARING THE NEW KEVLAR HELMET, THE SCALABLE PLATE CARRIER WITH FRONT, BACK AND SIDE E-SAPI PLATES, BALLISTIC GOGGLES, NOMEX GLOVES, AND GROIN PROTECTOR. (MM# 04-06B)

Diagnosis Info: BLAST WOUNDS

Date/Time of Death: 20110406/1024

Cause of Death: BLAST WOUNDS

Remarks: A COMMAND INVESTIGATION IS BEING CONDUCTED REGARDING THE CAUSE OF DEATH POSSIBLY BEING DUE TO FRIENDLY FIRE. INVESTIGATING OFFICER IS CAPT (b)(3), (b)(6) THE PROPER MEDICAL AUTHORITIES WILL MAKE THE APPROPRIATE ENTRIES IN SSGT SMITH'S MEDICAL RECORD. THE PNOK HAS NOT BEEN NOTIFIED. THE MEDICAL POC IS LT (b)(3), (b)(6) AT (b)(2). THIS PCR HAS BEEN VERIFIED BY MAJ (b)(3), (b)(6), OPERATIONS OFFICER, REGIMENTAL COMBAT TEAM 8. POC AT THIS COMMAND IS THE ADJUTANT CAPT (b)(3), (b)(6), AT (b)(3), (b)(6), (b)(2) OR DSN: (b)(2) SUPP PCR WILL FOLLOW AS NECESSARY.

Software Version: DCIPS Forward - Version 4.0 Build: 57 Release Date: 01 MAR 2007

FOR OFFICIAL USE ONLY

(b)(2), (b)(4)

(b)(6)

(b)(2), (b)(4), (b)(3), (b)(6)

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

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

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

(b)(3), (b)(6) (b)(2)

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

(b)(3), (b)(6) (b)(2), (b)(3), (b)(6)

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

(b)(2), (b)(4)

(b)(6)

(b)(2), (b)(4), (b)(3), (b)(6)

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

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(b)(3), (b)(6) (b)(2)

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(b)(3), (b)(6) (b)(2), (b)(3), (b)(6)

(b)(2)

(b)(2), (b)(4)

(b)(6)

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

(b)(2), (b)(4), (b)(3), (b)(6)

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

(b)(3), (b)(6) (b)(2)

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

(b)(3), (b)(6) (b)(2), (b)(3), (b)(6)

(b)(2)

Pages 86 through 101 redacted for the following reasons:
- -
ENCLOSURE (10) PAGES 6-21 REMOVED DUE TO FOIA FOIA EXEMPTION 5 U.S.C 552 (b) (3), (b) (6), and (b) (1)1.4a

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****
DO NOT CHANGE ANYTHING BELOW THIS LINE.
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****

****
********** CASUALTY REPORT **********
****

Report Type: INIT

Casualty Type: Hostile

Casualty Status: DECEASED

Casualty Category: Died of Wounds

Report Number: 122110102

Personnel Type: Reserve

Personnel Affiliation: Active Duty

Personnel Category: Recalled/Mobilized

SSN (New/Old): (b)(6)

Last Name: RAST

First Name: BENJAMIN

Middle Name: D

Service: United States Navy

Military Rank: HN

Military Unit of Assignment: 1/23, RCT-8, 2ND MARDIV FWD (PARENT CMD: 4TH MARDIV)

Date/Time of Incident (New/Old): 20110406/0917

Inflicting Force: U.S. Forces (Buddy)

Incident City: SHAYKH-MUJHAMIHALYAN

Incident Country: Afghanistan

Circumstance: ON 20110406, HN RAST, MALE, 8404, DIED OF WOUNDS SUSTAINED FROM A HELL FIRE MISSILE WHILE CONDUCTING A DISMOUNTED PATROL NORTHEAST OF PATROL BASE ALCATRAZ, HELMAND PROVINCE, AFGHANISTAN. HN RAST WAS PRONOUNCED DECEASED AT 1024 BY LCDR (b)(3), (b)(6), USN. LCDR (b)(3), (b)(6) IDENTIFIED HN RAST BY MEANS OF NAME TAPES AND IDENTIFICATION TAGS. HN RAST WAS WEARING THE NEW KEVLAR HELMET, THE SCALABLE PLATE CARRIER WITH FRONT, BACK AND SIDE E-SAPI PLATES, BALLISTIC GOGGLES, NOMEX GLOVES, AND GROIN PROTECTOR. (MM# 04-06B)

Diagnosis Info: BLAST OF WOUNDS

Date/Time of Death: 20110406/1024

Cause of Death: BLAST WOUNDS

Remarks: A COMMAND INVESTIGATION IS BEING CONDUCTED REGARDING THE CAUSE OF DEATH POSSIBLY BEING DUE TO FRIENDLY FIRE. INVESTIGATING OFFICER IS CAPT (b)(3), (b)(6). THE PROPER MEDICAL AUTHORITIES WILL MAKE THE APPROPRIATE ENTRIES IN HN RAST'S MEDICAL RECORD. THE PNOK HAS NOT BEEN NOTIFIED. THE MEDICAL POC IS LT (b)(3), (b)(6) AT (b)(2). THIS PCR HAS BEEN VERIFIED BY MAJ (b)(3), (b)(6), OPERATIONS OFFICER, REGIMENTAL COMBAT TEAM 8. POC AT THIS COMMAND IS THE ADJUTANT CAPT (b)(3), (b)(6) (b)(3), (b)(6) AT (b)(2), (b)(3), (b)(6) OR DSN: (b)(2). SUPP PCR WILL FOLLOW AS NECESSARY.

Software Version: DCIPS Forward - Version 4.0 Build: 57 Release Date: 01 MAR 2007

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<DF40SQLSECTION>

<DFSQLBEGIN>
INSERT INTO DF_CASUALTY(CAS_RPT_ID, INIT_CAS_RPT_ID, ARCHIVE, CREATED_FROM, CR_USER_ID, CR_DTTM, LMD_USER_ID, LMD_DTTM, RPT_TYP_TBD, CAS_RPT_NR, CAS_INIT_RPT_NR, CAS_CASE_CLS_DT, CIV_EMP_TYPE_CD, CAS_INCIDNT_CD, CAS_STAT_AB, CAS_CAT_CD, SPC_INT, SPC_CAT, TERR_ACT, CAS_PRVS_STAT_CD, CAS_PRVS_CAT_CD, MULT_CAS_EVENT_CD, MULT_CAS_EVENT_TX, PERS_TYPE_CD, PERS_MILAFL_CD, PERS_CAT_CD, IND_SSN, OLD_IND_SSN, INDIV_LAST_NM, INDIV_FIRST_NM, INDIV_MIDDLE_NM, INDIV_NM_SFX_AB, SVC_MBR_RANK_AB, IND_RACE_POP_CD, IND_ETHNIC_CD, IND_SEX_CODE, IND_REL_DENOM_CD, UNIFD_SVC_CD, DMOS, MIL_PERS_CLAS_CD, DY_PRC_CMSND_OFF, CIV_PAY_GR_LVL_NR, CIV_PAY_PLAN_CD, ORGU_NME, UNIT_IDENT_CD, ATG_PEBD, BASD, BIRTH_DT, IND_BRTH_CITY_NM, IND_BRTH_STA_CD, IND_BRTH_CTRY_CD, CAS_PROGNOSIS_CD, HOSP_NM, HOSP_CY_NM, HOSP_ST, HOSP_CTRY, DG_TEXT, PROGNOSIS_TX, DIAGNOSIS_TX, DSBLY_RET_LIST_CD, MIL_SP_DT, MIL_DRL_DT, IND_DSBLY_PCT_NR, SGLI_DT, CAS_DTH_FAC_TYP_CD, IND_HOR_CY_NM, IND_HOR_ST_CD, IND_HOR_CTRY_CD, CONT_HOSPZTN_IN_CD, ORGANIZATION_NM, CAS_INCNT_TNG_CD, CAS_INF_FC_TP_CD, EMRG_NTFN_RVW_DT, EMRG_NTFN_COMPL_DT, IND_DEATH_DT, IND_DTH_HOSP_NM, IND_DTH_CITY_NM, IND_DTH_STA_CD, IND_DTH_CTRY_CD, VEH_OWND_CD, VEH_ROLE_CD, CAS_LOD_IN_RQ_CD, CAS_BENE_STAT_CD, CAS_BENE_ST_DT, CAS_BENE_END_DT, CAS_DT, OLD_CAS_DT, CAS_CITY_NM, CAS_US_STA_CD, CAS_CTRY_CD, HIGH_MIL_RANK_AB,

```
HIGH_MIL_RANK_END_DT, HIGH_MIL_RANK_ST_DT, RCMD_MIL_RANK_AB, PROM_LST_DT,
CAS_PROC_INFO_TX_CIRC, CAS_PROC_INFO_TX_CAUS, CAS_RMKS_TX, VEH_GRP_CD, VEH_CD,
VEH_SUPP_CD, WAR_CONFLICT_CD, OPS_INCIDENT_CD, CAS_EVENT_TYP_CD, RPT_TYPE_CD,
SUPP_SVC_CD, RCVY_SITE_UTM_NR, CAS_LAT_LONG, CAS_ADDR_LOC_TX, CAS_MED_PROG_CD,
IND_CTZP_CTRY_CD, PMOS, CONTR_AGENCY, RC_TOUR_STRT_DT, RC_TOUR_CMPL_DT,
RC_TOUR_TYP_CD, CAS_RM_IM_RCVRY_CD, DCIPS_CAS_INCNT_NR, DCIPS_CAS_FAM_MBR_NR )
SELECT DISTINCT (SELECT MAX(CAS_RPT_ID) + 1 FROM DF_CASUALTY), (SELECT
MAX(CAS_RPT_ID) + 1 FROM DF_CASUALTY), '', 'HASTY', 'DCIPSFwd', '201104061517',
'DCIPSFwd', '201104061629', 'I', '122110102', '122110101', '', '', 'H', 'D', 'R',
'', '', '', 'D', '', '', '', 'V', 'A', 'U', '    (b)(6)    ', '645163274', 'RAST',
'BENJAMIN', 'D', '', 'HN', '', '', '', '', 'N', '', '', '', '', '', '1/23, RCT-8,
2ND MARDIV FWD (PARENT CMD: 4TH MARDIV)', '', '', '', '', '', '', '', '', '',
'', '', '', '', 'BLAST OF WOUNDS', '', '', '', '', '', '', '', '', '', '', '',
'', 'B', '', '', '201104061024', '', '', '', '', '', '', '', '', '', '', '',
'201104060917', '', 'SHAYKH-MUJHAMIHALYAN', '', 'AF', '', '', '', '', '', 'ON
20110406, HN RAST, MALE, 8404, DIED OF WOUNDS SUSTAINED FROM A HELL FIRE MISSILE
WHILE CONDUCTING A DISMOUNTED PATROL NORTHEAST OF PATROL BASE ALCATRAZ, HELMAND
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GLOVES, AND GROIN PROTECTOR. (MM# 04-06B)', 'BLAST WOUNDS', 'A COMMAND
INVESTIGATION IS BEING CONDUCTED REGARDING THE CAUSE OF DEATH POSSIBLY BEING DUE
TO FRIENDLY FIRE. INVESTIGATING OFFICER IS CAPT   (b)(3), (b)(6)   . THE PROPER MEDICAL
AUTHORITIES WILL MAKE THE APPROPRIATE ENTRIES IN HN RAST''S MEDICAL RECORD. THE
PNOK HAS NOT BEEN NOTIFIED. THE MEDICAL POC IS LT WHITEHEAD AT      (b)(2)      . THIS
PCR HAS BEEN VERIFIED BY MAJ      (b)(3), (b)(6)      , OPERATIONS OFFICER, REGIMENTAL
COMBAT TEAM 8. POC AT THIS COMMAND IS THE ADJUTANT CAPT   (b)(3), (b)(6)   , AT
        (b)(2), (b)(3), (b)(6)        OR DSN:      (b)(2)      . SUPP PCR WILL FOLLOW AS NECESSARY.',
'', '', '', '', '', '', 'I', '', '', '', '', '', '', '', '', '', '', '', '', '',
''  FROM DF_CASUALTY <DFSQLEND>
```

```
<ORASQLBEGIN>
INSERT INTO DF_CASUALTY( CAS_RPT_ID, INIT_CAS_RPT_ID, ARCHIVE, CR_USER_ID,
CR_DTTM, LMD_USER_ID, LMD_DTTM, RPT_TYP_TBD, CAS_RPT_NR, CAS_INIT_RPT_NR,
CAS_CASE_CLS_DT, CIV_EMP_TYPE_CD, CAS_INCIDNT_CD, CAS_STAT_AB, CAS_CAT_CD,
SPC_INT, SPC_CAT, TERR_ACT, MULT_CAS_EVENT_CD, MULT_CAS_EVENT_TX, PERS_TYPE_CD,
PERS_MILAFL_CD, PERS_CAT_CD, IND_SSN, OLD_IND_SSN, INDIV_LAST_NM, INDIV_FIRST_NM,
INDIV_MIDDLE_NM, INDIV_NM_SFX_AB, SVC_MBR_RANK_AB, IND_RACE_POP_CD,
IND_ETHNIC_CD, IND_SEX_CODE, IND_REL_DENOM_CD, UNIFD_SVC_CD, DMOS,
MIL_PERS_CLAS_CD, DY_PRC_CMSND_OFF, CIV_PAY_GR_LVL_NR, CIV_PAY_PLAN_CD, ORGU_NME,
UNIT_IDENT_CD, ATG_PEBD, BASD, BIRTH_DT, IND_BRTH_CITY_NM, IND_BRTH_STA_CD,
IND_BRTH_CTRY_CD, CAS_PROGNOSIS_CD, HOSP_NM, HOSP_CY_NM, HOSP_ST, HOSP_CTRY,
DG_TEXT, PROGNOSIS_TX, DIAGNOSIS_TX, DSBLY_RET_LIST_CD, MIL_SP_DT, MIL_DRL_DT,
IND_DSBLY_PCT_NR, SGLI_DT, CAS_DTH_FAC_TYP_CD, IND_HOR_CY_NM, IND_HOR_ST_CD,
IND_HOR_CTRY_CD, CONT_HOSPZTN_IN_CD, ORGANIZATION_NM, CAS_INCNT_TNG_CD,
CAS_INF_FC_TP_CD, EMRG_NTFN_RVW_DT, EMRG_NTFN_COMPL_DT, IND_DEATH_DT,
```

IND_DTH_HOSP_NM, IND_DTH_CITY_NM, IND_DTH_STA_CD, IND_DTH_CTRY_CD, VEH_OWND_CD, VEH_ROLE_CD, CAS_LOD_IN_RQ_CD, CAS_BENE_STAT_CD, CAS_BENE_ST_DT, CAS_BENE_END_DT, CAS_DT, OLD_CAS_DT, CAS_CITY_NM, CAS_US_STA_CD, CAS_CTRY_CD, HIGH_MIL_RANK_AB, HIGH_MIL_RANK_END_DT, HIGH_MIL_RANK_ST_DT, RCMD_MIL_RANK_AB, PROM_LST_DT, CAS_PROC_INFO_TX_CIRC, CAS_PROC_INFO_TX_CAUS, CAS_RMKS_TX, VEH_GRP_CD, VEH_CD, VEH_SUPP_CD, WAR_CONFLICT_CD, OPS_INCIDENT_CD, CAS_EVENT_TYP_CD, RPT_TYPE_CD, SUPP_SVC_CD, RCVY_SITE_UTM_NR, CAS_LAT_LONG, CAS_ADDR_LOC_TX, CAS_MED_PROG_CD, IND_CTZP_CTRY_CD, PMOS, CONTR_AGENCY, RC_TOUR_STRT_DT, RC_TOUR_CMPL_DT, RC_TOUR_TYP_CD, CAS_RM_IM_RCVRY_CD, DCIPS_CAS_INCNT_NR, DCIPS_CAS_FAM_MBR_NR)
VALUES (cas_rpt_id.nextval, cas_rpt_id.nextval, '', 'DCIPSFwd', TO_DATE('06-apr-2011 1517', 'dd-mon-yyyy hh24:mi'), 'DCIPSFwd', TO_DATE('06-apr-2011 1629', 'dd-mon-yyyy hh24:mi'), 'I', '122110102', '122110101', null, '', 'H', 'D', 'R', '', '', '', '', '', '', 'V', 'A', 'U', ' (b)(6) ', '645163274', 'RAST', 'BENJAMIN', 'D', '', 'HN', '', '', '', '', 'N', '', '', '', '', '', '1/23, RCT-8, 2ND MARDIV FWD (PARENT CMD: 4TH MARDIV)', '', null, null, null, '', '', '', '', '', '', '', '', '', '', 'BLAST OF WOUNDS', '', null, null, '', null, '', '', '', '', '', '', '', 'B', null, null, TO_DATE('06-apr-2011 1024', 'dd-mon-yyyy hh24:mi'), '', '', '', '', '', '', '', '', null, null, TO_DATE('06-apr-2011 0917', 'dd-mon-yyyy hh24:mi'), null, 'SHAYKH-MUJHAMIHALYAN', '', 'AF', '', null, null, '', null, 'ON 20110406, HN RAST, MALE, 8404, DIED OF WOUNDS SUSTAINED FROM A HELL FIRE MISSILE WHILE CONDUCTING A DISMOUNTED PATROL NORTHEAST OF PATROL BASE ALCATRAZ, HELMAND PROVINCE, AFGHANISTAN. HN RAST WAS PRONOUNCED DECEASED AT 1024 BY LCDR (b)(3), (b)(6) (b)(3), (b)(6), USN. LCDR (b)(3), (b)(6) IDENTIFIED HN RAST BY MEANS OF NAME TAPES AND IDENTIFICATION TAGS. HN RAST WAS WEARING THE NEW KEVLAR HELMET, THE SCALABLE PLATE CARRIER WITH FRONT, BACK AND SIDE E-SAPI PLATES, BALLISTIC GOGGLES, NOMEX GLOVES, AND GROIN PROTECTOR. (MM# 04-06B)', 'BLAST WOUNDS', 'A COMMAND INVESTIGATION IS BEING CONDUCTED REGARDING THE CAUSE OF DEATH POSSIBLY BEING DUE TO FRIENDLY FIRE. INVESTIGATING OFFICER IS CAPT (b)(3), (b)(6) . THE PROPER MEDICAL AUTHORITIES WILL MAKE THE APPROPRIATE ENTRIES IN HN RAST''S MEDICAL RECORD. THE PNOK HAS NOT BEEN NOTIFIED. THE MEDICAL POC IS LT (b)(3), (b)(6) AT (b)(2) . THIS PCR HAS BEEN VERIFIED BY MAJ (b)(3), (b)(6) , OPERATIONS OFFICER, REGIMENTAL COMBAT TEAM 8. POC AT THIS COMMAND IS THE ADJUTANT CAPT (b)(3), (b)(6) , AT (b)(2), (b)(3), (b)(6) OR DSN: (b)(2) . SUPP PCR WILL FOLLOW AS NECESSARY.', '', '', '', '', '', '', 'I', '', '', '', '', '', '', '', '', null, null, '', '', '', '')
<ORASQLEND>

<SQL>
INSERT INTO DCIPSFWD(RPT_TYP_TBD, CAS_INCIDNT_CD, CAS_STAT_AB, CAS_CAT_CD, CAS_RPT_NR, MULT_CAS_EVENT_CD, MULT_CAS_EVENT_TX, PERS_TYPE_CD, PERS_MILAFL_CD, PERS_CAT_CD, IND_SSN, OLD_IND_SSN, INDIV_LAST_NM, INDIV_FIRST_NM, INDIV_MIDDLE_NM, INDIV_NM_SFX_AB, IND_UNIFD_SVC_CD, SVC_MBR_RANK_CD, ORGU_NME, CAS_BENE_STAT_CD, CAS_DT, OLD_CAS_DT, CAS_INF_FC_TP_CD, CAS_CITY_NM, CAS_US_STA_CD, CAS_CTRY_CD, IND_DEATH_DT, CAS_DTH_FAC_TYP_CD, IND_DTH_CITY_NM, IND_DTH_STA_CD, IND_DTH_CTRY_CD, CAS_RM_IM_RCVRY_CD, DIAGNOSIS_TX, CAS_PROC_INFO_TX_CIRC, CAS_PROC_INFO_TX_CAUS, CAS_RMKS_TX, CAS_CASE_CLS_DT_TBD, SPARE05, HOSP_NM, HOSP_CY_NM, HOSP_CTRY, HOSP_ST, PROGNOSIS_TX,

CAS_PROGNOSIS_CD_TBD) VALUES ('INIT', 'H', 'D', 'R', '122110102', '', '', 'V', 'A', 'U', ' (b)(6) ', '645163274', 'RAST', 'BENJAMIN', 'D', '', 'N', 'HN', '1/23, RCT-8, 2ND MARDIV FWD (PARENT CMD: 4TH MARDIV)', '', '201104060917', '', 'B', 'SHAYKH-MUJHAMIHALYAN', '', 'AF', '201104061024', '', '', '', '', '', 'BLAST OF WOUNDS', 'ON 20110406, HN RAST, MALE, 8404, DIED OF WOUNDS SUSTAINED FROM A HELL FIRE MISSILE WHILE CONDUCTING A DISMOUNTED PATROL NORTHEAST OF PATROL BASE ALCATRAZ, HELMAND PROVINCE, AFGHANISTAN. HN RAST WAS PRONOUNCED DECEASED AT 1024 BY LCDR (b)(3), (b)(6) , USN. LCDR (b)(3), (b)(6) IDENTIFIED HN RAST BY MEANS OF NAME TAPES AND IDENTIFICATION TAGS. HN RAST WAS WEARING THE NEW KEVLAR HELMET, THE SCALABLE PLATE CARRIER WITH FRONT, BACK AND SIDE E-SAPI PLATES, BALLISTIC GOGGLES, NOMEX GLOVES, AND GROIN PROTECTOR. (MM# 04-06B)', 'BLAST WOUNDS', 'A COMMAND INVESTIGATION IS BEING CONDUCTED REGARDING THE CAUSE OF DEATH POSSIBLY BEING DUE TO FRIENDLY FIRE. INVESTIGATING OFFICER IS CAPT (b)(3), (b)(6) . THE PROPER MEDICAL AUTHORITIES WILL MAKE THE APPROPRIATE ENTRIES IN HN RAST''S MEDICAL RECORD. THE PNOK HAS NOT BEEN NOTIFIED. THE MEDICAL POC IS LT (b)(3), (b)(6) AT (b)(2) (b)(2) . THIS PCR HAS BEEN VERIFIED BY MAJ (b)(3), (b)(6) , OPERATIONS OFFICER, REGIMENTAL COMBAT TEAM 8. POC AT THIS COMMAND IS THE ADJUTANT CAPT (b)(3), (b)(6) , AT (b)(2), (b)(3), (b)(6) OR DSN: (b)(2) . SUPP PCR WILL FOLLOW AS NECESSARY.', '', 'DCIPSFwd', '', '', '', '', '', '')
<END>

Pages 107 through 115 redacted for the following reasons:
- -
ENCLOSURE (11) PAGES 6 - 14 REMOVED DUE TO FOIA EXEMPTION 5 U.S.C 552 (b) (2) and (b) (6)

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: CAPT / O-3

Unit: A Co, 2nd Recon Bn

Telephone number: NA

Today, 15 Apr, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 15 Apr 2011

Capt. (b)(3), (b)(6) 15 Apr 2011
Executive Officer, A Co, 2-3 Recon Bn
Home of Record

(b)(2)

(1) (b)(1)1.4a rolled to (b)(1)1.4a (B Co) TAC per Bn guidance

(2) (b)(1)1.4a reported vehicles IVO the (b)(1)1.4a on rt GIV.

(3) I confirmed friendly positions with (b)(1)1.4a at least three times. When 4 individuals were sported through (b)(1)1.4a feed, I passed a grid of suspected insurgance and gave a ward picture of what ~~I~~ we were seeing IVO . Based off ~~B~~ battle tracking of friendly positions we had closest friendlies approximately 180 m east of tgt grid. After confirming tgt location (b)(1)1.4a reported that they had been taking fire from CMPD 58. After the last confirmation of friendly ~~grid~~ Positions, I further verified that all all friendlies were buttoned-up in vehicles or had good cover in the canal at the grid passed for dismounts. (b)(1)1.4a rogered up saying all friendlies were in vehicles or had good cover at dismounted ~~P~~position. (b)(1)1.4a then passed an updated dismounted grid that was within 10 meters of the previous dismounted pos; along the GIV.

(4) After final confirmation of friendly positions, closest being approx 180m E of tgt. (b)(1)1.4a was approved immediate push.

(5) (b)(1)1.4a Medevac 9-line dropped.

(6) (b)(1)1.4a gets casualties to vic ~~to a point~~ and ~~declaid~~ declair both casualties heros.

(7) (b)(1)1.4a wheels-up from PB Alcatraz. (b)(1)1.4a

(8) My personal note-pad I was using that day.

(A) friendly dismount grid passed and confirmed.
(B) Northern vic pos passed and confirmed
(C) Southern vic pos passed and confirmed
(D) Updated dismount grid passed and confirmed (further E)
(E) Tgt grid from (b)(1)1.4a feed. This grid was passed to (b)(1)1.4a with CMPD reference (58 QED) and disposition "of" suspected insurgents.

I swear (or affirm) that the information in the attached documents:

6 April 2011 Statement (Handwritten)
6 April 2011 Statement (Transcribed)
15 April 2011 Statement
photocopy of Notepad from 6 April 2011

are true to the best of my knowledge or belief.

(b)(3), (b)(6) 15 Apr 2011

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

Sworn to before me this date

(b)(3), (b)(6) 15 Apr 2011

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name:_ (b)(3), (b)(6) _ Rank: Capt O-3
Activity:_____ Unit: A Co, 2D Recon
Telephone number:_____

I have been advised that I may be suspected of the offense(s) of:_____and that:

The statement you gave to _____before is not admissible at a court-martial and cannot be used against you.
Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.
I have the right to remain silent.
Any statement I do make may be used as evidence against me in trial by court martial.
I have the right to consult with a lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
I have the right to terminate this interview at any time.

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

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
I expressly desire to waive my right to remain silent.
I expressly desire to make a statement.
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
I expressly do not desire to have such a lawyer present with me during this interview.
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or y kind having been us

(b)(3), (b)(6) 17 Apr 2011 (b)(3), (b)(6) 17 Apr 2011

(requires a signature and date) date)

B (b)(1)1.4a ready at 0800 to drive 7-ton for A-3
C
A
B 1750mk 845587

2ND PLT 355

624 IED 1787.5

(b)(1)1.4a

1203:48/26 (b)(1)1.4a

update

59746 HOTSPOT

(b)(1)1.4a (b)(1)1.4a (b)(1)1.4a

(b)(1)1.4a (b)(1)1.4a

(b)(1)1.4a

(A) Dismounts
(B) lead
(C) trace

(b)(1)1.4a

(E) tgt

DEYOUNG 1759 R/C

~~[illegible]~~ (b)(1)1.4a

2-4 coin and activity

(b)(1)1.4a (b)(1)1.4a down to south 700 meters
running E-W of 611 let us know if any
activity

2-4 extract ~~after~~ midnight on 611
pull past pensel turn around and stop at pos
Jump in 7 ton

570 3v 9 P 618

6 April 2011 1108 Capt (b)(3), (b)(6)

I woke at 0745 and entered the ROC. (b)(1)1.4a had just reported on IED strike IVO the (b)(1)1.4a was on station ISO Recon Bn so we pushed sensors IVO (b)(1)1.4a friendies. IED ATB low order and caused no damage to vehicle at approx 0815. 0820 (b)(1)1.4a reported taking small arms fire. I was manning Co TAC (b)(1)1.4a had rolled to (b)(1)1.4a TAC as per (b)(1)1.4a guidance. Once they took fire they rolled back to (b)(1)1.4a TAC. (b)(1)1.4a reported to (b)(1)1.4a that they were still in contact. I requested updated positions for all friendly units. (b)(1)1.4a reported vehicles IVO the (b)(1)1.4a) and dismounts just off 611 in canal (see logbook/map for exact positions). (b)(1)1.4a observes individuals and muzzle flashes just SW of cmpd 58 Q6D. I relayed to (b)(1)1.4a what we were observing and (b)(1)1.4a confirmed they believed they were taking fire from IVO cmpd 58. A pre-emptive 9-line was dropped to (b)(1)1.4a I then reconfirmed friendly positions w/ (b)(1)1.4a and told them we still had individuals at cmpd 58 and updated them on the status of the (b)(1)1.4a flight. Friendly pos remained the same. I told (b)(1)1.4a we were prepared to strike if the tgt was viable based of (b)(1)1.4a observation. Approx time ~~0940~~ 0950: (b)(1)1.4a said the tgt was good based on them taking fire from IVO cmpd 58. (b)(1)1.4a then passed another friendly position south of last position but still IVO 611, aprrox 180m E from tgt. (b)(1)1.4a approved and engaged with 1x hellfire. After strike, (b)(1)1.4a was standing by for BDA. (b)(1)1.4a came over the net reporting possible fratricide. Two casualties were reported (b)(1)1.4a then advised that they were trying to reach the causalities. Initial report stated two casualties, one with concussion and one with shrapnel wounds. MEDEVAC 9-line was dropped to (b)(1)1.4a reported they were trying to get to casualties and they were trying to get an update for ZMIST. (b)(1)1.4a flight check in to support (b)(1)1.4a is working to transport casualties to VICs so we can MEDEVAC from PB Alcatraz. (b)(1)1.4a checks in and is holding off the LZ. (b)(1)1.4a calls in and says they are loading casualties but don't have enough room. (b)(1)1.4a requests QRF to move pax. QRF load up to push. calls back and updated two casualties to heroes says they are pushing back to PB Alcatraz. QRF launches to provide security between (b)(1)1.4a & PB Alcatraz. Approx (b)(1)1.4a heroes are wheel up from Alcatraz on (b)(1)1.4a For exact times and grids reference logbooks.

approved IMM push and

6 April 2011 1138 Capt (b)(3), (b)(6)

I woke at 0745 and entered the ROC. (b)(1)1.4a had just reported an IED strike IVO the (b)(1)1.4a (b)(1)1.4a was on station ISO Recon Bn so we pushed sensors IVO (b)(1)1.4a friendlies. IED ATB low order and caused no damage to vehicle. At approx. 0815-0820 (b)(1)1.4a reported taking small arms fire. I was manning Co tac. (b)(1)1.4a had rolled to (1) (b)(1)1.4a tac as per (b)(1)1.4a guidance. Once they took fire they rolled back to (b)(1)1.4a tac. (b)(1)1.4a reported to (b)(1)1.4a that they were still in contact. I requested updated positions (2) for all friendly units. (2) (b)(1)1.4a reported vehicles IVO the (b)(1)1.4a and dismounts just off all in canal (see logbook/map for exact positions). (b)(1)1.4a observs individuals and muzzle flashes just SW of CMPD 58 QGD. I relayed to (b)(1)1.4a what we were observing and (b)(1)1.4a confirmed they believed they were taking fire from IVO CMPD 58. A pre-emptive 9-line was dropped to (b)(1)1.4a. I then reconfirmed friendly positions w/ (b)(1)1.4a and told them

we still had individuals at CMPD 66 and updated them on the status of the (b)(1)1.4a flight. Friendly pos remained the same. I was told (b)(1)1.4a we were prepared to strike if the tgt was viable based off (b)(1)1.4a observation. The Approx time came: (b)(1)1.4a said the tgt was good based on them taking fire from two cmpd 66. (b)(1)1.4a then passed another friendly position south of last position but still IVO CH, approx 100m E from tgt. (b)(1)1.4a was approved for immediate push. (b)(1)1.4a engaged with 1x hellfire. After strike, (b)(1)1.4a was standing by for BDA. (b)(1)1.4a came over the net reporting possible fratricide. Two casualties were reported (b)(1)1.4a then advised that they were trying to reach the casualties. Initial report stated two casualties, one with concussion and one with shrapnel wounds. medevac 9-line was dropped to (b)(1)1.4a (b)(1)1.4a reported they were trying to get to casualties and they were trying to get an update for TERRIST shootout flight checks in to support (b)(1)1.4a (b)(1)1.4a is working to transport casualties to "VDS" so we can medevac from FB Alcatraz.

(b)(1)1.4a checks-in and is holding off the LZ.
(b)(1)1.4a calls in and says they are loading casualties but don't have enough room. (b)(1)1.4a requests QRF to move pax. QRF loads up to push. (b)(1)1.4a calls back and updates two casualties to heros; says they are pushing back to PB Alcatraz. QRF launches to provide security between (b)(1)1.4a & PB Alcatraz.
Approx (b)(1)1.4a Heros are wheels up from Alcatraz on (b)(1)1.4a
For exact times and grids reference the logbooks.

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

12:18 GAPR 2011: late entry - upon confirming posreps and tgt position. I confirmed twice with (b)(1)1.4a that they were either buttoned up in vics or dismants had good cover in canal. (b)(1)1.4a confirmed all friendlies had good cover.

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF CAPTAIN (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Captain (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Capt (b)(3), (b)(6) indicated that the element from 1st Bn, 23rd Marines had been working with Co A 2nd Recon Bn for approximately one month. Capt (b)(3), (b)(6) sleeps adjacent to the Co A 2nd Recon Bn COC and overheard the radio traffic indicating that (b)(1)1.4a was in contact. He moved into the COC at approximately 0745L and assumed the primary Watch Officer role in communicating with Lt (b)(3), (b)(6) ((b)(1)1.4a). He pushed (b)(1)1.4a to support (b)(1)1.4a by first identifying the friendly forces and then scanning to the West, which was the reported origin of enemy contact. (b)(1)1.4a reported personnel in the vicinity of Building 58 and then reported seeing muzzle flashes. Capt (b)(3), (b)(6) did not see the muzzle flashes but established hostile act / hostile intent based upon the (b)(1)1.4a report the combination of enemy contact from the West and reported firing from the personnel being observed by (b)(1)1.4a . He did not pass the 9 Line to (b)(1)1.4a but passed the grid coordinates of the target to Lt (b)(3), (b)(6) and confirmed friendly locations on three occasions before the strike. Capt (b)(3), (b)(6) was unable to monitor MIRC traffic from the Co A 2nd Recon COC so relied solely on radio traffic and messages relayed from the 2nd Recon Bn COC for information concerning the (b)(1)1.4a mission.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: GYSGT / E-7

Unit: 2D RECON BN

Telephone number: _____

Today, 15 APRIL, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

(Signature and date)

GYSGT (b)(3), (b)(6) /0861/ (b)(1)1.4a
BATTALION FIRE SUPPORT CHIEF / A Co STAC

ACTIONS POST BLAST. UPON CONFIRMATION OF FRIENDLY FIRE FROM (b)(1)1.4a QRF ON A COTAC1, I INFORMED THE BN ROC VIA TACPL THAT A FRATRICIDE HAD OCCURED AND WE WOULD UPDATE WHEN ABLE. AS THE WATCH OFFICER BEGAN TO WORK THE MEDEVAC 9-LINE DATA WITH (b)(1)1.4a QRF, THE BATTALION AIR OFFICER REQUESTED A PRIORITY AIR REQUEST DUE TO THE RECOVERY EFFORT AND REPORTS FROM (b)(1)1.4a THAT THEY WERE RECIEVING IDF FROM THE NORTH OF THEIR KONVOY. I INSTRUCTED BLESSE 13 TO RETURN TO THE 611 (RTE) AND SCAN NORTH TO IDENTIFY ENEMY FPs. WITH THE ENEMY THREAT AROUND (b)(1)1.4a POSITION, LZ (b)(1)1.4a WAS DETERMINED TO BE THE BEST OPTION FOR MEDEVAC LZ. THE MEDEVAC 9-LINE WAS BEING ~~VERIFIED~~ CONFIRMED WITH (b)(1)1.4a AROUND THE TIME (b)(1)1.4a 'CHECKED-IN'. I INSTRUCTED (b)(1)1.4a TO ESTABLISH OVERHEAD OF (b)(1)1.4a ~~AND~~ TO CREATE ROTOR NOISE TO DETER ATTACK AS THE RECOVERY PROCESS WAS CONDUCTED. (b)(1)1.4a REMAINED OVERHEAD FOR THE DURATION OF THE RECOVERY AND MOVEMENT OF THE CASUALTIES TO LZ (b)(1)1.4a . (b)(1)1.4a WAS LZ CONTROL AT LZ TABAC. ONCE THE MEDEVAC WAS COMPLETE, I INSTRUCTED (b)(1)1.4a TO CONTACT THE BATTALION S-2 FOR FURTHER TASKING.

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

I swear or (affirm) that the information in the statement above is true to the best of my knowledge or belief.

(b)(3), (b)(6) 15APR11

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

Sworn to before me this date
15 Apr 2011

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

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(3), (b)(6) Rank: GYSGT
Activity: Unit: 2D RECONNAISSANCE BN
Telephone number:

I have been advised that I may be suspected of the offense(s) of: and that:

The statement you gave to before is not admissible at a court-martial and cannot be used against you.
Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.
I have the right to remain silent.
Any statement I do make may be used as evidence against me in trial by court martial.
I have the right to consult with a lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
I have the right to terminate this interview at any time.

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

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
I expressly desire to waive my right to remain silent.
I expressly desire to make a statement.
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
I expressly do not desire to have such a lawyer present with me during this interview.
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b)(3), (b)(6) / 07APR11 (b)(3), (b)(6) / 07APR2011

(Member's signature and date) (Witness's signature and date)

[redacted]

– GYSGT (b)(3), (b)(6) (Fires chief)

06 APRIL 2011 FRIENDLY FIRES STATEMENT – (b)(1)1.4a GYSGT (b)(3), (b)(6)

(b)(1)1.4a QRF WAS CONDUCTING A MOUNTED/DISMOUNTED PATROL ALONG (b)(1)1.4a WHEN THE CALL WAS RECIEVED OVER BRAVO COMPANY FAC AND BN TACPL THAT THEY WERE RECIEVING SAF IVO (b)(1)1.4a ALONG RTE 611. ONCE THE CALL WAS RECIEVED, COORDINATION BETWEEN A, B, AND BN WAS MADE AND (b)(1)1.4a WAS DIRECTED TO COME UP A CO TAC1. AT THE SAME TIME, I ESTABLISHED POSITIVE COMMS WITH (b)(1)1.4a AND DIRECTED THEM TO ESTABLISH AN INTIAL SENSOR POINT ON FRIENDLY FORCES ALONG 611. ONCE ESTABLISHED I HAD (b)(1)1.4a CONDUCT AN INTIAL SCAN 300M TO THE WEST OF 611. AS THE TGT AREA BECAME BETTER REFINED, I HAD HIM CONDUCT A SCAN ON THE TREELINE RUNNING NE-SW 200M WEST OF 611 (b)(1)1.4a DURING THE PERIOD, (b)(1)1.4a QRF WAS UPDATING FRIENDLY POSITIONS THAT HAD VEHICLES ON 611 AT (b)(1)1.4a AND (b)(1)1.4a WHEN ASKED TO CONFIRM DISMOUNT LOCATION, (b)(1)1.4a WAS PASSED. (b)(1)1.4a PICKED UP 4 INDIVS IVO (b)(1)1.4a AND (1/2)

[redacted]

IMMEDIATELY THEREAFTER REPORTED MUZZLE FLASHS FROM THE LOCATION. I SENT THE PRE-EMPTIVE 9-LINE TO (b)(1)1.4a AS FOLLOW:

TYPE 11 BOT 1X AGM114

1-3 FROM OVERHEAD

4 3000

5. EN FP

6. (b)(1)1.4a

7. NONE

8 E200

9 EGRESS BACK TO OVERHEAD

REMARKS:
FAH S-N
ROE 421-422
STANDBY GCC/S

ONCE THE 9-LINE WAS PASSED, CONFIRMATION OF FRIENDLY FORCES WAS GIVEN AND (b)(1)1.4a QRF WAS ADVISED OF TGT LOCATION AND GRG REFERENCE (BLDG 58 QGD). (b)(1)1.4a CONFIRMED FRIENDLY LOCATION AS ALONG THE G11 W/DISMOUNTS (b)(1)1.4a ~~AND BLDG 58 WAS WHERE CONTACT~~. AT THIS TIME I GAVE GROUND COMMANDER CALLSIGN (b)(1)1.4a " AND APPROVED (b)(1)1.4a IN. (b)(1)1.4a REQUESTED A N-S FAH WHICH I APPROVED AND I GAVE (b)(1)1.4a "CLEARED HOT". ONCE THE MISSLE IMPACTED AN UPDATE, INTIAL BDA WAS RESQUESTED AND (b)(1)1.4a PASSED, 'STANDBY'

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

WITHIN 1 MINUTE, (b)(1)1.4a CALLED STATING THAT THIS MAY BE A FRIENDLY FIRE EVENT.

THROUGHOUT THE MISSION, FRIENDLY FORCES WERE CONFIRMED CONSTANTLY AND THE TGT SITE WAS REPORTED AS BLOCKS.

(b)(1)1.4a

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

2/2

6y (b)(3), (b)(6) (Notes on Radio)

NE-SW 2/3 SF
SW 7 TURNS
NW 785k
815L

OP 83235710

ED 57085

A2A ~~5713~~ 8275 5651 / 5654

A2B VCP 5775 / 5745

0105
7081 0106
7082

NE910
CTR 909

AK0104

AL 7078 2:28

8205556361 (908)

8201756638 (910)

82095683

84155793

8682
6275

ROVER

4343
5736 COC7-SUB-1949A-015N 074024355

160/5310

17 2110
5312

8695
6247 F

8192
5627

8700
6269 F

6269

8701
6269

8182 5678

8186
5678

5752
4.5

8266
6289

E174

1/1

- GySgt (b)(3), (b)(6) (FMO chief)

06 April 2011 Friendly Fire Statement - Chosin 81 GySgt (b)(3), (b)(6)

(b)(1)1.4a QRF was conducting a mounted/dismounted patrol along 611. When the call was received over Bravo Company TAC and Bn TACPL that they were receiving SAF IVO (b)(1)1.4a along RTE 611. Once the call was received, coordination between A, B, and Bn was made and (b)(1)1.4a was directed to come up A Co TAC1. At the same time, I established positive comms with (b)(1)1.4a and directed them to establish an initial sensor point on friendly forces along 611. Once establishing I had (b)(1)1.4a conduct an initial scan 300 m to the west of 611. As the TGT area became better refined, I had him conduct a

(b)(1)1.4a

was updating friendly positions that had vehicles on 611 at (b)(1)1.4a and (b)(1)1.4a . When asked to confirm dismount locations, was passed. (b)(1)1.4a picked up 4 indivs (b)(1)1.4a and immediately thereafter reported muzzle flashes from this location. I sent the pre-emptive 9-line to (b)(1)1.4a as follows:

Type II BOT 1x AGM114

1-3 from overhead
4 3000
5 EN FP
6 (b)(1)1.4a
7 None
8 E 200
9 Egress back to overhead

Once the 9-line was passed, confirmation of friendly forces was given and (b)(1)1.4a QRF was advised of TGT location and GRG reference (Bldg 58 Q6D). (b)(1)1.4a confirmed friendly location as along the 611 w/dismounts (b)(1)1.4a . At this time I gave ground commander call sign (b)(1)1.4a and approved (b)(1)1.4a in. (b)(1)1.4a requested a N-5 FAH which I approved and I gave (b)(1)1.4a "Cleared Hot". Once the missile impacted, an update on initial BDA was requested and (b)(1)1.4a passed, "Standby" Within 1 minute, (b)(1)1.4a called stating that this may be a friendly fire event.
Throughout the mission, friendly forces were confirmed constantly and the TGT site was reported as Bldg658.

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

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF GUNNERY SERGEANT (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Gunnery Sergeant (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. GySgt (b)(3), (b)(6) was certified as a JTAC after attending the school approximately one year ago. Since arriving in Afghanistan he has had 5 previous controls resulting in 4 drops prior to this engagement (2 – Hellfire and 2-GBU) and one aborted control due to loss of PID. Prior to this engagement he had supported Co A 2nd Recon Bn from January 15 to February 22, 2011. After spending from February 22 to mid March at the 2nd Recon Bn COC, he then supported Co B 2nd Recon Bn from March 12 until the end of March. He then started supporting Co A 2nd Recon Bn again the beginning of April. Enemy activity had required employment of fires (indirect or aviation) once a day since arriving in the area of operations. He briefed the two new JFOs that joined MES on April 5th but they were not employed in a JFO role during the action on April 6th. During the April 6th mission, he saw the muzzle flashes on the (b)(1)1.4a video feed, which correlated with their subsequent report of muzzle flashes in the vicinity of Building 58. He did not receive an indication of the orientation of the fires observed but indicated that the decision to engage the personnel near Building 58 was made based on reports that friendly forces were on Rt 611 or just to the immediate west and reporting from the friendly force that they were taking fire from the West. He offered that his request for fires would not have changed if (b)(1)1.4a had stated that the direction of fire was to the West.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: SGT

Unit: 2ND RECON BN MOTOR T

Telephone number: _____

Today, 18 APRIL, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 18 APR 2011

(Signature and date)

ARTICLE 31 RIGHTS

Name: (b)(3), (b)(6) _____ Rank: SERGEANT
Activity: _____ Unit: 2D RECON
Telephone number: _____

I have been advised that I may be suspected of the offense(s) of: _____ and that:

The statement you gave to _____ before is not admissible at a court-martial and cannot be used against you.
Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.
I have the right to remain silent.
Any statement I do make may be used as evidence against me in trial by court martial.
I have the right to consult with a lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
I have the right to terminate this interview at any time.

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

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
I expressly desire to waive my right to remain silent.
I expressly desire to make a statement.
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
I expressly do not desire to have such a lawyer present with me during this interview.
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b)(3), (b)(6) 12011040I (b)(3), (b)(6) 07 APR 11

(Member's signature and date) (Witness's signature and date)

Understanding my rights under U.C.M.J Article 31, I wish to make the following statement;

Sgt (b)(3), (b)(6) (Redacted)

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

I came on watch at 0600. Nothing out of the ordinary was reported to me at that time. (b)(1)1.4a departed friendly lines out around 0700 to load north on 611. The hit a small IED a little while later but sustained no injuries or damage ~~the~~ to the vehicles. They pushed a little further north and dismounted a few Marines to go back and sweep for a pressure plate or command wire from the IED blast. At that time they started taking Small Arms fire from the North East area of the green zone. They called in the grids for their northern most vic and their southern most vic and also their dismounted. There ~~was~~ was a confirmation requested by Aggie for the correct coordinates which was then given back by (b)(1)1.4a (b)(1)1.4a gave grid ~~where~~ and compound 58 where the Small arms fire was coming from. A confirmation was requested by Lt. (b)(3), (b)(6) which was verified by (b)(1)1.4a GuySgt (b)(3), (b)(6) was directing air onto the target near compound 58. Three individuals were identified on the South west corner ~~of~~ near compound 58. Two were in the prone and one was in a ditch under some trees. GuySgt requested one Hellfire on the three individuals position. A confirmation request was then was put in to (b)(1)1.4a about the location of the target and was confirmed by (b)(1)1.4a GuySgt called the Air to go hit on the target. Target was hit and two individuals laid motionless. One individual got up to go look at the others in which we called (b)(1)1.4a to look for squirters. They responed up on the radio. A couple minutes later (b)(1)1.4a called saying I think that you got our guys. (b)(1)1.4a asked for a confirmation and was told to stand by. (b)(1)1.4a came over the radio saying that two of their guys ~~at~~ were hit and were assessing the injuries. One guy had a concussion and the other had shrapnel wounds, was relayed over the radio by (b)(1)1.4a As they were trying to stabilize the casualties they started taking indirect fire by mortars. They started suppressing the fire with the 50 cal and the Mk 19. As they made their way back to the vehicles they started taking Small Arms fire. ~~They~~ (b)(1)1.4a asked if they needed our quick reaction force to come and help get them out and (b)(1)1.4a said no. (b)(1)1.4a asked if it would be better to load a CASEVAC where they were or to bring them back to PB Alastrar. (b)(1)1.4a requested they bring them back to the PB to CASEVAC because it would be safer. (b)(1)1.4a got their men back to the trucks to come to the PB but didn't have enough room for all of their passengers. They requested that a QRF from PB Alastrar assist with

1/2

SSgt (b)(3), (b)(6) (Radio watch)

the evacuation. I was then told by SSgt (b)(3), (b)(6) to get my gear and get on the truck. I was relieved by Sgt (b)(3), (b)(6) for radio watch.

I wrote down everything that I could on the log book but missed a few things because of how fast all of the radio transmissions that were coming in. I know that I messed up one grid in the log book but didn't have time to change it. I meant to go back and change the it to the correct grid that was wrote down on another piece sheet of paper but didn't get the chance. This mistake had no part in the operation because I was never asked to read back any grid coordinates at any time. This statement is all that I remember from the hours of 0600 - 0730 on the morning of 6 April 2011.

At the time when (b)(1)1.4a was taking small arms fire and throughout the rest of the morning I was positioned behind GySgt (b)(3), (b)(6) and Lt (b)(3), (b)(6)

2/2

WITNESS STATEMENT

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

Na Rank/Rate Social Security Number

Motor T. Mechanic 2d Recon

Posi tion

(b)(3)

Add

NA NA

Office Phone Mobile Phone

I, (b)(3), (b)(6) _____, hereby make the following statement for the ION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

SEE ATTACHED STATEMENT consisting of 2 pages and written on 7 April 2011

I swear (or affirm) that the information in the statement above and on the 2 attached page(s) is true to the best of my knowledge or belief.

(b)(3), (b)(6) _____ 18 APR 2011 (Date) 1353 Time

Sworn to before me this date.

(b)(3), (b)(6) _____ 18 Apr 2011 (Date) 1554 Time

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ)

PRIVACY ACT STATEMENT

Name: ___ (b)(3), (b)(6) _____

Rank/Rate: Msgt / E-8

Unit: 20 Recon A Co

Telephone number: _____

Today, 15 APR, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

15 APR 2011

(Signature and date)

15 APR 2011

At approx 0800, 6 APR 2011, I was in the A Co ROC and observed the conduct of operations in the ROC throughout the Hellfire strike on 6 APR. Capt (b)(3), (b)(6) was the Watch Officer on the radio talking to (b)(1)1.4a "Gy" (b)(3), (b)(6) was the JTAC on the radio with " (b)(1)1.4a " and working PSOF. Sgt (b)(3), (b)(6) was the RTO on watch recording all transmissions in the comm log. Approx 0820 (b)(1)1.4a reported SAF from the west, and that they had dismounts 50 m west off Rt 611. Around 0830 Capt (b)(3), (b)(6) confirmed with (b)(1)1.4a Friendly positions on 611 and dismounts 50 m off 611. Capt (b)(3), (b)(6) also informed (b)(1)1.4a that we are looking at 3 individuals SW of Bldg 58 on our ISR feed that appear to be in fire positions. (b)(1)1.4a replied that they were taking fire from that position. Approx 0845 Capt (b)(3), (b)(6) again re-verified Friendly location and Target location and informed (b)(1)1.4a (b)(1)1.4a was Hellfire capable. At the same time " (b)(1)1.4a " (Capt (b)(3), (b)(6)) was watching the same ISR feed and listening to the information being passed between Gy (b)(3), (b)(6) and (b)(1)1.4a " as to target location and description and friendly positions. (b)(1)1.4a asked if we wanted to use a larger ordance due to target description being 3-4 individuals spaced out as they were. It was decided to go ahead and use the hellfire since it was already on station and ready to fire. The predator pilot said he could put the hellfire right between the two individuals which he did. Capt (b)(3), (b)(6) confirmed again with (b)(1)1.4a Target location and verified friendlies were a safe distance away. (b)(1)1.4a replied all friendlies buttoned up in vehicles and dismounts were behind defilade. After the Hellfire strike (b)(1)1.4a came up on comms and announced he thinks it might have been dropped on his own guys.

Based off all the information being passed from (b)(1)1.4a as to enemy location and friendly location and the information we passed to (b)(1)1.4a as to target location and description from the ISR feed, everyone in the ROC was in agreeance that it was a good drop. After the fact it appears that (b)(1)1.4a did not have good SA as to his dismounted positions.

I swear (or affirm) that the information in the statement above is true to the best of my knowledge or belief

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

MSgt (b)(3), (b)(6)
OPS NCOIC A Co, 2D Recon
(b)(3), (b)(6)

15 APR 2011

Sworn to before me this ~~date~~ 15 APR 2011

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

6 April 2011 MSgt (b)(3), (b)(6)

At approx 0800, 6 Apr 2011, I was in A Co ROC and observed the conduct of operations in the ROC. Capt (b)(3), (b)(6) was the Watch officer on the radio w/ (b)(1)1.4a Gy (b)(3), (b)(6) was primary JTAC controlling (b)(1)1.4a . Sgt (b)(3), (b)(6) was the RTO recording all transmissions in the comm log. Aprox 0820 (b)(1)1.4a reported reported SAF from West and they had dismounts 50 m west of 611. Around 0830 the XO confirmed with (b)(1)1.4a friendly positions on or near 611 and that we have ISR feed on 3 individuals on fire positions behind bldg 58. (b)(1)1.4a confirmed that they were taking fire from that pos. At around 0845 XO again re-verified the location to (b)(1)1.4a and confirmed friendly location. (b)(1)1.4a replied all friendlies ~~bottoms~~ buttoned up and dismounts behind defilade. ISR showed us a clear feed of 3 individuals behind a short wall or just on sw side of bldg 58. The individuals ATB on the prone face the 611. The location and friendly location was re-confirmed 2 or 3 times between us and (b)(1)1.4a . After the drop (b)(1)1.4a come up on comms and announced that he thinks it might have been on his own guys. Based off what I saw on ISR and the information being passed from (b)(1)1.4a as to enemy location and friendly location I belive it was a good drop. There was never any doubt in the ROC based off the information (b)(1)1.4a was passing to us as to enemy and friendly locations that would make us second guess ourselves. Between myself the XO and Gy (b)(3), (b)(6) we were all in agreement that this was a good drop. After the fact it ATB that (b)(1)1.4a did not have good SA as to his dismounted positions.

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name:____ (b)(3), (b)(6) _____ Rank: MSgt
Activity:_____ Unit: A Co 2D Recon
Telephone number:_____

I have been advised that I may be suspected of the offense(s) of:_____and that:

- The statement you gave to _____before is not admissible at a court-martial and cannot be used against you.
- Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.
- I have the right to remain silent.
- Any statement I do make may be used as evidence against me in trial by court martial.
- I have the right to consult with a lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

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

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- I expressly do not desire to have such a lawyer present with me during this interview.
- This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or on of any kind having been use

(b)(3), (b)(6) _____ / 7 Apr 2011 _____ (b)(3), (b)(6) / OTARR //

(Member's signature and date) (Witness's signature and date)

Top (b)(3), (b)(6) (Ops Chief) 6 APR 2011

At approx. 0800 6 APR 2011 I was in A Co Roc and observed the conduct of operations in the Roc. Capt (b)(3), (b)(6) was the Watch officer on the radio w/ (b)(1)1.4a Cpt (b)(3), (b)(6) was primary TOC controller (b)(1)1.4a Sgt (b)(1)1.4a was the RTO recording all transmissions in the Comm log.

Approx 0820 (b)(1)1.4a reported SAF from West and they had dismounts 50 m west of 611.

Around 0830 the to confirmed with (b)(1)1.4a Friendly positions on or near 611 and that we have ISR feed on 3 individuals in fire positions behind bldg 58. (b)(1)1.4a confirmed that they were taking fire from that pos.

At around 0845 to again re-verified fgt location to (b)(1)1.4a and confirmed friendly location. (b)(1)1.4a replied all friendlies buttoned up and dismounts behind defilade. ISR showed us a clear feed of 3 individuals behind a short wall or treeline just on SW side of bldg 58. The individuals ATB in the (1/2)

Top (b)(3), (b)(6) (Ops chief)

prone facing the hill. Tgt location & friendly location was re-confirmed 2 or 3 times between us & (b)(1)1.4a. After the drop (b)(1)1.4a came up on comms and announced that he thinks it might of been on his own guys.

Based off what I saw on ISR and the information being passed from (b)(1)1.4a as to enemy location & friendly location I believe it was a good drop. There was never any doubt in the Roc based off the information (b)(1)1.4a was passing to us as to enemy & friendly locations that would make us second guess ourselves. Between myself the XO and Op (b)(3), (b)(6) we were all in agreeance that this was a good drop. After the fact it ATB that (b)(1)1.4a did not have good SA as to his dismounted positions.

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

OPS chief AF, 2D Recon

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

2/2

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF MASTER SERGEANT (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6) Major (b)(3), (b)(6) and Captain (b)(3), (b)(6) interviewed Master Sergeant (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6) the legal representative to the investigative team.

2. Master Sergeant (b)(3), (b)(6) indicated that the 1st Bn 23rd Marines element had been instructed by the Co A 2nd Recon Bn CO, Capt (b)(3), (b)(6), to not go more than 100 meters off Rt 611 during their operations due to a noted tendency to become overextended in their actions. He also indicated that (b)(1)1.4a had a history of "not knowing where their guys are located."

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: __ (b)(3), (b)(6) _____

Rank/Rate: CAPT

Unit: 2d Recon Bn.

Telephone number: _ (b)(2)

Today, 16 April, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 16 April 2011

(Signature and date)

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

2d Recon Bn A; ~~SECRET // REL TO USA~~ (b)(3), (b)(6)

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

In addition to my original statement from the PI, I would also like to include the following.

(b)(1)1.4a QRF Platoon has been in direct support of 2nd Recon Bn for the last few weeks. Their mission is to provide route security along the 611. Our OPSO has had them focus their efforts between the (b)(1)1.4a to the (b)(1)1.4a along the 611. They mainly move in vehicles and will engage locals along the (b)(1)1.4a

On the morning of 6 April, (b)(1)1.4a moved out in the early morning to conduct their mission. I do not know what time they left from PB Alcatraz that morning. I knew their focus of that day would be between the (b)(1)1.4a along the 611.

All the events of the day, 6 April 2011, I did not have voice comms with the platoon. We only received the information from them via BFT. The enemy contact and all other info, to include casevac came to Bn FWD via relay from A Company and Bravo Company COC's. The only info I recall receiving from (b)(1)1.4a that day was the SALTA that came in on BFT, approximately 15 min prior to the hellfire strike.

After the strike, and the casulties were reported as 2 urgent, I began to push information up the chain of command to get the medevacs spun up and ready to launch. The ZMIST ~~came~~ came in with 1 urgent with concussion due to blast and 1 urgent w/ shrapnel & blood loss.

Overall timeline from when I dropped medevac 9-line into mirc, to when the bodies were picked up at HLZ (b)(1)1.4a I do not recall. It was right around (b)(1)1.4a

(b)(1)1.4a I also requested RW CAS assets to provide overwatch as they tried to retrieve casualties from the strike site and move them to a suitable HLZ. I do not know why (b)(1)1.4a was chosen, but agree with the call as the green zone was still seeing enemy in the area. In the past we have brought medevac into green zone, but they received fire. The movement via vehicle to HLZ (b)(1)1.4a was best option considering the threat.

I swear or affirm that the information in the statement above is true to the best of my knowledge or belief.

(b)(3), (b)(6) 16 April 2011

Sworn to before me this date

(b)(3), (b)(6) 16 Apr 2011

I, Capt (b)(3), (b)(6) swear

or affirm that the following documents:

7 Apr 2011 Statement (handwritten)

7 Apr 2011 ~~Statement~~ (transcribed

is true to the best of my knowledge or belief

(b)(3), (b)(6) 16 April 2011

Sworn to before me this date

(b)(3), (b)(6) 16 Apr 2011

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

The following statement is my knowledge of the events that took place on 6 April 2011. At roughly 0820 ' (b)(1)1.4a ' hit a low order IED along (b)(1)1.4a . This event was called into me by Alpha Company via my VHF TAPCPL net. Shortly there after I received a call from (b)(1)1.4a , A Bravo Company JTAC that ' (b)(1)1.4a " was also starting to take small arms fire. At the time I was monitioring a downlink feed and ~~mise~~ mirc traffic from a predator, call sign (b)(1)1.4a . ~~the~~ In MIRC I directed (b)(1)1.4a to check in with (b)(1)1.4a , Alpha Co. JTAC on (b)(1)1.4a UHF freq. I also directed him via ~~mic~~ mirc to push his sensor to the area where (b)(1)1.4a was located on the 611. At this same time, roughly 0825, I discussed with (b)(1)1.4a and (b)(1)1.4a (Capt (b)(3), (b)(6)) that (b)(1)1.4a was pushing that way. At 0834, (b)(1)1.4a

established positive comms w/ (b)(1)1.4a on (b)(1)1.4a they began scanning to the west of (b)(1)1.4a position, where they reported enemy coming from. (b)(1)1.4a had eyes on 3-4 individuals 200m west of last known FF position, based off SALTA. These individuals were observed, by me within and near a tree line. I saw muzzle flashes come from one of these individuals. At the same time (b)(1)1.4a passed a 9-line to (b)(1)1.4a . At this point I passed a 9-line into MIRC, as required, when working with predator drones, into RCT-8_ASE_TACPL window. This 9-line was not official, but to clear airspace underneath the a/c executing the air to ground fires. When the air space was confirmed as deconflicted by RCT-8 ASLT, I passed this on to (b)(1)1.4a , who continued w/ the attack. The 9-line passed to (b)(1)1.4a by (b)(1)1.4a is listed below:

<u>Type II BOT 1xAGM HF</u>

1. 1-3 overhead
4. 3000
5. Enemy fight POS
6. (b)(1)1.4a
7. None
8. E 200
9. Egress back to overhead

FAH S-~~W~~ N, but (b)(1)1.4a requested N-S, that was approved
ROE 421-422
GCE callisign " (b)(1)1.4a "

At 0851, the predator launched the HF and it impacted 17 seconds later at the grid above. Approximately 5 min later I received the radio call that this was a fratricide event. At this point I only stood by to provide MEDEVAC or follow on air support. About 10-15 min post strike we began the process of requesting MEDEVAC and CAS assets to support the vehicle movement of 2 urgent casualties back to HLZ (b)(1)1.4a to be extracted. For timeline of MEDEVAC please see MIRC notes. A section of H-1 RW a/c callsign(b)(1)1.4aprovided over watch and convoy escort as the patrol egressed the green zone and returned south along 611 to HLZ (b)(1)1.4a . At 1025, both casualties were pronounced dead.

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name:_ (b)(3), (b)(6) _____ Rank: CAPT
Activity:_____ Unit: 2nd Recon Bn USMC
Telephone number:_____

I have been advised that I may be suspected of the offense(s) of:_____and that:

The statement you gave to _____before is not admissible at a court-martial and cannot be used against you.
Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.
I have the right to remain silent.
Any statement I do make may be used as evidence against me in trial by court martial.
I have the right to consult with a lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
I have the right to terminate this interview at any time.

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

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
I expressly desire to waive my right to remain silent.
I expressly desire to make a statement.
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
I expressly do not desire to have such a lawyer present with me during this interview.
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been use

(b)(3), (b)(6) 7APR2011 (b)(3), (b)(6) 07APR11

(Member's signature and date) (Witness's signature and date)

The following statement is my knowledge of the events that took place on 6 April 2011. At roughly 0820 " (b)(1)1.4a " hit a low order IED along the 611 (b)(1)1.4a This event was called into me by Alpha Company via my UHF TACPL net. Shortly there after I received a call from (b)(1)1.4a A Bravo Company JTAC that " (b)(1)1.4a " was also starting to take small arms fire. At the time I was monitoring a downlink feed and mirc traffic from a predator, callsign (b)(1)1.4a . In mirc I directed (b)(1)1.4a to check in with (b)(1)1.4a Alpha Co. JTAC on (b)(1)1.4a UHF freq. I also directed him via mirc to push his sensor to the area where (b)(1)1.4a was located on the 611. At this same time, roughly 0825, I discussed with (b)(1)1.4a and (b)(1)1.4a (CAPT (b)(3), (b)(6)) that (b)(1)1.4a was pushing that way. At 0834, the Bn FWD, received a SALTA with (b)(1)1.4a location as (b)(1)1.4a Once (b)(1)1.4a established positive comms w/ (b)(1)1.4a on (b)(1)1.4a they began scanning to the west of (b)(1)1.4a position, where they reported enemy coming from. " (b)(1)1.4a had eyes on 3-4 individuals 200m west of last known FF position, based off SALTA. These INDIVIDUALS were observed by me within and near a treeline. I saw muzzle flashes come from one of these individuals. At the same time (b)(1)1.4a passed a 9-line to (b)(1)1.4a At this point I passed a 9-line into mirc, as required,

when work ~~SECRET // REL TO USA, ISAF, NATO~~ with Predator drones, into RCT-8 - ASLT. TACPL window. This 9-line was not official, but to clear airspace underneath the a/c executing the air to ground fires. When the air space was confirmed as deconflicted by RCT-8 ASLT, I passed this on to (b)(1)1.4a who continued w/ the attack. The 9-line passed to (b)(1)1.4a by (b)(1)1.4a is listed below:

Type II BOT 1xAGM HF

1. 1-3 OVERHEAD
4. 3000
5. ENEMY FIGHT POS.
6. (b)(1)1.4a
7. NONE
8. E 200
9. Egress back to overhead

FAH S-N, but (b)(1)1.4a requested N-S, that was approved.
ROE 421-422.
GCE CALLSIGN (b)(1)1.4a "

At 0851, the predator launched the HF and it impacted

(b)(1)1.4a

later I received the radio call that this was a fratricide event. At this point I only stood by to provide medevac or follow on air support. About 10-15 min post strike we began the process of requesting medevac and CAS assets to support the vehicle movement of 2 urgent casulties back to HLZ (b)(1)1.4a to be extracted. For timeline of medevac please see misc notes. A section of HH Rw a/c callsign (b)(1)1.4a provided overwatch and convoy escort as the patrol egressed the green zone and returned south along 611 to HLZ (b)(1)1.4a At 1025, both casulties were pronounced dead.

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

CAPT USMC
2nd Recon Bn Air Officer

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

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF CAPTAIN (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Forward Operating Base Sabit Qadam I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Captain (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6) the legal representative to the investigative team.

2. Captain (b)(3), (b)(6) stated that (b)(1)1.4a (1/23 element) had been in contact almost daily since March. He was not paying much attention to MIRC traffic prior to the strike but was more focused on voice communication with (b)(1)1.4a due to the decision to strike. He indicated that a recent change in internal battalion procedures was made in order to treat Predator flights more like a manned aviation asset by relying more on voice communication for terminal control of strikes. He felt like this more closely matched USMC CAS procedure training and also prevented delay of missions by injection of comments from Predator internal support organizations (ie DGS.) He indicated that had he heard that the observed muzzle flashes were oriented to the West, away from friendly forces, it would have changed his request for fires and he would not have done it. He indicated that they normally get Predator DGS intelligence from the Predator pilot but in this case none was provided regarding the orientation of observed enemy fires.

3. I certify that this statement is an accurate summary of the interview.

(b)(1)1.4a

COL USMC

PRIVACY ACT STATEMENT

Name: 1st Lt (b)(3), (b)(6) Rank/Rate: 1st Lt / O-2
Activity: 2d Recon Fwd / SWB / Fob Jackson Unit: 2nd Recon
Telephone number:

Today, 16 April, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651-2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, date of expiration of active obligated service, and accrual of annual leave.

b. Determinations on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning

entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlements, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above: Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above: Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where the individual is a claimant or potential claimant in an investigation for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have made or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made

on the basis of the evidence that is contained in the investigative record.

(b)(3), (b)(6) 16 Apr 2011

SECRET // REL TO USA, ISAF, NATO

16 APRIL 2011

1st Lt (b)(3), (b)(6), 2d Recon Bnd SWO / FOB JACKSON

My understand of (b)(1)1.4a QRF's mission was to provide route security. MAJ (b)(3), (b)(6) would assign them a Southern and Northern boundary and they would work dismounted and mounted security ops along RTE 611 to deter IED emplacers. I believe they were working roughly between the (b)(1)1.4a on 06APR2011. Their normal ops consisted of (b)(1)1.4a dismounting with vehicle overwatch. They would remain in close proximity to RTE 611 and walk the road, engage with locals and check compounds along the RTE. They never moved more than approx 50-100m off the road as that was their focus. When in contact they would return to vehicles or get in the small canal that runs along RTE 611. They often sent reports (IE. SALTA's, IED strikes) via BFT. They would also report to ACo / BCo via VHF. On this day they were reporting to ACo.

On in the Objective area they immediately struck a low det IED. This was not reported in a timely manner as usual and the initial report came from ACo. I probed them via BFT for the report and was told they were working on it. Once I did receive the report, I had questions about it and sent an inquiry by BFT asking for clarification. While waiting for clarifying information on the IED strike they began to take contact. As we received the initial report from ACo via BFT, I had the Journal Clerk/ Radio Operator check their current positions on BFT. It had not really changed since the area of IED strike. We plotted the positions on Google Earth. The description of events in my original statement follow the next few hours and sequence. I have no changes to those events concerning the reporting and what I observed on ISR.

Once the casualties / medevac was reported by ACo, we had hope and I immediately submitted the MEDEVAC report to BCT. I told BCT that casualties were not yet at LZ and would inform them when they were enroute. The next few hours went by very slow. After the initial MEDEVAC report, we continued to observe ISR and informed our CO who was present in the ROC. The only info that was

SECRET//REL TO USA, ISAF, NATO

passed from that point was 1x frag and 1x concussion. With the CO in the ROC, the MEDEVAC request in we continued to probe ACo for updates they were unable to provide much information. They continued to tell us they were asking (b)(1)1.4a but not getting results. We continued to watch ISR and marines moving in/out of strike area. We were confused and concerned at how long it was taking to get the casualties the approx 180-200M to the road. It appeared that they may have been continuing to receive fire though no officials reports came in.

The MEDEVAC bird launched and was overhead for a significant time period before casualties arrived. My understanding is due to Enemy threat, casualties were being (b)(3), (b)(6) moved to LZ (b)(1)1.4a because its secure and under observation at times. Upon casualties arriving, we were informed by ACo that they were both HEROES.

From this point on we had no comm with (b)(1)1.4a. ACo reported they were inside wire. The CO coordinated with their "Co Commander as to the plan for (b)(1)1.4a. From this point I informed RCT the sensitivity of situation and provided them with limited details. The CO informed the chain of command and once that was complete I provided what was needed to RCT. I told them I would provide no further info due to pending investigation. I have not reviewed the ISR recording since the event due to not wanting to influence/jade my recollections of the events. I believe that everything prior to the and leading up to the strike was in accordance with our normal procedures and the enemy TTP's we have observed on numerous occasions

I swear or affirm that the information in the statement above is true to the best of my knowledge or belief

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

Sworn to before me ~~[illegible]~~ 16 Apr 2011

(b)(3), (b)(6) 16 Apr 11

I, 1st Lt (b)(3), (b)(6) swear or affirm

that the information in the following

documents:

7 Apr 2011 Statement (Handwritten)
7 Apr 2011 Statement (Transcript)

is true to the best of my knowledge

or belief.

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

Sworn to before me this date 16 Apr 2011

(b)(3), (b)(6) 16 Apr 11

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

On 06 April 2011 at approx 0728 (b)(1)1.4a requested to DFL PB Alcatraz. Just before 0800, GySgt (b)(3), (b)(6) from A Co mentioned on the air net that (b)(1)1.4a hit a low order det IED. I had the RTO push a BFT to them asking about the IED. At approx 0803 they responded via BFT that they were sending the report. At approx 0815 I received the IED strike report via BFT from (b)(1)1.4a and followed with questions back to them via BFT. Just after that the initial call that (b)(1)1.4a was in contact came in over the air net from GySgt (b)(3), (b)(6) with B Co. B Co said they would work the reporting with (b)(1)1.4a however A Co XO Capt (b)(3), (b)(6) came over air net and said they had comm with (b)(1)1.4a and had been working with them lately, so they would continue. At approx 0820 we received a SALTA via BFT from (b)(1)1.4a saying they were taking fire. They reported friendly forces at (b)(1)1.4a that plotted just off RTE 611 near a canal. We pulled the VIC POS reps from BFT & they plotted on RTE 611 IVO of dismounts. All known friendly positions were immediately plotted on good earth. They reported single SAF followed by medium machine gun fire. At approx 0826 (b)(1)1.4a, armed ISR was pushed to A Co for control in support of (b)(1)1.4a . Once radio comm was established between A Co and (b)(1)1.4a . A Co provided radio updates over the air net. It was reported that (b)(1)1.4a was taking fire from the west and they (A Co and (b)(1)1.4a were working to further refine enemy targets. I began typing official SALTA MIRC report. Once ISR was overhead, they focused on two individuals in the prone oriented east toward RTG 611 approx 188 m from friendly forces. I saw muzzle flashed on ISR and pulled a grid for the journal clerk to plot. The grid I wrote down on a scratch pad was (b)(1)1.4a Roughly the same time Capt (b)(3), (b)(6) pulled a grid & the journal clerk plotted the grid. It was approx 188m west into the green zone from RTE 611 & friendless. At approx 0838 we received an HPW from A Co about (b)(1)1.4a . It again said the friendly force position was (b)(1)1.4a , lead VIC (b)(1)1.4a and trace VIC at (b)(1)1.4a . It stated they were in control via radio comms with (b)(1)1.4a and refining enemy targets. At 0842 I dropped the official SALTA in MIRC for the RCT & continued to observe the ISR feed. Over the radio friendly grid was passed again as (b)(1)1.4a & I wrote it down on my scratch pad. As we observed ISR everyone in the ROC double checked friendly positions, analyzed that we believed to be enemy forces on ISR, the way there were oriented and how it appeared they were engaging friendlies. A Co continued to work armed ISR and was not able to hear any radio traffic between A Co and (b)(1)1.4a . Around 0850 I heard the call over the radio that A Co had approved 1 Hellfire to be fired at the 2 individuals we had been observing on ISR. At approx 0851 the hellfire struck in between the 2 individuals. We observed no movement from either. A third individual appeared from the tree line to check on individuals. Approx 2 mins after strike A Co reported possible blue on blue. Several minutes passed with little reporting. At 0921 I dropped a MEDEVAC 9-line in MIRC for 2 urgent casualties. Those casualties were transported to A Co position and LZ (b)(1)1.4a for picup. Once Mesquite arrived at LZ (b)(1)1.4a we were informed via readio that both were HERD status.

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(3), (b)(6) Rank: 1SG/LT
Activity: SWO / 20 Becon Unit: 20 Becon
Telephone number: 357-6347

I have been advised that I may be suspected of the offense(s) of: _____ and that:

The statement you gave to _____ before is not admissible at a court-martial and cannot be used against you.
Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.
I have the right to remain silent.
Any statement I do make may be used as evidence against me in trial by court martial.
I have the right to consult with a lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
I have the right to terminate this interview at any time.

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

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
I expressly desire to waive my right to remain silent.
I expressly desire to make a statement.
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
I expressly do not desire to have such a lawyer present with me during this interview.
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b)(3), (b)(6) 10 Apr 2011 (b)(3), (b)(6) 1 07 April 2011

(Member's signature and date) s signature and date)

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

7 Hr - 2011 (b)(3), (b)(6)

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

1236 / 5TH / USMC

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF LIEUTENANT (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Forward Operating Base Sabit Qadam I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Lieutenant (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Lt (b)(3), (b)(6) indicated that he never received a complete IED report from (b)(1)1.4a (1/23 element.) He usually gets complete, detailed reports quickly but not so in this case. After the strike he received the report of two Urgent friendly casualties; one with fragment wounds and blood loss, the other with concussion. This casualty report was not received directly from (b)(1)1.4a but was relayed to 2nd Recon Bn COC by Co A 2nd Recon. He submitted the casualty report to higher headquarters with the request that the MEDEVAC not be launched yet due to the requirement to ground transport the casualties from the point of injury to HLZ (b)(1)1.4a for pick up. For an unknown reason the MEDEVAC aircraft was launched anyway, which resulted in Dust-off aircraft loitering overhead until ground evacuation to the HLZ was complete.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

Page 173 redacted for the following reason:
- - - - - - - - - - - - - - - - - - -
ENCLOSURE (18) REMOVED DUE TO FOIA EXEMPTION 5 U.S.C 552 (b) (3), (b) (6), and (b) (1)1.4a

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) _____

Rank/Rate: 2ND LT / 01

Unit: ALPHA 1/23

Telephone number: N/A

Today, FRIDAY APR 15, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

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b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

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e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

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g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

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Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

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a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

20110415

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

and date)

I swear or affirm that the information in the attached documents:

7 April 2011 Statement (Handwritten)
7 April 2011 Statement (Transcribed)
15 April 2011 Statement (~~Transcribed~~) (b)(3), (b)(6)
7 April 2011 Diagram

is true to the best of my knowledge or belief

(b)(3), (b)(6) 20110415

me this date

(b)(3), (b)(6) 20110415

20110415 1230

(b)(3), (b)(6) 2ND LT

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

REVEILLE WAS 0500 THE MORNING OF THE 6th. THE ORDER WAS BRIEFED THE NIGHT BEFORE SO EVERYONE KNEW THE SCHEME OF MANEUVER THE NEXT DAY. PRIOR TO DEPARTURE LT (b)(3), (b)(6) WENT TO THE ALPHA COMPANY COC (2ND RECON) TO SUBMIT A MISSION CARD AND GET ANY PERTINANT INFORMATION FOR THE MISSION THAT MAY HAVE BEEN NEW. ONE OF THE GUNNERY SERGEANTS WHOSE NAME I DO NOT REMEMBER IN THE COC LET LT (b)(3), (b)(6) KNOW THAT A LOCAL NATIONAL INFORMED ALPHA COMPANY THAT THERE WERE TALIBAN EMPLACING IMPROVISED EXPLOSIVE DEVICES IN THE AREA OF THE (b)(1) 1.4a SECTOR ON ROUTE 611. LT (b)(3), (b)(6) GOT ORIENTED ON THE MAP OF WHEN OUR PATROL WOULD REACH THIS AREA OF THE ROUTE. LT (b)(3), (b)(6) CAME BACK TO THE PLATOON AND PULLED THE VEHICLE COMMANDERS, PLATOON SERGEANT, AND SECTION LEADERS TO BRIEF THEM ON THIS INFORMATION. 2ND PLATOON DEPARTED AT AROUND 0720. THE 4 VEHICLE SECTION WENT NORTH ON ROUTE 611 AND ABOUT THE 564 NORTHING VIC 3 WAS STRUCK BY A LOW ORDER IMPROVISED EXPLOSIVE DEVICE. THIS DEVICE DID NOT HAVE ANY EFFECT ON THE VEHICLE OR PERSONNEL INSIDE THE VEHICLE. DUE TO THE TACTICAL SITUATION. LT (b)(3), (b)(6) MADE THE DECISION TO BY PASS THE STRIKE SITE. THE STRIKE SITE WAS IN A VERY CANALIZED COORIDORE OF COMPOUND WALLS. WE REACHED OUR DIEMOUNT POINT APPROXIMATELY 200 METRES NORTH OF THE STRIKE SITE, CHECKED FOR ANYONE IN OUR IMMEDIATE AREA, TURNED THE VEHICLES AROUND TO THE SOUTH AS PLANNED AND DISMOUNTED. THE DISMOUNTED ELEMENT PUSHED TO THE WEST INTO THE WADI SYSTEM OR IRRIGATION SYSTEM AND LT (b)(3), (b)(6) STARTED RECEIVING POS REPS FROM SGT (b)(3), (b)(6) AND SGT (b)(3), (b)(6) . THESE WERE BEING PASSED TO ALPHA COMPANY. THE DISMOUNTED CLEARANCE PATROL IMMEDIATELY BEGAN

TAKING FIRE FROM AN UNKNOWN POSITION TO THE WEST. LT (b)(3), (b)(6) WAS PASSING WHAT WAS GOING ON THROUGH THE RADIO FROM VIC 4. THE SALTA REPORT WAS ALSO SUBMITTED VIA THE BLUE FORCE TRACKER TO RECON BATTALION FORWARD. THE PERSON ON THE RADIO IN THE COC BEGAN WITH WHO WAS ON COC WATCH. NAME UNKNOWN. THEN WHEN THE PATROL STARTED TAKING CONTACT THE RADIO SWITCHED TO THE GUNNY THAT BRIEFED LT (b)(3), (b)(6) ON THE IMPROVISED EXPLOSIVE DEVICE EMPLACEMENT THE NIGHT BEFORE. AS THE CONTACT CONTINUED IT SWITCHED TO CAPTAIN (b)(3), (b)(6) AND SWITCHED BACK AND FORTH BETWEEN THE GUNNY AND CAPTAIN (b)(3), (b)(6). ONCE CONTACT WAS TAKEN, LT HUFF WAS PASSED BY SERGEANT (b)(3), (b)(6) THAT POSSITIVE IDENTIFICATION OF ENEMY'S LOCATION WAS UNKNOWN. THIS WAS PASSED TO ALPHA COMPANY COC BY LT (b)(3), (b)(6). THE COC CAME BACK AND SAID THEY HAD (b)(1) 1.4a OVER HEAD AND SAID THEY SEE MUZZEL FLASHES IN VICINITY OF COMPOUND 58 LT (b)(3), (b)(6) TOLD COC THIS COULD BE THE ENEMY BUT STILL UNSURE. LT (b)(3), (b)(6) CONTINUED GETTING POSITION REPORTS FROM SERGEANT (b)(3), (b)(6). THE LAST GRID PASSED TO ALPHA COC GIVEN BY SERGEANT (b)(3), (b)(6) FROM SERGEANT (b)(3), (b)(6) WAS (b)(1) 1.4a PRIOR TO THE STRIKE ALPHA COMPANY COC SAID THEY WERE WORKING A NINELINE AND LT (b)(3), (b)(6) NEEDED TO GET HIS GUYS DOWN BECAUSE IT WOULD BE CLOSE. IMMEDIATELY LT (b)(3), (b)(6) TRIED TELLING THE MARINES TO GET DOWN AND TO LET ME KNOW WHEN EVERYONE WAS DOWN. DURING THIS SHORT PERIOD, CPL (b)(3), (b)(6) IN VIC 4 SPOTTED A MORTAR FIRING POSITION TO THE EAST ON A RIDGELINE HE MANEUVERED THE VEHICLE TO FIRE ON THEIR POSITION WITH THE MK-19. AS THAT WAS GOING ON SERGEANT (b)(3), (b)(6) CAME BACK ON THE RADIO TO SAY EVERYONE WAS DOWN. THIS WAS PASSED TO ALPHA COC AND WE WERE ALMOST IMMEDIATELY GIVEN A 17 SECOND TIME HACK AT WHICH PILOT LT (b)(3), (b)(6) BEGAN PASSING TO THE DISMOUNTED MARINES. IT WAS ONLY 2-3 SECONDS LATER THAT THE MISSILE STRUCK. SGT (b)(3), (b)(6)

CAME OVER THE RADIO WITH CEASE FIRE AT WHICH POINT LT (b)(3), (b)(6) WAS TRYING TO GET A SITUATION UPDATE SERGEANT (b)(3), (b)(6) WAS SAYING THAT THE MISSILE LANDED ON TOP OF STAFF SERGEANT SMITH AND DOC RAST. AT THAT POINT LT (b)(3), (b)(6) REPORTED TO ALPHA COMPANY COC THERE COULD HAVE BEEN MARINES HIT BY STRIKE. IMMEDIATELY LT (b)(3), (b)(6) BEGAN WORKING A MEDEVAC 9-LINE WITH ALPHA COMPANY COC. THE VEHICLES WERE STILL TAKING FIRE FROM THE EAST AND AND ONE POINT MEDIUM MACHINE GUN FIRE FROM THE NORTH. THE TACTICAL SITUATION DEVELOPED INTO A U-SHAPED AMBUSH. (b)(1) 1.4a ENGAGED THE MORTAR TEAM THAT WAS OPERATING IN 3 VEHICLES WITH THE 50.CAL TO THE EAST. THE VEHICLES WERE MANEUVERING BEHIND A COMPOUND TO TAKE COVER FROM THE MK-19 AND 50 CAL. SERGEANT (b)(3), (b)(6) ASSESSED THE SITUATION AND COORDINATED WITH DOC (b)(3), (b)(6) TO GIVE THEM TREATMENT. IT TOOK A WHILE TO GET ANY INFORMATION ON THE CASUALTIES TO PASS TO ALPHA COC. THE MARINES BEGAN CARRYING THEM BACK TO THE VEHICLES AND LT (b)(3), (b)(6) REQUESTED QRF SUPPORT FROM ALPHA COMPANY COC. GETTING THEM BACK TO THE VEHICLES TOOK SOMEWHERE BETWEEN 20-30 MINUTES. LT (b)(3), (b)(6) CONTINUED TO UPDATE THE COC AND REQUESTED A BIRD TO LAND AT A PREDESIGNATED LOCATION ON THE ROUTE. THAT WAS DENIED AND WE WERE REQUESTED TO GO BACK TO THE LZ AT PB ALCATRAZ. WE WERE ALREADY LOADED UP AND ON OUR WAY BACK BY THE TIME QRF WAS OUT ON THE ROAD. WE RETURNED WITH DOC RAST AND STAFF SERGEANT SMITH TO PB ALCATRAZ AND THE HELICOPTER WAS WAITING FOR US AT THE LZ. AS SOON AS WE GOT BACK CAPTAIN (b)(3), (b)(6) REQUESTED LT (b)(3), (b)(6) AND THE PLATOON SERGEANT TO COME TO THE COC. SGT (b)(3), (b)(6) WAS BROUGHT IN PLACE OF SSgt SMITH AND WE SUBMITTED STATEMENTS TO CAPTAIN (b)(3), (b)(6)

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

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(3), (b)(6) Rank: 2ND LT
Activity: Unit: ALPHA, 1/23
Telephone number: (b)(2)

I have been advised that I may be suspected of the offense(s)
of: and that:

The statement you gave to before is not admissible at a court-martial and cannot be used against you.
Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.
I have the right to remain silent.
Any statement I do make may be used as evidence against me in trial by court martial.
I have the right to consult with a lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
I have the right to terminate this interview at any time.

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

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
I expressly desire to waive my right to remain silent.
I expressly desire to make a statement.
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
I expressly do not desire to have such a lawyer present with me during this interview.
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or f any kind having been used against me.

/ 20110407 (b)(3), (b)(6) /2011 0407

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

late) (Witness's signature and date)

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

20110407

Alpha Company, 2nd PLT departed friendly lines at 0720 from PB Alcatraz with (b)(1) 1.4a Marines (b)(1) 1.4a dogs, (b)(1) 1.4a Terp. There were 2 section, a dismounted section and a mounted section. The patrol also consisted of (b)(1) 1.4a vehicles (b)(1) 1.4a Prior to the patrol leaving, (b)(3), (b)(6) checked in with Alpha Company, 2nd Recon's COC and submitted a mission card. During that time (b)(3), (b)(6) was informed that an IED or possibly multiple IEDs had been placed in the (b)(1) 1.4a sector along the 611. Following that (b)(3), (b)(6) briefed the section leaders, vehicle commanders, and the platoon sergeant on the new intel. The patrol left around 0720 as the patrol pushed north along the 611, there was a small IED that impacted under (b)(1) 1.4a It did not cause any damage to the vehicle or the Marines inside. The IED strike was near our dismount point so we bypassed in order to reach our dismount point. We then turned the vehicles around and set them into their support by fire positions. Once the support by fire positions were in place, we checked our surroundings for possible spotters and dismounted. They then pushed out into the green zone to BEGIN ~~being~~ sweeping the west side of the road to the south. As the dismounted element pushed out they (b)(3), (b)(6) began taking fire from an unknown position. It was believed to be coming from the northwest. (b)(1) 1.4a was informed of the fires. VIC (b)(1) 1.4a spotted a mortar firing position on the east side and reported seeing them. VIC (b)(1) 1.4a began engaging the motor firing position. The dismounted element began moving south and reported the fire could be coming from compound 58 but was unsure. This was passed to ~~the~~ (b)(3), (b)(6) (b)(1) 1.4a along with their POSREP. (b)(1) 1.4a informed (b)(3), (b)(6) they were working up a nine line for a hellfire. They told us to get our Marines behind cover or in the VICS. I informed Sgt (b)(3), (b)(6) to get everyone in cover about 1 minute later Sgt (b)(3), (b)(6) . Sgt (b)(3), (b)(6) radio operator came back and said all dismounts were behind cover this was passed to (b)(1) 1.4a and they came back with 17 seconds to impact At which time the missile almost immediately went off. Sergeant (b)(3), (b)(6) came over the radio and said SSgt Smith and Doc Rast had been hit by the blast and they were being treated by Doc (b)(3), (b)(6) . The vehicle element spotted more movement on the east side and took small arms fire from the north. ICOMM passed that the insurgents were trying to hit a vehicle, likely VIC (b)(1) 1.4a because as it moved to cover they came back on the road with not being able to see our vehicle. (b)(3), (b)(6) coordinated the MEDEVAC 9-line and MIST REPORT to (b)(1) 1.4a and requested QRF support. It was confirmed that both causalities were KIA. They were bagged and brought back to PB Alcatraz. All dismounts loaded back up and began heading south to PB Alcatraz. Upon arrival at PB Alcatraz Sgt (b)(3), (b)(6) informed (b)(3), (b)(6) that SSgt Smith and DOC Rast had not made it to cover even though it had been reported. The MEDEVAC bird was waiting at PB Alcatraz to MEDEVAC the remains. (b)(3), (b)(6)

(b)(1) 1.4a Marines and (b)(1) 1.4a Dog were mounted

(b)(1) 1.4a Marines (b)(1) 1.4a Dog and (b)(1) 1.4a TERP were dismounted.

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

20110407

ALPHA COMPANY, 2ND PLT DEPARTED FRIENDLY LINES AT 0720 FROM PB ALCATRAZ WITH (b)(1) 1.4a MARINES, (b)(1) 1.4a DOGS (b)(1) 1.4a TERP. THERE WERE 2 SECTIONS, A DISMOUNTED SECTION AND A MOUNTED SECTION. THE PATROL ALSO CONSISTED OF (b)(1) 1.4a VEHICLES (b)(1) 1.4a MRAPS, (b)(1) 1.4a ATV). PRIOR TO THE PATROL LEAVING, LT (b)(3), (b)(6) CHECKED IN WITH ALPHA COMPANY, 2ND RECON'S COC AND SUBMITTED A MISSION CARD. DURING THAT TIME LT (b)(3), (b)(6) WAS INFORMED THAT AN IED OR POSSIBLY MULTIPLE IEDS HAD BEEN PLACED IN THE (b)(1) 1.4a SECTOR ALONG THE 611. FOLLOWING THAT LT (b)(3), (b)(6) BRIEFED THE SECTION LEADERS, VEHICLE COMMANDERS, AND THE PLATOON SERGEANT ON THE NEW INTEL. THE PATROL LEFT AROUND 0720 AS THE PATROL PUSHED NORTH ALONG THE 611, ~~FOLLOWING THAT BRIEF~~ THERE WAS A SMALL IED THAT IMPACTED UNDER VIC (b)(1) 1.4a IT DID NOT CAUSE ANY DAMAGE TO THE VEHICLE OR THE MARINES INSIDE. THE IED STRIKE WAS NEAR OUR DISMOUNT POINT SO WE BYPASSED IN ORDER TO REACH OUR DISMOUNT POINT. WE THEN TURNED THE VEHICLES AROUND ~~AND~~ SET THEM INTO THEIR SUPPORT BY FIRE POSITIONS. ONCE THE SUPPORT BY FIRE POSITIONS WERE IN PLACE, WE CHECKED OUR SURROUNDINGS FOR POSSIBLE SPOTTERS AND DISMOUNTED. THEY THEN PUSHED OUT INTO THE GREEN ZONE TO BEGIN SWEEPING THE WEST SIDE OF THE ROAD TO THE SOUTH. AS THE DISMOUNTED ELEMENT PUSHED OUT THEY BEGAN TAKING FIRE FROM AN UNKNOWN POSITION. IT WAS BELIEVED TO BE COMING FROM THE NORTHWEST. (b)(1) 1.4a WAS INFORMED OF THE FIRES. VIC (b)(1) 1.4a SPOTTED A MORTAR FIRING POSITION ON THE EAST SIDE AND REPORTED SEEING THEM. VIC (b)(1) 1.4a BEGAN ENGAGING THE MORTAR FIRING POSITION. THE DISMOUNTED ELEMENT BEGAN MOVING SOUTH AND REPORTED THE FIRE COULD BE COMING FROM COMPOUND 58 BUT WAS UNSURE. THIS WAS PASSED TO (b)(1) 1.4a ALONG WITH THEIR POS REP. (b)(1) 1.4a INFORMED LT (b)(3), (b)(6) THEY WERE WORKING UP A NINELINE FOR A HELLFIRE. THEY TOLD US TO GET OUR MARINES BEHIND COVER OR IN THE VICS. I INFORMED SGT (b)(3), (b)(6) TO GET EVERYONE IN COVER ABOUT 1 MINUTE LATER SGT (b)(3), (b)(6), SGT (b)(3), (b)(6) RADIO OPERATOR CAME BACK AND SAID ALL DISMOUNTS WERE BEHIND COVER THIS WAS PASSED TO (b)(1) 1.4a AND THEY CAME BACK WITH 17 SECONDS TO IMPACT ~~UPON~~ AT WHICH TIME THE MISSILE ALMOST IMMEDIATELY WENT OFF. SERGEANT (b)(3), (b)(6) CAME OVER THE RADIO AND SAID SSgt SMITH AND DOC RAST HAD BEEN HIT BY THE BLAST AND THEY WERE BEING TREATED BY

DOC (b)(3), (b)(6) . THE VEHICLE ELEMENT SPOTTED MORE MOVEMENT ON THE EAST SIDE AND TOOK SMALL ARMS FIRE FROM THE NORTH. 1COMM PASSED THAT THE INSURGENTS WERE TRYING TO HIT A VEHICLE, LIKELY VIC (b)(1) 1.4a BECAUSE AS IT MOVED TO COVER THEY CAME BACK ON THE RADIO WITH NOT BEING ABLE TO SEE OUR VEHICLE. LT (b)(3), (b)(6) COORDINATED THE MEDEVAC 9-LINE AND MISTREPORT TO (b)(1) 1.4a AND REQUESTED QRF SUPPORT. IT WAS CONFIRMED THAT BOTH CASUALTIES WERE KIA. THEY WERE BAGGED AND BROUGHT BACK TO PB ALCATRAZ. ALL DISMOUNTS LOADED BACK UP AND BEGAN HEADING SOUTH TO PB ALCATRAZ. UPON ARRIVAL AT PB ALCATRAZ SGT (b)(3), (b)(6) INFORMED LT (b)(3), (b)(6) THAT SSgt SMITH AND DOC RAST HAD NOT MADE IT BACK TO COVER EVEN THOUGH IT HAD BEEN REPORTED. THE MEDEVAC BIRD WAS WAITING AT PB ALCATRAZ TO MEDEVAC THE REMAINS.

MARINES AND (b)(1) 1.4a DOG WERE MOUNTED

(b)(1) 1.4a MARINES (b)(1) 1.4a DOG AND (b)(1) 1.4a TERP WERE DISMOUNTED

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

10407

Page 184 redacted for the following reason:
- - - - - - - - - - - - - - - - - - -
ENCLOSURE (19) PAGE 11 REMOVED DUE TO FOIA EXEMPTION 5 U.S.C 552 (b) (3), (b) (6), and (b) (1)1.4a

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF LIEUTENANT (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Lieutenant (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1) 1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Lieutenant (b)(3), (b)(6) mission was to clear RT (b)(1) 1.4a and the immediate flanks of IEDs and enemy fighters. He planned to move to the objective area, dismount vehicles, and then clear from North to South along Rt 611. He felt like his forces would be deployed in the compounds immediately adjacent to RT 611 and well South of Building 58. He never had any idea that his unit would be near building 58. The first time that he realized he had forces North of the Cemetery ((b)(1) 1.4a) or near Building 58 was when the strike occurred. He did not request fires and never saw the nine line that was submitted. He had reported his friendly positions (vehicles on RT 611 with dismounts adjacent approximately 50 meters to the West of the vehicles) and indicated that he was had enemy contact to the West. He felt his forces had the situation under control and was not in contact with the enemy when the Hellfire strike occurred. He was uncertain how far away building 58 was. The only friendly position reports he received were from Sgt (b)(3), (b)(6) and were (b)(1) 1.4a and (b)(1) 1.4a (b)(1) 1.4a Lt (b)(3), (b)(6) did not have direct communication with Sgt (b)(3), (b)(6) element that was positioned near Building 58 but relied on relayed communications through Sgt (b)(3), (b)(6) He was aware of the ISR report of muzzle flashes in the vicinity of Building 58 but was not provided with any orientation of those fires. Initial casualty reports were 1 Urgent and 1 Routine leading him to assume both were alive. He was in contact with the enemy when he requested to evacuate the casualties from an HLZ near their current position along Rt 611 but was denied by A Co Recon commander due to enemy contact in the area. He was directed to evacuate casualties by vehicle to HLZ (b)(1) 1.4a. He requested deployment of the QRF to assist with movement of all his personnel and the casualties. He did not realize that the Routine casualty was KIA until both casualties were moved back to the vehicles and by that time HN Rast was DOW. He estimated that he reported 2 KIA to higher headquarters at approximately 1038L. Throughout this event he remained in or near his vehicle (vehicle (b)(1) 1.4a) along Rt 611 due to the necessity for reliable communication.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

0552	A-2		R/C
0405	A-2		Taking 4 vics north to the ANA cr and LNK up with ANA there.
0448	A-2		Vic element w/ ANA is heading south at [redacted]
0505	A-2	(b)(1)1.4a	@ the [redacted]
0517	A-2		Passing the [redacted] att.
0540	A-2		Crossing the [redacted]
0600	OP Dayong		R/C
0604	A-2		2 B will be the southern element at the [redacted] and 2A will be pushing north at the [redacted]
0614	A 2 B		Pos Rep for vics. Southern most vic [redacted] Northing and Northern most vic [redacted]
0619	2 A		Most northern vic at the [redacted]
0645	2A		Stopped local who said Taliban emplaced a lot of mines along 611 last night. FROM [redacted] to the north to Bravo's position
0656	2B		Do we have Air today
0656	[redacted]	[redacted]	[redacted] from 0800-1600
0656	2D		Rgr
0718			DFL [redacted] vic [redacted] pax
0744	[redacted]		WOMEN & CHILDREN EGRESSING IVO CMPDS 1/4 [redacted]
0751			IED Strike [redacted]
			Pos Rep [redacted]
0802	2B		Blast came from further south
0807	[redacted]		Dismounted patrols Grid [redacted]. Going to sweep south on [redacted] to the [redacted]

~~SECRET // REL TO USA, ISAF, NATO~~ ENCLOSURE
8 Apr 2011/1110D* 1 OF 3
[redacted] log book
Capt [redacted]

SECRET TO USA/ISAF-NATO

Message

Time	Time	From, To	Message	Mark
Aco	0853	(b)(1)1.4a	SAF @ (b)(1)1.4a dismounted 5 meters west of	Aco
Aco			611	
Aco	0829	(b)(1)1.4a	Fire came from NW. Single accurate fire followed by	
Aco			burst of machine gun fire. Grid (b)(1)1.4a	Aco
Aco	0828	(b)(1)1.4a	Confirm dismounted Grid	Aco
Aco	0830	(b)(1)1.4a	(b)(1)1.4a Grid for Dismounts	Aco
Aco	0831	(b)(1)1.4a	Updated Mounted Grid	Aco
Aco	0835	(b)(1)1.4a	(b)(1)1.4a	
Aco			Northern vic (b)(1)1.4a	Aco
Aco	0838	(b)(1)1.4a	ICOM: 1 guy is outside trying to spot convoy. Others	
			are inside the compound	Aco
	0840	(b)(1)1.4a	Got muzzle flashes coming from Grid (b)(1)1.4a	Aco
Aco	0843		Grid is just S/W of cmpd 58. Get your guys	Aco
			down. Danger close	
Aco	0844	(b)(1)1.4a	Everyone is buttoned up. Dismounts behind	
Aco			defilade at Grid (b)(1)1.4a	Aco
	0850	(b)(1)1.4a	1 by hellfire. look for squirters	Aco
Aco	0851		Rgr	Aco
Aco	0854		May have been two of our own.	
			Setting up CASEVAC bring back to Alcatraz	Aco
	0909	(b)(1)1.4a	Currently taking IDF trying to supress w/ MK19	
Aco	0910		1 urgent cas. Srapnel to body by hellfire strike	
			ZAP # HR (b)(6) , AS (b)(6)	
Aco			Doc is currently trying to stabilize AS (b)(6) Loss	
Aco			of blood.	
	(b)(1)1.4a	(b)(1)1.4a	9 LINE: 1 LZ (b)(1)1.4a	
			2 (b)(1)1.4a QRF	
Aco			3 1A, 1C	
Aco			4 AIR MED EVAC	
Aco			5 ~~2A~~ 2L	
Aco			6 (b)(1)1.4a	
Aco			7 Mark w/ Green Smoke	
Aco			8 2 ISAF MILITARY	
			9 Flat ground to EAST of (b)(1)1.4a	
Aco			compound to East of LZ	Aco
Aco	(b)(1)1.4a	(b)(1)1.4a	Try to get back to Alcatraz	Aco
			Rgr	

SECRET TO USA/ISAF-NATO

ENCLOSURE 20
2 OF 3

MSG/T 1
Capt (b)(3), (b)(6)

MESSAGE

Time	From	To	Message	Affil
	VCP	(b)(1)1.4a	[illegible]	
		(b)(1)1.4a	[illegible] to [illegible]	
			RGR	
			Mobey may head to vic, Dismounts are out to assist.	
		(b)(1)1.4a	SAF From North	
			Working shootout	
			ETA on Casualties	
	SOG	(b)(1)1.4a		
(b)(1)1.4a	(b)(1)1.4a	SOG	May	
	A-2	(b)(1)1.4a	LNS ARE MOVING OUT OF THE AREA AND THE TALIBAN ARE COMING	ACO
	(b)(1)1.4a	A-2	PUSHED DISMOUNTS INTO CMPND 41 (b)(1)1.4a	ACO
	A-2	(b)(1)1.4a	CONTACT FROM SOUTH RPG AND SAF	ACO
	(b)(1)1.4a		CONFIRMED 2 KIA STILL TRYING TO PUSH SOUTH	ACO
	A-3	(b)(1)1.4a	REQUEST OF (b)(1)1.4a VICS (b)(1)1.4a PAX	ACO
	A-2		UPDATED POS REP 2A-(2) VICS (b)(1)1.4a 2B-(3)	ACO
			VICS (b)(1)1.4a (8) DISMOUNTS @ CMPND 41 (b)(1)1.4a	
			OP TM HAS NOT CHANGED POS ATT	
	(b)(1)1.4a		ENROUTE TO ALCATRAZ ATT	ACO
			ARRIVED AT ALCATRAZ ATT PUSHING TO CMPND 8	ACO
	A-2	(b)(1)1.4a	R/C A2B IS CONSOLIDATING @ 2A POS (b)(1)1.4a	ACO
(b)(1)1.4a	SOG		CONFIRMED 2 KIA CALCED TIME OF DEATHS 1024 AND 1025 BY DOG (b)(3), (b)(6)	ACO
	SOG	(b)(1)1.4a	(b)(1)1.4a WHEELS UP ATT	ACO
	A-2		A-2A IS CONSOLIDATED @ A-2B POS (b)(1)1.4a DISMOUNTS	ACO
			@ CMPND 41 (b)(1)1.4a OP TM REMAINS THE SAME	
	A-3 OP DEYOUNG	(b)(1)1.4a	REQUEST RTB W/ (b)(1)1.4a VICS (b)(1)1.4a PAX	ACO
	A-2		R/C	ACO
			REPORTED MASS EXIT OF WOMEN AND CHILDREN FROM WEST TO EAST ALSO VIEWED 4 TO 5 MAM'S MOVED FROM TREELINE SE OF CMPND 12 TO VICINITY OF	ACO
(b)(1)1.4a			CMPNDS 7, 11, 15 Q5N	
	A-2	(b)(1)1.4a	SALTA S) 5 MAMS A) TURKEY PEEKING BETWEEN CMPNDS 4,5 Q5N 1MAM ATB CARRYING A WEAPON L) IVO 3,4,5, 9 Q5N T) 1200 A) ENGAGED W/ (1) 5.56 RND 3 TO 4 MAMS RAN TO THE WEST	ACO
	A-2	(b)(1)1.4a	ICON CHANGE: THE WORK IS DONE AND THEY WILL BE IMPRESSED WITH EVR WORK"	

(b)(1)1.4a

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

ENCLOSURE 20
3 OF 3

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) _____

Rank/Rate: SGT

Unit: 1/23 A 2PLT

Telephone number: _____

Today, 15 April, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

(Signature and date)

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

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

I Sgt (b)(3), (b)(6) 1/23 A 2nd PLT 1st SQD LDR making this statement on 20110415. 2PLT Leaved friendly lines at around 0715 heading N on 611. 1SQD got trap at (b)(1)1.4a 3 teams head S on the road the teams were 1TM CPL (b)(3), (b)(6), Shiper TM3, 2TM LCPL (b)(3), (b)(6). 1SQD had 2 team push into the west side ~~trape~~ they were MG TM SGT (b)(3), (b)(6), sniper TM 1, they Push 100 meter into the W side then they ~~was~~ started to head S. The teams on the road were going to move with the TM on the W side. I was located with the TM on the E side. The TM on the west side were there to cover us if any ENY tried to move into the BLD. The TM on the W side took contact has soon they started to push S. SGT (b)(3), (b)(6) was in charge of the TMs on the west side. SGT (b)(3), (b)(6) right away call me on the radio and gave me a POS REPT. They did not know were the fire came from they only had a general direction were they think it came from. SGT (b)(3), (b)(6) pass to me his grid and direction, distance were they think they took contacted. I do not know the grid but the distans was about 200m to the W side from there pos. AT this point the E teams hold to make sure the guys on W side were good. I pass all the information to the LT. We wait to see if the ENY will fireback. They did not so we started to push S both TM's the E and W side. we push about 25m S when the W side TM took contacted. The E side TM had eyes on them we were about 75m or less from them. The W side TM's open on the ENY. AT this point SGT (b)(3), (b)(6) pass his grid to the LT on the (b)(1)1.4a. SGT (b)(3), (b)(6) did not had eyes on the ~~ENY~~ guys direction and distans from

his pos. After that LT came on the radio saying we had ~~one~~ birds on deck. A couple of mines later LT came back saying the bird have eyes on the ENY and that they were working a alien. After that LT came back they were going to drop a hell fire at BLD 58. Right away LT said to take cover. All of this happen all fast that it was pass in 17 second but it was not 17 second it came right away. It hit 2 of my guy's. SGT (b)(3), (b)(6) ~~sgt~~ came over the radio 1S2 saying some fire and it drop on ours guy. At this point the TM on the E side when to them to help them out ~~with the~~ with the Doc on the vic with SGT (b)(3), (b)(6) help out Doc. when we got there Doc (b)(3), (b)(6) started to work on HN Rast, they were trying to keep him stable before we move him back to the vic. During the proses our terp hear on the comm chater they were going to shot a RPG at us. my SAD shot a couple of shot's to the W side about 300m but we shot high to see if that was were they were at. And it was because right away the terp say they were checkin on each other to make sure they were good. At this point we open fire in that direction. we stased to head back I had one team hepling out with ~~the~~ HN Rast casulty, one providing security to the front, ~~the~~ one team helping to carry SSGT Smith, one ~~team~~ having secusity at the end of the patrol. when RTB we took contact it was ~~to~~ short. we hold it to see were it came from. At the same time the vic on the road were were taken ~~contacted~~ contacted from the E side. By the time we got to the vic it had stoped. we loaded up our casulty and RTB back to Arokutrez.

Sgt (b)(3), (b)(6) (Meoquk QRF)

I Sgt (b)(3), (b)(6) 1stSQD LDR making this statement on 20110406. We I leave friendly lines at around 0715 heading N on 611. 1 SQD got trap at (b)(1)1.4a. 3 team head S on the road. 1 TM Cpl (b)(3), (b)(6) Shipers TM 3, 2 TM LCpl (b)(3), (b)(6) MO TM Sgt (b)(3), (b)(6) head west into the green zone with Sniper TM 1. The push about 150 m from the road they were going to move along with the East. TM's on the road. 1 was located with the East TM on the road. The SQD push about 25 to 30 m when the west TM took contact. At that point we gave our grid's to LT, the E and west TM. Lt got call over the radio that we had birds and that the birds can see the EMY were they were fire in from BCD 58. The birds did not hit the target it. It hit 2 of your Marines they were off about 300m. The East TM move into the POS were the west TM was at to help out with the casualty. The SQD RTB back to the VIC with the casualty. During the phase of getting the casualty the VIC were getting contact from the East. Also we had spotters watching us when we RTB back. Took a couple shots at us. 1st SQD got to the VIC and loaded up we RTB back.

Sgt (b)(3), (b)(6) (Mortar QRF)

I Sgt (b)(3), (b)(6) 1st SQD LDR makeing this stament on 20110406. We leave Frinely lines at around 0715 heading N on 611. 1 SQD got trop at (b)(1)1.4a, 3 Team head S on the road 1TM CPL (b)(3), (b)(6), shipers TM3, 2TM LCPL (b)(3), (b)(6) MG TM SGT (b)(3), (b)(6) head west into the green zone with shiper TM1. They push about ~~to~~ 150 m from the road they were going to move alone with the East TM's on the road. I was located with the East TM on the road. The SQD Push about 25 to 30m when the west TM took contact. AT that point we gave our Grid's to LT, the E and west TM. It got call over the radio that we had brids and that ~~they~~ the brids can see the ENY were they were fire in from BLD 58. The brids did not hit the target it. It hit 2 of your marines they were off about ~~200m~~ 300m. The East TM move into the pos were the west TM was at to help out with the casluty. The SQD RTB back to the VIC with the casluty. ~~Durit~~ During the probes of geting the causlty the VIC were geting contact from the East. Also we had spoters watching us when we RTB back. Took a couple shots at us. 1st SQD got to the VIC and loted up. We RTB Back.

Page 195 redacted for the following reason:
- - - - - - - - - - - - - - - - - - - -
Page 1 of 11-009 BOB and Death of Rast - Smith - part 7 is redacted under FOIA exemptions (b)(1)1.4a, (b)(3), (b)(6)

Rights Advisement Forms

ARTICLE 31 RIGHTS

Name: (b)(3), (b)(6) _____ Rank: SGT

Activity: _____ Unit: 1/23 A 2 PLT

Telephone number: (b)(2), (b)(6) _____

I have been advised that I may be suspected of the offense(s) of: _____ and that:

- The statement you gave to _____ before is not admissible at a court-martial and cannot be used against you.
- Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.
- I have the right to remain silent.
- Any statement I do make may be used as evidence against me in trial by court martial.
- I have the right to consult with a lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expenses, a military lawyer appointed to act as my counsel without cost to me, or both.
- I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- I have the right to terminate this interview at any time.

(b)(1)1.4a

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

- I expressly desire to waive my right to remain silent.
- I expressly desire to make a statement.
- I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
- I expressly do not desire to have such a lawyer present with me during this interview.
- This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats, force or pressure or coercion of any kind having been

(b)(3), (b)(6) _____ / 20110407 (b)(3), (b)(6) _____ / 20110407

(Member's signature and date) ature and date)

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF SERGEANTS (b)(3), (b)(6) AND (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6) Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Sergeants (b)(3), (b)(6) and (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Sergeant (b)(3), (b)(6) (Section Leader) and Sgt (b)(3), (b)(6) (Radio operator) worked as a team during this patrol. Sergeant (b)(3), (b)(6) knew that Sgt (b)(3), (b)(6) 's team was to his West near a building but did not know exactly where building 58 was. He felt like the announcement that air was on station to the indication that there was "17 seconds until impact" was too short to allow for assessment and actions. Prior to the Hellfire strike, Sergeant (b)(3), (b)(6) relayed to Lt (b)(3), (b)(6) that all personnel with Sgt (b)(3), (b)(6)'s section were in cover. Sgt (b)(3), (b)(6) assessed the injured and submitted the initial casualty report as 1 Urgent (HN Rast) and 1 Routine (SSgt Smith.) He had assessed SSgt Smith to be KIA but did not want to say this over the radio and felt like the designation of Routine would be self explanatory.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: Sgt

Unit: Alpha 1/23 2nd Plt

Telephone number: _____ (b)(2) _____

Today, April 15, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

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b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 20110415

(Signature and date)

SECRET // REL TO USA, ISAF, NATO

Sgt. (b)(3), (b)(6) 3681
Alpha Co 1/25 2nd MIT Machine Gunner / Team Leader

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

We dismount from the trucks and push West. The order of movement is: SSgt Smith, Lcpl (b)(3), (b)(6), Sgt (b)(3), (b)(6), Doc Rast and (b)(3), (b)(6) which is 3 Snipers. Sgt (b)(1)1.4a is the team leader of (b)(1)1.4a followed by Sgt (b)(3), (b)(6) and Cpl (b)(3), (b)(6). I don't remember what order (b)(1)1.4a was in. We cross a cannal and push South until we find an opening to push into the green zone and out of the buildings. Heading Southwest in a field with walls around us we search for a way out of the closed in field. I give my grid of our location. I have good comm with my 152 and 153. We start pushing South from a break in the wall and as soon as the whole team is in the Southern field we take contact from an unknown location. I send up a white star cluster from my 203 to show everyone where my guys are and we are in contact. I send up my grid of my team to Sgt (b)(3), (b)(6). My grid was (b)(1)1.4a (b)(1)1.4a. When we stop taking contact we bound to the cannal and treeline 10meters

SECRET // REL TO USA, ISAF, NATO

behind us. F Lcpl (b)(3), (b)(6) had the 240 machine gun so him and myself provided security from the treeline/cannal while everybody else follo the cannal South. Once everyone was past us Lcpl (b)(3), (b)(6) and myself pushed South past th Snipers to return to our formation. The secon time we took contact I ~~next~~ passed up our grid which was (b)(1)1.4a. The order of movement was: SSgt Smith, Doc (b)(3), (b)(6), Lcpl (b)(3), (b)(6), Sgt (b)(3), (b)(6), and the 3 Snipers. I hear on the 152 that air is on station and I relay the message to my guys. We still don't know were we have been taking fire. Near the cannal on the West side is a low wall that I tell everyone to get behind. Snipers were already behind it. Lcpl (b)(3), (b)(6) gets behind the wall. I hear on the 152 that the Predator will shoot Building 58. I yell at Cpl (b)(3), (b)(6) for a location of building 58 ~~th~~ from our location. I hear Lt (b)(3), (b)(6) on the radio for us to take cover and I relay it to my guys. SSgt. Smith and Doc Rast were waiting to bound from the fie to the otherside of the small wall where we were. I hear Lt pass 17 seconds on th radio and as I lift my head I yell 17 seconds and start yelling for SSgt and D to hurry up when it landed almost on top of SSgt. Smith. I get on the radio and an

SECRET // REL TO USA, ISAF, NATO

pass to cease fire and that it was friendlies. I was between 10 to 15 meters from where the Hell Fire hit. I told Lcpl (b)(3), (b)(6) to provide security and I went up to see if anyone was ok. Doc Rast was the closest. He was on his stomache with his head facing East. I shake him but he doesn't respond. I roll him towards me and I see that he took shrapnel behind his right ear and the hole was big. I move to SSgt. Smith and stop 5meters away because I knew he was dead. I start looking for serialized gear and try to find important paperwork on SSgt. I return to the wall and hear Lt (b)(3), (b)(6) asking for a sitrep. I tell him that 2-4 and Doc are dead and that the Hell fire dropped right on us. I have Sgt. (b)(3), (b)(6) and Cpl (b)(3), (b)(6) push up to me. Sgt. (b)(3), (b)(6) s team was on there way with Doc (b)(3), (b)(6) and Sgt. (b)(3), (b)(6). I pop green smoke to mark our location and pass my radios to Sgt. (b)(3), (b)(6). I return to Doc Rast and check for a pulse. Didn't get one. Moved to SSgt. Smith and tried dragging him to the trenchline. While I'm doing that Cpl (b)(3), (b)(6) s team shows up from the South and I have them get in the cannal to our South. Sgt. (b)(3), (b)(6) comes up and helps drag SSgt. Smith's bod,

SECRET // REL TO USA, ISAF, NATO

closer to cover. Doc (b)(3), (b)(6) and Sgt (b)(3), (b)(6)
get Doc Rast near the wall and start
working on him. They get a pulse. Our
terp says that on the ICOM the enemy
can see us and wants to shoot an RPG.
We get guys to help with Doc Rast becau
he is a big guy. Sgt. (b)(3), (b)(6) and I get
SSgt. Smith on a poleless litter and get 2
Snipers to help carry him. To our direct ea
is a route to the main road so we use
that. We put SSgt. Smith in the last vic,
which was Lt. (b)(3), (b)(6) s, and load up the
guys covering the two groups carring SSgt
and Doc. I get in the open seat in Lt. (b)(3), (b)(6)
vic. When we get to base the bird was alrea
down and the recon guys unloaded SSgt. Smi
and put him on the bird.

2011 04 15

I Swear (or affirm) that the (b)(3), (b)(6)
information is the statements
above is true to the best of my
knowledge or belief

(b)(3), (b)(6) 20110415

Sworn to before me this date
(b)(3), (b)(6) 15 April

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF SGT (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Sergeant (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Sgt (b)(3), (b)(6) was tasked with deploying to the West of Sgt (b)(3), (b)(6)'s section to provide flank security for them. Sgt (b)(3), (b)(6) stated that they were conducting a form of "satellite patrol" off of Sgt (b)(3), (b)(6)'s section. Sgt (b)(3), (b)(6) 's section dismounted their vehicle on Rt 611 at approximately the (b)(1)1.4a (b)(1)1.4a . He was in radio contact with Sgt (b)(3), (b)(6) through Sgt (b)(3), (b)(6)'s radio operator, Sgt (b)(3), (b)(6). He was reporting his position to Sgt (b)(3), (b)(6) and assumed it was being relayed to Lt (b)(3), (b)(6). He did not know where Building 58 was but asked Cpl (b)(3), (b)(6) to locate it once the intent to strike it was communicated over the radio. Immediately prior to the Hellfire impact Cpl (b)(3), (b)(6) attempted to report that Building 58 was just adjacent to their current position and was the "wrong" building for the origin of enemy fire. The Hellfire strike in the vicinity of Building 58 was already in progress so Lt (b)(3), (b)(6) came on the radio and said to take cover, 17 seconds to impact. Sgt (b)(3), (b)(6) passed this verbally to those around him but the Hellfire struck almost instantly not allowing enough time for SSgt Smith and HN Rast, who were prone in the field to the West of Building 58, to change position. After the Hellfire strike Sgt (b)(3), (b)(6) immediately moved to check on SSgt Smith and HN Rast. He immediately recognized SSgt Smith's wounds to be mortal, searched briefly for sensitive gear, equipment and personal effects and then continued to HN Rast. He found HN Rast on his stomach with his feet oriented to the West. He submitted his initial casualty report to Lt (b)(3), (b)(6) within 5 minutes indicating 1 Routine (SSgt Smith KIA) and 1 Urgent (HN Rast) whose wounds were assessed to be mortal but wanted to try and evacuate him to higher care. He then passed his radio to Sgt (b)(3), (b)(6) to allow Sgt (b)(3), (b)(6) to focus exclusively on treatment and evacuation of the casualties. The initial enemy contact prior to the Hellfire strike had lasted approximately 10 minutes and had consisted of small arms fire and medium machinegun fire originating from the South – Southwest. Enemy contact had just started to die down when the Hellfire strike occurred.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: SGT

Unit: 1/23 H/S Co. Scout Sniper Plt.

Telephone number: _____ (b)(2) _____

Today, 15 April, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

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b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

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h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

(Signature and date)

20110415

SGT (b)(3), (b)(6) ISAF, NATO
1/23 Scout Sniper Team Leader (b)(1)1.4a
Reserves

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

(Parents Permanent Address)

At about 0715 on 20110406 My Sniper team, (b)(1)1.4a, departed north on Route 611 with Alpha Co 2nd platoon in order to support them on maintaining Route Security in their A/O. My team was located in the 6X MRAP which was VIC (b)(1)1.4a in the convoy. As we pushed North to the insert point, our vehicle was struck by an IED. The IED was a low order Detination and the vehicle suffered no damage that hindered it's drivability.

Once the vehicles pushed north on Route 611 far enough, they turned around and orientated to the South so they could support our two patrols of dismounts who were going to push south and patrol the area. We dismounted at (b)(1)1.4a. My team fell in trace of the patrol that was too push west, and then South. The order of movement was SSgt Smith, Doc Rast, LCpl (b)(3), (b)(6) and Sgt (b)(3), (b)(6) Machine gun team and then my 3 man team: S.t (b)(3), (b)(6) me, and Cpl (b)(3), (b)(6) (b)(1)1.4a After we pushed west to we took Automatic Small arms fire from the Southwest a few hundred meters away. We all hit the deck and returned covering fire as the patrol pushed into a Knee-high irrigation canal filled with water. At this time I relayed to Sgt (b)(3), (b)(6) a grid of our current position (I yelled the grid). The patrol used the ~~dead~~ irrigation ditch to move South/Southwest. There was a 2 foot high wall immediately to the west side of the ditch that traced the ditch, and we utilized it for cover in conjunction with being low in the ditch.

I relayed another 8 digit grid to Sgt (b)(3), (b)(6)

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during this time to allow him to give an updated
Pos Ref back to the trucks. After moving S/SW in the
ditch, bush overgrowth forced us to skirt the ditch on the
west side, in a Poppy field. As we moved, enemy fire was
sporadic. Sgt (b)(3), (b)(6) told us that air is inbound and
we need to take cover, so we pushed into the ~~we~~ ditch
again and stood fast. ~~At~~ Sgt (b)(3), (b)(6) said "Bldg 58" is
going to be the target and to get down. In my team, Cpl
(b)(3), (b)(6) (a Joint Fires observer) referenced a GPS map he
had. I remember (b)(3), (b)(6) say "that's incorrect, building 58 is
the wrong building!" As he was relaying this to Sgt (b)(3), (b)(6)
(b)(3), (b)(6) said "missle in-bound, 17 seconds, get down!" about
5-8 seconds later the Hellfire missle struck south of my
position about 25 meters, just on the west side of the 2 foot high
wall seperating our ditch from the poppy field.

We all began yelling cease fire and I heard (b)(3), (b)(6)
pass that over the radio. I checked my team and we were
in-tact. I asked (b)(3), (b)(6) if everyone was ok, he did not
respond. I could (b)(6) in the air so I assumed we
took a casualty. (b)(3), (b)(6) said " (b)(3), (b)(6), take my pack" so
I pushed through the ditch we occupied south about 15
meters. I moved up against the 2' high wall ~~next to~~ next to
LCpl (b)(3), (b)(6) who was just north of me by 2 meters. I
retrieved (b)(3), (b)(6) pack and stayed in position, and held
security oriented west/southwest watching the compounds
478 meters away accross the poppy field.

I could see SSgt Smith and Doc Rast lying about
10 meters south of me just on the west side of the wall
Sgt (b)(3), (b)(6) was standing in the vicinity of SSgt Smith.

I asked (b)(3), (b)(6) what he was doing. He said "Trying to find Smith's wedding ring". I told him to be careful, as we were still taking sporadic fire.

As I held security I PID'd an enemy combatant egressing from the poppy field just East of the compound we were taking fire from. I shot him with my M4OAS and saw him either tumble or spin around prior to dropping. As I assisted LCpl (b)(3), (b)(6) get good effects with his 240G, LCpl (b)(3), (b)(6) engaged another target and around this time the other dismounted element (Sgt (b)(3), (b)(6) and (b)(1)1.4a) extended our line to the South. Doc (b)(3), (b)(6) arrived on scene and was working on Doc Rast, maintaining a pulse for Apprx 10 minutes.

Once the second dismounted element was on scene w/ Doc (b)(3), (b)(6) we loaded the casualties on litters and began moving East towards the trucks. (Around this time I heard the vehicles engaging enemy to the East of 611, and also several enemy mortar impacts were heard). The casualties were hit at about (b)(1)1.4a It was slow moving getting the casualties to the vehicles since the litter carrying Doc Rast ripped and we had to put him on a ladder, and we had 3 ditches filled w/ water to traverse over.

We loaded up in the vehicles at (b)(1)1.4a Doc Rast was put on the floor of the 6x MRAP that my team loaded in and I was informed he was dead by the time we began pushing South back to PB Alcatraz. Once we arrived at Alcatraz the casualties were taken away via helo.

Note: All grids passed from the patrol by (b)(3), (b)(6) came from my GPS, which currently still has the mapped route we took that day. That is where I referenced the grids in the Statement.

NFE

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I swear (or affirm) [illegible]
in the statement above and [illegible]
the best of my knowledge or belief

(b)(3), (b)(6) 2011 04 15

Sworn to before me this date
1 April 2011

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

NFE

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF SERGEANT (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6) and Captain (b)(3), (b)(6) interviewed Sergeant (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Sergeant (b)(3), (b)(6) had a personal Garmin GPS that he used throughout the patrol to identify their position. He was in vehicle number (b)(1)1.4a during movement and identified the dismount point as (b)(1)1.4a (b)(1)1.4a. First contact was from the South-Southwest toward their position ((b)(1)1.4a). His team returned fire to the West but never directed any fire towards the East. His unit continued to move along the treeline / canal to the South-Southwest eventually assuming positions near Building 58. He relayed Sgt (b)(3), (b)(6) 's request for Cpl (b)(3), (b)(6) to plot Building 58. He indicated that Cpl (b)(3), (b)(6) commented that the building was wrong and the word was passed "17 seconds to impact" immediately after. After the Hellfire strike he returned fire on enemy to West – Southwest. He indicated the enemy contact after the Hellfire strike was significant enough that he would not have attempted a heliborne MEDEVAC from the point of injury. He assisted in the movement of the casualties from point of injury to the vehicles on Rt 611. He estimated that it took approximately 40 minutes to conduct that movement. He reported that they reloaded the vehicles at (b)(1)1.4a . HN Rast was loaded in vehicle (b)(1)1.4a (a 6X6 MRAP) and SSgt Smith was loaded in vehicle (b)(1)1.4a (MATV.)

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

~~SECRET~~

MAIN CHAT

[03:56:47] <_2_recon_airo> (b)(1)1.4a
SBY FOR (b)(1)1.4a ON (b)(1)1.4a FOR WORK
[03:57:10] <_2_recon_airo> (b)(1)1.4a
NEED YOU TO PUT YOUR CROSSHAIRS NEAR
[03:57:20] <_2_recon_airo>
FF MOUNTED/ DISMOUNTED PATROL
[03:57:25] <_2_recon_airo> IN THAT AREA
[03:57:27] <DGS-IN_TC_BE> c
[03:57:38] <DGS-IN_TC_BE> MB headed S

[04:00:56] (b)(1)1.4a _MIC> scanning (b)(1)1.4a

[04:01:45] <DGS-IN_TC_BE> prob FF in FOV

RADIO + CREW COMMS

Legend: (b)(1)1.4a = Radio Call from (b)(1)1.4a JTAC
= Radio Call from Pilot
Pilot / Sensor / MIC = Internal Crew Intercom

(0357:08) (b)(1)1.4a : Hey (b)(1)1.4a hey got a friendly force convoy currently in contact in and out of contact. Their current posrep as follows (b)(1)1.4a Mounted convoy along 611. It's on the (b)(1)1.4a _ along 611. Took some fire from the west. What I would like you to do is go ahead and establish your sensor on friendly position. From there we will push to the west.

(0357:54) (b)(1)1.4a Wilco (b)(1)1.4a copy (b)(1)1.4a on 611. Taking fire from the west.
(0358:05) (b)(1)1.4a : Yeah Roger update to friendly grid is the (b)(1)1.4a along the 611
(0358:20) (b)(1)1.4a on
(0358:25) MIC: I have it on Falconview for ya. You're on...
(0358:49) Pilot: We're on grids?
Sensor: Yes, yes we are
(0358:53) Pilot: Talk to me goose, talk to me. Don't be shy.
(0359:02) Sensor: We're on grids (b)(1)1.4a right?
(0359:06) Pilot: Yeah, along 611, he said also, so if we could find the 611 at the (b)(1)1.4a (b)(1)1.4a

(0359:13) MIC: Um, it was (b)(1)1.4a
(0359:17) Pilot: Yeah and then he re-spoke and said (b)(1)1.4a on 611
(0359:23) MIC: Oh, I'm sorry. I didn't hear that one. Sorry about that.
(0359:25) Sensor: Could you explain to me the 611?
(0359:29) (b)(1)1.4a should be roughly (b)(1)1.4a
(0359:37) (b)(1)1.4a : Copy (b)(1)1.4a
(0359-0401) Summary of crew intercom: Pilot and sensor talk about route 611 and the (b)(1)1.4a while trying to get on target. The pilot states that the initial grids passed by (b)(1)1.4a were inaccurate. MIC helps sensor orientation by showing on Falconview. The pilot reminds sensor that they need to act quickly since the ground forces are taking fire.
(0401:24) (b)(1)1.4a contact mounted convoy.

~~SECRET~~

MAIN CHAT

[04:02:19] <DGS-IN_TC_BE> *Friendlies

[04:03:21] < (b)(1)1.4a _MIC>
scanning w-nw of convoy where FF was recieving fire from
[04:03:27] <DGS-IN_TC_BE> c

[04:09:31] < (b)(1)1.4a _MIC>
jtac rqsts 300m scan rouhgly at (b)(1)1.4a

RADIO + CREW COMMS

(0401:30) (b)(1)1.4a copies, seeing that on your feed. What I'd like to do is that—they're receiving fire from the west/northwest. Currently not in contact, however, expecting the contact to resume. Looking to the west/northwest, in areas of the building 58Q6D , moving to the west out to building 54, 48, and those surrounding treelines.
(0402:08) (b)(1)1.4a copies, 58 is to the north on 611, and we have 54 as well. Looks like 48 is to the north of their location.
(0403-0404) Summary of crew intercom: MIC assists the crew to find buildings. The pilot readies the Hellfire for employment. Crew begins scanning compounds.

(0404:51) (b)(1)1.4a scanned 48, didn't see any activity, we're up at 58 at this time.
(0405:03) (b)(1)1.4a: Copy.
(0405-0407) Summary of crew intercom: Pilot pre-briefs attack parameters. The pilot also discusses the need to maneuver the aircraft to the west side of the target, in order to get eyes on an enemy firing to the east and taking cover to the west. The crew discusses a previous Hellfire employment.
(0407:08) (b)(1)1.4a The Convoy's currently assessing the situation. Observing all friendly forces are on the 611 or just adjacent in that tree line. Got another northern vic at the (b)(1)1.4a southern vic at the (b)(1)1.4a just focus around an approximate 300 meter scan to the west of that friendly forces convoy. Let's see if we can pick up any personnel possibly moving in those tree lines moving in on forces. As I look on imagery here looking at the NE/SW running tree line approx. (b)(1)1.4a NE/SW running tree line. If we could take a look over there and see if we can identify any personnel moving in.
(0408:21) (b)(1)1.4a copies northern vic (b)(1)1.4a southern vic (b)(1)1.4a 300 meters to west and in particular NE/SW running tree line roughly (b)(1)1.4a.
(0408:40) (b)(1)1.4a: Good copy on all.
(0408-0409) Summary of crew intercom: Pilot says that Vic means vehicles. Pilot directs sensor to get on the grid passed by (b)(1)1.4a to find the tree line.
(0408:41) (b)(1)1.4a contact NE/SW tree line, scanning.
(0408:49) (b)(1)1.4a: 81
(0408:51) Pilot: So we're looking for heat signatures and movement.
(0409:59) MIC: Check
(0410:16) Pilot: Ok, we all know the weapon type, it's a Hellfire sleeved Papa. Target will most likely be IED emplacers and/or snipers, or just individuals. Aimpoint will be briefed as necessary.

MAIN CHAT

[04:10:46] <DGS-IN_TC_BE> 3 friendlies in FOV

[04:11:23] <DGS-IN_TC_BE> pers are shooting W

[04:11:31] <DGS-IN_TC_BE> disregard
[04:11:36] <DGS-IN_TC_BE> not friendlies

[04:11:46] <DGS-IN_TC_BE> unable to discern who pers are
[04:12:08] < (b)(1)1.4a _MIC> poss muzzlwe flashes (b)(1)1.4a
[04:12:16] <DGS-IN_SCR-BE> IVO

[04:12:21] < (b)(1)1.4a _MIC> c

[04:13:26] < (b)(1)1.4a _MIC> (b)(1)1.4a

RADIO + CREW COMMS

(0410:30) Pilot: Hey now. Wait, standby on these.
(0410:36) Sensor: I'm going to go day TV.
(0410:39) Pilot: Yeah, they could be animals in the field.
(0410:40) (b)(1)1.4a , got some heat sigs on the west side of the trees, we're going to check if they're livestock or individuals crouched down
(0410:48) Pilot: Go back to IR please. Day TV was cool, but it looks like they're in the shadows.
(0410:52) (b)(1)1.4a : Copy
(0410:59) Pilot: Go to 4X. Ok, just leave it, leave it.
(0411:12) Pilot: There they are.
(0411:12) (b)(1)1.4a got muzzle flashes, these individuals, grid roughly (b)(1)1.4a (b)(1)1.4a .
(0411:24) Sensor: I'm gonna arm the laser?
(0411:25) Pilot: Yeah, go ahead.
(0411:27) Sensor: Laser armed.
(0411:29) (b)(1)1.4a : Roger, advise ready for 9line game plan.
(0411:31z) (b)(1)1.4a ready for 9line.
(0411:39) Sensor: So we've got three individuals. I think there might be one up here at the bottom of my... (Sensor gets cut off by radio call from (b)(1)1.4a)
(0411:43) (b)(1)1.4a : Type 2 bomb on target 1, 2, 3 from overhead, line 4 3000, enemy fighting position, (b)(1)1.4a none,-- east 200, egress back to the overhead. Advise when ready for remarks.

(0412:15) (b)(1)1.4a copies. Type 2, bombs on target 1, 2, 3 overhead, line 4 3000, 5 enemy fighting position, (b)(1)1.4a 7 None, East 200, Egress overhead, ready for restrictions and remarks.

(0413:09) (b)(1)1.4a : Roger, final attack heading – south to north. ROE 421 422, standby ground commander's callsign.

(0413:27) (b)(1)1.4a copy, we're already established to the north and a north to south would be just fine if that's okay with you. 421 to 422, ready for ground commander's callsign.

MAIN CHAT

[04:13:50] < (b)(1)1.4a _MIC> awaiitng gc callsign

Private chat between MIC and DGS
[04:15:24] <DGS-IN_TC_BE> a fourth per showed up and layed down with pers
[04:15:48] (b)(1)1.4a _MIC> c
[04:15:52] <DGS-IN_TC_BE> pers are shooting W and the convoy is to the E

RADIO + CREW COMMS

(0413:39) Pilot: Okay (b)(3), (b)(6) , what I want you to do is show me where you are gonna put the crosshairs on these two individuals.
(0413:46) Sensor: Okay, since they're closest together, I'm gonna put it on these guys right here so let me zoom in one.
(0413:51) CN81: Roger. North-south will work and standby, just confirming with ground unit.
(0414) Crew discusses crosshairs
(0414:01) Sensor: There is another individual coming up on them.
(0414:03) (b)(1)1.4a And I'm showing that in vicinity of compound 58.
(0414-0415) Summary of crew intercom: Pilot asks MIC to bring map back up. Crew discusses crosshair placement to target both individuals. Pilot discusses terrain features, and directs desired crosshair placement for hellfire strike.

(0415:56) (b)(1)1.4a
(0416:01) Sensor: My laser is still armed.
(0416:05) Pilot: Roger, thanks
(0416:08) (b)(1)1.4a : Go ahead.
(0416:07) (b)(1)1.4a : Yeah rog. The distance between these two individuals, just on prior shots, it's questionable whether the frag would get both of 'em. So it would be a choice of definitely getting one, or trying to get both, but risking the frag not being enough to get both of 'em. We could definitely get one but not sure about both with this weapon.
(0416:35) Pilot: Is there four? Is that a second...Can you...yeah, you can go ahead and move crosshairs now since we're not in a run-in.
(0416:45) (b)(1)1.4a : And (b)(1)1.4a , it looks like there are now four in this area. Four PAX.
(0416:56) Pilot: Have you seen these 2 move at all? Sensor: Yes, uhh...
(0416:58) Pilot: Ok, Can you put the crosshairs between the two groups of two?
(0417:06) (b)(1)1.4a : Good copy.
(0417:07) Pilot: So the aimpoints gonna change depending on what is going on. Egress is just gonna be BDA. We're not really turning out anyway, there is no other aircraft

MAIN CHAT

Private chat between MIC and DGS
[04:17:54] < (b)(1)1.4a _MIC> doulble check cords

[04:18:17] <DGS-IN_TC_BE> c

[04:18:33] < (b)(1)1.4a _MIC> one pax moving toward tree line

[04:19:00] <_2_recon_airo> (b)(1)1.4a
[04:19:05] <_2_recon_airo> IS GCE C/S

Private chat between MIC and DGS
[04:19:18] <DGS-IN_TC_BE> the coords we put in main chat are the coords for the guys were lookin at

[04:19:26] <DGS-IN_TC_BE> IVO (b)(1)1.4a

RADIO + CREW COMMS

inbound. Shift plan unlikely but in the rare event we will just go away from buildings and in the field.
(0417:23) Sensor: There is a field down here to the south.
(0417:29) Pilot: Okay missile is spun up. I've got a green on the bottom, again, 7500 is the number for firing the, uh.. or "Lasing." So if you see 7500 and I haven't called laser on, go ahead and turn laser on. How is the 432nd looking?

(0418:05) Sensor: One guy is moving in, into the tree line.
(0418:13) Pilot: Yeah, we've only got one missile. I think we are only able to get one of them.

(0418:29) Pilot: Yeah, the trees are actually quite a distance from this angle. You can't tell but there is...(interrupted by radio call)
(0418:33z) (b)(1)1.4a Ground commander's callsign (b)(1)1.4a looking for immediate push.
(0418:46) Confirm (b)(1)1.4a ? (b)(1)1.4a ?
(0418:56) Callsign (b)(1)1.4a : (b)(1)1.4a Dead center of these individuals. If they squirt, our ground forces will be able to pick them up.

(0419:14) Sensor: It's a wall.

(0419:17) (b)(1)1.4a copies (b)(1)1.4a
(0419:21) Pilot: Ok, alright. Let me get heading hold off, heading hold is off, airspeed is going up to 80, say again?
(0419:32) Sensor: We're best with the original guy in the open cause these other two below are in the wall.
(0419:40) (b)(1)1.4a It looks like there is only one that would be a good shot for us. The other three are tucked up against a wall. We could definitely take out one.
(0419:52) (b)(1)1.4a : Copy. Looking to impact that one. Ground forces should be able to engage the others if they squirt.
(0420:02) (b)(1)1.4a copies. We'll be ready when you are.

MAIN CHAT

Private chat between MIC and DGS
[04:20:28] < (b)(1)1.4a _MIC> distance is off

[04:20:37] < (b)(1)1.4a _MIC> lasing

[04:21:34] < (b)(1)1.4a _MIC> rifle

[04:21:44] < (b)(1)1.4a _MIC> tof 17 sec
[04:21:58] < (b)(1)1.4a _MIC> splash

[04:22:11] < (b)(1)1.4a _MIC> zooming out for bda

RADIO + CREW COMMS

(0420:11) (b)(1)1.4a : Roger, looking for immediate push.
(0420:16) : Immediate push as you want me to call in?
(0420:23) : Affirm.

(0420:24) Pilot: Ok, laser on.
(0420:31) Sensor: Lasing.
(0420:37) Pilot: Alright, there is 8000, we are in the WEZ, fifty.
(0420:48) (b)(1)1.4a is in from the northeast.
(0420:56) , CLEARED HOT.
(0420:59) Pilot: Ok, laser firing, got the asterisks, okay we're good. I'm just gonna be going in straight so...
Sensor: You're gonna be going in straight, right?
Pilot: Roger.
(0421:05) Pilot to (b)(1)1.4a : Roger, (b)(1)1.4a is CLEARED HOT
(0421:10) Sensor: Is this point good right here?
Pilot: A little closer.
(0421:20) Pilot: 67, Lets go arming, armed. Okay ready to launch right missile and still within the WEZ. 3, 2, 1 RIFLE
(0421:32) Sensor: Still lasing. We're good.

(0421:37) (b)(1)1.4a : (b)(1)1.4a , time of flight 17 seconds.
(0421:38) Pilot: Okay crosshairs touching him. Get the top crosshair touching him.
(0421:43) (b)(1)1.4a : Copy 17 seconds.
(0421:44) Pilot to sensor: That's good. Left, a little left...
(0421:56) (b)(1)1.4a : SPLASH. Standby BDA
(0422:06) Pilot: Go ahead and zoom out again. Look for runners.
Sensor: I'm looking down here where...
MIC: Is he going in the compound?
(0422:12) Sensor: Yes. Copy that.
(0422:13) Pilot: You may wanna zoom out one more and look for heat signatures running.
(0422:17) Sensor: I'm following this one that I can see right here.
Pilot: Roger.

MAIN CHAT

[04:22:43] <DGS-IN_TC_BE> per headed W at CH
[04:22:47] < (b)(1)1.4a _MIC> pax checking others

[04:23:02] < (b)(1)1.4a _MIC> cancel (b)(1)1.4a
[04:23:02] <DGS-IN_TC_BE> can we goto EO?
[04:23:08] <DGS-IN_TC_BE> rgr

[04:23:21] < (b)(1)1.4a _MIC> neg looking for squirters
[04:23:29] <DGS-IN_TC_BE> c
[04:23:36] < (b)(1)1.4a _MIC> provide callouts when needed

[04:23:57] <DGS-IN_TC_BE> c
[04:24:07] <DGS-IN_TC_BE> there is a per behing wall
[04:24:11] <DGS-IN_TC_BE> on the S side of wall
[04:24:13] <DGS-IN_TC_BE> at CH
[04:24:18] < (b)(1)1.4a _MIC> affirm
[04:24:48] <DGS-IN_TC_BE> per coming from N on the S side of wall
[04:24:50] < (b)(1)1.4a _MIC> pax waling n-s along tree line
[04:25:36] <DGS-IN_TC_BE> 3 pers on the S side of wall
[04:25:45] <DGS-IN_TC_BE> one appears to be checking the bodies
[04:26:13] <DGS-IN_TC_BE> 4 pers along the wall att
[04:26:34] < (b)(1)1.4a _MIC> 4 pax moving in area
[04:27:59] <DGS-IN_TC_BE> poss 5th per in area
[04:28:28] <DGS-IN_TC_BE> pan S
[04:28:34] < (b)(1)1.4a _MIC> pax coming up on wall

RADIO + CREW COMMS

(0422:22) MIC: Tracking tree line and wall.
(0422:26) Sensor: Checking on his buddy.
(0422:30) (b)(1)1.4a Two are not moving. One is checking on the other, will stay contact.

(0422:47) Pilot: Okay, 63 depression angle.
(0422:49) (b)(1)1.4a : Roger. Continue to monitor.
(0422:51) Pilot: Stay monitor. Good crosshair placement.
Sensor: Thank you.
(0422:58) Pilot: Okay go ahead and, uh, we don't have any more assets so you can safe the laser. I'm gonna bring us back around.

(0423:08) Sensor: Laser safe. The one we were following went into tree line and...
Pilot: He's underneath the tree.
Sensor: Staying right here though.

(0423:39) Pilot: The plane can't turn any slower.
(0423:40) (b)(1)1.4a Two are motionless. Assumed KIA. The other one is underneath the tree. No visual on the fourth.

MAIN CHAT

[04:28:39] <DGS-IN_TC_BE> appears there are pers walking into the area
[04:28:43] <_2_recon_airo> SBY ATT
[04:29:11] < (b)(1)1.4g _MIC> c
[04:29:57] <DGS-IN_TC_BE> pax appear to be pickin up the bodies
[04:34:14] <DGS-IN_TC_BE> can you z in one plz
[04:34:59] <DGS-IN_TC_BE> appears 12 plus pers along the wall
[04:36:08] <DGS-IN_TC_BE> appears pax are shooting to the WEST
[04:37:26] < (b)(1)1.4g _MIC> taking direction from the jtac att
[04:37:45] <DGS-IN_TC_BE> c

RADIO + CREW COMMS

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: SGT / E-5

Unit: 1/23 HISC, SSP

Telephone number: _____ (b)(2) _____

Today, April 15, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 20110415

and date)

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

Scout Sniper Team 1 (Assistant Team Leader) 1/23 H&S Co (Reserve)

At approx 0720, we departed the friendly lines of PB Alcatraz, and headed north of route Coll. En route ~~the~~ to the dismount point (approx the (b)(1)1.4a) vic 3 was engaged with a CWIED which low-ord detonated. We continued to push north, dismounted at the proper location and 2 sections ~~dismounted~~ began ~~and~~ pushing west. The section I was attached to included SSgt Smith, Doc Rest, Sgt (b)(3), (b)(6), Lcpl (b)(3), (b)(6), myself, Sgt (b)(3), (b)(6), and Cpl (b)(3), (b)(6). This was the order of movement.

After pushing about 75-100m into the green zone, the patrol turned South and began movement ~~parallel~~ parallel to route Coll, at approx the (b)(1)1.4a. We moved south, about 100-200 meters, to the (b)(1)1.4a and were engaged with SAF from the West. We sought cover in a canal, lined the section out perpendicular to the fire, and returned fire. The primary source of the fire was coming from a building 475m to our WSW. We positively identified personnel moving in the poppy field, directly in line with us and the building, approx 20m from the building. During this time, Sgt (b)(3), (b)(6) relayed our grid ~~the~~ to Sgt (b)(3), (b)(6), who passed it over the radio. Sometime after that, approx 5 minutes, Sgt (b)(3), (b)(6) told us that he was working on getting HIMAR support. One or two minutes later Sgt (b)(3), (b)(6) asked ~~Cpt~~ Cpl. (b)(3) ~~to~~ (JFO) to check the GRG and make sure that bldg 58 was indeed the correct building. ~~No one in the section~~ Prior to this request for confirmation by Sgt (b)(3), (b)(6), no one in the section knew anything about bldg. 58, especially where specifically it was located. The info or request for information about bldg 58 was derived from Sgt. (b)(3), (b)(6), radio. It took Cpl. (b)(3), (b)(6) approx 30 seconds to verify that bldg 58 was the incorrect target building. At almost the exact time he came to this realization, ~~SSgt~~ (b)(3), (b)(6) ~~SAF NATO~~ relayed 17 secs to impact.

This 17 second TTT was relayed to him by the Lt. over the radio. The Hellfire ~~ten~~ then impacted SSgt Smith and Doc Rast, the two ~~most~~ southern-most individuals in the patrol. Sgt (b)(3), (b)(6) was about 7-10 meters away, then Lcpl (b)(3), (b)(6) about 3-5 meters farther north from him. I was next, about 20 meters away from impact, then Cpl. (b)(3), (b)(6) (22 meters away), then Sgt (b)(3), (b)(6) (26 meters away).

Sgt (b)(3), (b)(6) then moved to investigate the condition of the casualties. He determined that Doc Rast was an urgent and SSgt Smith was routine. Cpl (b)(3), (b)(6) and Sgt (b)(3), (b)(6) pulled Doc Rast into cover. At this same time, Doc (b)(3), (b)(6) showed up with 2 other individuals. Doc (b)(3), (b)(6) began treating Rast. We continued ~~to~~ to engage the enemy while Doc (b)(3), (b)(6) was stabalizing Rast to a point where we could move him.

Sometime during ~~the~~ engagement, I heard mortar impacts, then MK19 impacts. I did not identify the mortar impacts, however, I ~~later heard~~ was told that the terp overheard Icomm traffic, identifing the dismounts as the mortar targets.

We held in position for about 10 minutes, then moved the 2 casualties to VIC (b)(1)1.4a & VIC (b)(1)1.4a, with the help of the other satelliting section. Just short of loading Doc Rast in the truck, we were notified that he was gone.

Exfil in the trucks back to PB Alcatraz went without contact. The 2 casualties were then loaded on the bird and flow out.

I Swear (or affirm) that the information in the ~~statement~~ above is true to the best of my knowledge or belief

(b)(3), (b)(6) 11-04-15

Sworn to before me this date

(b)(3), (b)(6) 11 ~~March~~ 2011

Pages 224 through 232 redacted for the following reasons:
- -
Pages 13 through 21 of 11-009 BOB and Death of Rast - Smith - part 8 are redacted under FOIA exemptions (b)(1)1.4a, (b)(1)1.4g, (b)(3), (b)(6)

1. Provide some background information on yourself (AFSC, DGS experience, etc.)
2. How many combat missions have you sat in the seat for?
3. Approximately how many hours?
4. What do you consider to be your sources, reference documents or SOP's for mission execution of predator operations? Kill chain operations? Assessments of PID?
5. Provide a brief synopsis of the events during the (b)(1)1.4a mission as you remember them (from time sensor moved to FF convoy to time when poss frat realized).
6. What time did your shift start on the 6th of April?
7. How long had you been in the seat before (b)(1)1.4a directed sensor to move to friendly convoy?
8. Please explain the initial confusion in chat regarding 3 friendlies in FOV?
    a. [04:10:46] <DGS-IN_TC_BE> 3 friendlies in FOV
    b. [04:11:23] <DGS-IN_TC_BE> pers are shooting W
    c. [04:11:31] <DGS-IN_TC_BE> disregard
    d. [04:11:36] <DGS-IN_TC_BE> not friendlies
    e. [04:11:46] <DGS-IN_TC_BE> unable to discern who pers are
9. What lead to the callout stating that the pers were shooting west?
10. The MIC posted in chat at 0412Z that he saw possible muzzle flashes and DGS IN came back with cords (b)(1)1.4a . Was DGS IN assessment still that pers were shooting towards the west away from the convoy?
11. Was the feed ever reviewed to verify the direction of fire assessment?
12. At 0413Z the MIC posted (b)(1)1.4a in chat. What is your understanding of the DGS role after (b)(1)1.4a has been posted in chat?
13. At 0415Z DGS-IN_TC_BE brought up the MIC in wspr:
    a. [04:15:24] <DGS-IN_TC_BE> a fourth per showed up and layed down with pers
    b. [04:15:48] < (b)(1)1.4a _MIC> c
    c. [04:15:52] <DGS-IN_TC_BE> pers are shooting W and the convoy is to the E
    d. [04:17:54] < (b)(1)1.4a _MIC> doulble check cords
    e. [04:18:17] <DGS-IN_TC_BE> c
    f. [04:19:18] <DGS-IN_TC_BE> the coords we put in main chat are the coords for the guys were lookin at
    g. [04:19:26] <DGS-IN_TC_BE> (b)(1)1.4a
    h. [04:20:28] < (b)(1)1.4a _MIC> distance is off
14. It appears that the DGS IN assessment at this point was that the direction of fire was still towards the west and away from the convoy. It appears that there was concern enough over this assessment that a wspr to the MIC was warranted. Was there ever any consideration given that the pers in FOV may have been friendly forces?
15. Was there ever a time when you felt like the strike should have been aborted in order to verify friendly position?
16. Did you feel that the MIC adequately addressed your concerns over the direction of fire?

17. Did you ever consider calling the MIC directly (phone?) to discuss the direction of fire assessment?
18. Would you expect the MIC to pass on your callout/assessment concerning the direction of fire to the pilot, SO, JTAC, GFC?
19. Do you think if you would have had DMCC interphone capability, you would have had more situational awareness of the battle space?
20. Did your crew conduct a debrief after the event and/or end of shift?
21. Were any lessons learned discussed?

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: LT COL

Unit: 137th IS

Telephone number: (b)(2)

Today, 18 APR, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 18 APR 2011

(Signature and date)

WITNESS STATEMENT

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

Name: _____ Rank/Rate: LTCOL / O-5 Social Security Number: (b)(3), (b)(6) _____

Position: DGS IN - UAV - DOC Organization: 137th IS

Address (Home or Office): (b)(3), (b)(6) _____

Office Phone: (b)(2) _____ Mobile Phone: (b)(2) _____

I, LTCOL (b)(3), (b)(6) _____, hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

SEE ATTACHED STATEMENT

I swear (or affirm) that the information in the statement above and on the 3 attached page(s) is true to the best of my knowledge or belief.

(b)(3), (b)(6) _____ (Witness Signature) 18 APR 2011 (Date) 0755 Time

Sworn to before me this date.

(b)(3), (b)(6) LTCOL DETCO (Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ) 18 APR 2011 (Date) 1015Z Time

LTC (b)(3), (b)(6)
DGS-IN-MOC

~~SECRET//NOFORN~~

1. USMC F/A-18 PILOT, USMC FORWARD AIR CONTROLLER (BLT 2/4, 31 MEU), USAF-ANG F-16 COMMAND PILOT, AIR SUPPORT OPERATIONS SQUADRON DIRECTOR OF OPERATIONS, USAF INTELLIGENCE OFFICER (14N), DGS-MOC FOR 6 MONTHS.

2. UNKNOWN
3. 500+ HOURS
4. AFTTP 3.1 DCGS, AFTTP 3.1 PREDATOR, RETA ANNEX, AFGHANISTAN SPINS, ACC SII 11-01
5. I RETURNED FROM PRE-MISSION BRIEF (PMB) AT APPROXIMATELY 0350 Z. THE OFF GOING MOC GAVE ME A FINAL PASSDOWN ON (b)(1)1.4a AND (b)(1)1.4a EVENTS THAT OCCURED WHILE I WAS IN THE PMB. ALSO WE HAD A QUICK DISCUSSION OF PED TASKING ORDER ANOMALIES FOR THE NIGHT. HIS FINAL PASSDOWN OF (b)(1)1.4a WAS THAT WE ARE WATCHING TF LEATHERNECK OP BACKBREAKER. THEY ARE DOING CIED AND COIN OPS. THE CONOP IS IN THE MISSION FOLDER AND THERE IS NOTHING OF SIGNIFICANCE TO REPORT IN THE LAST 30 MINUTES. I LOGGED INTO MY WORKSTATION. WHILE THE MIRC CHAT ROOMS WERE LOADING, I OPENED FALCONVIEW AND GOOGLE EARTH. I WAS PULLING UP THE CONOP WHEN SSGT (b)(3), (b)(6) CALLED "(b)(1)1.4a" I WENT TO THE (b)(1)1.4a PIT AND STOOD BEHIND THE EYES ON. I ASKED WHAT WAS GOING ON AND WAS TOLD THAT WE ARE WATCHING 2 PERS IN THE FIELD. I ASKED WHERE THE NEAREST FRIENDLIES WERE LOCATED AND WAS TOLD .11 NM EAST. SSGT (b)(3), (b)(6) CALLED OUT "RIFLE" THEN "17 SECONDS TIME OF FLIGHT." THE EXPLOSION HIT AND I CONTINUED TO WATCH THE ACTIVITY ON THE SCREEN FOR SEVERAL MINUTES. I WENT BACK TO MY WORKSTATION AND CHECKED ON THE CHAT. I STEPPED OUT OF THE ROOM TO THE ADJACENT BREAKROOM AND WAS ASKED BY TSGT (b)(3), (b)(6) (IMS) TO COME BACK IN AND READ THE LATEST CHAT THAT DISCUSSED POSSIBLE FRATRICIDE.
6. 2330L (05 APR) 0330Z (06 APR)
7. APPROX 3-5 MINUTES
8. I DID NOT SEE THIS CHAT WHEN IT WAS SENT. WORKSTATION

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

~~SECRET//NOFORN~~

①

WAS LOGGING IN.

9. CREW STATED THAT THEY HAD SEEN ONE INDIVIDUAL SHOOTING WEST.

10. YES

11. YES

12. DGS STAYS OUT OF MAIN CHAT ROOM UNLESS THEY SEE A LOAC VIOLATION ABOUT TO OCCUR.

13. N/A

14. AT THIS POINT, I WAS NOT AWARE OF THIS CHAT. I WAS STANDING BEHIND EYES ON AND LOOKING AT HIS SCREEN TRYING TO DISCERN IF THEY WERE FRIENDLY OR NOT.

15. I WAS SURPRISED THAT A STRIKE HAPPENED AT ALL. I DID NOT KNOW A 9-LINE HAD BEEN PASSED. I KNEW (b)(1)1.4a HAD BEEN PASSED, BUT WAS UNSURE OF ACTUAL TARGET.

16. AT THE TIME, I DID NOT KNOW MIC HAD ANY ISSUES WITH THAT CALL-OUT.

17. NO, AT THE TIME I DID NOT KNOW MIC HAD ANY ISSUES WITH THE DIRECTION OF FIRE CALL.

18. YES

19. YES, AS A FORMER FIGHTER/ATTACK PILOT AND FORWARD AIR CONTROLLER, DMCC WOULD HAVE ENABLED ME TO HEAR THE 9-LINE. FROM THE 9-LINE, I COULD HAVE CROSS-CHECKED THE TARGET COORDINATES WITH THE COORDINATES WE WERE LOOKING AT ON SCREEN. INSTANTLY I WOULD HAVE REALIZED THAT THIS IN FACT WAS THE TARGET THEY WERE TRYING TO HIT AND COULD HAVE INTERJECTED A PAUSE INTO THE SEQUENCE OF EVENTS.

20. YES

21. YES. (1) MOST AIR FORCE PERSONNEL ARE UNFAMILIAR WITH BLUE FORCE TACTICS, TECHNIQUES AND PROCEDURES. WE DO A GOOD JOB WITH INSURGENT TACTICS, BUT IS THERE ANYTHING THAT BLUE FORCES DO THAT MAKES IT OBVIOUS FROM 16,000' THAT THEY ARE BLUE? WE NEED MORE TRAINING ON BLUE TTP'S. (2) REGARDLESS OF (b)(1)1.4a "CALL, IF THERE IS ANY CONFUSION, PUT "ABORT" IN THE MAIN CHAT ROOM

AND STOP THE KILLCHAIN OF EVENTS. ALL DGS'S NEED TO BE MORE AGGRESSIVE. ACCURATE BUT AGGRESSIVE. (3) DMCC NEEDS TO GET ON-LINE FASTER. (4) IN THE ABSENCE OF DMCC, THE MIC NEEDS TO PUT A 9-LINE IN THE MAIN CHAT ROOM OR AT LEAST PUT THE TARGET COORDINATES FROM THE 9-LINE IN CHAT. (5) THE NIIRS RESOLUTION TO THE DGS'S NEEDS TO IMPROVE. IN IR, WE ARE ESSENTIALLY LOOKING AT WHITE GLOBS ON A SCREEN. END OF STATEMENT

LT COL (b)(3), (b)(6) 18 APR 2011 10:17 EST

END OF STATEMENT

19 April 2011

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO LIEUTENANT COLONEL (b)(3), (b)(6), USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1220Z I swore Lieutenant Colonel (b)(3), (b)(6) (b)(3), (b)(6), USAF, via telephone, to his 18 April 2011 statement, which consisted of a two page questionnaire and his three page handwritten response/statement and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6) USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Lieutenant Colonel (b)(3), (b)(6) was located at Terre Haute, Indiana.

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

Command Investigation Legal Advisor

1. Provide some background information on yourself (AFSC, DGS experience, etc.)
2. How many combat missions have you sat in the seat for?
3. Approximately how many hours?
4. What do you consider to be your sources, reference documents or SOP's for mission execution of predator operations? Kill chain operations? Assessments of PID?
5. Provide a brief synopsis of the events during the (b)(1)1.4a mission as you remember them (from time sensor moved to FF convoy to time when poss frat realized).
6. What time did your shift start on the 6th of April?
7. How long had you been in the seat before (b)(1)1.4a directed sensor to move to friendly convoy?
8. Please explain the initial confusion in chat regarding 3 friendlies in FOV?
    a. [04:10:46] <DGS-IN_TC_BE> 3 friendlies in FOV
    b. [04:11:23] <DGS-IN_TC_BE> pers are shooting W
    c. [04:11:31] <DGS-IN_TC_BE> disregard
    d. [04:11:36] <DGS-IN_TC_BE> not friendlies
    e. [04:11:46] <DGS-IN_TC_BE> unable to discern who pers are
9. What lead to the callout stating that the pers were shooting west?
10. The MIC posted in chat at 0412Z that he saw possible muzzle flashes and DGS IN came back with cords IVO IVO (b)(1)1.4a . Was DGS IN assessment still that pers were shooting towards the west away from the convoy?
11. Was the feed ever reviewed to verify the direction of fire assessment?
12. At 0413Z the MIC posted (b)(1)1.4a in chat. What is your understanding of the DGS role after (b)(1)1.4a has been posted in chat?
13. At 0415Z DGS-IN_TC_BE brought up the MIC in wspr:
    a. [04:15:24] <DGS-IN_TC_BE> a fourth per showed up and layed down with pers
    b. [04:15:48] < (b)(1)1.4a _MIC> c
    c. [04:15:52] <DGS-IN_TC_BE> pers are shooting W and the convoy is to the E
    d. [04:17:54] < (b)(1)1.4a _MIC> doulble check cords
    e. [04:18:17] <DGS-IN_TC_BE> c
    f. [04:19:18] <DGS-IN_TC_BE> the coords we put in main chat are the coords for the guys were lookin at
    g. [04:19:26] <DGS-IN_TC_BE> IVO (b)(1)1.4a
    h. [04:20:28] < (b)(1)1.4a _MIC> distance is off
14. It appears that the DGS IN assessment at this point was that the direction of fire was still towards the west and away from the convoy. It appears that there was concern enough over this assessment that a wspr to the MIC was warranted. Was there ever any consideration given that the pers in FOV may have been friendly forces?
15. Was there ever a time when you felt like the strike should have been aborted in order to verify friendly position?
16. Did you feel that the MIC adequately addressed your concerns over the direction of fire?

17. Did you ever consider calling the MIC directly (phone?) to discuss the direction of fire assessment?
18. Would you expect the MIC to pass on your callout/assessment concerning the direction of fire to the pilot, SO, JTAC, GFC?
19. Do you think if you would have had DMCC interphone capability, you would have had more situational awareness of the battle space?
20. Did your crew conduct a debrief after the event and/or end of shift?
21. Were any lessons learned discussed?

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: E-3

Unit: 137 IS

Telephone number: (b)(2)

Today, 18 APR, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 18 APR 2011

(Signature and date)

AIC (b)(3), (b)(6) DGS-IN GA

1.) IN131, Sat first mission 1 JAN 2011

2.) 50-60

3.) ~~[illegible]~~ Approximately 480

4.) DLGS 3-1 19-2, local mission manuals

5) The sensor scanned west-Northwest of convoy looking the FF who dismounted the trucks in the convoy, who were reported taking fire. Three PERS were in FOV at 4:10:46z. PERS were laying prone. Muzzle flashes seen pointing ~~[illegible]~~ west. PERS were called as friendlies at 4:10:46z. but because we could not positively ID them as friendlies we retracted our statement and said we were unable to discern who the PERS were. At 4:13:21z (b)(1)1.4a was called. At 4:15.24z we whispered the MIC when a fourth PER came into FOV and layed down with the three pers. ~~[illegible]~~ Strike at 04:21.58z.

6.) 03:30.00z for PMB 03:50:00 for mission

7.) 5-10 minutes

8.) Because we were scanning North west of the convoy looking for the dismounted friendlies when first seeing the people with guns in a field ~~[illegible]~~. My first thought was FF. But after back up from the screener and a more experienced GA I changed the callout to unable to discern who pers are because they could not be positively IDed.

9.) Muzzle flashes towards the west

10.) Yes

11.) Yes

12.) That we only call out if women and children enter the area

13.) -

14.) Yes

15.) Yes

16.) No

17.) No because we had sent a whisper

18.) Yes

19.) Yes would have helped for SA

20.) Yes

21.) Yes. As a GA, callouts must be clear and to call out what I know and not assume.

— END OF Statement —

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

WITNESS STATEMENT

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

Name

E-3

Rank/Rate

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

Social Security Number

GA

137 IS

Organization

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

Address (Home or Office)

(b)(2)

Office Phone

(b)(2)

I, _____, hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

SEE ATTACHED STATEMENT

I swear (or affirm) that the information in the statement above and on the 1 attached page(s) is true to the best of my knowledge or belief.

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

18 APR 2011

(Date)

10:09 L

Time

Sworn to before me this date.

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

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ)

18 APR 2011

(Date)

10 15 L

Time

19 April 2011

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO AIRMAN FIRST CLASS (b)(3), (b)(6) USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1211Z I swore Airman First Class (b)(3), (b)(6) (b)(3), (b)(6), USAF, via telephone, to his 18 April 2011 statement, which consisted of a two page questionnaire and his one page handwritten response/statement and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6), USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Airman First Class (b)(3), (b)(6) was located at Terre Haute, Indiana.

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

Command Investigation Legal Advisor

19 April 2011

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO CAPT (b)(3), (b)(6), USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1409Z I swore Captain (b)(3), (b)(6), USAF, via telephone, to his 18 April 2011 statement, which consisted of two pages and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6), USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Captain (b)(3), (b)(6) was located at March Air Reserve Base in California.

(b)(3), (b)(6) 1st, USMC

Command Investigation Legal Advisor

WITNESS STATEMENT

(b)(3), (b)(6)	CAPT/O-3	(b)(3), (b)(6)
Name	Rank/Rate	Social Security Number
PILOT IN COMMAND (MQ-1B)		432 AEW
Position		Organization
(b)(3), (b)(6)		
Address (Home or Office)		
DSN: (b)(2)		(b)(3), (b)(6)
Office Phone		Mobile Phone

I, (b)(3), (b)(6), hereby make the following statement for the *COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN)*:

SEE ATTACHED STATEMENT. THIS STATEMENT IS COMPRISED OF 2 PAGES.

I swear (or affirm) that the information in the statement above and on the 2 attached page(s) is true to the best of my knowledge or belief.

(b)(3), (b)(6)		18APR2011	1145
		(Date)	Time

Sworn to before me this date.

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ)	(Date)	Time

My flight experience goes back to 1996 when I began flying general aviation. I accumulated roughly 150 hrs as a recreational private pilot before going to UPT in October of 2005. I flew the T-37 for just over 100 hours and the T-1 also for just over 100 hours during UPT. Graduated UPT in November 2006 and earned the Instrument, Commercial, Multi Engine ratings, along with the BE400 and MU300 type ratings IAW the FARs regarding military experience. I am still flying general aviation aircraft and have just over 400 hours total time in manned aircraft. After pipelining to MQ-1 directly from UPT, I became CMR in the MQ-1 in July of 2007, 3 years and 9 months ago. I have 2267 total hours from flying 841 sorties in the MQ-1 in OIF, OND, and OEF. 15.9 of these hours are as a CMR instructor for the 196RS.

My shift on 6 April Zulu started at 1430 PST. I was in the seat at 1500 in the OND line and conducted a RTB and losing handover at 1630PST. After handover I had an hour and a half break and left base, with permission from shift supervisor, to pick up application paperwork I had been working on to be a volunteer pilot for a local police department and to eat a meal. I returned to base at 1800 in time to be the spare pilot on shift. Due to the schedule downrange, there is a brief time when both lines are down on our shift and a spare pilot in the building is not required at that time. From 1800 until 2015, I was in the POC briefing room becoming familiar with operating MRADS. I also was reviewing some previous shots, and discussing with another pilot some trends and lessons learned in crosshair placement and tactics from the SADR city days to now. I got in the seat for (b)(1)1.4a at 2030PST. I was in the seat for 27 minutes before (b)(1)1.4a directed the sensor to move to friendly convoy. Upon hearing of friendlies in contact, I started spinning up the missile, technique to be as ready as possible for the JTAC if they decide to use us for weapons employment. After acquiring the convoy in our FMV, (b)(1)1.4a provided instructions and to scan 3 particular compounds to the west and northwest of the convoy on 611 looking for possible shooters. While scanning the second compound, (b)(1)1.4a provided updated friendly positions being on 611 or tree line just adjacent to 611, and instructions to conduct a scan out to 300m west of the convoy, particularly a north east to southwest running tree line. He was interested in any personnel possibly moving in those tree lines moving in on forces. After contacting the tree line, the sensor began scanning. Three heat signatures on the west side of the tree line (b)(1)1.4a was told to scan were seen in the FMV. I informed the JTAC we were going to check and see if they were livestock or individuals. After zooming in and briefly checking day tv, muzzle flashes were observed from the southern most heat sig. I saw, without a doubt in my mind, muzzle flashes appearing to be in the direction of the convoy. The position of the individuals on the west side of trees and a structure made complete sense with an enemy fighting position taking cover and firing on the convoy to the east. I used what I saw with historic enemy TTP in this area, and the incoming information about what the JTAC was looking for, to base my assessment. I did not see the chat in the main mission room after seeing muzzle flashes. From that point on, my focus was clear concise communications with the JTAC and ensuing CAS comms, 9 line etc. At this point, I was also focused on keeping the aircraft in a position to maintain FMV on the individuals. I was also getting the aircraft into the WEZ. Winds were 30 knots out of the west so I had to make sure I kept aircraft position and direction in cross check. I was not aware of the whisper sent by DGS to the MIC (<DGS-IN_TC_BE> pers are shooting W and the convoy is to the E). I saw a second set of muzzle flashes on the feed out of the corner of my eye and did not question the direction. That time of second muzzle flashes, I must have been looking at the tracker display checking aircraft position within the WEZ and how the winds were affecting the flight path. No mention of the whisper regarding

direction of fire or the chat in the main room regarding direction of fire was ever brought up by anyone who had access to the feed and/or our main room chat during in this incident, down range or locally. Again, my focus was on CAS comms and maintaining aircraft position. I asked the MIC to give me back (b)(1)1.4a because (b)(1)1.4a asked if this was in vicinity of compound 58. The compound overlay was not on Google Earth, so I needed (b)(1)1.4a up to crosscheck location of compound 58. At the time I didn't know why the MIC pulled up Google Earth. There was never a time where I felt the strike should have been rolexed or aborted in order to verify friendly position. Experience with finding and neutralizing the enemy is that targets can be fleeting and the window to strike can be very small. The time window to neutralize threats can be smaller than the time window to conduct CAS comms. From all the information provided from (b)(1)1.4a about what he was looking for, and from what was seen on our FMV, at the time, there was not even a hint of doubt in my mind this was the enemy fighting position he was looking for who were firing on the convoy. Even after weapon impact, while conducting BDA, I had no doubts whatsoever. The first time my 6th sense picked up on something was when the JTAC was not responding to my BDA calls and radio checks. However, numerous times, JTACs radio batteries will need to be replaced, and they inform us of this when they check back up. So my thoughts were "Something is making me nervous, but maybe he's replacing his batteries. Ironic time for batteries to go out." When the JTAC informed us to return to 611 and continue scan is when I started to think something unusual was going on. And when friendlies entered the target area without a small arms fight with the two remaining in the target area, I realized with certainty something was wrong. Even then, my thoughts were, "Were these ANA gone rogue and firing on friendlies?" Even then, I did not believe they were ISAF forces. And even then I still believed the direction of fire was towards the convoy. I even whispered DGS about possible fratricide and that I didn't understand how this could be since these personnel were firing towards the convoy. I then saw the posts in the main mission room and thought to myself "DGS called the direction of fire wrong, they were firing to the east." DGS units have made mistakes on callouts before in the past 3 years of flying the lines. And I truly thought DGS called the direction of fire wrong. In my whisper with DGS after the strike, they made no mention of direction of fire. I stayed in the seat to provide overwatch of the friendlies and the convoy until after rotary wing assets arrived on station. Once it seemed clear the JTAC had plenty of coverage from the rotary wing, it was then that the gravity of the matter overcame my ability to continue focusing on the task at hand and I decided to have the midshift pilot relieve me. After swapping out, everyone in the POC, myself, the sensor, the backup pilot, and the squadron commander gathered in the POC briefing room to review the video and voice. It was while watching the video for the first time in the briefing room that I saw the direction of fire was actually to the west. Realizing this fact and being completely confused at how I saw exactly the opposite sitting in the seat, I could not maintain bearing and stopped the video and left the POC and the building. At this point, the chaplain met me outside. No "official lessons learned" have been discussed due to the ongoing investigation. The crew still has questions about what happened downrange with the ground force communications and without all of the facts, any discussion of lessons learned at this point will be discussed without all of the factual information.

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: Capt/03

Unit: 196 ERS

Telephone number: (b)(3), (b)(6)

Today, 18APR, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 18APR2011

(Signature and date)

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF CAPT (b)(3), (b)(6) ON APRIL 19, 2011

1. On April 19, 2011 at Camp Leatherneck, I, Colonel (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Captain (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Capt (b)(3), (b)(6) has operated with (b)(1)1.4a JTAC callsigns for approximately two weeks before the Hellfire strike on April 6, 2011. During the course of these two weeks, he flew approximately 4-6 sorties working with (b)(1)1.4a JTACS. On one instance, Capt (b)(3), (b)(6) received a pre-emptive 9-line for IED emplacers, but a Hellfire strike wasn't subsequently conducted. Over the radio, he had previously discussed CIVCAS mitigation with (b)(1)1.4a . Over his entire Predator flying career, Capt (b)(3), (b)(6) had taken two previous Hellfire shots. Although they represented some time constraints, neither previous shot exhibited the same expediency from start to finish as did the Hellfire strike on April 6. Capt (b)(3), (b)(6) assessed the initial muzzle flashes from the group of individuals southwest of building 58 as being directed towards friendly forces to the East, and the fire was given from behind cover of a wall and trees to the East. When asked if his MIC would have informed him that DGS had whispered to them that "persons are shooting West and the convoy is to the East," Capt (b)(3), (b)(6) replied that it was 90% likely that he would have informed (b)(1)1.4a and considered putting a hold on the engagement. Likewise, if DGS had reiterated the direction of fire and friendly position in the main mIRC mission room, Capt (b)(3), (b)(6) indicated that it was likely that he would also have informed (b)(1)1.4a , but he wasn't actively watching mIRC chat during the engagement. Although not formally trained in FMV analysis, Capt (b)(3), (b)(6) thought the personnel he saw were enemy fighters due to the fact that they were taking cover on the West side of the wall, away from the friendly forces on RTE 611. Based on previous experience, he assessed this group indicating standard enemy TTPs such as groups of 3-4 personnel and images much hotter than friendly forces.

3. I certify that this statement is an accurate summary of the interview.

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

MAJ USAF

Joint Publication 3-09.3

Close Air Support

08 July 2009

ENCLOSURE 31
1 OF 20

(b) **Danger Close.** Ordnance delivery inside the 0.1 percent Pi distance will be considered "danger close." The supported commander must accept responsibility for the risk to friendly forces when targets are inside the 0.1 percent Pi distance. Risk acceptance is confirmed when the supported commander passes his initials to the attacking CAS aircraft through the JTAC/FAC(A), signifying that he accepts the risk inherent in ordnance delivery inside the 0.1 percent Pi distance. When ordnance is a factor in the safety of friendly troops, the aircraft weapon's axis of attack should be parallel to the friendly force's axis or orientation. The intent is to preclude long and/or short deliveries from being a factor to friendly forces.

h. **Types of CAS Terminal Attack Control.** Technological advances in aircraft capabilities, weapons systems, and munitions provide JTACs/FAC(A)s additional tools to maximize effects of fires while mitigating risk of fratricide when employing air power in close proximity to friendly forces. GPS-equipped aircraft and munitions, LRFs/designators, and digital system capabilities are technologies that can be exploited in the CAS mission area. There are three types of TAC (Types 1, 2, and 3). During the fires approval process at the appropriate unit level, the commander considers the situation and issues guidance to the JTAC/FAC(A) based on recommendations from his staff and associated risks identified in the tactical risk assessment. Conditions determine which type of control (1, 2, or 3) is used. These controls should be considered tools that give the terminal attack controller the greatest chance of successfully destroying the target and negating friendly/civilian/collateral damage. The intent is to offer the lowest level supported commander, within the constraints established during risk assessment, the latitude to authorize weapons employment. This may be a task decision that is delegated to the JTAC/FAC(A) under certain conditions. Specific levels of risk should not be associated with each type of terminal attack control. The tactical situation will define the risk associated with a given type of TAC, (e.g., GPS and digital targeting systems used in Type 2 control may be a better mitigation of risk than using Type 1). The three types of control are not ordnance specific. Any change to the type of TAC should be coordinated with the appropriate fires approval agency, as the type of control is part of the approved CAS mission.

(1) **Type 1 control** is used when the JTAC must visually acquire the attacking aircraft and the target for each attack. Analysis of attacking aircraft geometry is required to reduce the risk of the attack affecting friendly forces. Type 1 control is used when the visual acquisition of the attacking aircraft by the JTAC/FAC(A) and the analysis of attacking aircraft geometry is the best means available to reduce risk of the attack affecting friendly forces. Language barriers when controlling coalition aircraft, lack of confidence in a particular platform, ability to operate in adverse weather, or aircrew capability are all examples where visual means of TAC may be the method of choice. Due to the use of visual cues to mitigate risk under Type 1 control, JTACs/FAC(A)s should not change the type of control to Type 2 or Type 3 after the CAS attack briefing has been given to CAS aircraft. **Type 1 control procedures** are as follows:

(a) JTAC/FAC(A) will visually acquire the target.

(b) JTAC/FAC(A) will send the CAS briefing (9-line) to attack aircraft.

(c) Attack aircraft will verify target location correlates with expected target area.

Note: Attack aircraft validates target location by cross-checking that the position is coincident with the expected target area by using all appropriate means: map plot, target designation displayed on digital map set, head-up display symbology, FLIR, radar, etc.

(d) Aircraft will read back Line 4, Line 6, and any restrictions provided by the JTAC/FAC(A).

(e) JTAC/FAC(A) will provide a verbal description or talk-on to the mark and/or target and confirm aircraft correctly identifies the mark and/or target.

(f) Aircraft will provide an "IP INBOUND" call if requested.

(g) JTAC/FAC(A) will mark/designate target (as practicable).

(h) Attack aircraft will provide "IN" call indicating entering terminal phase of air-to-ground attack prior to weapons release.

(i) Attack aircraft will visually acquire target or mark.

(j) JTAC/FAC(A) will visually acquire the attacking aircraft.

(k) JTAC/FAC(A) will analyze attacking aircraft geometry to reduce the risk of the attack affecting friendly forces.

(l) JTAC/FAC(A) will provide a "CLEARED HOT" or "ABORT" based on the above procedures being met.

Note: In the case where aircraft acquisition/analysis by the JTAC/FAC(A) is difficult or not possible, attack aircraft may be forced to modify their attack profile to aid in acquisition.

*The following scenario provides a step-by-step example of how **Type 1** control is conducted*

— JTAC visually acquires target and verifies target location. At the direction of the supported commander, the JTAC submits an immediate Joint Tactical Air Strike Request, reports troops in contact, and receives two aircraft with 4 MK-82 low drag general-purpose bombs. The JTAC also coordinates with the fire support representative for integration of a target mark and suppression of enemy air defenses.

— Attack aircraft checks in and receives the situation update followed by the close air support briefing.

JTAC: "Dragon 31, this is Icebox 11, this will be a Type 1 control, advise when ready for 9-line."

Attack Aircraft: "Icebox 11, Dragon 31 ready to copy."

JTAC:

"PLYMOUTH

360 Right

9.1

350

Platoon of infantry dug in

CM 367971

White Phosphorous

South 900, troops in contact

Egress east to DODGE

Advise when ready for remarks"

Attack Aircraft: "Ready to copy remarks"

JTAC: "Final attack heading 285-330. ZSU 23-4 (from the target) north 1000, continuous suppression, gun-target line 045, report IP inbound"

ATTACK Aircraft: "350, CM 367971, final attack heading 285-330"

JTAC: "Read back correct, time on target (TOT) 50"

Attack Aircraft: "Roger, TOT 50"

— Prior to weapon release, each attack aircraft in the flight will provide joint terminal attack controller (JTAC) with an "IN" call with direction.

Attack Aircraft: "Dragon 31 initial point (IP) INBOUND"

JTAC: "Dragon 31 CONTINUE."

JTAC: "Mark is on the deck."

Attack Aircraft: "CONTACT the mark."

JTAC: "From the mark, south 100"

Attack Aircraft: "Dragon 31 "IN" from the east"

JTAC: "Dragon 31, CLEARED HOT"

Attack Aircraft: "Dragon 31 off, two away."

JTAC: "Dragon 32, from lead's hits, west 100"

Attack Aircraft: "Dragon 32 IN from the southeast."

JTAC: "Dragon 32, CLEARED HOT"

(2) Type 2 control is used when the JTAC requires control of individual attacks and **any or all** of the conditions highlighted in the following text box exist:

- **JTAC is unable to visually acquire the attacking aircraft at weapons release.**
- **JTAC is unable to visually acquire the target.**
- **The attacking aircraft is unable to acquire the mark/target prior to weapons release.**

The JTAC must acquire the target visually or utilize targeting data from a scout, COLT, FIST, JFO, UAS, SOF, CAS aircrew, or other asset with accurate real-time targeting information. Type 2 control requires control of individual attacks. The JTAC/FAC(A) may be able to visually acquire the attacking aircraft. While not required, if the tactical situation allows, the JTAC/FAC(A) should make every effort to visually acquire the aircraft and assess attack geometry under Type 2 control, in order to provide an additional measure of safety, enhance SA, and be able to abort the attack if necessary. Likewise, the attacking aircraft may be able to visually acquire the target/mark prior to weapons release, but it is not required. Examples of when Type 2 control may be applicable are night, adverse weather, and high altitude or standoff weapons employment. Considerations for employing Type 2 control include:

- **When employing unguided munitions using Type 2 control, consideration must be given to host aircraft navigation/weapons system accuracy. Inaccurate navigation/weapon systems can result in excessive miss distances.**
- **Weapon time of flight will be a factor relative to movement of enemy targets and friendly forces when employing standoff weapons. Detailed planning and preparation by both the joint terminal attack controller/forward air controller (air) and the aircrew are required to identify situations and locations conducive to standoff weapons attacks, and to address flight profile and deconfliction (aircraft/weaponry/terrain) considerations.**
- **Digital or data link systems capable of displaying aircraft track, sensor point of interest, etc., significantly enhance situational awareness and the effectiveness of terminal attack control.**

Type 2 control procedures are listed in the following subparagraphs:

(a) JTAC/FAC(A) visually acquires the target or acquires targeting data from a scout, COLT, FIST, JFO, UAS, SOF, CAS aircrew, or other assets with accurate real-time targeting information.

(b) JTAC/FAC(A) will send a CAS briefing (9-line) to attack aircraft.

(c) Attack aircraft will verify target location correlates with expected target area.

Note: Attack aircraft validates target location by cross-checking that the position is coincident with the expected target area by using all appropriate means: map plot, target designation displayed on digital map set, head-up display symbology, FLIR, radar, and etc.

(d) Aircraft will read back Line 4, Line 6, and any restrictions provided by the JTAC/FAC(A). Aircrews will confirm that the readback is from the elevation and target location programmed into navigation/attack systems followed by restrictions. For BOC attacks the readback will be from the aircraft system.

(e) Aircraft will provide an "IP INBOUND" call if requested.

(f) Attack aircraft will provide the JTAC with an "IN" call indicating entering terminal phase of air-to-ground attack prior to weapons release. Aircrew should make this call at the appropriate time to allow clearance before entering the release window.

(g) JTAC/FAC(A) will provide a "CLEARED HOT" or "ABORT".

*The following scenario provides a step-by-step example of how **Type 2** terminal attack control may be used for a coordinate-dependent, weapon employment.*

— Joint terminal attack controller (JTAC) is unable to acquire the target but receives accurate real time targeting information from a scout and that they are troops in contact. The JTAC verifies target location and coordinates through the use of an aircraft—with Joint Direct Attack Munitions.
— Attack lead aircraft checks in, informs the JTAC regarding his onboard capabilities, receives a situation update, and is provided the close air support briefing.

JTAC: "Hog 11, this is A3C, this will be a Type 2 control, advise when ready for 9-line"
Attack Aircraft: "A3C, Hog 11 ready to copy"
JTAC:
"MAZDA
360 right
9.9
450
T-80 dug in
NB 8652342745
NONE
South 900, troops in contact
Egress east to CHEVY
Advise when ready for remarks.

Attack Aircraft: "Ready to copy remarks."
JTAC: "Request one GBU-31, Final attack heading 300-345"

— Attack aircraft validates target location by cross-checking that the position is coincident with the expected target area by using all appropriate means: map plot, target designation displayed on digital map set, head-up display symbology, forward-looking infrared, radar, etc.

Attack Aircraft: "450, NB 8652342745, final attack heading 300-345"
JTAC: "Readback Correct. Report IP inbound, time on target (TOT) 45"
Attack Aircraft: "Roger, TOT 45"

— Prior to weapon release, attack aircraft provides the JTAC with an "IN" call

Attack Aircraft: "Hog 11 IP INBOUND"
JTAC: "Hog 11 CONTINUE"
Attack Aircraft: "Hog 11 IN from the south"
JTAC: "Hog 11, CLEARED HOT"

(3) Type 3 control is used when the JTAC requires the ability to provide clearance for **multiple attacks** within a single engagement subject to specific attack restrictions, and **any or all** of the conditions highlighted in the following text box exist:

- **JTAC is unable to visually acquire the attacking aircraft at weapons release.**
- **JTAC is unable to visually acquire the target.**
- **The attacking aircraft is unable to acquire the mark/target prior to weapons release.**

The JTAC must acquire the target; visually or utilizing targeting data from a scout, COLT, FIST, JFO, UAS, SOF, CAS aircrew, or other asset with accurate real-time targeting information. While not required, if the tactical situation allows, the JTAC/FAC(A) should make every effort to visually acquire the aircraft and assess attack geometry under Type 3 control, in order to provide an additional measure of safety, enhance SA, and be able to abort the attack if necessary. Likewise, the attacking aircraft may be able to visually acquire the target/mark prior to weapons release, but it is not required. JTAC/FAC(A) will provide the CAS aircraft with targeting restrictions (e.g., time, geographic boundaries, final attack heading[s], specific target set). Following mandatory readback by the CAS asset, the JTAC/FAC(A) then grants a weapons release clearance ("CLEARED TO ENGAGE"). Observers may also be used to mark targets during Type 3 control. All targeting data must be coordinated through the appropriate supported unit's battle staff for approval. The JTAC/FAC(A) will monitor radio transmissions and other available digital information to maintain control of the engagement. The JTAC/FAC(A) maintains abort authority. Type 3 is a CAS terminal attack control procedure and should not be confused with TGO, air interdiction, or other "air support" missions which do not employ a JTAC/FAC(A). **Type 3 control procedures** are as follows:

(a) JTAC/FAC(A) acquires the target or acquires targeting data from a scout, COLT, FIST, UAS, JFO, SOF, CAS aircrew, or other assets with accurate real-time targeting information.

(b) JTAC/FAC(A) will send the CAS briefing (9-line) to attack aircraft. Briefing should include area for attacks, restrictions/limitations, and attack time window, in the remarks.

(c) Attack aircraft will verify target location correlates with expected target area.

Note: Attack aircraft validates target location by cross-checking that the position is coincident with the expected target area by using all appropriate means: map plot, target designation displayed on digital map set, head-up display symbology, FLIR, radar, and etc.

(d) Aircraft will read back Line 4, Line 6 and any restrictions provided by the JTAC/FAC(A). For BOC attacks the readback will be from the aircraft system.

(e) Once satisfied the attacking aircraft have SA of the target area, the JTAC/FAC(A) will provide attack aircraft "CLEARED TO ENGAGE".

(f) Aircraft will provide an "IP INBOUND" call if requested.

(g) Prior to initial weapons release, the attack aircraft will provide "COMMENCING ENGAGEMENT" to the JTAC/FAC(A).

(h) JTAC/FAC(A) will continue to monitor the engagement by all means available (visual, voice, digital, etc.). No other communications are required unless directed by the JTAC/FAC(A).

(i) Attack aircraft will provide "ENGAGEMENT COMPLETE" to the JTAC/FAC(A).

*The following scenario provides a step-by-step example of how **Type 3** control may be used.*

— The supported commander is in contact with a company of mechanized infantry 1.1 km to the north. A very discernible river conveniently separates friendly forces from the enemy. The commander and staff are confident in their situational awareness of friendly force disposition provided by sound battle tracking, and the commander has authorized the joint terminal attack controller (JTAC) to determine which type of close air support (CAS) control best suits the situation. Two ships of A-10s are currently in the CAS stack and have sensors and eyes in the target area verifying the recon team's sighting. Upon consideration of all these factors, the JTAC decides to utilize Type 3 terminal attack control against the mechanized company. The following 9-line is provided:

JTAC: "Razor 11, this is A3C, this will be a Type 3 control, advise when ready for 9-line."

Attack Aircraft: "A3C, Razor 11, Roger, Type 3, ready to copy"

JTAC:

"MAZDA

360

9.0

450

Mechanized company in the open

NB 922556

Laser 1111

South 1100

Egress S to MAZDA, advise when ready for remarks".

Attack Aircraft: "Razor 11 ready to copy".

JTAC: "Razor 11, expect to engage from time 45-55. Execute attacks north of the river. No attack run-ins from north to south. Cobra recon team, callsign Lonewolf, is currently 1100m south in position to lase, as required, contact on this tactical air direction (TAD). Report BHA on this TAD."

— Note: Attack aircraft validates target location and cross-checks that the position is coincident with the expected target area by using all appropriate means: map plot, target designation displayed on digital map set, head-up display symbology, forward-looking infrared, radar, and etc.

Attack Aircraft: "A3C, 450, NB 922556, execute attacks north of the river with no north to south run-ins, time on target (TOT) 45-55."

JTAC: "Razor 11, readback correct."

— Attack aircraft establishes communications with Cobra recon team and calls established overhead and ready for talk-on.

Attack Aircraft: "Razor 11, overhead, ready for talk-on."

Cobra: "Razor 11, your target is a mechanized company of BRDMs and BMPs with dismounted infantry located on the north side of the river, 100 meters west of the large brown suspension bridge with the burning vehicle about mid-span. Call "Contact" that bridge."

Attack Aircraft: "Contact North-South running bridge."

JTAC: "Razor 11 the target area is a large staging area west of the bridge, stand by for Laser Mark, Laser to Target Line is 360, make a run-in 035 to 345 or 055-105."

Attack Aircraft: "Razor 11 affirmative, Spot, contact several tactical vehicles in a plowed out field, Northwest of the bridge."

Cobra: "Razor 11, that is your target."

A3C JTAC (listening to frequency): "Razor 11, CLEARED TO ENGAGE from time 45-55.".

— JTAC monitors progress of the mission via radio.

— Attack Aircraft make multiple attacks within the time window while complying with other restrictions. The attacks continue until time 1255.

Attack Aircraft: "A3C, Razor 11 is ENGAGEMENT COMPLETE at time 1255. Advise when ready to copy battle damage assessment (BDA)."

— Aircrew passes BDA to JTAC.

(4) Additional Considerations for all Types of Controls.

(a) Because there is no requirement for the JTAC/FAC(A) to visually acquire the target or attack aircraft in Type 2 or 3 control, JTACs/FAC(A)s are required to coordinate CAS attacks using targeting information from an observer when they are unable to acquire the target or aircraft. An observer may be a scout, COLT, FIST, UAS, JFO, SOF, CAS aircrew, or other asset with real-time targeting information. The JTAC/FAC(A) maintains control of the attacks, making clearance or abort calls based on the information provided by other observers or targeting sensors. The JTAC/FAC(A) must consider the timeliness and accuracy of targeting information when relying on any

form of remote targeting. When any form of remote targeting is used with single source targeting information, targeting data should be routed through the commander's battle staff to ensure target validity.

(b) JTACs/FAC(A)s will provide the type of control as part of the CAS brief. It is not unusual to have two types of control in effect at one time for different flights. For example, a JTAC/FAC(A) may control helicopters working Type 2 control from a BP outside the JTAC/FAC(A)'s FOV while simultaneously controlling medium or low altitude FW attacks under Type 1 or 3 control. The JTAC/FAC(A) maintains the flexibility to change the type of terminal attack control at any time within guidelines established by the supported commander and should be coordinated with the appropriate fires approval agency. This change must be made prior to the 'IN' call for Type 1 and 2 attacks and the commencing call for Type 3. If a Type change is required after these calls, then the JTAC/FAC(A) should abort the attack and brief the aircraft. Senior commanders may impose restrictions that will prevent subordinate commanders from choosing certain terminal attack control types. However, the intent is for senior commanders to provide guidance that allows the lowest level supported commander to make the decision based on the situation.

While recent technological advances in weaponry and digital/data link systems have provided significant enhancements to the close air support (CAS) mission, it is imperative that commanders and operators fully understand the capabilities and limitations of the systems being used. Descriptive dialogue between the joint terminal attack controller/forward air controller (air) and aircraft will often provide the best means of mitigating risk and producing the desired effect on target. It is essential that standard procedures and terminology be used by all CAS participants.

Note: The JTAC/FAC(A) maintains abort authority in all cases.

(c) **BOT and BOC.** These concepts apply to all ordnance employed in CAS missions. BOT and BOC are **not** new concepts; rather a new manner to simply communicate an old idea. Every CAS engagement conducted is BOT or BOC regardless of the weapon being employed. JTACs /FAC(A)s and CAS aircrew should think of and use these concepts as a clear, concise, effective manner to communicate the requirements for targeting confirmation from CAS aircraft employing ordnance. Effective use of BOT and BOC concepts to clarify JTAC/FAC(A) and CAS requirements for a CAS engagement will result in more expeditious and successful attacks. The misapplication of BOT and BOC in **tactical scenarios** will often result in confusion between CAS aircraft and JTAC/FAC(A) and increased time to kill or even missed targeting opportunities. There is no requirement to pass BOC or BOT during a CAS attack brief, remarks, or restrictions. What is important is that the JTAC/FAC(A)'s intent is clear. By using the phrase "bomb on target" or "bomb on coordinate" in the preface to the 9-line with type of

control or in remarks/restrictions terminal controllers can clarify the requirements for the CAS attack.

1. An identical attack brief could have remarks stated as: "Lead aircraft's GBU-12, JTAC's laser 1688." or as "Lead aircraft's GBU-12, BOC laser 1688". Both communicate the same idea.

2. Type 1 control is always a BOT attack due to the requirement for the CAS aircraft to be either tally the target or contact the mark. Type 2 and 3 can be either BOT or BOC for any ordnance.

(d) A **BOC attack** is used when the JTAC/FAC(A) determines that he can create the desired effects against that target with CAS aircraft and ordnance employing on a specified set of coordinates. The JTAC/FAC(A) does not need to delay the CAS attack in order to build CAS aircraft visual awareness to achieve tally/capture the target. If a BOC attack is planned based on the **tactical scenario**, then unnecessary exposure to the threat by CAS platforms is avoided; and time is not wasted conducting targeting confirmation. CAS aircraft are not required to be tally/capture the target when conducting BOC attacks. Great care must be taken to ensure that the target location with the requisite precision and accuracy determined in the commander's tactical risk assessment is obtained and entered into the weapon/navigation system. Aircrew will not modify coordinates once read back. For a BOC attack, aircrew readback will be from the weapon or aircraft system steering point, waypoint, or target point after the coordinates have been entered from the CAS attack brief. Aircrew will provide the weapon/system readback as requested by the terminal attack controller if the CAS aircraft systems are capable of providing it.

A few bomb on coordinate attack examples include:

- Laser guided weapons employed into a laser basket with the intent to be guided by a source outside the close air support (CAS) element, i.e., joint terminal attack controller (JTAC)/forward air controller (air) (FAC[A])/another CAS element.

- Unguided ordnance dropped from medium to high altitude above an overcast with ability to achieve the supported commander's intent for CAS.

- Inertially aided munitions employed in an absolute mode on coordinates sufficient to achieve the supported commander's intent for CAS.

- Hybrid weapons employed on a Global Positioning System coordinate and then lased by an off-board source/JTAC/FAC(A).

The following scenario provides an example of how "bomb on coordinate" (BOC) may be employed as part of a Type 2 attack.

- Weather is 500 feet above ground level, overcast, and joint terminal attack controller (JTAC) visually acquires an enemy formation in a trench line with camouflage overhead. The JTAC has a digital portable tactical targeting system but the trench line is not in the imagery and therefore the JTAC cannot generate an accurate location. JTAC is able to terrain associate using his 1:50K map and derive a 6 digit grid with a high degree of confidence. At the direction of the

supported commander, the JTAC submits an immediate joint tactical air strike request (JTAR) requesting rotary-wing (RW) close air support (CAS) or aircraft with coordinate seeking weapons in order to bring CAS assets under the weather and engage the enemy formation. The ASOC routes 2 AV-8B with 2 GBU-32s with DSU-33s as the quickest response option airborne.
- Attack aircraft check in and pass that they are carrying "1,000 lbs JDAMs with an airburst fuze option"
- JTAC determines that he can create desired effects to the enemy personnel in the trench with the current target location and the combination of the airburst fuze on the JDAM and decides to employ the AV-8B Type 2 bomb on coordinate.
- AV-8B receive the CAS briefing.

JTAC: "Latch 61, this is Broadsword 11, Type 2 in effect, **bomb on coordinate** advise when ready for 9-line."
- The JTAC does not have to ever say the term 'bomb on coordinate' to the CAS aircraft. By passing BOC with the type of control just before the 9-line, the JTAC is telling the CAS aircraft up front that they do not need to gain visual or sensor SA to the target or be concerned with getting under the weather. BOC could be passed in remarks as well or not at all as long as the requirement for CAS aircraft is clearly understood.

Attack Aircraft: "Broadsword 11, Latch 61 ready to copy"

JTAC:
"CHEVY
270
10.0
1650
Company of infantry in trenchline
NB234876
None
South 1100
Egress East CHEVY
Advise when ready for remarks"

Attack Aircraft: "Ready to copy remarks"

JTAC: "Final attack headings 250-290. Request 2 GBU-32s from each aircraft, simultaneous employment, all set to airburst."

- Attack aircraft validate target location by cross-checking that the position is coincident with the expected target area using all appropriate means: map plot, digital map set, and radar through the weather, etc. Additionally, attack aircraft complete entry of line 4 and 6 into both GBU-32s on board and confirm fuzing is set to airburst.

Attack Aircraft read back: "Latch 61, from my weapon, 1650, NB234876, final attack headings 250-290."
JTAC: "Latch 61 readback correct, time on target (TOT) 35."

Attack Aircraft: "Latch 61, TOT 35."

(e) A **BOT attack** or self-derived targeting requires that the aircrew is tally/contact/captured the JTAC/FAC(A)'s intended target or aim point. Coordinate accuracy and precision (to include TLE) are not as important as the JTAC's/FAC(A)'s ability to aid CAS aircraft in gaining tally/capture. This **delivery method** is advantageous in numerous tactical situations such as mobile target sets (whether

stationary or moving), low threat environments that support continuous target observation by CAS aircraft, situations where controllers are not able or do not need to generate low TLE coordinates, or when aircrew are tally/have captured/contact the target. If a BOT attack is planned based on the **tactical scenario**, then time should not be wasted conducting detailed precision and/or accurate target coordinate generation. In many tactical scenarios suited to BOT attacks, delaying the attack in order to generate a coordinate for BOC employment will increase the time to kill or result in missed targeting opportunities.

Bomb on target examples include:

- Laser guided weapons employed into a laser basket and lased by the close air support (CAS) aircraft
- Unguided ordnance dropped from any altitude under the weather with CAS aircraft tally the target or contact the mark and employing off of the correction
- Correction from mark, contact is bomb on target
- Inertially aided munitions employed in any self-derived targeting mode
- Hybrid weapons employed on a Global Positioning System coordinate and then lased by the CAS aircraft
- Rockets and guns on positively identified targets, or contact a mark and correction

The following scenario provides an example of how "bomb on target" (BOT) may be employed as part of a Type 1 attack. This example assumes that the joint terminal attack controller (JTAC) in this scenario has no other way to mark the target for the close air support (CAS) aircraft and has degraded to the talk-on. Realize that the talk-on 'mark' is not the most efficient 'mark' available, it is used in this example to highlight the difference between BOT and bomb on coordinate and how it relates to Type 1 control requirements.

- Weather is clear and winds are calm, and ground forces are currently taking effective fire from the machine gun position and need to break contact. The JTAC visually acquires the enemy machine gun position. Due to overhead camouflage, the machine gun position is not sensor significant and will be a difficult tally for CAS aircrew. A section of Marine AH-1Ws are on station loaded with 2.75" rockets and 20mm Cannon.

- While the JTAC has digital portable tactical targeting system and several other tools to provide an accurate and precise target location; that is time he doesn't have. Because the JTAC has passed a detailed update and orientation to the area of operations on check-in; the JTAC and Cobras are able to effectively use common geographical references to quickly employ the CAS aircraft.

- JTAC determines that he can achieve sufficient suppression against the enemy machine gun position with rockets and cannon from the AH-1Ws. Based on the proximity of the enemy position to friendly position, the JTAC decides to use Type 1.

- AH-1Ws receive the CAS briefing

JTAC: "Venom 11, this is Broadsword 01, Type 1 in effect, advise when ready for 9-line."

- The JTAC does not have to ever say the term 'bomb on target' to the CAS aircraft. All Type 1 engagements are BOT due to the CAS aircraft to be either tally/have capture/or contact a mark and employ off a correction. BOT could be passed in remarks as well or not at all as long as the requirement for CAS aircraft is clearly understood.

Attack Aircraft: "Broadsword 01, Venom 11 ready to copy"

JTAC:
"ADDER
270
3000
1650
Machine gun position
PT 740 890
Talk-on
North 600
Egress East ADDER
Advise when ready for remarks"

Attack Aircraft: "Venom 11, Ready to copy remarks"

JTAC: "Venom 11, Final attack headings 230-300. Immediate time on target (TOT), say when ready for talk-on"

- Attack aircraft validate target location by cross-checking that the position is coincident with the expected target area using all appropriate means.

Attack Aircraft: "Broadsword 01, Venom 11, 1650, PT 740 890, final attack headings 230-300, ready for talk-on."

JTAC: "Venom 11, Broadsword 01, readback correct, understand you are familiar with the 'black hills.'"

Attack Aircraft: "Broadsword 01, Venom 11 is contact 'black hills'."

JTAC: "Venom 11, Broadsword 01, describe the northwest most point of the 'black hills'."

Attack Aircraft: "Broadsword 01, Venom 11, the Northwest most point is slightly higher than the rest of the 'black hills' and oriented generally northwest to southeast."

JTAC: "Venom 11, Broadsword 01, from the northwest most point of the 'black hills', the machine gun position is 100m west. Just to the west of the enemy position is a north-south wash."

Attack Aircraft: "Broadsword 01, Venom 11 is contact the north-south wash, it has a small bend to the east in line with the northwest point of the 'black hills'."

JTAC: "Venom 11, Broadsword 01, that bend is pointing at the machine gun position to the east."

Attack Aircraft: "Broadsword 01, Venom 11 is contact target area, no joy machine gun position. In from the West."

JTAC: "Venom 11, Cleared Hot."

"Broadsword 14, Jailbird 21, Roger. The cross-hairs are on the northwest corner of a four-way intersection."

"Jailbird 21, Broadsword 14, slew your crosshairs to the center of the intersection."
"Broadsword 14, Jailbird 21, contact."

"Jailbird 21, Broadsword 14, is there a vehicle in your field of view?"

"Broadsword 14, Jailbird 21, Affirmative. There is a small or mid-sized vehicle blocking the SW approach to the intersection."

"Jailbird 21, Broadsword 14, Roger, slew your sensor to the first building south of that vehicle and describe the building."

"Broadsword 14, Jailbird 21, there is a small square building immediately south of the vehicle with an oval pool in the yard. The building appears to be the same size as the vehicle itself."

"Jailbird 21, Broadsword 14, on which side of the building is the pool?"

"Broadsword 14, Jailbird 21, the pool is on the south side of the small building."

"Jailbird 21, Broadsword 14, Roger, slew your sensor back to the vehicle blocking the SW approach. That vehicle is your target."

"Broadsword 14, Jailbird 21, capture vehicle."

g. **CAS Attack Control**

(1) **CAS Briefing.** JTACs/FAC(A)s will use a standardized briefing to pass information rapidly. The CAS brief (Figure V-14), also known as the "9-Line Briefing," is the standard for use with FW and RW aircraft. The CAS briefing form helps aircrews in determining if they have the information required to perform the mission. The brief is used for all threat conditions and does not dictate the CAS aircraft's tactics. The mission brief follows the numbered sequence (1-9) of the CAS briefing form. Elements of a 9-line will not be passed piecemeal over several minutes and out of sequence. The first 9 lines are understood and line numbers do not need to be passed. When applicable, remarks/restrictions should include those items listed in paragraphs 4e(j) and (k) below. Lines 4, 6, and any restrictions are **mandatory readback items** for all three types of control. Additionally, the JTAC/FAC(A) may need confirmation that the aircraft has correctly received other critical items of the brief. In these situations, the JTAC/FAC(A) will specify the additional items to be confirmed.

(a) **IP/BP.** The IP is the starting point for the run-in to the target. For rotary wing aircraft, the BP is where attacks on the target are commenced.

(b) **Heading and Offset.** The heading is given in degrees magnetic from the IP to the target or from the center of the BP to the target. JTACs/FAC(A)s give an offset (offset left/right) if a restriction exists. The offset is the side of the IP-to-target line on which aircrews can maneuver for the attack.

THE 9-LINE CLOSE AIR SUPPORT BRIEFING FORMAT

THE 9-LINE CAS BRIEFING FORMAT

Do not transmit line numbers. Units of measure are standard unless otherwise specified. Lines 4, 6 and any restrictions are mandatory read-back items. JTAC may request read-back of additional items as required.

"JTAC:_____, this is_____
(aircraft call sign) *(JTAC/FAC(A) call sign), (grid, shift from a known point, polar plot)*

Type_____Control_____"
(1,2,3)

1. IP/BP: "_____"
(IP/BP to target)

2. Heading: "_____Offset: L/R_____"

3. Distance: "_____"
(IP-to-target in nautical miles/BP-to-target in meters)

4. Target elevation: "_____" (in feet MSL)

5. Target description: "_____"

6. Target location: "_____"
(latitude/longitude or grid coordinates or offsets or visual)

7. Type mark: "_____" Code: "_____"
(actual code)

8. Location of friendlies: "_____"
(from target, cardinal directions and distance in meters)

9. "Egress: _____"
(cardinal direction and/or control point)

Remarks/Restrictions (as appropriate): "_____"

Figure V-14. The 9-Line Close Air Support Briefing Format

(c) **Distance.** The distance is given from the IP/BP to the target. For fixed wing aircraft, the distance is given in nm and should be accurate to a tenth of a nm. For attack helicopters, the distance is given in meters from the center of the BP and is accurate to the nearest 100 meters.

(d) **Target Elevation.** The target elevation is given in feet above MSL. Target elevation is needed for cuing sensor and for weapon/targeting solutions for CAS platforms which require it.

(e) **Target Description.** The target description should be specific enough for the aircrew to recognize the target. The target should be described accurately and concisely.

(f) **Target Location.** The JTAC/FAC(A) can give the target location in several ways (e.g., grid coordinates, latitude and longitude, relative to a navigational aid or visual description from a conspicuous reference point/talk-on). Because of the multiple coordinate systems available for use, the datum that will be used must always be specified in the JTAR. If using grid coordinates, JTACs/FAC(A)s must include the 100,000-meter grid identification. For an area target, give the location of the target's center or location of the greatest concentration. For a linear target, give the location of intended end impact point, orientation, and the distance to each end in the remarks section of the 9-line brief, if required. For a visual description from a reference point, the visual point should be established by the controller and visually acquired by the aircrew prior to the 9-line or during the situation update.

For further guidance on coordinate datum planes, refer to CJCSI 3900.01C, Position (Point and Area) Reference Procedures.

(g) **Mark Type.** The type of mark the JTAC/FAC(A) will use (smoke, laser, or IR). If using a laser, the JTAC/FAC(A) will also pass the code he will use.

(h) **Friendlies.** The distance of closest friendlies from the target is given in meters and is a cardinal/subcardinal heading from the target (N, NE, E, SE, S, SW, W, or NW).

(i) **Egress.** These are the instructions the aircrews use to exit the target area. Egress instructions can be given as a cardinal direction or by using control points. The word "egress" is used before delivering the egress instructions.

(j) **Remarks.** The following information should be included if applicable:

1. Laser-to-target line (LTL) (in degrees magnetic).

2. Desired type/number of ordnance and/or weapons effects.

3. Threat, location, and type of suppression (if any).

4. Any active GTL.

5. Hazards to aviation.

6. Weather.

7. Additional target information.

8. Night vision capability.

9. Other time considerations.

10. Friendly mark (if any).

(k) **Restrictions.** The following information is always a restriction and should be included if applicable. Additional restrictions are at the discretion of the JTAC/FAC(A). All passed restrictions shall be read back.

1. Final attack heading.

2. ACAs.

3. Danger close (if applicable and with commander's initials).

4. TOT/TTT.

(2) **CAS Briefing when CAS aircrew acquires target for JTAC/FAC(A):** An aircrew can acquire a target and derive targetable data (lines 4, 5, and 6) for JTAC/FAC(A) while conducting CAS, ISR, escort, and other missions. After verifying the target data provided by the aircrew, the JTAC/FAC(A) will provide the same aircrew with a CAS briefing using the target data provided by the aircrew. The transmission of the target data by the JTAC/FAC(A) is considered the mandatory readback and is the responsibility of the aircrew to confirm readback was correct. **Note: This situation only applies if the aircrew that provides the target data is the same aircrew that is provided the CAS briefing by the JTAC/FAC(A).**

Situation: Hog 1 has been providing recce for Thunder (JTAC) due to an anticipated attack on their forward operating base. During the search, Hog 1 observed a mortar launch and identified personnel continuing to fire mortars. Using his pod, Hog 1 derived target elevation and coordinates and description of the target.

Attack Aircraft: "Thunder this is Hog 1, have mortar point of origin with personnel firing mortars, advise when ready to copy"

JTAC: "Hog 1, Thunder ready to copy"

Attack Aircraft: "Thunder, elevation 4486 feet, 11S PA 1234 5678."

JTAC: "Hog 1, advise when ready for grid 9-line"

Attack Aircraft: "Thunder, Hog 1 ready"

JTAC: "Type 2"
"1 through 3 N/A"
"4486, mortar position, 11S PA 1234 5678"
"None, SW 800 meters, Egress West"

Attack Aircraft: "Thunder, good readback"

JTAC: "Hog 1, advise when ready for remarks"

(3) **Mission Brief Accuracy.** Ideally, the controlling agency (e.g., ASOC, DASC, TACC, TAC[A]), briefs the aircrew before contact with the JTAC/FAC(A) using the information from the JTAR, Section 1, Block 8 (see Appendix A, "Joint Tactical Air Strike Request"). The brief must be accurate, concise, and executed quickly. Map datum must be considered when determining target grid coordinates. The mission brief should not change once an aircrew leaves the IP/BP inbound to the target.

(a) **Clearance to Drop/Fire.** Once the clearance requirements for a particular type of control are met, it is important to pass clearance in a timely manner to give aircrews time to prosecute the attack before release parameters have expired. A wide variety of ordnance is available and suitable for CAS missions. Mixed weapons loads on aircraft or between flight members will require the flight lead and the JTAC/FAC(A) to coordinate different delivery patterns. When employing standoff munitions or delivery methods, the JTAC/FAC(A) must provide a timely clearance appropriate for the weapon being delivered. For example, medium-altitude attacks can result in weapon releases more than 4 nm from the target.

(b) **Reattacks.** Reattacks allow CAS aircraft to quickly reposition to attack the same target, and while maneuvering, maintain compliance with any restrictions in force. A reattack may be requested if additional fires are required on the target. In a high-threat or non-permissive environment, aircraft may be unable to make multiple passes due to enemy defenses. The JTAC/FAC(A) issues approval for immediate reattack and remains aware of any threats to the aircraft. As was required in the initial attack, clearance to drop/fire on a reattack must be issued by the JTAC/FAC(A) before ordnance release. Corrections and new restrictions can be given to the aircrew during maneuvering. If ordnance adjustments are required, they must be given in a timely manner. Corrections are given in cardinal direction and distance in meters from the previous weapon impact point. In the following example a correction is being given to the second attacking aircraft in the flight based on lead aircraft's impacts (e.g., "Razor 02, from lead's hits, north 100").

(c) **Abort Procedures.** The JTAC/FAC(A) should direct CAS aircrews to abort if they are not aligned with the correct target, and must abort them if it appears that friendly troops may be endangered, or for the safety of the CAS aircrew. The CAS abort procedure can use the "challenge-reply" method to authenticate the abort command, or may be briefed as "in the clear." During the CAS check in briefing, the flight lead gives the JTAC/FAC(A) a challenge code for use with his flight only. The JTAC refers to his authentication document, finds the reply, and notes but does not transmit it. The reply 'letter' becomes the "abort code." If no abort code was briefed, then the CAS attack is

aborted by simply transmitting: "ABORT, ABORT, ABORT" (see Figure V-15). The JTAC/FAC(A) may elect to use a single abort code for all aircraft under his control in situations where multiple flights of aircraft with multiple abort codes would be problematic. In such cases the JTAC/FAC(A) needs to state this nonstandard procedure during the situation update and establish the code.

ABORT CALL ILLUSTRATION

(The joint terminal attack controller [JTAC] is "NAIL 11"; the close air support [CAS] attack flight is "SPIKE 41." SPIKE 41 flight has chosen "BRT" [authenticated "D"] as its abort code.)

RADIO CALL	ACTION TAKEN
(During the CAS check-in briefing): "NAIL 11, SPIKE 41, abort code BRAVO ROMEO TANGO."	NAIL 11 notes the correct reply for "BRT" is "D".
(The JTAC calls for an abort) "SPIKE 41, NAIL 11, ABORT DELTA, ABORT DELTA, ABORT DELTA."	SPIKE 41 aborts the pass.

Figure V-15. Abort Call Illustration

(4) **Brevity.** A brevity code is a single word or phrase that does not provide security but shortens the message rather than concealing its content. Using brevity eases coordination and improves understanding in tactical communications since brevity codes have only one meaning. In periods of communications jamming, brevity is required to "get the message across" since transmissions must be minimized. CAS players should always use brevity for clearer and more concise communications. See Figure V-16 for a list of CAS related brevity codes or EM 1-02.1, MCRP 3-25B, NTTP 6-02.1, AFTTP(I) 3-2.5 *Brevity, Multi-Service Brevity Codes* for a complete list of all multi-Service brevity codes.

h. **Battle Damage Assessment**

(1) BDA is used to update the enemy order of battle. Accurate BDA is critical for determining if a target should be reattacked. In a high-threat environment, BDA may be difficult to judge. There is no simple answer as to who is in the best position to determine BDA. Aircraft and JTACs have different capabilities based on experience, weather, terrain, weapons employment techniques, and enemy actions when assessing BDA. BDA is crucial in determining mission effectiveness, enemy disposition, and reattack requirements. BDA will be difficult to ascertain in a high threat environment, but the difficulty can be mitigated by integration of JIPOE early in the planning process. This assists in developing an appropriate mix of ISR assets that maximizes collection and exploitation potential. Determination of who reports or collects BDA within a given

Pages 276 through 285 redacted for the following reasons:
- -
Pages 1 through 10 of 11-009 BOB and Death of Rast - Smith - part 11 is redacted under FOIA exemptions (b)(1)1.4a, (b)(1)1.4b, (b)(1)1.4d

19 April 2011

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO TECHNICAL SERGEANT (b)(3), (b)(6), USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1641Z I swore Technical Sergeant (b)(3), (b)(6), (b)(3), (b)(6), USAF, via telephone, to his 18 April 2011 statement, which consisted of twenty pages and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6), USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Technical Sergeant (b)(3), (b)(6) was located at March Air Reserve Base in California.

(b)(3), (b)(6) LtCol, USMC

Command Investigation Legal Advisor

WITNESS STATEMENT

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

TSgt/E6
Rank/Rate

(b)(3), (b)(6)
Social Security Number

MISSION INTELLIGENCE COORDINATOR
Position

196RS
Organization

(b)(3), (b)(6)
Address (Home or Office)

(b)(2) DSN
Office Phone

(b)(2)
Mobile Phone

I, (b)(3), (b)(6), hereby make the following statement for the *COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN)*:

SEE ATTACHED VERBATIM TRANSCRIPT OF MY TELEPHONE INTERVIEW WITH THE COMMAND INVESTIGATION TEAM OF COLONEL (b)(3), (b)(6) WHICH TOOK PLACE ON 14 APRIL 2011 AT 1516 ZULU. THIS TRANSCRIPT IS COMPRISED OF 20 PAGES. I ADOPT THIS TRANSCRIPT AS MY STATEMENT.
TRANSCRIPT WAS REVIEWED 18 APRIL 2011 @ 1200 PST. CORRECTIONS TO TYPOS AND MISSPOKES INCLUDED.

I swear (or affirm) that the information in the statement above and on the 20 attached page(s) is true to the best of my knowledge or belief.

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

18 APRIL 2011
(Date)

1205 PST
Time

Sworn to before me this date.

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ)

(Date)

Time

TSGT (b)(3), (b)(6) INTERVIEW--Teleconference Verbatim Transcript

Interview Means: VOSIP

Date/Time: 14 April 2011, 1946 (Afghanistan)/1516 Zulu

Participants/Location:

-Col (b)(3), (b)(6) USMC, Investigating Officer (Camp Leatherneck, AFG)

-Major (b)(3), (b)(6) USMC, Deputy Investigating Officer (Camp Leatherneck, AFG)

-Capt (b)(3), (b)(6) , USAF, Subject Matter Expert (Camp Leatherneck, AFG)

-Major (b)(3), (b)(6) , USAF, Subject Matter Expert (Camp Leatherneck, AFG)

-LtCol (b)(3), (b)(6) , USMC, Command Investigation Legal Advisor (Camp leatherneck, AFG)

-TSgt (b)(3), (b)(6) , USAF, CA ANG, Mission Intelligence Coordinator (MARCH Air Reserve Base, California)

SUBJECT OF THE INTERVIEW: COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTWEST (RC-SW)

COL (b)(3), (b)(6): Good morning, Tech Sgt (b)(3), (b)(6), it's Col (b)(3), (b)(6) talking to you from here in Afghanistan. I think you're probably aware of our charter but what I've got in the room here with me is a group of fellows that have been assigned as the investigative team concerning the hellfire strike conducted by " (b)(1)1.4a " on April the 6th. So, what were going to do today is have a discussion with you about your function in that process. Then, at the end of that we'll ask you to write a statement. Were recording on this end then we'll share that recording with you in order to help you put together your written statement. Then, we'll ask you to sign that written statement that pretty much mirrors what were going to talk about here in the next few minutes on the phone. That will then be your sworn, truthful statement that you'll submit as part of this investigation that articulates what you know as your role in this, okay?

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TECH SGT (b)(3), (b)(6) Yes, Sir. I understand.

COL (b)(3), (b)(6): Okay, I'm Col (b)(3), (b)(6), U. S. Marine Corps Infantry Officer; I'm the senior man for the investigative team. In the room with me we've got LtCol (b)(3), (b)(6) who's a Marine Corps Legal Advisor Judge Advocate. I've got Major (b)(3), (b)(6), Marine Corps Aviator, who is part of the team. I've got two Air Force Officers here with us, Major (b)(3), (b)(6) and Captain (b)(3), (b)(6) they'll be doing most of the talking with you. The rest of us will be in the room listening and chiming in where we feel that we need to. That will be everyone that will talk to you today. Like I said, were going to take you through a series of a few questions. Then, some of us may chime in with additional questions along the way if we don't understand something. At any time you're welcome to let us know if something comes to your mind that you feel you need to add, okay?

TECH SGT (b)(3), (b)(6): Understood. Yes, sir.

COL (b)(3), (b)(6): Okay, any questions for me before we get started here?

TECH SGT (b)(3), (b)(6): No questions, Sir.

COL (b)(3), (b)(6): Okay, thanks much. I'm going to turn you over to Captain (b)(3), (b)(6)

CAPTAIN (b)(3), (b)(6) Hey, good morning, Sgt (b)(3), (b)(6). This is Captain (b)(3), (b)(6) can you hear me okay?

TECH SGT (b)(3), (b)(6): I can hear you, Sir. Good morning.

CAPTAIN (b)(3), (b)(6) Okay, good. As the Col said I'm going to be doing most of the questions. These guys will chime in as appropriate. If at any point, during any of these questions, you don't understand what I'm saying or you'd like more clarification don't hesitate to interrupt me, alright?

TECH SGT (b)(3), (b)(6): Understood.

CAPTAIN (b)(3), (b)(6) Okay, so before we get started can you give us a little background on yourself your ASFC, how long you've been doing this, your crew position?

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TECH SGT (b)(3), (b)(6): Yes, Sir. I've had approximately 11 yrs Intel experience. I've been a 1N0 for the entire time. I hold a seven level. I've been a mission intelligence coordinator since December of 2009. I've been on orders pretty much continuously for the last 18 months supporting this mission. Prior to that, I served on active duty. I've complete three combat tours; two in Iraq.

CAPTAIN (b)(3), (b)(6) Okay. Good, I'm a former 1N0 myself so I definitely know where your coming from. Can you give us, in your own words, take a few minutes and give us a synopsis of events to the best of your recollection during " (b)(1)1.4a " on the 5th and 6th of April.

TECH SGT (b)(3), (b)(6): Yes, Sir. Just to advise you, I will be referencing some notes that I took and submitted for my official statement yesterday. But, I will read from that and also include that in the statement that Col (b)(3), (b)(6) provided.

CAPTAIN (b)(3), (b)(6) Okay, roger that.

TECH SGT (b)(3), (b)(6): Starting off chronologically, looking at the chain of events we had placed Tech Sgt (b)(3), (b)(6), the trainee in question, on (b)(1)1.4a. He was at 40 hours of seat time that he had completed during his MQT, mission qual training. He was placed in that situation to build hours and mission experience. He had already completed the day prior a mock evaluation which he performed well and scored satisfactorily. The following day he was doing a proficiency ride just to build additional experience waiting for his eval and the evaluation to take place. Again, Tech Sgt (b)(3), (b)(6) had 40 hours of mission time and he was sitting there. Although he was not combat mission ready and he was not certified at the time the mission occurred. I was his assigned trainer and the Senior Mission Intelligence Coordinator was Lt (b)(3), (b)(6). She and I were both in the predator operation center at the time of the event. Tech Sgt (b)(3), (b)(6) was working the mission; he had been working it for approximately an hour maybe more. I was sitting behind him at the other mission commander work station that we have and the SMIC station was to my right. We were working on his training records with the SMIC at which time, approximately 0412, Tech Sgt (b)(3), (b)(6) - correction, the SMIC and I noticed the mission was escalating. At

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that time, he turned around and asked for assistance. He had responded that they had observed muzzle flashes in the field of view and a 9 line was being passed over the radio. Both, myself and Lt (b)(3), (b)(6), approached the MC station and assessed the situation. At that time, I determined we needed to complete the hellfire checklist. The pre-employment checklist was complete and we stood by awaiting the instructions from the JTAC. At that time, the kill chain command was ~~packed~~ TYPED into the room and we were awaiting ground commander's call sign. To side note, I was connected on to a splitter cable with the headset that was on call at that time with Tech Sgt (b)(3), (b)(6). He and I were both at the MIC Station at that time. The SMIC and I asked the trainee if he had observed the muzzle flashes and the direction of fire. The trainee stated the direction of fire was towards the convoy. I then instructed the MSA who was SSgt (b)(3), (b)(6) to bring up google earth which is a SA tool that we use to kind of orient which direction the ~~sensible~~ SENSOR is looking at on the MSA station to assist in locating the friendly forces on the route 611. At the same time, the SMIC, Lt (b)(3), (b)(6), brought up the FMV feed on playback and was going to reconfirm that. She went back to her station to do that. I stayed up at the MC station with (b)(3), (b)(6). We worked that mission together. At that time, we realized we had to put together the checklist and prepare for weapons deployment. We were aware by taking our initial assessment that ~~GCS~~ DGS had make calls in the room at 0410. Stating three friendlies in the field of view, followed by a person shooting to W indicating west, followed by disregard, followed by not friendlies, and followed by unable to discern who persons are. At that time, the MC put in possible muzzle flashes who were passed by the screener. We went into 0412, that's when we approached the station; the (b)(1)1.4a was established and we waited to ground commander's call sign. In a situation such as this, it's a trust ~~to~~ BUT verify. We immediately went to bring up our shared screen which is shared with our air crew ~~and~~ IN the GCS to bring up our Google earth feed. At that time, they were using (b)(1)1.4a view with the PRED Tool. It was at that time that the pilot went ahead and indicated he needed (b)(1)1.4a view. At which point, I turned and requested immediate support and said we need to have Google earth up; we need to located and get SA on the situation. While we were doing that we were also running our checklist for employment. At approximately 0418, the ground commander's call sign

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was ~~brought~~ broadcast across on the radio. It was noted again in chat that we began to run our dynamic hellfire run checklist and verify our 432nd strike execution checklist. We began scanning the METADATA for hellfire employment procedures, LRD firing within the WEZ, and our ~~site rings~~ SLANT RANGE was within limits. At that point, we began lazing, arrival time of flight 17 seconds, splash, zooming out for BDA. DGS came in with persons heading west with crosshairs. We then cancelled the kill chain at 0423. DGS requested to go EO. We reported negative, we were looking for squirters. We were doing that at IR which we had a better field of view. Apparently I wasn't on seat, but EO attempted previously and due to the shade of the tree line they were unable to see in the shadows there. The sensor made that determination to scan and we instructed DGS to provide call outs when needed. At 0420 it was determined that the event with a possible fratricide from the JTAC via communications. 513, we remained eyes on the impact area while blue forces were securing it. Before that was occurring we noticed two individuals coming down a path. We made attempts to contact the JTAC to let them know that the individuals were still there possibly with weapons. Going back to the section of which the mission was escalating and we approached the station we noticed - after kill team was put in there the screener from DGS had to come in on a whisper indicating that the direction of fire - reiterating the direction of fire as they had put into the main room. It was at that moment that we needed to verify that and we instructed our crews to do that. Both, Tech Sgt (b)(3), (b)(6) and myself, started reviewing that information. We realized that the information in the main room was already there. Again, we went back to a trust ~~to~~ DGS verify situation and we asked DGS to go ahead and check the coordinates. Looking back on the whisper there was some miscommunication when we asked for the distance. It was actually - I meant to say direction. We concluded those whispers and we continued to load shed that information. Our MSA was supporting bringing up the Google earth, our SMIC was bringing up the feed to rewind and we were running the hellfire checklist. That's all I have at this time for the events as I recall them.

CAPTAIN(b)(3), (b)(6) Okay. Thanks a lot, Sgt (b)(3), (b)(6). That was very comprehensive. That was good, I appreciate that. We're just going to run through a couple of questions here just so we can get a little

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more background on your mission qualifications at the position of MIC. In your best approximation, how many hours do you have in that seat and how many, in your best approximation, how many missions have you flown in that seat?

TECH SGT (b)(3), (b)(6): Sir, I would have to admit I have over 1,000 hours. As far as number of actual seat rides I couldn't tell you.

CAPTAIN (b)(3), (b)(6) Okay. You've got plenty of experience in the Afghanistan theatre, correct? You've done many missions?

TECH SGT (b)(3), (b)(6): Correct, Sir. Yes, I do. Yes, I have.

CAPTAIN (b)(3), (b)(6) Have you ever worked with this particular unit before?

TECH SGT (b)(3), (b)(6): Yes, Sir, I had.

CAPTAIN (b)(3), (b)(6) Considerable experience with those guys?

TECH SGT (b)(3), (b)(6): I wouldn't say considerable. I'd say probably six or seven missions within the last three weeks that I recall.

CAPTAIN (b)(3), (b)(6) Specific to hellfire drops how many have you been involved in?

TECH SGT (b)(3), (b)(6): Zero.

CAPTAIN (b)(3), (b)(6) This was your first?

TECH SGT (b)(3), (b)(6): Correct. I've been involved as a backup MC. I've been involved as a shift supervisor but as the primary mission intelligence coordinator on the seat I have not employed a hellfire up to this point.

CAPTAIN (b)(3), (b)(6) Okay. Thank you for that. Just real quick, can you run us through what you consider to be your sources, reference documents , any SOPs that you use with specific regard to mission execution of Predator ops, kill chain ops, assessments and PID?

TECH SGT (b)(3), (b)(6): Yes, Sir. We use primarily electronic checklist that's located on the MC station there. It pretty much runs us through the steps of - I'm sorry I don't have one in front of me here.

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The checklist is designed to primarily get us through a pre-employment and a run in dynamic situation. Those steps are pretty much the run through making sure that the data parameters are within limits , collateral damage, and weapons employment. We back up the air crew at that point.

CAPTAIN(b)(3), (b)(6) Okay. So, that's an internal check list that's specific to - is that (b)(1)1.4a ? Is that specific to just in general predator operations?

TECH SGT (b)(3), (b)(6): To my understanding yes, Sir. (b)(1)1.4a is designed as a way to indicate dynamic situations occurring and to minimize the unnecessary chat in the room - that's not mission related.

CAPTAIN(b)(3), (b)(6) Okay. Do you ever reference the 3-1? Are you familiar with that document as well?

TECH SGT (b)(3), (b)(6): I'm familiar with that document, yes.

CAPTAIN(b)(3), (b)(6) Okay. Good enough. On the 5th and 6th of April, do you remember what time you came on shift?

TECH SGT (b)(3), (b)(6): Approximately 2 O'clock in the afternoon, Pacific Time.

CAPTAIN(b)(3), (b)(6) Okay. Approximately how many hours had you been on that particular mission before you got called over by (b)(1)1.4a to look at the friendly convoy?

TECH SGT (b)(3), (b)(6): Reviewing the chat feed, I can't say for certain. All I can note is that 0356 is when the 2 Recon arrow came over and said stand by (b)(1)1.4a and (b)(1)1.4a for work. I'm going off of estimates, I think about an hour maybe an hour and a half. We had transited for about an hour and a half. So, I don't believe we were working with them maybe an hour. We were doing route scans prior to that, Sir.

CAPTAIN(b)(3), (b)(6) Okay. Good enough. You indicated that you were the trainer for Sgt (b)(3), (b)(6) . So, just for everyone in the room can you tell us where exactly you were in relation to Sgt (b)(3), (b)(6) when

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you were called over - when (b)(1)1.4a was called over by (b)(1)1.4a to monitor the friendly convoy?

TECH SGT (b)(3), (b)(6): Yes, I was directly behind him at another work station. I would say an approximation six feet. I was at a distance where - in a chair sitting ride behind him review his training records that he had. The SMIC station was right next to me. Lt (b)(3), (b)(6) was about five or six feet to the side. We had clear view of the over head projector which throws the sensor information on a large wall on the predator operation center floor. So, I was within proximity of him.

CAPTAIN (b)(3), (b)(6) Okay. Were you also up in chat as an instructor?

TECH SGT (b)(3), (b)(6): No, I was not. The chat was located on the ~~PMC~~ SMC station. The station which I was at was In Op. It's a testing station that doesn't have - it's used for testing, evaluation and stuff but it was In Op at the time. The ~~PMC~~ SMC station which Lt (b)(3), (b)(6) was at had the full chat information up. We were both in proximity of that. (LT (b)(3), (b)(6) WAS MY TRAINER AS I WAS IN TRAINER UPGRADE TRAINING. LT (b)(3), (b)(6) IS A TRAINER AND EVALUATOR WHO WAS MONITORING THE MISSION.) (b)(3), (b)(6) IS A SGT

CAPTAIN (b)(3), (b)(6) So, I guess at that particular time when (b)(1)1.4a - I know you've looked at the chat logs and all that - when (b)(1)1.4a called to monitor the convoy at that time, did you have good situational awareness on that particular mission at that particular moment?

TECH SGT (b)(3), (b)(6): No, I did not.

CAPTAIN (b)(3), (b)(6) Okay. You mentioned earlier in your statement that I think at 0412 Zulu, thereabouts , that's when you were actually called over by Sgt (b)(3), (b)(6) ?

TECH SGT (b)(3), (b)(6): That's correct, Sir.

CAPTAIN (b)(3), (b)(6) So, then there's a couple of minutes before that and you mentioned in your statement earlier that the DGS Indiana had come in and there was some confusion in chat. They originally called out friendlies, then no not friendlies, and then unable to discern who the personnel's were. You had not been called over before when DGS

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(b)(1)1.4a put into the chat room that personnel were shooting west, correct?

TECH SGT (b)(3), (b)(6): Correct.

CAPTAIN(b)(3), (b)(6) Okay. So, you were called over by Sgt (b)(3), (b)(6), he got over there about 0412, at that point did you kind of take a quick glance at the chat and get familiar with the mission?

TECH SGT (b)(3), (b)(6): Yes, Sir, I did.

CAPTAIN(b)(3), (b)(6) So you had a chance to review the all of that exchange between the DGS and Sgt (b)(3), (b)(6)?

TECH SGT (b)(3), (b)(6): Yes, Sir, I did.

CAPTAIN(b)(3), (b)(6) Okay. Were you standing with Sgt (b)(3), (b)(6) when he posted chat of possible muzzle flashes?

TECH SGT (b)(3), (b)(6): I don't believe I was. I can't recall.

CAPTAIN(b)(3), (b)(6) Okay. No worries, understandable. So, he posted in chat that he saw possible muzzle flashes. Then, you indicated earlier here that you spoke with him, he said he observed the muzzle flash and he observed the direction of fire to be firing towards the convoy, correct?

TECH SGT (b)(3), (b)(6): Correct.

CAPTAIN(b)(3), (b)(6) Okay. We didn't see anywhere in chat where that particular bit of information was relayed to the DGS, the pilot, the sensor op, the JTAC or ground force commander. Was that bit of information that the MIC saw the muzzle flashes and that he saw them appearing to be directing towards the convoy. Was that information relayed in any other means?

TECH SGT (b)(3), (b)(6): Not to my knowledge.

CAPTAIN(b)(3), (b)(6) Okay.

TECH SGT (b)(3), (b)(6): When I approached him at that point in time it was clear there was a lot of information flowing. My comments to him,

which I repeated twice, was, need to make sure we get this correct. We need to make sure we get this right. That's when Lt (b)(3), (b)(6) went back to the SMIC station to review the feed and verify that information. What my assessment on that situation was that the blue forces were not in any mapping system that he had. My take on the situation was that the falcon view was insufficient to provide that orientation of the direction as well as the route. Therefore, I took into question whether or not he knew exactly that it was a trust ~~to~~ but verify and that's exactly the steps that we took after that. I wasn't confidence as a trainer that it was clear information that he was providing me. I had to go from a 0 - 60 affect very quickly and in doing so we went to the next step which was to try and ascertain that information.

CAPTAIN(b)(3), (b)(6) Okay. I understand, it was a dynamic situation and it happened very fast. I'm certainly not asking you to second guess yourself now but you stated that you made the comment two different times that we need to get this right, we need to get this right. At any point during those couple of minutes, did you feel that it was necessary to remove him from that chair and take over that mission?

TECH SGT (b)(3), (b)(6): The split decision that I made on that based on the SMIC being right there is that I did not remove him from the situation entirely. But, yet assisted him, plugged in to the headset, had access to the keyboard, had access to the station there, he had more SA of the situation. I did not. Therefore, I made the decision at the time that removing him could potentially degrade the situation even more. I had not observed the muzzle flash, he had. He appeared at the time to have information on the direction and orientation, I did not. That's when I started questioning him and getting more information, trying to determine what was going on, but not remove him entirely from the situation.

CAPTAIN(b)(3), (b)(6) Okay. Fair enough. That answers the question. I appreciate it. Going back to the muzzle flash, you said after that you started reviewing the feed, yourself and the Lt to reconfirm the information passed by DGS Indiana. Was your assessment after you guys

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went back and did the review that the direction of fire was still towards the convoy?

TECH SGT (b)(3), (b)(6) No, Sir. When the Lt was looking at the feed, she was not able to get the feedback reviewed in time. I was not doing that part. I was going on checklist - I'm sorry, I forgot the last part of your question.

CAPTAIN(b)(3), (b)(6) No worries let me just repeat it. So, Sgt (b)(3), (b)(6) indicated to you that he saw the muzzle flash and he indicated to you that the best he could tell his assessment was that the direction of fire was going towards the convoy. After that, I've got indications from your statement that says you guys went back and reviewed the feed to reconfirm the information passed by DGS Indiana talking about the convoy. The direction of fire according to DGS Indiana was going away from the convoy towards the west. So, after you guys went back and reviewed the feed, was your assessment still that the direction of fire was going towards the convoy?

TECH SGT (b)(3), (b)(6): No, Sir. We never made an assessment because we never had a chance to review the feed. I never had a chance to get the report back from the Lt that the feed had been reviewed. In addition to that, we had made an attempt to bring up our mapping software that would orient the sensor - orient the map to the direction of the sensor ball in order to put the route 611 in the field of view. The pilot said he couldn't do that, he needed the system for whatever referencing he needed. We went over to the MSA station requesting that they do the same and they weren't able to get that information up in time.

MAJOR (b)(3), (b)(6) : This is Major (b)(3), (b)(6) ; I was just going to ask you a question about that? The monitor that you were attempting to use for Google earth, was that the shared monitor in the GCS for the pilot as well?

TECH SGT (b)(3), (b)(6): Yes, Sir, it was.

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MAJOR (b)(3), (b)(6) : Okay, so that's why you wanted to use it to check it out but the pilot wanted to put the falcon view back up so you put the falcon view back up?

TECH SGT (b)(3), (b)(6): Yes, Sir.

MAJOR (b)(3), (b)(6) : Okay, copy.

TECH SGT (b)(3), (b)(6): We have a station that sits in between our other line it's a MSA station. It has a projector as well and that's when I directed the MSA to bring up Google earth, quickly orient it, get on the target area and make that determination. But I was not able to confirm any of that information, Sir.

CAPTAIN(b)(3), (b)(6) Okay. So, just to make sure were all on the same page you guys were not able to go back and review the feed to confirm the assessment of Sgt (b)(3), (b)(6) ?

TECH SGT (b)(3), (b)(6): That's correct.

CAPTAIN(b)(3), (b)(6) Did the assessment made by DGS Indiana that the personnel were shooting towards the west, was that relayed at any point to the pilot or sensor operator?

TECH SGT (b)(3), (b)(6): No, it was not.

CAPTAIN (b)(3), (b)(6) Okay. I appreciate that.

TECH SGT (b)(3), (b)(6): I'm sorry, Sir, are you saying in the whisper?

CAPTAIN(b)(3), (b)(6) No, I'm just talking about the main chat window when they put the initial thing saying personnel shooting towards the west.

TECH SGT (b)(3), (b)(6): I can't speak for that because I wasn't on headset at the time that occurred. Unless I go back and listen to the video I can't recall if that was passed via headset. All I know is that information was passed in the main room.

CAPTAIN(b)(3), (b)(6) Okay. I think that's fair enough. So, at 0413 Zulu - go ahead.

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TECH SGT (b)(3), (b)(6): I'm sorry, Sir. The last part, we weren't -- myself, the SMIC and the MSA were not able to confirm where the friendlies at - their location was from that area.

CAPTAIN(b)(3), (b)(6) Okay.

TECH SGT (b)(3), (b)(6): So, essentially, we had the feed, we had the direction; we had the orientation - what I was mentioning early is that when we went up to assess the situation, I, the MIC, was unable based on what was on the screen provided, nothing was plotted, nothing was brought up on falcon view at which the speed this took over - nothing was plotted. Therefore, I had no SA to make that determination which prompted us to make the trust ~~to~~ but verify situation go into effect with the MSA and delegating that to the folks we had available to start processing that and get that information.

CAPTAIN(b)(3), (b)(6) Okay. Just for everyone in the room can you please explain the trust and verify that you referred to?

TECH SGT (b)(3), (b)(6): Yes, Sir. It's an aircrew term that folks get used to using. That you can listen to what someone says but you still want to make sure for yourself and in this situation it's this and especially with a trainee. Even though he was at the end of his training portion, he was still a trainee. Walking up to the station, not taking his word and still going through the motions to make sure the information is correct. Even though the information was posted in the main room, it said disregard, it was unclear at best in the main room. The attempt with the whispers with DGS Indiana and our attempt to coordinate with them by saying double check your coordinates, double check your -it says distance but it was misspoke, it was direction. That was - that time frame was what we were all working towards in order to get that information determined.

CAPTAIN(b)(3), (b)(6) Okay. Good. So, well go back to the (b)(1)1.4a posted that was posted at 0413 Zulu, it was Sgt (b)(3), (b)(6) that posted that into chat, correct?

TECH SGT (b)(3), (b)(6): Correct, he was typing at that time.

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CAPTAIN (b)(3), (b)(6) Okay. As a combat mission ready guy can you explain to us the process that you guys go through as far as when you are going to call (b)(1)1.4a and why specifically he put it in there at the time that he did?

TECH SGT (b)(3), (b)(6): He entered (b)(1)1.4a because the checklist determines that you put (b)(1)1.4a in once a 9 line has been sent and that the situation is turning dynamic.

CAPTAIN (b)(3), (b)(6) Okay. So, you received a 9 line as soon as able you put (b)(1)1.4a into the window?

TECH SGT (b)(3), (b)(6): Yes, Sir.

CAPTAIN (b)(3), (b)(6) Okay, perfect. We'll just go back quickly to the whisper between DGS Indiana and Sgt (b)(3), (b)(6). Two minutes later after (b)(1)1.4a was put in there DGS Indiana whispered into chat again and they had posted it in the main room which we discussed. So, now they have it in a whisper. Personnel are shooting to the west and the convoy is to the east. At that time, now you indicated to me that you guys were not able to go back and review that. Did you guys agree with that assessment at that time?

TECH SGT (b)(3), (b)(6): I did not agree, although I couldn't verify it and that's why I asked Sgt (b)(3), (b)(6) to double check coords. They put copy. They said coords in the main room to the guys we were looking at, they reiterated the coords. Then at 0420 we put in that five minute time span - I don't know where the misspoke came from --the distance was off - I'm not sure it was meant to hit in that direction.

CAPTAIN (b)(3), (b)(6) Okay. Gotcha.

TECH SGT (b)(3), (b)(6): Essentially, my recollection is that we weren't able to complete the train of thought they were working on the whisper. Our duty, our tasks pulled us. It seems unclear in the whispers because it's something we're trained not to address during a dynamic situation. When (b)(1)1.4a is in there we go to our checklist. We work the operation, we understand the intent of the whispers, I understand the importance of the whispers and we made an effort to start processing that information and verifying it.

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CAPTAIN(b)(3), (b)(6) Fair enough. So, definitely you understood that at least the DGS by going into the whisper they understand they're supposed to stay out of the main room. By bringing that up in the whisper you guys did take that to be a concern. That hey these guys are firing towards that way and you guys had not been able to see that in your reviews -- so it is something that like you said that you started to address with a compressed timeline with the 9 line coming and the strike only moments after that. Is it fair to say then that there was just not enough time during that time to review all that at that point?

TECH SGT (b)(3), (b)(6): Yes, Sir. That would be my assessment. We did not have essentially enough time to get those systems up in conjunction with not being able to use the system that we normally use which is our shared screen that we have the program up and running it.

CAPTAIN (b)(3), (b)(6) Okay. Again, so back to the whisper one last time, I'm sorry, bare with me. When they put that in there was only a few minutes after that but was the information that they passed in that whisper, was that relayed at any point to the pilot, the sensor operator, JTAC or the ground force command that the DGS said the personnel were shooting west and the convoy was to the east?

TECH SGT (b)(3), (b)(6): No, Sir, I don't believe it was.

CAPTAIN(b)(3), (b)(6) Okay. Finally, Sgt (b)(3), (b)(6) typed in "the distance is off" into the chat. According to his statement he said that you directed him to put that into the window as distance is off, correct?

TECH SGT (b)(3), (b)(6): Correct.

CAPTAIN(b)(3), (b)(6) Looking back it's just you misspoke?

TECH SGT (b)(3), (b)(6): It was a misspoke.

CAPTAIN(b)(3), (b)(6) Okay. I understand.

TECH SGT (b)(3), (b)(6): Essentially, what we were trying to do is when I said double check coords and Sgt (b)(3), (b)(6) put that in there our effort was to get them to verify where the convoy was it, verify where

they were at. What our effort was to get them to explain, okay where do you see the convoy at, where do you see them at, and where do you see the direction at? -- and the direction was off and that was the last we spoke to them for 11 minutes after that. At approximately, at that time 0420—correction 0419, we received the ground commander's call saying that at 0420 we were lazing. We were shifting back to our employment procedures.

CAPTAIN(b)(3), (b)(6) Okay, understand. So, after the strike had occurred and once they had got to some degree of certainty that there was a possible fratricide event, did you guys change out the crew at all at that point or did the crew that was there stay on?

TECH SGT (b)(3), (b)(6): I made the determination to remove Tech Sgt (b)(3), (b)(6) completely. I unplugged him from the headset. He was standing to the side at that point. To give you a rundown we use a foot pedal pretty much as a push to talk. I had him removed from that and asked him to step back; I took the mission over at that time completely, he was out of the picture entirely and we asked him to go back and work with the SMIC on getting some details. But, essentially we were removing him from that environment. I continued to work the mission for the next hour and a half.

CAPTAIN(b)(3), (b)(6) Okay. So, you were removing him for his well being more than anything else, correct?

TECH SGT (b)(3), (b)(6): Correct, Sir.

CAPTAIN(b)(3), (b)(6) Okay. Then, just a couple more questions from me. After the mission was over and it was the end of your shift, did you guys do any sort of debrief at all? And if you guys did that, did you discuss any lessons learned, anything that you guys thought you could have done a little better?

TECH SGT (b)(3), (b)(6): We did a debrief, Sir. We rewound the feed, we watched the video, we had a chance—I don't think any of us took notes specifically. At that time it was more of an initial look to see what had taken place. I personally did not take notes. I don't believe Tech Sgt (b)(3), (b)(6) did as well. I can't say that we've considered

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it a lesson learned at this point. I know that assessments are being requested. I guess the take from leadership at this point is they're kind of letting the dust settle and then we've all been asked to provide that but it hasn't been accomplished at this time.

CAPTAIN (b)(3), (b)(6) Okay. I think that's good. You've answered all my questions, Sgt (b)(3), (b)(6). We're going to pause for just a few seconds and kind of discuss. Please stand by for any follow on questions.

TECH SGT (b)(3), (b)(6): Yes, Sir.

[Pause]

COL (b)(3), (b)(6): Sgt (b)(3), (b)(6), Col (b)(3), (b)(6) can you hear me? Sgt (b)(3), (b)(6), you still there?

TECH SGT (b)(3), (b)(6): Yes, Sir, I'm still here.

COL (b)(3), (b)(6): Sorry, hey you have anything further for us since we put you on hold for a bit, you got anything that came to mind that you want to add?

TECH SGT (b)(3), (b)(6): No, Sir. I have nothing more to add at this time.

COL (b)(3), (b)(6): Look about the only question I have for you is -- you obviously run a whole bunch of missions, have you ever run into something similar to this where that bit of exchange between you and the DGS about trying to improve your SA and getting them to help you do that. Has a situation like that ever came up with you before?

TECH SGT (b)(3), (b)(6): It has, Sir. In different environments and different situations there has been always a healthy exchange to help them clarify and provide clarity but never in a situation that occurred after a (b)(1)1.4a that I can recall or in a whisper like that during a (b)(1)1.4a The thing that comes to mind, Sir, I have had situations in the past where whispers have caused a great deal of delay or confusion because I am the only one that can see them. A mission of note we had where JTACS were passing whisper information to air crew leaving most of us and DGS out of the loop. Using that as an

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example where we were trained and conditioned in order to not so much ignore them but address them as needed and press on with the mission.

COL (b)(3), (b)(6): The whispers you mean, right?

TECH SGT (b)(3), (b)(6): Roger that, Sir. It's a situation degrading process that we're trained to do that when the whispers came up you just kind of sat for your training and identify. That's when we took the effort to get with them and try to develop that better SA, better situational awareness. The information that they were passing was conflicting with what the trainee was providing and having no hard evidence in front of us to process that is in large part where the confusion took place.

COL (b)(3), (b)(6): Yeah, that makes sense to me. I would assume - or I guess I would ask you had the 9 line not been dropped when it was, would you have expected that kind of conversation that went to whisper would have continued in the main room about kind of trying to refine what everyone was talking about there with respect to which direction they were firing at all?

TECH SGT (b)(3), (b)(6): Yes, Sir. I'm confident that in my experience if a (b)(1)1.4a had not been put in there that DGS would have continued to post information in there as they have in numerous missions before this.

COL (b)(3), (b)(6): Yup, okay. I got it. Alright, anything else to add?

TECH SGT (b)(3), (b)(6): No, Sir. I have nothing more to add.

LTCOL (b)(3), (b)(6): Can we put him on hold one more time.

COL (b)(3), (b)(6): Hold on just a second we have to talk for just a second and then I'll be back at you.

[Pause]

COL (b)(3), (b)(6): Hey, Sgt (b)(3), (b)(6), Col (b)(3), (b)(6) back with you. Is Tech Sgt (b)(3), (b)(6) and LtCol (b)(3), (b)(6) still near by you?

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TECH SGT (b)(3), (b)(6): I believe so, Sir. I'm in a closed office but I can check. I just wanted to add one more point in there. As I look the over the chapter and your questions - essentially, when looking at the main room and seeing that the direction of fire was established and the DGS came in with the not friendlies, followed by unable to discern. The mudding of the waters if you will compiled with the whispers, combined with no hard visual cues from our perspective essentially led to us prompting to double, double check our information. Those are the steps that took place and as the Captain mentioned we simply just ran out of time.

COL (b)(3), (b)(6): No, I got you. That is what I was going to finish up with, Sgt (b)(3), (b)(6).. Everybody in this process, you got guys on the ground, you got JTACS, you got men scattered throughout Afghanistan that are taking a look at this one and looking at things they could have done, should have done, wish they had done. In the end this is hard and it's a team effort to try and gain SA and share it. In the end, the guys on the ground are the guys that have to be responsible for that ultimate SA that tells them that its safe for them to do what their about to do. So, in this case your JTAC had what he believed to be good enough SA to drop the 9 line. So, in our questioning it's really our endeavor to try and understand better what we all do and how we could do it better. Or is this just the fog of war. So, I don't want you to feel like in any of those questions or anything anyone is trying to lay fault out there. We're not at all. It's an endeavor to understand what has already taken place and figure out if there's anything along the line that we can learn. It would really be bad if we didn't take the opportunity of an event like this to learn something out of it.

TECH SGT (b)(3), (b)(6): Absolutely, Sir. I understand that completely. I simply can't imagine the position the ground commander and the TJAC are in. I feel terrible for everyone. We replayed this 100 times in our head trying to figure out what quite went wrong and I guess that's really the struggle. If we can't pull lessons learned out of this like you said, which we all hope to do in clear, concise thought. I think that would be the only good that came out of this.

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COL (b)(3), (b)(6): Yeah, you're exactly right. Trust me everyone is pitching on that. The guys on the ground are, we are, everyone. The goal is to learn and be better at our profession. You know, we train to it and even when we fight we have to continue at it. Couldn't do what we do here on the ground absent of what you do for us at a distance. You know, but it's very critical. The men respect what you do, appreciate it, and it makes a big difference to how we fight I'll guarantee you that. So, guys on the ground know as much if not better how confusing and how hard this fight is. So, they have full appreciation for the fact that it's even harder when you're at a distance and trying to see and gain SA for something that's confusing to the guy standing right in the midst of it.

TECH SGT (b)(3), (b)(6): Yes, Sir. I understand. It's tough.

COL (b)(3), (b)(6): Yeah, so we appreciate what you're doing there. So, keep up the good work we appreciate it. If you could do me a favor unless you have anything you want to add we will be done with you. I'd ask if you could bring Sgt (b)(3), (b)(6) your CO and then if your phone will go on speaker we want to talk unclass for just a second. So, when you get them back in there you can go ahead and bring it up on speaker if able so that we could talk to all three of you at the same time unclass.

TECH SGT (b)(3), (b)(6): Okay, Sir. My understanding is I think the speakers might have been disabled on these phones but I will go ahead and grab those individuals at this time.

COL (b)(3), (b)(6): Okay.

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: TEO-T

Unit: 196 RS

Telephone number: _ (b)(2)

Today, 18 APRIL, 20 11, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

(Signature and date)

WITNESS STATEMENT

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

SSgt/E-6
Rank/Rate

(b)(3), (b)(6)
Social Security Number

Mission Intel Coordinator
Position

[redacted] PS
Organization

(b)(3), (b)(6)
Address (Home or Office)

(b)(3), (b)(6), (b)(2)
Office Phone

(b)(3), (b)(6), (b)(2)
Mobile Phone

I, (b)(3), (b)(6) hereby make the following statement for the *COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN)*:

SEE ATTACHED VERBATIM TRANSCRIPT OF MY TELEPHONE INTERVIEW WITH THE COMMAND INVESTIGATION TEAM OF COLONEL (b)(3), (b)(6) WHICH TOOK PLACE ON 14 APRIL 2011 AT 1414 ZULU. THIS TRANSCRIPT IS COMPRISED OF 13 PAGES. I ADOPT THIS TRANSCRIPT AS MY STATEMENT.

I swear (or affirm) that the information in the statement above and on the 13 attached page(s) is true to the best of my knowledge or belief.

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

15 APR 11
(Date)

1625 Z
Time

Sworn to before me this date.

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ) (Date) Time

19 April 2011

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO TECHNICAL SERGEANT (b)(3), (b)(6), USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1632Z I swore Technical Sergeant (b)(3), (b)(6) (b)(3), (b)(6), USAF, via telephone, to his 18 April 2011 statement, which consisted of thirteen pages and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6), USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Technical Sergeant (b)(3), (b)(6) was located at Davis-Monthan Air Force Base in Arizona.

(b)(3), (b)(6) LtCol, USMC

Command Investigation Legal Advisor

TSGT (b)(3), (b)(6) INTERVIEW--Teleconference Verbatim Transcript

Interview Means: VOSIP

Date/Time: 14 April 2011, 1844 (Afghanistan)/1414 Zulu

Participants/Location:

-Col (b)(3), (b)(6), USMC, Investigating Officer (Camp Leatherneck, AFG)

-Major (b)(3), (b)(6), USMC, Deputy Investigating Officer (Camp Leatherneck, AFG)

-Capt (b)(3), (b)(6), USAF, Subject Matter Expert (Camp Leatherneck, AFG)

-Major (b)(3), (b)(6), USAF, Subject Matter Expert (Camp Leatherneck, AFG)

-LtCol (b)(3), (b)(6), USMC, Command Investigation Legal Advisor (Camp leatherneck, AFG)

-TSGT (b)(3), (b)(6), USAF (MARCH Air Reserve Base, California)

SUBJECT OF THE INTERVIEW: COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

Questions by Colonel (b)(3), (b)(6), USMC:

Q. Hey Tech Sergeant (b)(3), (b)(6). This is Colonel (b)(3), (b)(6) talking to you from Afghanistan. How are you?

A. Good, sir.

Q. Hey, I am going to introduce around the room here who we have got. And then I will turn it over to some fellows about where we are going to head with this thing. I think you know that we have been appointed as the team that is investigating the Hellfire strike that took place on the 6th of April. So all we've got in the room here with me is the team that's been assigned that duty by General Petraeus for ISAF.

So you have got me, Colonel (b)(3), (b)(6), infantry officer, United States Marine Corps, as kind of the team lead. With me you have got Lieutenant Colonel (b)(3), (b)(6) who is the legal advisor to the team; so you will have a legal expert in the room. You have got

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Major (b)(3), (b)(6), who is a U.S. Marine aviator. And then you have got two Air Force officers with us, Captain (b)(3), (b)(6) and Major (b)(3), (b)(6) ; both with experience of what it is that you do.

I would like to remind you that before we get started that we are taping this. What we are going to do with you is -- we will do the interview, then we will ask you to commit in writing, pretty much, what it is we discussed today. We will also have it taped. Both of those are documenting the fact that you are giving us, essentially, a sworn statement. We have got an officer there, your commanding officer, who is verifying that you are who you are. At the end of this we will ask you to commit into writing what we discussed today and then sign that thing making it a formal statement. Is that okay?

A. Yes, sir.

Q. Any questions for me before we start?

A. No, sir. No.

Q. This is going to be painless. Again, all we ask you to do is give us to the best of your recollection everything that you can on the topics that they want to discuss today. Our primary goal is to lay in clarity what took place that day, and just make sure that everyone has a common sight picture on everybody's role in this thing. So anything you can do to help us understand it would be of great benefit to everyone. Okay.

A. Understood, sir.

Q. Okay. I am going to turn it over to Captain (b)(3), (b)(6) Air Force guy, and then let you guys take it from there.

Questions by Captain (b)(3), (b)(6) USAF:

Q. Hey Sergeant (b)(3), (b)(6) . This is Captain (b)(3), (b)(6) Can you hear me okay?

A. Yes, sir.

Q. Okay. I am going to be asking the majority of the questions. The other members of the team may chime in as required. If at any point during any of the questions you don't understand my questions fully, please do not hesitate to interrupt me and ask. Okay.

A. No problem.

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Q. Okay. Just up front, could you give us a little background on yourself; like your AFSC, your crew position, how long you have been doing this.

A. I am a 1071 out of Springfield National Guard base, 178th -- well Recce Group now. I started in '04 as an intel analyst. I have been working for the states counter drug program since 2005 as an intel analyst for law enforcement agencies. I deployed to Iraq from -- as an intel analyst for CJSOTF last year. I have been doing this as a MIC. I am actually a trainee. I am not CMR at this time. I am -- actually started my eval yesterday to become CMR.

Q. Okay. Good. So you are almost combat mission ready. How many hours, approximately, and how many missions have you sat?

A. Hours sitting in the seat about 40. At the time of this incident it was around 40; missions, eight, somewhere around there. The missions have all been, since I have been here have all be MQT. I have only done missions in training

Q. Just for my understanding then you have not had your checkride to become combat mission ready yet, correct?

A. No. Yes, I started the administrative side of it yesterday. Later this afternoon is actually when I think I am supposed to start seat-time.

Q. Roger that. I appreciate that. Could you just maybe take a few minutes to give us a synopsis of the events, to the best of your recollection, during the (b)(1)1.4a mission on the 5th and 6th of April.

A. We were sitting in mission doing counter IED, IDF scans for the objective for 2d Recon. And we were scanning an area. We had passed over -- we were overwatch of a convoy. There was nothing particular going on, and then we received word that troops were taking fire. And they asked us to scan an area of the tree line off of route 611. And we were scanning over there. We saw possible muzzle flashes, and were told -- we were being told that we might want to action this because the convoy was taking fire from off the road. And then we received the 9-line. We kept eyes on PID. We waited for the 9-line. We received the 9-line and received the ground commander's call sign from the JTAC. And we were cleared hot to fire. And then we stayed for BDA and watched over afterwards.

Q. Okay. Do you remember how long you guys stayed? And eventually, did you guys get pushed to another mission?

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A. Well, I actually was -- my instructor actually -- after -- about three minutes I think before I was actually pulled off the line to do the INTREP -- and pulled off the seat and the instructor took over the seat from there. And when I came back in to the POC, we were on a -- redirected from there.

Q. So you say you got pulled from the line to do your INTREP. At what point did that happen?

A. After the shot; like I said, about three minutes after the shot before there was any -- the last thing I remember before I left was the pilot was requesting to get in contact with the JTAC because we saw friendly forces coming down, it looked like about eight of them, and there were still three personnel that were by where the shot was. We were -- the pilot was trying to get a hold of the JTAC to let him know that the three that were there had weapons still because we believe they took the weapons off the other two that were hit. We were still under the assumption that they were enemy personnel. So we were trying to get a hold of the JTAC to warn the men going in that there were people with weapons still there.

Q. Okay. I understand.

A. And then after that is when I was pulled off the line.

Q. Okay. Thanks a lot, Sergeant (b)(3), (b)(6) . I appreciate that. That was a good wrap up. We are going to get into a little bit more of the details of the actual mission and a little bit more specific questions. Before we do that -- this is definitely not a test, and I understand that you are not combat mission ready and completely certified -- but can you tell us to the best of your knowledge what you consider to be your sources, your reference documents, or your SOP's for mission execution of Predator operations, kill chain operations, PID, stuff like that.

A. For me, for what we reference here is the checklist -- we have an automated checklist for ~~green~~ Hellfire scenario to Hellfire shot pre to post Hellfire scenario is what we follow guidance on -- is what I follow here while I am sitting on the seat.

Q. Okay. Do you have any reference documents that you reference at all for mission execution, general Predator operations, as far as the MC is concerned?

A. There -- we have the manuals -- what is it -- 14404-2 -- I can't remember the number at this time, sir.

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Q. Are you familiar at all with the AFTTP 3-1? Is that one of the ones?

A. That is another one. I am ~~not~~ familiar with the 3-1 being intel, but there is one of those documents, yes. I have not read the document

Questions by Major (b)(3), (b)(6) , USAF:

Q. You were talking about the Hellfire checklist. Were you talking about the MIC Hellfire checklist or are you talking about the 432nd strike execution checklist?

A. Both of them. We actually reference the execution checklist to backup the pilot, and we also have a MIC checklist too, sir.

Questions by Colonel (b)(3), (b)(6) , USMC:

Q. You mentioned that early on in the mission you were over-watching a convoy. Was that the same unit that you ended up firing in support of, or do you know?

A. I don't believe it was, sir, because it wasn't the one that we originally saw when we got on the route. There one farther south and we were scanning north. And then we came up on another one that was doing mounted/dismounted patrol is the one that was taking fire was different from the original one we saw.

Q. Okay. When you say they were doing mounted/dismounted, how did you know that?

A. We were told they were doing it.

Q. When you were actually over the top of them, did you actually see mounted/dismounted element or did you just see mounted?

A. We just saw mounted. We were told by the 2nd Recon Air O across mIRC chat that there were mounted and dismounted members.

Questions by Captain (b)(3), (b)(6), USAF

Q. Do you remember what time you came on shift on the 5th/6th of April during the (b)(1)1.4a mission?

A. I am trying to remember because we do shift changes in and out.

Q. What time is your normal shift, and was it a normal shift for you?

A. Yes, it was a normal shift. We do swing shift. Our shift starts at 2 p.m., 1400, and goes till 2300.

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Q. So then based on that, how long in your estimation, how long had you been in the seat before (b)(1)1.4a directed you guys to the friendly convoy?

A. I would say about an hour and a half, two hours, sir. I kind of recall that part of it. That was our first mission when (b)(1)1.4a (b)(1)1.4a took off. The first mission was support Op (b)(1)1.4a .

Q. Okay, sounds good. I am going to go into a couple questions with regards to the chat, specifically. Do you have that document available in front of you, the reference?

A. It actually is sitting here, sir. Yes, sir, from 0356 hours.

Q. Okay. At 0410 Zulu, there was a chat from DGS in Indiana stating that there were three friendlies in field of view. Do you remember seeing that chat during that field of time?

A. I see it here. As for remembering it in reference to where they were talking about, no; because their feed is maybe a couple seconds behind, and we may have passed by who they were talking about at that time.

Q. Okay.

A. And it could have been three friendly vehicles or three friendly personnel. It wasn't specific.

Q. Sure. I understand. At 0411 Zulu, they put in the chat, DGS in Indiana, that they saw a person shooting west.

A. Yes.

Q. And do you remember seeing that in chat at that time?

A. Yes, and then a disregard, not friendlies.

Q. Correct. Roger that; absolutely tracking with you. And then that leads right into my next question. The DGS did say that there was not friendlies, and that they were not able to discern who the personnel were. I saw nowhere else in chat where maybe that information was relayed. I am just wondering -- was that information relayed to the sensor operator, the JTAC, or the ground force commander in any other way?

A. When stuff like this is going on, when we are getting this, our job as I have been trained is to reiterate anything we can do to help them with SA. I don't remember if I told him that directly, but they were in constant communication with the JTAC. We try

not to interrupt them when they are on the radio with the JTAC of the supporting unit.

Q. Okay. Fair enough. So at 0412, about a minute later, I am assuming it was still you sitting in the chair. You said in the chat that you saw possible muzzle flashes. We have a statement from Sergeant (b)(3), (b)(6). He said he asked you if you observed the muzzle flash and if you observed the direction of fire. According to the statement by Sergeant (b)(3), (b)(6), you told him that the direction of fire was towards the convoy. Again, we didn't see that information relayed in chat at all. I am wondering if that information, specifically that the fire was towards the convoy, was relayed either back to the DGS, the pilot, the sensor operator, the JTAC, or the ground force commander through any other means?

A. Possibly by radio. It was possibly clear-comm to the pilot. I recall the JTAC saying they were receiving fire -- telling the pilot they were receiving fire. I didn't relay beyond that because the JTAC was telling them they were receiving it already.

Q. Okay. Roger that. And then from what I understand, shortly after that time, I guess Sergeant (b)(3), (b)(6) came over and had seen what was going on. At that point, you guys starting reviewing the feed to reconfirm the information passed by DGS Indiana; that information being that they saw the fire shooting towards the west. When you guys went back and reviewed that, did that change your assessment of fire when you initially said they were shooting towards the convoy?

A. No, sir, because we actually, after -- we put in (b)(1)1.4a -- I'm sorry. After I typed in (b)(1)1.4a, (b)(1)1.4a (b)(1)1.4a in the mIRC we received a whisper from DGS. At that time the whisper from DGS, they were wondering if they were shooting the opposite way. And we actually -- yes, we went back and reviewed from the feed and everything, and they were shooting towards the convoy, towards the roadway.

Q. Okay. So you guys did go back and review, and you guys were comfortable with the assessment that they were shooting towards the convoy?

A. Correct, sir. Yes, we were.

Q. Perfect. That is exactly what I needed to know. So obviously you had a disagreement with what the DGS was saying. Did you talk about that at all with the DGS? I mean, did you relay any of that disagreement at all to the JTAC?

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A. No, sir, I did not. We were -- the 9-line came fast.

Q. Yeah. Understand.

A. It came very fast. I don't even recall hearing stand by for 9-line. We just received the 9-line. Which from my training, usually we will hear stand by 9-line. I know it is not always a perfect world. It doesn't really work perfect. It didn't happen -- the JTAC was giving the 9-line.

Q. That answers that question. And then so pertaining to the (b)(1)1.4a (b)(1)1.4a, you did post that at 0413 Zulu (b)(1)1.4a in the chat. And can you please explain to us the process you go through to determine when you are going to call (b)(1)1.4a, and then why you specifically posted it into the mIRC room at the time that you did?

A. Actually, when I posted (b)(1)1.4a we were receiving the 9-line. I didn't get to post it before. In my training, when we get a stand by for 9-line, we put (b)(1)1.4a (b)(1)1.4a in the mIRC room to shut down chatter so we can be heads down supporting the pilot as the pilot and the sensor -- as they are getting ready for -- excuse me, as they are getting ready for a possible Hellfire shot or whatever action -- or [inaudible]. That's our job, to be their third set of eyes.

Q. Okay. Roger that. Is that (b)(1)1.4a SOP in one of those referenced documents that you told us about earlier?

A. It is in the Predator checklist. It is in the MIC predator checklist.

Q. Good deal. Just a few more for you. I appreciate you bearing with us. Two minutes later at 0417 Zulu, you told the DGS to check those coordinates. And those were the coordinates that they were talking about with the personnel that they said were shooting west. They came back at 0419 Zulu with the coordinates. They said that the coord's were the ones placed in the main chat room, and they were the coordinates that they were currently looking at. At that point, you came back and said distances off. Can you please explain to us exactly what you meant by that statement, and that was in the whisper between you and the DGS.

A. Sir, that statement is what I was told to type in to let them know that they need to recheck their assessment about shooting west. I was told to type in "distances off" at that time by my instructor, is what I mean. Again, it was going fast. I think

it was a state that these coord's that they had -- I can't be sure now, sir.

Q. That is perfectly fine. Okay. And you told us a little bit about what happened after the strike and everything, and that you went off and did your INTREP, and you might not have any insight into this question at all. But after that strike occurred and there was a pretty good degree of certainty that fratricide had occurred. Did the crew compliment change at all at that point? I know you said you had already been removed, but did the crew pretty much stay the same outside of you leaving to do the INTREP[phonetic]?

A. Yeah, it was still us. Yes, sir. I mean, I was still in the room. I just went to the MIC station, the senior MIC station. What the idea was, was so that I could get training on the INTREP which is the standard for here for after any shot. We got INTREP out because it has to be in within a certain amount of time, and a video has to be built. So that was more for training for me also; was to be pulled to get INTREP done.

Q. Okay.

A. I was still in the room. I was at the MIC station with Lieutenant (b)(3), (b)(6). And you asked me did what change? Who was in the room; the members?

Q. We were just trying to determine that the crew that was sitting on that mission, the sensor operator, the pilot, the MIC, the SMIC, all that was the same that it had been during the strike. After it had been determined that it was possible fratricide, we are just wondering if the crew swapped out at any point or just did the next tasking?

A. We stayed on, sir. We stay on to the next tasking.

Q. Okay. Perfect. Finally, two more questions for you. After the mission, did you guys do any sort of a debrief after the event or an end of shift, kind of, debrief?

A. We actually did debrief after every Hellfire here, I guess. They do a debrief, the whole crew. After everything is done and calmed down, the pilot, sensor, the MIC, and the SMIC actually whoever was involved swap out. And the MSA actually because the MSA was also one of the backup MC's and wrote down the 9-line. We went down and reviewed the video with some of the other officers; and reviewed the video and the audio with the mIRC chat.

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Q. Perfect. And I realize that it has been about ten days now since the actual event, but to the best of your recollection, can you tell us if you guys discussed any lessons learned after that particular mission?

A. They may have, sir. I have asked questions and received -- I have asked -- I have asked did we do anything wrong because I am a trainee, and I wanted to make sure we didn't do anything wrong.

Q. I understand. And I am not going down that path at all. I just want to know, in general, you have a debrief after every mission. There are always things that you can do better. That is all I am really trying to get at. Is there anything that you guys talked about directly after the mission that you thought you might have been able to do a little bit better?

A. Not that we would have changed from what we did, sir. No, from what I recall.

Q. Sergeant (b)(3), (b)(6) just two or three follow-up questions; one from Colonel (b)(3), (b)(6), and one from Major (b)(3), (b)(6); all right?

Questions by Major (b)(3), (b)(6), USMC:

Q. I want to ask a quick question referencing the ground scheme of maneuver. Did you have any kind of reference for the building lay out and all that stuff; like the roads and all that that were sent to you from the ground commander or the JTAC?

A. Yes, sir. We get target decks. With 2nd Recon with Objective (b)(1)1.4a we will get a target deck every day from them before a mission that we load [inaudible] that we load into Google Earth if it corresponds for SA. And we -- it has every building and compound that is on that route from their start point to end point..

Q. Great. There was a lot of reference to building 58 of course, which is a compound -- or compound 58 that they were next to and all that stuff. You had a good graphical reference of where that was based upon where the road was and all that?

A. Absolutely, sir. Yes, we did. We were following it.

Q. I was trying to find out some other way to identify where the individuals were. Did you know exactly about this convoy's mission of going mounted/dismounted before you arrived on the convoy -- I guess you were providing overwatch for another convoy, and then you got called up to that convoy.

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A. For us it is kind of an overview for our mission to help them. And the JTAC kind of guides us for what he wants us to look for. Because he has -- the JTAC actually has our feed, our rover feed. And he will tell us where he wants us to go and what he wants us to pay attention to.

Q. Okay. Last question; have you worked with 2nd Recon or these units before previously on other missions?

A. To the best of my knowledge, this was somewhat a new mission. But for that past couple weeks prior to this -- it seems about two weeks prior to this that we started working with 2nd Recon.

Q. So you have been up in that area before right? Have you flown -- I mean, have you witnessed that area before up and down 611, Route 611?

A. I have ~~sempped~~ sat in the seat with them before; yes.

Q. Okay; great. I was just trying to get an understanding of how much experience you had with this unit.

Questions by Colonel (b)(3), (b)(6), USMC:

Q. I want to go back to the "distances off" comment. So if I understood you right, you typed that in on direction from your instructor. Is that right?

A. Correct, sir. He told me to answer. It was a whisper. From my understanding, when we call (b)(1)1.4a , everyone is supposed to minimize unless someone is trying to call an abort. And no one called an abort.

Q. And that makes sense to me. So when you saw that initial shot from them, did it -- because (b)(1)1.4a was already in effect, did it initially strike you that while not calling an abort, that they were saying something because they were concerned about it; or what was your impression of that exchange?

A. My impression was that they were just asking the question for them, not that they were questioning what we were doing. I thought it was more that they were asking for SA for themselves. None of it came up to me that they were saying that we were doing something wrong or something doesn't seem right to them.

Questions by Captain (b)(3), (b)(6) USAF:

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Q. It was not necessarily a question is what I am getting at. They came in the room and said they are shooting west and the convoy is to the east?

A. Correct. Yes, to that affect.

Questions by Colonel (b)(3), (b)(6), USMC:

Q. Has that circumstance come up before where you have been in (b)(1)1.4a (b)(1)1.4a and someone has whispered something to you and you come back to them with a "distances off" or have you gone through that same kind of process.

A. No, sir. That was the first Hellfire shot. Again, I am still training, and that was the first Hellfire shot that I have ever been involved in.

Q. Okay. I guess I didn't pick that up out of our conversation. So you have got a number of missions, but no missions that involve releasing ordinance until this one?

A. Correct, sir.

Q. Okay. I got you. Anything else you want to add at all?

A. No, nothing. No.

Q. Look, you know, I want to make sure that you understand the tone of this. This is all work. And there ain't anybody here that puts you on the line thinking that you did something wrong. You hit on it a second ago when you said that when you guys debriefed that you wanted to know if we did anything wrong. There are a whole shit-ton of guys asking themselves that; the guys on the ground, the JTAC's. There were a number of guys that were on the line and involved in this process. And every one of them is asking themselves that same question. And every one of us knows that we went into that mission knowing full on that we have a part to play, and it is hard. It is to the ground men to ask from you what they want on the ground. And you know it is for you to help them understand it the best they can. And this is hard. I keep coming back to that because this is hard.

You don't need to leave this conversation feeling as if we feel like there is something you have done wrong. We don't. What we want to do is make sure -- as asked earlier -- if there is anything that we feel like we could do better, or take back to the ground guys that they could do better, or any of the JTACS, that is what we want to get out of this. It is not in any way

trying to look for somebody who did something wrong. I think you guys did exactly what you were trained to do. As all of this process, I think there are things we can touch up on, on all of that. We don't want to miss the opportunity to grab on to that if we can get it.

A. I totally understand, sir. I am not -- I am the least that I am worried about.

Q. You don't need to beat yourself up. I know it is not easy. It's hard. I keep coming back to that. From over here, the guys here -- it is extraordinarily hard. You guys had a view and a capability that is indispensable to the fellows over here. So that doesn't make it any easier, and doesn't make it absent of things that don't turn out the way they wanted to. You need to go back on this one, and look at what you could do to do better as you go on with your training and your certs. But don't leave this conversation thinking like somebody has identified something that you did wrong.

A. Understood, sir. That is ~~was~~ what I am here for.

WITHOUT the Audio to verify this transcript I cannot be exactly positive of these statements but it seems to be mostly accurate to the best of my memory.

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

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: TSGT/E-6

Unit: 1102 RS

Telephone number: (b)(3), (b)(6), (b)(2) _

Today, 18APR11, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: [illegible]

Unit: A. Co. 1/23

Telephone number: (b)(3), (b)(6), (b)(2)

Today, April 15, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

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3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

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a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 04-15-11

(Signature and date)

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

I woke up a 0600 on 04-06-11 and began to prepare to depart around 0700. I was in the 6-by MRAP which was the third Vic in the convoy. In my Vic ~~at~~ were all Six Snipers, Myself, Sgt (b)(3), (b)(6), Cpl (b)(3), (b)(6), Doc (b)(3), (b)(6), Lepl (b)(3), (b)(6) ~~and~~ Lepl (b)(3), (b)(6) alongwith his dog Susie, And our terp (b)(6) We Left Friendly lines headed for the Northern part of our A.O. About threequarters of the way there My Vic was Struck by an IED Sgt (b)(3), (b)(6) checked to make sure every one was ok, we all answered we were. We radioed we had been Struck by the IED, No one was hurt and No damage had been inflicted to the vehicle. So we kept moving to the insertion point. Once at the incertion point My Section dismounted to begin our Foot Patrol. I was with Sgt (b)(3), (b)(6) group and we ~~[illegible]~~ began our patrol along the road While Sgt (b)(3), (b)(6) group pushed into the green Zone. We had patroled about Five minuets when Sgt (b)(3), (b)(6) took Half of my group and went to inspect the area by the Wattly Just west of US. I stayed on the road and provided Security to there east as well as radioed our grid and any messages (b)(6) picked up ~~the~~ to Lt. (b)(3), (b)(6) After a few Minuets (b)(3), (b)(6) told Me and the rest of the Snipers, We were on the Street with me

to follow him to the watty. We walked along the Watty for a few Meters then we paused. I again gave the Lt. our grid when we had Stopped. I called Sgt (b)(3), (b)(6) to see where he was. Before he could answer we heard gunfire from the west. Sgt (b)(3), (b)(6) tried to call Sgt (b)(3), (b)(6) on the 153 he had but got no answer. I radioed to him and was told they were taking Fire, but they were not sure From Where. I got the grid ~~where~~ from Sgt (b)(3), (b)(6) and Sgt (b)(3), (b)(6) and I ~~figure~~ tried to figure out where they ~~come~~ were. I radioed the grid to the Lt. and He again asked For My grid and I gave it to him. Sgt (b)(3), (b)(6) and I Kept trying to get a hold of Sgt (b)(3), (b)(6) to asertain How ~~they~~ his group was, ~~where~~ where they were, and where they ~~were~~ were taking Fire From. I was also passing over the radio that (b)(6) was telling me that thier Spotters Could see our vehicles, and where going to try to attack them. I was told by the Lt. that we had air working the Scene and that they were going to Fire on ~~buildings~~ a building that they Saw mazzle Flashes Coming From. (b)(3), (b)(6) ~~and~~ was Still trying to get a better grid From Sgt (b)(3), (b)(6), and Find out where He was taking Fire From. The Lt. told every one to get behind Cover ~~and to~~ tell him when

we were. I told evey one around me to take Cover then Radioed to (b)(3), (b)(6) to get his guys behind Cover. I told the Lt. we were all behind Cover. The Lt. then told me we were getting a HyMAR in 17 seconds. As I started to tell every one What the Lt. told me we heard the Missle Strike. I then Heard Sgt. (b)(3), (b)(6) Scream ~~Sease Fire Fire~~ "Cease Fire" Several times. I asked who said that and Sgt (b)(3), (b)(6) State the ~~m~~ shot had landed right on top of them and that SSgt and Doc were not moving. (b)(3), (b)(6) and I said we had to go and we ran to where Sgt (b)(3), (b)(6) was. As we were enroute I saw Sgt (b)(3), (b)(6) and Doc (b)(3), (b)(6) Racing ahead of us. We ran west and then north I stopped only to give the Lt. My Current grid. When I reached the scene (b)(3), (b)(6) and Doc Had Rast behind a wall and were working on him. I could see SSgt Smith lying in Front of the wall and not moving. I informed the Lt. that we had two Casualties one Urgent one Routine The Lt. asked For the Battle number of the Casualtiy and the one passed to me was SSgts. I helped hold security while they tried to Stableize Doc. The Lt. Kept Asking ~~What was taking~~ so

Long and Kept telling him they where trying to Stableize Doc. I also passed that The Taliban was planning to shoot RPG's At us or the ~~Vic~~ Vic's; and that they were planning another Attack on us, I passed ~~down~~ this down the line we had formed and up to the Lt. They began Calling for help to Move doc and I told the Lt. We were getting ready to move him Sgt (b)(3), (b)(6) then asked For Help moving SSgt Smith. I Caried SSgt (b)(3), (b)(6) and provided rear security as we moved everyone The going was Slow and we asked For help from the trucks and several Vc's got out to help at the end. As I got back to the Watty The Lt. asked me If the Casualty was SSgt. I said it was not. He then asked What happened to SSgt. I told him He was decesed. We got doc in the Six by and got a body bag For SSgt. We loaded up by Just Cramming as many bodie as we could in each Vic. Then after we got accurate counts we returned to base. Were Doc and SSgt were put on a helo and taken away

I swear (or affirm) that the information in the statement above and attached page is true to the best of my knowledge or help

(b)(3), (b)(6) 2011 0415

ENCLOSURE 35

Sworn to before me this date. — (b)(3), (b)(6) 15 April 2011

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF SERGEANTS (b)(3), (b)(6) AND (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Sergeants (b)(3), (b)(6) and (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Sergeant (b)(3), (b)(6) (Section Leader) and Sgt (b)(3), (b)(6) (Radio operator) worked as a team during this patrol. Sergeant (b)(3), (b)(6) knew that Sgt (b)(3), (b)(6) 's team was to his West near a building but did not know exactly where building 58 was. He felt like the announcement that air was on station to the indication that there was "17 seconds until impact" was too short to allow for assessment and actions. Prior to the Hellfire strike, Sergeant (b)(3), (b)(6) relayed to Lt (b)(3), (b)(6) that all personnel with Sgt (b)(3), (b)(6) s section were in cover. Sgt (b)(3), (b)(6) assessed the injured and submitted the initial casualty report as 1 Urgent (HN Rast) and 1 Routine (SSgt Smith.) He had assessed SSgt Smith to be KIA but did not want to say this over the radio and felt like the designation of Routine would be self explanatory.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

(U) Air Force Distributed Common Ground System (AF DCGS):

(b)(1)1.4a, (b)(1)1.4g

(U) DCGS Communication Methods:

(U) Distributed crew communications (DCC) is the umbrella term encompassing all distributed mission crew concept (DMCC) communications methods. The following are examples of DCC:

1. (U) Interphone. The voice and radio connection between DGS and MCE for the purposes of transmitting/receiving crew communications and monitoring of aircraft ARC-210.
2. (U) Radio over Internet protocol (RoIP) (e.g., crew comm and WAVE).
3. (U) Internet relay chat (IRC) (e.g., mIRC, TransVerse).
4. (U) Telephone (e.g., STE, VoIP) (AFTTP 3-1.DCGS Chapter 4)

(U) DCGS KILL CHAIN STANDARD OPERATING PROCEDURES:

(b)(1)1.4a, (b)(1)1.4g

(b)(1)1.4a, (b)(1)1.4g

19 April 2011

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO AIRMAN TECHNICAL SERGEANT (b)(3), (b)(6) , USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1216Z I swore Technical Sergeant (b)(3), (b)(6) (b)(3), (b)(6) , USAF, via telephone, to his 18 April 2011 statement, which consisted of a two page questionnaire and his two page handwritten response/statement and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6) , USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Technical Sergeant (b)(3), (b)(6) was located at Terre Haute, Indiana.

(b)(3), (b)(6) LtCol, USMC

Command Investigation Legal Advisor

1. Provide some background information on yourself (AFSC, DGS experience, etc.)
2. How many combat missions have you sat in the seat for?
3. Approximately how many hours?
4. What do you consider to be your sources, reference documents or SOP's for mission execution of predator operations? Kill chain operations? Assessments of PID?
5. Provide a brief synopsis of the events during the (b)(1)1.4a mission as you remember them (from time sensor moved to FF convoy to time when poss frat realized).
6. What time did your shift start on the 6th of April?
7. How long had you been in the seat before (b)(1)1.4a directed sensor to move to friendly convoy?
8. Please explain the initial confusion in chat regarding 3 friendlies in FOV?
    a. [04:10:46] <DGS-IN_TC_BE> 3 friendlies in FOV
    b. [04:11:23] <DGS-IN_TC_BE> pers are shooting W
    c. [04:11:31] <DGS-IN_TC_BE> disregard
    d. [04:11:36] <DGS-IN_TC_BE> not friendlies
    e. [04:11:46] <DGS-IN_TC_BE> unable to discern who pers are
9. What lead to the callout stating that the pers were shooting west?
10. The MIC posted in chat at 0412Z that he saw possible muzzle flashes and DGS IN came back with cords IVO IVO (b)(1)1.4a . Was DGS IN assessment still that pers were shooting towards the west away from the convoy?
11. Was the feed ever reviewed to verify the direction of fire assessment?
12. At 0413Z the MIC posted (b)(1)1.4a in chat. What is your understanding of the DGS role after (b)(1)1.4a has been posted in chat?
13. At 0415Z DGS-IN_TC_BE brought up the MIC in wspr:
    a. [04:15:24] <DGS-IN_TC_BE> a fourth per showed up and layed down with pers
    b. [04:15:48] < (b)(1)1.4a _MIC> c
    c. [04:15:52] <DGS-IN_TC_BE> pers are shooting W and the convoy is to the E
    d. [04:17:54] < (b)(1)1.4a _MIC> doulble check cords
    e. [04:18:17] <DGS-IN_TC_BE> c
    f. [04:19:18] <DGS-IN_TC_BE> the coords we put in main chat are the coords for the guys were lookin at
    g. [04:19:26] <DGS-IN_TC_BE> IVO (b)(1)1.4a
    h. [04:20:28] < (b)(1)1.4a _MIC> distance is off
14. It appears that the DGS IN assessment at this point was that the direction of fire was still towards the west and away from the convoy. It appears that there was concern enough over this assessment that a wspr to the MIC was warranted. Was there ever any consideration given that the pers in FOV may have been friendly forces?
15. Was there ever a time when you felt like the strike should have been aborted in order to verify friendly position?
16. Did you feel that the MIC adequately addressed your concerns over the direction of fire?

17. Did you ever consider calling the MIC directly (phone?) to discuss the direction of fire assessment?
18. Would you expect the MIC to pass on your callout/assessment concerning the direction of fire to the pilot, SO, JTAC, GFC?
19. Do you think if you would have had DMCC interphone capability, you would have had more situational awareness of the battle space?
20. Did your crew conduct a debrief after the event and/or end of shift?
21. Were any lessons learned discussed?

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) _____

Rank/Rate: TSgt/E-6

Unit: 137IS

Telephone number: ((b)(2) ____

Today, 18 Apr, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

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(b)(3), (b)(6) 18Apr11

ate)

WITNESS STATEMENT

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

Name Rank/Rate Social Security Number

IMS 137IS

Position Organization

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

Address (Home or Office)

((b)(2) ((b)(2)

Office Phone Mobile Phone

I, (b)(3), (b)(6), hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

SEE ATTACHED STATEMENT

I swear (or affirm) that the information in the statement above and on the 2 attached page(s) is true to the best of my knowledge or belief.

(b)(3) 18 April 11 1010 (1410Z)

(Date) Time

Sworn to before me this date.

(b)(3), (b)(6) 18 APR 2011 1015

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ) (Date) Time

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

~~SECRET//NOFORN~~

DGS-IN IMS

1. I am a IN171, have worked FMV missions since November of 2008.
2. Several hundred
3. 5,000+ hrs (approx)
4. DCGS 3-1, 14-2, RSTAs & Joins
5. I was called over when a person was seen firing his weapon to the west. I was under the impression that the convoy was east of the firing person. After (b)(1)1.4a was called, an additional person joined the two already prone. It looked as if the two prone persons where possibly facing opposite directions. After the strike, approximately 12+ persons gathered at the wall just east of the impact site, and the WIA were being checked. At least one of the gathered persons began firing to the west. Scans of Rte 611 were then conducted.
6. PMB at 0330Z, onto the mission floor approx 0345Z-0350Z.
7. I believe I was still setting up my work station and conducting changeover with the last IMS.
8. I can't say what caused confusion, as I dont remember watching chat at that point in time.
9. We normally call out any shooting/muzzle flashes including direction of fire, basically standard operating procedures.
10. After being called over, I was shown rewound feed, and yes, I believed the person was firing west.
11. Yes the feed was reviewed.
12. My training has taught me that the DGS role after (b)(1)1.4a is called is to not inerfere, unless a woman/child or LOAC violation is possible.
13.
14. I told my TACOM to pass on to the MIC in a whisper that I believed ~~they~~ the persons firing were shooting west, and that the convoy was to the east. I would say that before every strike I've witnessed, I've thought about the fact that the target could be innocent/Friendlies, but this engagement made me feel uneasy, in the fact that they weren't shooting towards where I thought FF was.
15. Yes, this strike seemed to happen quickly.

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

~~SECRET//NOFORN~~

16. After reading My TACOM's whisper with the MIC, it appeared to me that there was possibly confusion about the coords and the direction of fire, and distance. I am still not sure what the confusion was.
17. Not at the time. I thought that chat was sufficient.
18. Yes.
19. Yes, I think DMCC would've been very helpful, if nothing else we would have known before the (b)(1)1.4a call that (b)(1)1.4a was going to shoot. If we could've heard the 9-Line, we would've had a head's up. Not to say the outcome would be different.
20. Yes
21. We discussed the fact that we are all experienced DGS crew members, and all of us felt uneasy about shooting that time. We discussed that if we ever felt uneasy like that, to be more vocal.

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

19 April 2011

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO TECHNICAL SERGEANT (b)(3), (b)(6) USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1217Z I swore Technical Sergeant (b)(3), (b)(6) USAF, via telephone, to his 18 April 2011 statement, which consisted of a two page questionnaire and his two page handwritten response/statement and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6), USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Technical Sergeant (b)(3), (b)(6) was located at Terre Haute, Indiana.

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

Command Investigation Legal Advisor

PRIVACY ACT STATEMENT

Name: ___ (b)(3), (b)(6) _____

Rank/Rate: TSgt / E-6

Unit: 137th IS

Telephone number: (b)(2) _____

Today, 18 Apr, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 18 Apr 11

and date)

WITNESS STATEMENT

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

Name

TSgt / E-6
Rank/Rate

(b)(3), (b)(6)
Social Security Number

SCR / GA
Position

1374th IS
Organization

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

(b)(2)
Office Phone

(b)(2)
Mobile Phone

I, ___ (b)(3), (b)(6) _____, hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

SEE ATTACHED STATEMENT

I swear (or affirm) that the information in the statement above and on the 2 attached page(s) is true to the best of my knowledge or belief.

___ (b)(3), (b)(6) _____ 18 Apr 11 (Date) 0900L / 1300Z Time

(b)(3), (b)(6) _____ ster Oaths per Art. 136, UCMJ) 18 Apr 11 (Date) 1108L / 1508Z Time

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

(1) AFSC - 1N151, I cross trained into intel on 15 Jun 09, went to tech school from Aug 09 - Feb 10 and have been on crew sitting mission since then. I am qualified in GA/SCR/IRO positions.
(2) I have sat for several hundred missions, but unsure the exact number.
(3) Around 2,000 hrs
(4) DGS 3-1, 14-2, and local mission manuals
(5) At approximately 04012 observed FF convoy stopped along the route we had been scanning. At 4032 we began scanning west of the convoy due to reports the convoy had been receiving fire from the west. At 04102 observed 3 pers in a field near a treeline. Initially pers were called out as poss friendlies, then at 04112 I took several snaps and reported muzzle flashes aimed towards the rest. Within 10 seconds of the initial friendlies call we were unsured if the pers were friendly or not and "disregard, not friendlies" was typed in chat. At 04122, I dropped the IVO for the 3 pers and roughly 1 min later (b)(1)1.4a was input by the MIC. Splash occured at 04212, after that we scanned input sites for insurgents. From the moment (b)(1)1.4a was input the crew in the pit had an iffy feeling about the impending strike as we continued to get confirmation on the location of the dismounted troops. Within a few minutes of input several more pers were observed moving into the area. A couple pers went into the area and removed the bodies as more pers gathered along a wall near the treeline. At 04342 there appeared to be approx 12 pers along the wall. Muzzle flash was observed and pers appeared again to be firing in a westerly direction. At 04372 the TC informed the crew of a poss Fratricide.
(6) The PMB starts at 03302, and we took the Ops floor around 03502.
(7) Approx 7 minutes.
(8) Shortly after we observed the convoy on the road, we were directed to scan west in the direction of reported insurgent fire. Less than 1/2 mile from the convoy, we observed the 3 pers in the field near the treeline. We tried to get a good location for the dismounted patrol. During that time, observed pers shooting towards the west. So we were unsure whether the pers were friendlies or not.

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

1

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

(9) The GA observed muzzle flashes and I took snaps and retrieved feed to confirm muzzle flashes and the direction of fire.
(10) Yes, that is correct.
(11) Yes, as mentioned in #9.
(12) That nothing from DGS is entered in the chat room unless women or children are observed.
(13) TC/MIC nothing.
(14) Yes, there was enough doubt since the pers were west of the convoy but not shooting east towards the convoy.
(15) Yes, as soon as we posted "unable to discern who pers are". I suggested we relay to the ground patrol to turn their IR blinkers on so we would know if the pers observed were friendly or not. Or at the least relay to DGS the IVO for the dismounted patrol.
(16) No, more information was need to make a confirmation of good or bad guys.
(17) No, I left stuff like that up to the IMS / MOC.
(18) Yes
(19) Yes, to have SA and know what/if any info of ours they used.
(20) Yes at the end of the shift
(21) We used our training and experience to do our job to the best of our ability. It is my opinion we did our job right and would not change anything we did.

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

END OF (b)(3), (b)(6)

STATEMENT

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

1. Provide some background information on yourself (AFSC, DGS experience, etc.)
2. How many combat missions have you sat in the seat for?
3. Approximately how many hours?
4. What do you consider to be your sources, reference documents or SOP's for mission execution of predator operations? (b)(1)1.4a operations? Assessments of PID?
5. Provide a brief synopsis of the events during the (b)(1)1.4a mission as you remember them (from time sensor moved to FF convoy to time when poss frat realized).
6. What time did your shift start on the 6th of April?
7. How long had you been in the seat before (b)(1)1.4a directed sensor to move to friendly convoy?
8. Please explain the initial confusion in chat regarding 3 friendlies in FOV?
    a. [04:10:46] <DGS-IN_TC_BE> 3 friendlies in FOV
    b. [04:11:23] <DGS-IN_TC_BE> pers are shooting W
    c. [04:11:31] <DGS-IN_TC_BE> disregard
    d. [04:11:36] <DGS-IN_TC_BE> not friendlies
    e. [04:11:46] <DGS-IN_TC_BE> unable to discern who pers are
9. What lead to the callout stating that the pers were shooting west?
10. The MIC posted in chat at 0412Z that he saw possible muzzle flashes and DGS IN came back with cords IVO IVO (b)(1)1.4a . Was DGS IN assessment still that pers were shooting towards the west away from the convoy?
11. Was the feed ever reviewed to verify the direction of fire assessment?
12. At 0413Z the MIC posted (b)(1)1.4a in chat. What is your understanding of the DGS role after (b)(1)1.4a has been posted in chat?
13. At 0415Z DGS-IN_TC_BE brought up the MIC in wspr:
    a. [04:15:24] <DGS-IN_TC_BE> a fourth per showed up and layed down with pers
    b. [04:15:48] < (b)(1)1.4a _MIC> c
    c. [04:15:52] <DGS-IN_TC_BE> pers are shooting W and the convoy is to the E
    d. [04:17:54] < (b)(1)1.4a _MIC> doulble check cords
    e. [04:18:17] <DGS-IN_TC_BE> c
    f. [04:19:18] <DGS-IN_TC_BE> the coords we put in main chat are the coords for the guys were lookin at
    g. [04:19:26] <DGS-IN_TC_BE> IVO (b)(1)1.4a
    h. [04:20:28] < (b)(1)1.4a _MIC> distance is off
14. It appears that the DGS IN assessment at this point was that the direction of fire was still towards the west and away from the convoy. It appears that there was concern enough over this assessment that a wspr to the MIC was warranted. Was there ever any consideration given that the pers in FOV may have been friendly forces?
15. Was there ever a time when you felt like the strike should have been aborted in order to verify friendly position?
16. Did you feel that the MIC adequately addressed your concerns over the direction of fire?

17. Did you ever consider calling the MIC directly (phone?) to discuss the direction of fire assessment?
18. Would you expect the MIC to pass on your callout/assessment concerning the direction of fire to the pilot, SO, JTAC, GFC?
19. Do you think if you would have had DMCC interphone capability, you would have had more situational awareness of the battle space?
20. Did your crew conduct a debrief after the event and/or end of shift?
21. Were any lessons learned discussed?

1. Provide some background information on yourself (AFSC, DGS experience, etc.)
2. How many combat missions have you sat in the seat for?
3. Approximately how many hours?
4. What do you consider to be your sources, reference documents or SOP's for mission execution of predator operations? (b)(1)1.4a operations? Assessments of PID?
5. Provide a brief synopsis of the events during the (b)(1)1.4a mission as you remember them (from time sensor moved to FF convoy to time when poss frat realized).
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15. Was there ever a time when you felt like the strike should have been aborted in order to verify friendly position?
16. Did you feel that the MIC adequately addressed your concerns over the direction of fire?

17. Did you ever consider calling the MIC directly (phone?) to discuss the direction of fire assessment?
18. Would you expect the MIC to pass on your callout/assessment concerning the direction of fire to the pilot, SO, JTAC, GFC?
19. Do you think if you would have had DMCC interphone capability, you would have had more situational awareness of the battle space?
20. Did your crew conduct a debrief after the event and/or end of shift?
21. Were any lessons learned discussed?

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: SSgt / E-5

Unit: 137 IS

Telephone number: (b)(2)

Today, April 18, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

18Apr2011

(Signature and date)

WITNESS STATEMENT

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

Name: _____ Rank/Rate: SSgt/E-5 Social Security Number: (b)(3), (b)(6)

Position: Screener Organization: 137 IS

Address (Home or Office): (b)(3), (b)(6)

Office Phone: (b)(2) Mobile Phone: _____

I, (b)(3), (b)(6) _____, hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

SEE ATTACHED STATEMENT

I swear (or affirm) that the information in the statement above and on the 2 attached page(s) is true to the best of my knowledge or belief.

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

(Witness Signature) _____ 18 Apr 2011 (Date) 1009L Time

Sworn to before me this date.

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

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ) LTCol DETLO 18 APR 2011 (Date) 1015L Time

SSgt (b)(3), (b)(6)
Screener

1.) AFSC: 1N171. I have three years of DGS experience (March 2008)
2) I've worked hundreds of combat missions
3) ~~[illegible]~~ Over 5,000 hours
4) DGrs 3-1, 14-2, and local mission manuals
5) At 0401z ~~[illegible]~~ the sensor scanned over the friendly forces convoy. The MIC informed us in chat at 0403z that the sensor was scanning to the west where the friendly forces were receiving fire from. ~~[illegible]~~ The "eyes on", AIC (b)(3), (b)(6) called out 3 friendly forces in field of view. ~~[illegible]~~ I was over seeing the title 32 screener, TSgt (b)(3), (b)(6), and began to closely observe the feed. AIC (b)(3), (b)(6) and the rest of the crew decided that we were unable to determine if the personnel in field of view were friendlies or not. We did observe muzzle flashes from the personnel on the ground which was all called out in the main chat room. AIC (b)(3), (b)(6) also called out that the direction of the fire was to the west. At 0413z the MIC called out: (b)(1)1.4a "The crew for that mission discussed that we did not feel comfortable with firing upon the personnel and were still unsure if these were friendlies or ~~not~~. The tacon, SSgt (b)(3), (b)(6) the started a whisper with the MIC informing him that the personnel were firing to the west away from the friendly convoy. At 0421z rifle was called in chat along with splash 24 seconds later. At no time, ~~[illegible]~~ to my knowledge, did any of the crew members feel comfortable with firing upon the personnel. After impact I began to make the video clip of the event.

6.) The AMB time is 0330z and we were on the floor approximately at 0350z.
7.) Approximately 7 minutes
8) I was not sitting in the "eyes on" position so I am unsure as to why the personnel were called out as friendlies to begin with
9.) Standard operating procedure, when we see muzzle flashes, we call it out and in what direction the personnel are firing.
10) Yes
11.) the feed was reviewed several times to insure the direction of

fire.

12) Once (b)(1)1.4a is called in the main chatroom the DGS is to only call out women, children, and any other information is to be put in a whisper.

13) –

14) Yes there was consideration that the personnel in FOV were friendly forces but it was unable to determine at that time

15) Yes, At the moment they called (b)(1)1.4a

16) No

17) No, it was put into a whisper with him

18) Yes I would expect the MIC to pass on that information

19) I think that It would have given us more SA but am unsure the outcome of the situation would be any different

20) We had a debrief at the end of shift.

21) We all preformed our duties to the best of our abilities and I believe we acted on the situation how we were trained to handle it. (b)(3), (b)(6) 18 Apr 2011

– End of Statement –

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO STAFF SERGEANT (b)(3), (b)(6) , USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1215Z I swore Staff Sergeant (b)(3), (b)(6) , USAF, via telephone, to her 18 April 2011 statement, which consisted of a two page questionnaire and her two page handwritten response/statement and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6) , USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Staff Sergeant (b)(3), (b)(6) was located at Terre Haute, Indiana.

(b)(3), (b)(6) Maj, USMC

Command Investigation Legal Advisor

19 April 2011

MEMORANDUM FOR THE RECORD

Subj: SWORN STATEMENT ICO STAFF SERGEANT (b)(3), (b)(6), USAF, REGARDING THE COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)

1. On 19 April 2011 at 1213Z I swore Staff Sergeant (b)(3), (b)(6), USAF, via telephone, to his 18 April 2011 statement, which consisted of a two page questionnaire and his two page handwritten response/statement and was submitted via SIPR e-mail to Colonel (b)(3), (b)(6), USMC, investigating officer for the above subject investigation.

2. At the time of the swearing, I was located at Camp Leatherneck, Afghanistan, and Staff Sergeant (b)(3), (b)(6) was located at Terre Haute, Indiana.

(b)(3), (b)(6) LtCol, USMC

Command Investigation Legal Advisor

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: ~~[illegible]~~ SSgt/E-5

Unit: 1st OSS

Telephone number: _____ (b)(2) ___

Today, 18 Apr, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

12 Apr 2011

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

WITNESS STATEMENT

(b)(3), (b)(6) — Name

SSgt/E-5 — Rank/Rate

(b)(3), (b)(6) — Social Security Number

TACOM — Position

181 OSS — Organization

(b)(3), (b)(6) — Address (Home or Office)

(b)(2) — Office Phone

Mobile Phone

I, (b)(3), (b)(6), hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

SEE ATTACHED STATEMENT

I swear (or affirm) that the information in the statement above and on the 2 attached page(s) is

(b)(3), (b)(6) — 18 Apr 11 (Date) — 1009 L 14012 Time

(b)(3), (b)(6) — KCOV DETLO 18 APR 2011 (Date) — 1015 L Time

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ)

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

- 1) AFSC's held 2A333B, 1N051 Worked BDGS Since Feb 2004
- 2) Hundreds
- 3) Thousands - 5000 plus hours
- 4) DGS 3-1, 14-2, local Mission Manuals
- 5) Mission started as most missions, Ced scans, received my handover from previous tacom Previous tacom stated the mission was nstr, filled me in on areas for U-2 and RQ-4 imagery adhocs for possible CWIED's. Started scanning along rte 611 with AIC (b)(3), (b)(6) as the eyes on. S/U directed us to area for JTAC" (b)(1)1.4a came upon 3 friendly forces vehicles and scanned around the area for the dismounted part of patrol. Came upon 3 personnel in a field eyes on called out "pers are shooting to the west" we then corrected the statement about the personnel being friendly as "unable to discern who pers are" the (b)(1)1.4a MIC called out possible muzzle flashes and the screener dropped grids in chat, (b)(1)1.4a MIC called (b)(1)1.4a " the IMS CTSgt (b)(3), (b)(6)) advised we whisper the MIC and continue to offer our input in whisper. At one point I turned around to the IMS and stated that this was the first time we've been about to shoot and it doesn't feel right, the IMS agreed, as well as SSgt (b)(3), (b)(6) . We watched the "rifle" and "splash" at 0421z. (b)(1)1.4a ended and we did BDA activities. We witnessed the personnel that came to the scene of the splash and they checked the bodies everything to me seemed uncharacteristic of TNS personnel. AT 0431z I asked the (b)(1)1.4a MIC in a whisper "if a JTAC confirmed they were not friendlies" AT 0437z the (b)(1)1.4a pilot whispered me and stated possible fratricide
- 6) 2300L 0300z shift PMB at 2330L 0330z
- 7) approx 0350z
- 8) Eyes on called out friendlies and we corrected our statement because we could not confirm the personnel in For were friendlies
- 9) Eyes and screener confirmed the personnel we were watching were shooting to the West when we saw muzzle flashes
- 10) SOP states we drop grids for any significant event to build SA of the battle space
- 11) yes the feed was reviewed by the screener both T10 and T32
- 12) DGS is not to interject in chat unless there is a LOAC violation I.E. Woman and Children
- 14) yes, DGS (b)(1)1.4a did not believe there was enough information to shoot I even stated to The IMS "this didn't feel right"

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

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

ENCLOSURE 40
5 OF 8

-15) yes, the personnel were not moving around we could have watched the for a good amount of time and used IR and EO to discern who the personnel were

-16) yes no the MIL replied with sentence fragments and caused confusion as to whether he was checking his coords or our coords

-17) No.

-18) Yes we expect the MIE or whatever A/C member to pass our radio our assessments and contact into Chat

-19) Yes

-20) Yes

-21) We operated in accordance with our training

END OF STATEMENT

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

DGS (b)(1)1.4a TC - BE
18 Apr 11

1. Provide some background information on yourself (AFSC, DGS experience, etc.)
2. How many combat missions have you sat in the seat for?
3. Approximately how many hours?
4. What do you consider to be your sources, reference documents or SOP's for mission execution of predator operations? (b)(1)1.4a operations? Assessments of PID?
5. Provide a brief synopsis of the events during the (b)(1)1.4a mission as you remember them (from time sensor moved to FF convoy to time when poss frat realized).
6. What time did your shift start on the 6th of April?
7. How long had you been in the seat before (b)(1)1.4a directed sensor to move to friendly convoy?
8. Please explain the initial confusion in chat regarding 3 friendlies in FOV?
    a. [04:10:46] <DGS-IN_TC_BE> 3 friendlies in FOV
    b. [04:11:23] <DGS-IN_TC_BE> pers are shooting W
    c. [04:11:31] <DGS-IN_TC_BE> disregard
    d. [04:11:36] <DGS-IN_TC_BE> not friendlies
    e. [04:11:46] <DGS-IN_TC_BE> unable to discern who pers are
9. What lead to the callout stating that the pers were shooting west?
10. The MIC posted in chat at 0412Z that he saw possible muzzle flashes and DGS IN came back with cords IVO IVO (b)(1)1.4a . Was DGS IN assessment still that pers were shooting towards the west away from the convoy?
11. Was the feed ever reviewed to verify the direction of fire assessment?
12. At 0413Z the MIC posted (b)(1)1.4a in chat. What is your understanding of the DGS role after (b)(1)1.4a has been posted in chat?
13. At 0415Z DGS-IN_TC_BE brought up the MIC in wspr:
    a. [04:15:24] <DGS-IN_TC_BE> a fourth per showed up and layed down with pers
    b. [04:15:48] < (b)(1)1.4a _MIC> c
    c. [04:15:52] <DGS-IN_TC_BE> pers are shooting W and the convoy is to the E
    d. [04:17:54] < (b)(1)1.4a _MIC> doulble check cords
    e. [04:18:17] <DGS-IN_TC_BE> c
    f. [04:19:18] <DGS-IN_TC_BE> the coords we put in main chat are the coords for the guys were lookin at
    g. [04:19:26] <DGS-IN_TC_BE> IVO (b)(1)1.4a
    h. [04:20:28] < (b)(1)1.4a _MIC> distance is off
14. It appears that the DGS IN assessment at this point was that the direction of fire was still towards the west and away from the convoy. It appears that there was concern enough over this assessment that a wspr to the MIC was warranted. Was there ever any consideration given that the pers in FOV may have been friendly forces?
15. Was there ever a time when you felt like the strike should have been aborted in order to verify friendly position?
16. Did you feel that the MIC adequately addressed your concerns over the direction of fire?

17. Did you ever consider calling the MIC directly (phone?) to discuss the direction of fire assessment?
18. Would you expect the MIC to pass on your callout/assessment concerning the direction of fire to the pilot, SO, JTAC, GFC?
19. Do you think if you would have had DMCC interphone capability, you would have had more situational awareness of the battle space?
20. Did your crew conduct a debrief after the event and/or end of shift?
21. Were any lessons learned discussed?

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: CPL

Unit: 723 HS Co SSP

Telephone number: (b)(2)

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e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

_____ _____

(Signature and date)

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

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

USMC RESERVE

STATEMENT OF CPL (b)(3), (b)(6) IN REFERENCE TO EVENTS OF APR 6

ON 6 APRIL 2011 AT APPROXIMATELY 0715 HRS I DEPARTED FRIENDLY LINES ON BOARD VEHICLE 3. OUR VEHICLE PROCEEDED NORTH ALONG ROUTE (b)(1)1.4a AS WE CONTINUED NORTH, APPROXIMATELY 5-10 MINUTES AFTER DEPARTURE WE HEARD A LOUD "POP" ON THE FRONT PASSENGER SIDE OF THE VEHICLE. I IMMEDIATELY CONCLUDED THAT OUR VEHICLE HAD BEEN STRUCK BY AN IED. I CONFERRED WITH MY TEAM MEMBERS, SGT. (b)(3), (b)(6) ~~[illegible]~~, (b)(3), (b)(6) AND WE ASSUMED THAT THE ~~[illegible]~~ ONLY THE BLASTING CAPS HAD EXPLODED. FROM WHAT I COULD OBSERVE, THERE WAS NO DAMAGE TO OUR VEHICLE. NO ONE DISMOUNTED, THE VEHICLE ~~[illegible]~~ DID NOT STOP AND WE CONTINUED NORTH.

AFTER ANOTHER 5+ MINUTES WE ARRIVED AT OUR PRE-DESIGNATED DROP-OFF POINT AND DISMOUNTED. MY TEAM FELL INTO THE REAR OF THE PATROL, WITH ME BRINGING UP THE TAIL END. WE CROSSED A SMALL WADI APPROXIMATELY 15M WEST OF THE ROAD AND CONTINUED WEST THROUGH AN ALLEY. OUR PATROL WALKED APPROXIMATELY 100M AND THEN CUT SOUTH, INTO A POPPY FIELD.

AS SOON AS THE ENTIRE PATROL WAS INTO THE FIELD, WE RECIEVED SMALL ARMS FIRE FROM A BUILDING TO THE SOUTHWEST. I JUMPED INTO A CANAL THAT RAN NORTH-SOUTH ALONG THE PERIMETER OF THE FIELD AND BEGAN MOVING ~~[illegible]~~ WITH MY TEAM SOUTH SO AS TO GET INTO A POSITION TO EMPLOY MY WEAPON. I FOUND A POSITION HALFWAY IN THE CANAL AND HALF OUT WITH COVER PROVIDED IN THE FORM OF A SMALL WALL THAT RAN PARALLEL TO THE CANAL. I BEGAN SCANNING FOR TARGETS, WHEN SGT. (b)(3), (b)(6) YELLED DOWN, ASKING WHERE BUILDING 58 WAS.

I TOLD SGT (b)(3), (b)(6) TO STANDBY, WHILE I PULLED OUT MY GRG MAP. SGT (b)(3), (b)(6) GAVE ME OUR GRID, AND I LOCATED OUR POSITION ON THE MAP AND BEGAN LOOKING FOR BUILDING 58. I LOCATED 58 AND DETERMINED THAT IT WASN'T THE BUILDING WE WERE TAKING FIRE FROM. I TOLD SGT (b)(3), (b)(6) THAT IT WASN'T ~~[illegible]~~ AND HE ASKED FOR A GRID.

I BEGAN TO GIVE SGT (b)(3), (b)(6) A GRID WHEN I HEARD, "17 SECONDS TO HIMARS" AND "TAKE COVER". I HEARD A LOUD "WHOOSH" AND THEN SAW AN IMPACT DIRECTLY TO MY SOUTH APPROXIMATELY 20-25M. I THOUGHT IT WAS A HIMAR AND ASSUMED THERE WOULD BE A SECOND. I YELLED "CEASE FIRE" AND ~~[illegible]~~ TOLD EVERYONE TO GET DOWN. AFTER ABOUT 20-30 SECOND I REALIZED THAT NO MORE ROUNDS ~~[illegible]~~ WERE COMING AND I BEGAN TO MOVE SOUTH THROUGH THE CANAL, WHILE ASKING ABOUT CASUALTIES. ~~[illegible]~~ AFTER I HAD MOVED MAYBE 15-20M I OBSERVED A MARINE LYING FACE DOWN, (b)(6) FROM THE BLAST. I ASKED SOMEONE WHO IT WAS AND WAS TOLD, "SSGT SMITH". I LOOKED OVER THE WALL AND OBSERVED DOC RAST ALSO LYING FACE DOWN, APPROXIMATELY 5-10M TO SSGT'S NORTH. I BELIEVED THEM BOTH TO BE DEAD.

OUR PATROL WAS STILL RECIEVING SAF FROM A BUILDING, TO THE SOUTHWEST SO I AGAIN BEGAN LOOKING FOR TARGETS. SGT. (b)(3), (b)(6) LASED THE BUILDING AT APPROXIMATELY 475 M. I OBSERVED WHAT APPEARED TO BE AN ENEMY RIFLEMAN WITH AN AK-47 AND A CHEST RIG, AND ENGAGED HIM. I SAW SGT (b)(3), (b)(6) IN THE FIELD, NEXT TO SSGT SMITH'S BODY. I YELLED TO HIM THAT WE WERE STILL TAKING FIRE AND HE REPLIED "I HAVE TO FIND SMITH'S WEDDING RING".

A SHORT TIME LATER, DOC (b)(3), (b)(6) ARRIVED AND WE PROVIDED COVER AS HE PULLED DOC RAST BEHIND THE WALL AND BEGAN TO WORK ON HIM. I DON'T KNOW WHAT MEDICAL AID DOC APPLIED, BUT I HEARD HIM SAY THAT HE HAD A PULSE AND I HEARD RAGGED BREATHING FROM DOC RAST'S NOSE.

WE THEN LOADED DOC RAST ONTO A LITTER AND BEGAN MOVING HIM EAST, TOWARDS THE ROAD. WE CROSSED THE CANAL AND MOVED INTO ANOTHER POPPY FIELD. ABOUT HALFWAY ACROSS THE FIELD WE TOOK MORE SAF AND STOPPED TO TAKE COVER. I OBSERVED A UH-60 AND A AH-1 CIRCLING OVER US AND NOTICED THEM DEPLOYING FLARES. WE TRIED TO GET RAST MOVING AGAIN BUT THE LITTER RIPPED. WE CALLED FOR A LADDER AND LOADED RAST ONTO IT.

WE HAD TO CROSS ANOTHER TWO CANALS, BUT WE FINALLY GOT RAST TO THE "6X" OR VEHICLE 3. IT TOOK SOME EFFORT BUT WE WERE ABLE TO GET HIM LOADED. I THEN WENT BACK TO HELP WITH SSGT SMITH. THE REST OF THE GUYS WERE MOVING HIM ACROSS THE LAST CANAL. I TOOK OFF MY "SHEMAGH" TO COVER HIS FACE, WHICH WAS (b)(6) AND PROVIDED SECURITY AS HE WAS LOADED.

I THEN CLIMBED INTO VEHICLE 3 AND AFTER WE WERE ALL LOADED I HEARD A HEADCOUNT BEING CONDUCTED. AFTER EVERYONE WAS ACCOUNTED FOR WE BEGAN TO MOVE BACK TO PB ALCATRAZ

~~ON THE TRIP BACK~~:

AS WE BEGAN TO MOVE, I LOOKED AT DOC (b)(3), (b)(6) AND HE SHOOK HIS HEAD, INDICATING RAST WAS GONE.

WE ARRIVED AT ALCATRAZ IN APPROXIMATELY 5-10 MIN, UNLOADED SSGT SMITH AND DOC (b)(3), (b)(6) THEN RETURNED TO INSIDE OF THE PB WHERE WE BEGAN WEAPONS AND GEAR MAINTENENCE.

I swear (or affirm) that the information in the statement above is true to the best of my knowledge and belief

(b)(3), (b)(6) 20110815

Sworn to before me this date

(b)(3), (b)(6) 15 April 2011

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF CORPORAL (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Cpl (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Cpl (b)(3), (b)(6) carried the detailed compound map (GRG) for the patrol and was asked by Sgt (b)(3), (b)(6) to locate Building 58 just prior to the Hellfire strike. He identified Building 58 as being just adjacent to their position and the wrong building for the source of enemy contact. This information was passed to Sgt (b)(3), (b)(6) immediately prior to the impact of the Hellfire. He identified the source of the enemy fire as a building with two large "French Doors" to their West – Southwest.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: HM2/E-5

Unit: 1/23 ALPHA CO 2ND PLT

Telephone number: _ (b)(2) ____

Today, 15 APR, 20 11, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

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Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

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

(Signature and date)

HM2 USMC, (b)(3), (b)(6)
4521 - RESERVE
SR. PLT CORPSMAN

~~SECRET // REL TO USA, ISAF, NATO~~

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

ON 06APR11 WE HAD OUR MISSION BRIEF AND MOUNTED UP IN OUR VICS. I WAS IN THE BACK OF THE 6X6 MRAP IN THE MOST FORWARD SEAT IN THE REAR W/ THE DOG AT MY FEET. I WAS TO BE THE MOUNTED CORPSMAN FOR CASEVAC REASONS AND HN RAST WAS ON FOOT PATROL. WE WOULD ALTERNATE POSSITIONS ON PATROLS. ENROUT WE HIT AN IED THAT MISFIRED ON OUR FRONT PASSEGER ~~TIRE~~ TIRE, BUT DID NO DAMAGE AND WE WERE ABLE TO PUSH THROUGH TO THE DROP POINT. ONCE WE REACHED THE POINT TO DROP OUR DISMOUNTS, I MOVED TO THE BACK OF THE VIC TO SECURE THE BACK HATCHES AND TO BE NEAR THE COMM GEAR LOCATED IN THE BACK OF THE VIC SO I COULD MONITOR WHAT WAS GOING ON. I COULD SEE THE PATROL MOVE INTO THE WADDIE AND BEHIND THE COMPOUNDS. I HEARD THEM BREAK CONTACT W/ SAF AND THEY HAD (b)(1)1.4a WITH THEM (3 MAN SNIPER TEAM) THE OTHER HALF OF THE PATROL AND (b)(1)1.4a (3 MAN SNIPER TEAM) WERE MORE EAST THEN THEM AND NOT IN POSSITION TO HELP AS NEEDED SO WERE TALKING TO THE MARINES IN CONTACT ON THE MOVEMENTS THEY WERE MAKING TO GET TO THEIR POS. I HEARD THEM TALKING ABOUT HIMARS AND LOCATION ON ENEMY POS WHEN I FELT THE BLAST. I ~~THEN~~ HEARD 17 SEC TO HIMAR AFTER THE BLAST ON COMM AND SGT (b)(3), (b)(6) CAME OVER NET IN DISTRESS SHOUTING "CEASE FIRE CEASE FIRE" LT (b)(3), (b)(6) ASKED HIM WHAT WAS THE SITREP HE SAID "IT WAS ON TOP OF US" LT (b)(3), (b)(6) ASKED AGAIN FOR SITREP AND SGT (b)(3), (b)(6) SAID "SSGT SMITH AND DOC WERE IN THE FIELD" LT (b)(3), (b)(6) ASKED FOR THEIR STATUS AND SGT (b)(3), (b)(6) TOLD HIM THEY ARE DOWN AND NOT MOVING. AT THAT MOMENT I JUMPED OUT OF THE BACK OF THE 6X6 WITH MY MED BAG AND MY VC WHO IS A CLS MARINE SGT (b)(3), (b)(6) ~~JUMPED~~ JUMPED OUT OF THE FRONT MET ME BEHIND THE VIC TO PUSH WEST. WE MOVED INTO THE FIELD JUST OFF THE ROAD WEST AND LINKED UP TO THE OTHER HALF OF THE PATROL THAT WAS PUSHING TO THE TEAM IN DISTRESS. WE PUSHED SOUTH TO A CROSSING POINT OF THE WADDIE AND MOVED WEST INTO THE GREEN ZONE, BETWEEN COMPOUNDS AND BOUNDING OFF EACH OTHER. I PUSHED TO THE SECOND MAN IN THE STICK W/ CPL (b)(3), (b)(6) ON POINT, WE CUT NORTH ON THE WEST SIDE OF THE COMPOUNDS ALONG THE WALLS. FROM MY POINT OF VIEW AT THE FRONT END OF THE STICK I COULD SEE THE OTHER TEAM AND THE BLAST SITE. THE TEAM WAS TAKING COVER BEHIND A 2FOOT HIGH WALL JUST WEST OF AN IRRIGATION DITCH WITH A COMPOUND JUST EAST OF THAT. I PUSHED UP ASKING WHERE ARE THEY SGT (b)(3), (b)(6) AND LCPL (b)(3), (b)(6) JUST POINTED TO THE FIELD AND I ASKED AGAIN SGT (b)(3), (b)(6) SAID THATS SMITH. I SAW IN THE DEAD CENTER OF THE BLAST SITE WAS A MOUNT, I WAS ABOUT 10M AWAY FROM AND THE DAMAGE WAS SO GREAT (b)(6)

(b)(6) I RAN PAST AFTER IDENTIFING POSSITIVE SIGNS OF DEATH ON SSGT SMITH TO HN RAST WHO WAS 20M AWAY FACE DOWN NORTH OF SSGT SMITH HEAD TOWARD THE WALL ABOUT 5M FROM IT.

~~SECRET // REL TO USA, ISAF, NATO~~

ENCLOSURE 12
3 OF 6

THE 2ND TEAM SET INTO COVER AND SGT I WAS TOLD RAST WAS DEAD, I BEGAN TO DRAG HIM BUT
DUE TO THE ANKEL DEEP MUD AND WEIGHT OF HIM RAST WITH GEAR I YELLED FOR HELP. SGT (b)(3), (b)(6)
CAME OUT OF COVER TO HELP ME PULL HIM BEHIND THE WALL, WE WENT BEHIND THE NORTHERN MOST
ECTION OF THE WALL WITH A GAP SEPERATING ME WITH SGT (b)(3), (b)(6) AND (b)(1)1.4a (CPL (b)(3), (b)(6)
GT (b)(3), (b)(6) SGT (b)(3), (b)(6)) FROM ALL THE OTHERS. I BEGAN MY INITIAL ASSESMENT AND DISCOVED RAST
AS NOT BREATHING BUT HAD A PULSE, I IMMEADIATLY TOLD ~~A~~ SGT (b)(3), (b)(6) TO DO THE BLOOD SWEEPS
ND I WENT STRAIT TO HIS AIRWAY. I BEGAN WITH NPA AND GOT BLOOD AND MUCUS SO I ~~GRABE~~ GRABED A KING TUBE
D I PLACED IT AS I WAS TOLD ALL EXTREMITIES WERE CLEAR OF LIFE THREATING BLEEDING I SAW HE STARTED
BREATH ON HIS OWN ONE I GOT THE KING TUBE SET IN PLACE, HIS RESPERATIONS WE SHALLOW AND DERY
TY SOUNDING. I MOVED ONTO HIS CHEST TO SEE IF I COULD HELP HIS RESPERATIONS BY FINDING FURTHER PROBLEMS,
FORE I COULD TOUCH HIS GEAR TO OPEN IT UP, SAF STARTED AGAIN ON OUR POS, (b)(1)1.4a SAW I HAD
TTLE OR NO COVER DUE TO ME PLACING RAST BEHIND THE WALL TO PROTECT HIM AND ME SITING UP OVER
IM SO THEY MOVED TO MY ~~IMMEDIATE~~ IMMEDIATE RIGHT AND PROVIDED DIRECT COVER FOR ME TO WORK ON RAST.
TOKE OPEN HIS SHIRT AND COULD NOT FIND AN INJURY, HE STOPED BREATHING ON HIS OWN AND I HAD
ET (b)(3), (b)(6) PREPING AN IV OF 500ML HEKTEND SO I TOLD HIM I NEED MORE HANDS, ~~WHE~~ WHILE HE WAS GETTING
HELP I GAVE A RESCUE BREATH ~~REPOSITIONED~~ REPOSSITIONED THE KING TUBE ~~AND PERFORM~~ TO VERIFY PLACEMENT OF TUBE WHEN I NOTICED
OUR CHEST RISE AND FALL AND RESISTANCE IN TUBE. I GAVE ANOTHER RESCUE BREATH AND GOT SAME
FFECT. AT THAT TIME LCPL (b)(3), (b)(6) CAME UP BACK I TOLD HIM TO GIVE A BREATH EVERY 6 SEC FOR ME, HE
OK OVER AND I DID A NEEDLE DECOMPRESSION TO HIS LEFT SIDE OF HIS CHEST IN THE 2ND INTERCOSTAL
SPACE AND RECIEVED NO POSSITIVE RESULT IN REGARDS OF RESPERATIONS. I KEPT DOING MY ASSEMENT AND
SGT (b)(3), (b)(6) FAILED THE IV STICK I TOLD HIM I WOULD DO IT IN THE TRUCK AND PACK IT UP. I DID
QUICK HEAD CHECK AS SGT (b)(3), (b)(6) GOT THE POLICE'S LITTER READY, I WAS LOOKING FOR BATTLE SIGNS
ND WHEN I LOOKED BEHIND THE RIGHT EAR I FOUND AN INJURY. A HOLE ABOUT (b)(6)
EEP I KNEW RIGHT THEN WE HAVE TO MOVE, I CALLED OUT WE WERE GOING TO NEED HELP MOVING HIM
O THE VIC, STILL RECIEVING SAF AND SGT (b)(3), (b)(6), LCPL (b)(3), (b)(6), AND MYSELF WITH NO COVER OTHER THEN
HARDROD I HAD TO ROLL HIM ONTO THE LITTER AND SECURE HIM. WE TOLD THE RO TO PASS UP WE WERE
OVING TO THE VICS WITH RAST AND THAT HE WAS STILL AN URGENT PATIENT. WE PICKED HIM UP
ITH HELP FROM OTHER MARINES TO MOVE THROUGH A NARROW ALLEY WAY BETWEEN COMPOUNDS TO A SMALL
FIELD ON THE EAST SIDE OF THE COMPOUNDS. ~~SECRET // REL TO USA, ISAF, NATO~~ AND GROUND UNDER WE WERE

UNABLE TO MOVE FAST AND THE SAF HAD SHIFTED TO OUR POS FROM A MORE NORTHERN ENEMY POS THAT THEY COULD SEE US FROM. THE LITTER BEGAN TO TEAR AT THE HANDLES AND I TOLD THEM TO KEEP GOING WE HAVE TO GET HIM TO THE TRUCKS. WE WOULD STOP AND EVERY TIME I WOULD REASSESS AND I NOTICED THE GAUZE AND BANDAGE FROM HIS HEAD HAD COME OUT AND THE WHACE MOVEMENT I KEPT BREATHING FOR HIM. WE MOVED ABOUT 10M MORE AND THE LITTER GAVE OUT TEARING APART, SGT (b)(3), (b)(6) AND HIS SNIPER TEAM HAD PUSHED UP TO BOUND WITH US FOR COVER AS WE MOVE. I COULD HEAR MORTARS DROPING WEST OF US, WE ~~PLASED~~ PLACED RAST ON A COLLAPSING LADDAR WE HAD ON THE PATROL. WE PUSHED TO THE WADDIE AND WE LEARNED IT WAS MID ABDOMIN DEEP WE HAD TO MOVE VERY SLOW TO KEEP HIM OUT OF THE WATER. WE PLACED THE LADDAR ON OUR SHOULDARS AND MOVED "LEFT FOOT RIGHT FOOT" SGT (b)(3), (b)(6) AND HIS TEAM MET US AT THE EDGE OF THE EAST SIDE OF THE WADDIE TO HELP POLL RAST OUT. I GOT EVERYONE SET TO MOVE HIM AND TOLD THEM TO BRING HIM TO THE 6X6 WHERE I WILL BE SETTING UP. I RAN TO THE TRUCK AND GOT MY TRUCK BAG OUT, I DIRECTED THEM ON HOW TO LOAD HIM AND I REASSESED HIM. I FOUND THAT HN RAST HAD PASSED AWAY DUE TO HIS INJURIES, HIS PULSE HAD STOPED AND BREATHING HAD NOT STARTED UP AGAIN. WE PUSHED TO ALCATRAZ AND FOUND THAT RECON WAS WAITING FOR US, THE SARC'S WERE WHO I WENT STRAIT TOO AND TOLD THEM RAST DIED WHILE I WAS MOVING HIM. THE IDC HM1 (b)(3), (b)(6) VERIFIED MY REPORT AND I ASSISTED IN LOADING HIS BODY INTO THE BIRD. SSGT SMITH BODY WAS LOADED SECOND AND IT TOOK OFF, AFTER THE BIRD TOOK OFF I ASSESED THE OTHER MARINES TO FIND NO OTHER INJURIES.

I swear or affirm that the information in the statement above and is true to the best of my knowledge or belief

AFE

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

15APR11

Sworn to before me this date

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

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

HM2 (FMF)

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

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF HM2 (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed HM2 (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6) the legal representative to the investigative team.

2. HM2 (b)(3), (b)(6) arrived at the point of injury with Sgt (b)(3), (b)(6), HM2 (b)(3), (b)(6) immediately assessed SSgt Smith as KIA and attempted to stabilize HN Rast. His initial assessment of HN Rast's wounds made him believe that they were mortal due to the penetrating head trauma (large hole in the skull below the right ear). He inserted a breathing tube in HN Rast's throat and "had him alive" for ten minutes. Once he identified the HN Rast's penetrating head wound and had stabilized him as best he could he recommended immediate movement to the vehicles on Rt 611. HN Rast died of wounds during the movement from the point of injury to the vehicle load point on Rt 611. HM2 (b)(3), (b)(6) heard an exchange of gunfire during the movement of the casualties to Route 611.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) _____

Rank/Rate: SGT / E-5

Unit: A. CO. 1/23

Telephone number: (b)(2) _____

Today, 15 APRIL, 20 11, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 15 APR 2004

(Signature and date)

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

SECRET // REL TO USA, ISAF, NATO

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

VEHICLE #3 V.C.

ON APRIL 6, 2011, AT 0600 HOURS, 2ND PLATOON AWOKE TO PREPARE FOR A 0700 MISSION. WE DEPARTED FRIENDLY LINES A LITTLE AFTER 0700 AND PROCEEDED NORTH ON ROUTE 611 TOWARDS OUR INSERTION AREA.

WHILE EN ROUTE TO THE INSERTION AREA, MY VEHICLE, (#3) WAS HIT BY A SMALL IED, WHICH DID NO SUBSTANTIAL DAMAGE TO THE VEHICLE. MY VEHICLE PUSHED OUT OF THE IED KILL ZONE AND CONTINUED NORTH TO THE INSERTION AREA.

ONCE AT THE INSERTION AREA, ALL FOUR VEHICLES TURNED AROUND TO FACE SOUTH ON ROUTE 611. AFTER FACING SOUTH, ALL DISMOUNT MARINES EXITED THEIR VEHICLES AND BEGAN THEIR PATROL INTO THE "GREEN ZONE", ON THE WEST SIDE OF ROUTE 611.

WITHIN ABOUT 20-30 MINUTES OF PATROLLING, THE DISMOUNTED MARINES STARTED TO RECEIVE CONTACT FROM THE WEST SIDE OF THEIR POSITION.

I WAS ABLE TO UNDERSTAND A FEW TRANSMISSIONS FROM THE DISMOUNTED RADIOS, BUT NOT ENOUGH TO GRASP FULLY WHAT WAS TAKING PLACE. I LATER HEARD RADIO TRANSMISSIONS THAT "SCANEAGLE" WAS ON STATION, HAD VISUAL OF THE ENEMY, AND WAS WORKING ON FIRING ON ENEMY.

THE NEXT TRAFFIC THAT I HEARD ON THE RADIO WAS FROM VEHICLE #4, LT (b)(3), (b)(6) SAYING "SEVENTEEN SECONDS...", WHICH IS WHEN I HEARD THE EXPLOSION FROM THE HELLFIRE.

IMMEDIATELY AFTER THE EXPLOSION, I COULD HEAR A VOICE FROM THE DISMOUNT RADIO SCREAMING "CEASE FIRE, CEASE FIRE". ONCE WE REALIZED THE MISSLE HAD DROPPED ON TOP OF OUR DISMOUNTED ELEMENT, HM2 (b)(3), (b)(6) AND I EXITED VEHICLE #3 WITH OUR MEDICAL BAGS AND BEGAN MAKING OUR WAY TO THE CASUALTIES.

WITHIN MINUTES, HM2 (b)(3), (b)(6) AND I WERE WITH THE CASUALTIES AND ASSESSING INJURIES. THE FIRST CASUALTY WE CAME TO WAS SSGT SMITH, WHO WAS ALREADY DECEASED. KNOWING WE COULD NOT HELP HIM, WE MADE OUR WAY TO HN RAST.

INITIAL ASSESSMENT OF HN RAST SHOWED A CAROTID PULSE AND SHALLOW RESPIRATIONS. HAVING THOSE FINDINGS, HM2 (b)(3), (b)(6) AND I PULLED HN RAST TO COVER AND BEGAN TO TREAT HIM. WE WORKED ON HN RAST FOR ABOUT 20 MINUTES WHILE STILL TAKING FIRE FROM THE WEST. HM2 (b)(3), (b)(6) AND I, KNOWING WE HAD TO GET HN RAST TO THE VEHICLES, GOT HELP FROM OTHER MARINES AND EGRESSED EAST, DIRECTLY FROM OUR

SECRET // REL TO USA, ISAF, NATO

POSITION TO ROUTE 611, WHERE THE VEHICLES WERE WAITING. WE TOOK HN RAST TO MY VEHICLE WHERE WE LOADED HIM INTO THE REAR.

AFTER LOADING HN RAST INTO MY VEHICLE, THE MARINES WHO CARRIED SSGT SMITH OUT OF THE "GREEN ZONE", LOADED HIM INTO VEHICLE #4. WITH OUR HEAD COUNT UP, WE RTB'ED TO PB ALCATRAZ TO THE LANDING ZONE.

I swear or affirm that the information in the statement above and is true to the best of my knowledge or belief

(b)(3), (b)(6) 15 APRIL 2011

Sworn to before me this date

(b)(3), (b)(6) 15 April 2011

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF SERGEANT (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Sergeant (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Sergeant (b)(3), (b)(6) was located in Vehicle 3 on Rt 611 along with HM2 (b)(3), (b)(6) when the strike occurred. He and HM2 (b)(3), (b)(6) immediately responded when casualties were indicated. He assessed SSgt Smith as KIA and HN Rast's wounds as mortal due to massive blood loss and penetrating head wound. He and HM2 (b)(3), (b)(6) worked for approximately 20 minutes to stabilize HN Rast. It then took 30-40 minutes to move HN Rast and SSgt Smith to the vehicles. Sgt (b)(3), (b)(6) is a civilian (b)(3), (b)(6)

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

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) Rank/Rate: E-5
Activity: Unit: [illegible]
Telephone number: (b)(2)

Today, April 24, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. **AUTHORITY:** 44 U.S.C. § 3101; 5 U.S.C. § 301. Specify, if possible, other statutory authority listed below that is peculiarly applicable to the matter under investigation.

Authorities applicable to various investigations:

a. Requirement that enlisted members make up time lost due to misconduct or abuse of drugs or alcohol. 10 U.S.C. § 972.

b. Retirement or separation for physical disability. 10 U.S.C. §§ 1201-1221.

c. Manual for Courts-Martial

d. Uniform Code of Military Justice. 10 U.S.C. §§ 815, 832, 869, 873, 935, 936, and 938-940.

e. Military Claims Act. 10 U.S.C. § 2733.

f. Foreign Claims Act. 10 U.S.C. §§ 2734, 2734a, 2734b.

g. Emergency payment of claims. 10 U.S.C. § 2736

h. Non-Scope claims. 10 U.S.C. § 2737.

i. Duties of Secretary of the Navy. 10 U.S.C. § 5013

j. Duties of the Office Chief of Naval Operations. 10 U.S.C. §§ 5031-5033, 5035-5036.

k. Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General. 10 U.S.C. §§ 5021-5024, 5131-5133, 5135, 5137-38, 5141-5142a, 5148-5150.

l. Duties of the Commandant of the Marine Corps. 10 U.S.C. § 5043.

m. Reservists' disability and death benefits. 10 U.S.C. § 1074.

n. Requirement of exemplary conduct. 10 U.S.C. § 5947.

o. Promotion of accident and occupational safety by Secretary of the Navy. 10 U.S.C. § 7205.

p. Admiralty claims. 10 U.S.C. § 7622-7623

q. Federal Tort Claims Act. 28 U.S.C. §§ 1346, 2671-2680.

r. Financial liability of accountable officers. 31 U.S.C. §§ 3521, 3527, 3531.

s. Military Personnel and Civilian Employees' Claims Act of 1964. 31 U.S.C. §§ 240-243.

t. Federal Claims Collection Acts. 31 U.S.C. §§ 3521, 3526, 3529, 3701-3702, 3717-3718.

u. Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use. 37 U.S.C. § 802.

v. Eligibility for certain veterans' benefits. 38 U.S.C. § 105.

w. Postal claims. 39 U.S.C. §§ 406, 2601.

x. Medical Care Recovery Act. 42 U.S.C. §§ 2651-2653.

y. Public Vessels Act. 46 U.S.C. §§ 781-790

z. Suits in Admiralty Act. 46 U.S.C. §§ 741-752.

aa. Admiralty Extension Act. 46 U.S.C. § 740

bb. Transportation Safety Act. 49 U.S.C. § 1901

2. **PRINCIPAL PURPOSE(S):** The information which will be solicited is intended principally for the following purpose(s):

[Specify each purpose listed below for which the record of the particular investigation could reasonably be used:]

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determinations on disciplinary or punitive action

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. **ROUTINE USES**: In addition to being used within the Departments of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemembers' Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. **MANDATORY/VOLUNTARY DISCLOSURE - CONSEQUENCES OF REFUSING TO DISCLOSE**:

a. Where disclosure is voluntary, as usually is the case, use one of the following statements, or a combination of the following statements, as applicable.

(1) Where an individual is a subject of an investigation for purpose 2a or 2b, above: "Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the [personnel determinations] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative

record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possibly could prevent the investigation from obtaining evidence, which may be needed to support a favorable determination."

(2) Where an individual is a subject of an investigation for purpose 2c, above: "Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held liable for repayment of the Government's loss would be based on the other evidence in the investigative record."

(3) Where the individual is a claimant or potential claimant in an investigation for purpose 2e, above: "Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have made or may make against the Government as a result of the incident under investigation."

(4) Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: "Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in a Naval medical facilities."

(5) In any other case: "Disclosure is voluntary, and if you do not provide the requested information, any determinations or evaluations made as a result of the investigation will be made on the basis of the evidence that is contained in the investigative record."

b. In the unusual situation where a specific statute, regulation, or lawful order of competent authority requires an individual to disclose particular information for the Government's benefit in furtherance of a Government interest, policy, or objective, the following statement should be used: "Disclosure of (specify the particular relevant information required) is mandatory under (cite the statute, regulation, or order), and refusal to disclose that information will subject you to possible disciplinary or criminal proceedings. Disclosure of any other information requested is voluntary, (and there will be no adverse effects if you elect not to disclose it) (but election not to disclose the information could ."

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

(Signature and date)

LCPL

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

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

I was located in VIC 4 of the Convoy. We left PTS ALKATRAZ early morning of April 6th, 2011. Drove up the Coll. On the way up North to our drop off point for the dismount team, I heard an explosion. Sounded like a VIC up front hit an IED. was told by my drive that it was a dud. We made our way up North, turned around, than drove approximatly 300 to 400m South and dropped of the dismounts. I was the Mark-19 gunner of VIC 4 and was providing rear security for the convoy. I was scanning back and forth from West than to North than to East and then back. I do not remember what time we took contact but I heard and kept hearing pop shots and machine gun fire. I was relaying what I heard and kept hearing to my driver, Cpl (b)(3), (b)(6) 3rd 2nd LT (b)(3), (b)(6), who was my V.C. There was alot of traffic on the radio but I could not make alot of it out. It sounded like they were doing a call for fire mission. All I heard was someone over the radio (152) say, "17 seconds", LT (b)(3), (b)(6) start yelling to me, "get down" and over the radio, "get down" repeatedly, than like 5 seconds later I heard an explosion very close to the road. Than Sgt (b)(3), (b)(6) on the radio, "Cease fire, Cease fire" ~~AtF~~ After that my driver, Cpl (b)(3), (b)(6) spotted vehicles about 150-200 meters off to the east. Guys were dismounting and we started hearing mortar fire. They were not targeting the VIC's, but they were targeting the dismounts. I told my driver to back up so I could have a clear view of fire and unloaded with the mark. I shot a case of Ammo, ~~been~~ as I was shooting I saw my rounds impact the burm where they exploded like I hit an IED or mortar round. My last volley of fire I hit the back end of a pick up truck dropping the rear axle. was reloding, saw the guys push the vehicle behind a burm, when I have more ammo and went Condition one ~~SECRET // REL TO USA, ISAF, NATO~~ ~~I couldn't see~~ anyone. My driver yelled

at me that Icom Chatter reported the guys (taliban) to the east where we were taking the IDF from, were getting RPG's ready to fire at the VIC's. We moved up about 30-50m to some cover. The cover was a building and tall wall that protected out east flank. Bout 20 minutes later I saw marines gather in a Wadi 75meters North west of where VIC 4 was parked. One of them shot a 203 Red smoke to the east. I told my driver and we backed up till they were directly west of our position. My gun was still orientated to the east, when I looked back and saw the V.C.'s of our convoy dismount and haul ass to the west, where the marines where. Saw a body on a stretch being taken to the Six-by MRAP. Then the last of the marines carried A body to my VIC, VIC 4. There was words being exchanged, however, I could not hear clearly. They loaded the body up, we headed South to PB Alkatraz. As we headed back ~~we~~ I saw VIC's on the east side of the road. We made it to Alkatraz as the blackhawk was landing. A lot of Recon guys were out to meet us and help us. ~~AF~~ I saw them rush the bodies to the bird, and thats when my driver yelled up and asked if I knew what was going on. I said, "I have no idea, are they okay, who are they?" Thats when he told me SSgt. Smith and Doc Rast were KIA. And thats when we went inside the PB, went condition 4, and thats when it hit me.

I swear or affirm that the information in the statement above and is true to the best of my knowledge or belief

(b)(3), (b)(6) 20110415

Sworn to before me this date.

(b)(3), (b)(6) 15 April 2011

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) Rank/Rate: Cpl - E-4
Activity: _____ Unit: A Cs 1/23
Telephone number: GB

Today, April 24, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. **AUTHORITY:** 44 U.S.C. § 3101; 5 U.S.C. § 301. Specify, if possible, other statutory authority listed below that is peculiarly applicable to the matter under investigation.

Authorities applicable to various investigations:

a. Requirement that enlisted members make up time lost due to misconduct or abuse of drugs or alcohol. 10 U.S.C. § 972.

b. Retirement or separation for physical disability. 10 U.S.C. §§ 1201-1221.

c. Manual for Courts-Martial

d. Uniform Code of Military Justice. 10 U.S.C. §§ 815, 832, 869, 873, 935, 936, and 938-940.

e. Military Claims Act. 10 U.S.C. § 2733.

f. Foreign Claims Act. 10 U.S.C. §§ 2734, 2734a, 2734b.

g. Emergency payment of claims. 10 U.S.C. § 2736

h. Non-Scope claims. 10 U.S.C. § 2737.

i. Duties of Secretary of the Navy. 10 U.S.C. § 5013

j. Duties of the Office Chief of Naval Operations. 10 U.S.C. §§ 5031-5033, 5035-5036.

k. Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General. 10 U.S.C. §§ 5021-5024, 5131-5133, 5135, 5137-38, 5141-5142a, 5148-5150.

l. Duties of the Commandant of the Marine Corps. 10 U.S.C. § 5043.

m. Reservists' disability and death benefits. 10 U.S.C. § 1074.

n. Requirement of exemplary conduct. 10 U.S.C. § 5947.

o. Promotion of accident and occupational safety by Secretary of the Navy. 10 U.S.C. § 7205.

p. Admiralty claims. 10 U.S.C. § 7622-7623.

q. Federal Tort Claims Act. 28 U.S.C. §§ 1346, 2671-2680.

r. Financial liability of accountable officers. 31 U.S.C. §§ 3521, 3527, 3531.

s. Military Personnel and Civilian Employees' Claims Act of 1964. 31 U.S.C. §§ 240-243.

t. Federal Claims Collection Acts. 31 U.S.C. §§ 3521, 3526, 3529, 3701-3702, 3717-3718.

u. Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use. 37 U.S.C. § 802.

v. Eligibility for certain veterans' benefits. 38 U.S.C. § 105.

w. Postal claims. 39 U.S.C. §§ 406, 2601.

x. Medical Care Recovery Act. 42 U.S.C. §§ 2651-2653.

y. Public Vessels Act. 46 U.S.C. §§ 781-790.

z. Suits in Admiralty Act. 46 U.S.C. §§ 741-752.

aa. Admiralty Extension Act. 46 U.S.C. § 740.

bb. Transportation Safety Act. 49 U.S.C. § 1901.

2. **PRINCIPAL PURPOSE(S):** The information which will be solicited is intended principally for the following purpose(s):

[Specify each purpose listed below for which the record of the particular investigation could reasonably be used:]

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determinations on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. **ROUTINE USES**: In addition to being used within the Departments of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemembers' Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. **MANDATORY/VOLUNTARY DISCLOSURE - CONSEQUENCES OF REFUSING TO DISCLOSE**:

a. Where disclosure is voluntary, as usually is the case, use one of the following statements, or a combination of the following statements, as applicable:

(1) Where an individual is a subject of an investigation for purpose 2a or 2b, above: "Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the [personnel determinations] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative

record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possibly could prevent the investigation from obtaining evidence, which may be needed to support a favorable determination."

(2) Where an individual is a subject of an investigation for purpose 2c, above: "Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held liable for repayment of the Government's loss would be based on the other evidence in the investigative record."

(3) Where the individual is a claimant or potential claimant in an investigation for purpose 2e, above: "Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have made or may make against the Government as a result of the incident under investigation."

(4) Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: "Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in a Naval medical facilities."

(5) In any other case: "Disclosure is voluntary, and if you do not provide the requested information, any determinations or evaluations made as a result of the investigation will be made on the basis of the evidence that is contained in the investigative record."

b. In the unusual situation where a specific statute, regulation, or lawful order of competent authority requires an individual to disclose particular information for the Government's benefit in furtherance of a Government interest, policy, or objective, the following statement should be used: "Disclosure of (specify the particular relevant information required) is mandatory under (cite the statute, regulation, or order), and refusal to disclose that information will subject you to possible disciplinary or criminal proceedings. Disclosure of any other information requested is voluntary, (and there will be no adverse effects if you elect not to disclose it) (but election not to disclose the information could ... "

2011 04 24

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

CPL. (b)(3), (b)(6) SSN: (b)(3), (b)(6) HOR: (b)(3), (b)(6)
(Driver For Vic 4)

On 6 April 2011 we left the wire at around 0700. I was driving Vic #4 with Lcpl (b)(3), (b)(6) as my gunner and 2nd Lt. (b)(3), (b)(6) as my vehicle commander. We headed north and eventually vic #3 struck an IED that caused no injuries and no damage to the vic. Lt. (b)(3), (b)(6) then sent up a strike report via BFT and we continued on heading north on route 611. We then arrived at our insert point and turned the vics around to face south. At that time all the dismounts exited the vics and began their insertion into the green zone. Roughly within 15 mins of inserting to the green zone ~~we~~ the dismounts began to take SAF from north west of their POS. As the dismounts took fire Lt (b)(3), (b)(6) called for ISR assets to get eyes on the fire fight. Then (b)(1)1.4a (2nd Recon Alpha Co) said they see muzzel flashes (in, from, or around) compound 58 from the drone in the air overhead. They then told Lt (b)(3), (b)(6) to get everyone down in cover. Before Lt (b)(3), (b)(6) called for ISR he sent up a 10 digit grid. The first one had the wrong easting acording to (b)(1)1.4a because he quickly sent the correct grid 2X. After the grid was sent they asked if everyone was in cover because they were going to fire a hellfire. Lt (b)(3), (b)(6) then called and told our dismounts to get in cover. They ragered up. Then Lt (b)(3), (b)(6) asked if they were in cover and CPL (b)(3), (b)(6) said yes. Lt (b)(3), (b)(6) then informed (b)(1)1.4a that the dismounts were covered. Almost immidiately after the (b)(1)1.4a said 30 secs till impact. Then 5 secs later they said 17 secs. then bout 10 secs later ~~the bomb hit the~~ deck.

10 secs later I heard Sgt (b)(3), (b)(6) yell "cease fire!". He said the bomb landed right on top of ~~[illegible]~~ them. The SAF was alot lighter, but still continued. Lt. (b)(3), (b)(6) asked repeatedly for a SIT.REP on the ground. After 10 mins of assessing the bomb strike Sgt. (b)(3), (b)(6) said SSgt. Smith is KIA, & Doc. Rast is being stableized. My gunner said he hears explosions to the west, As I turn to my east I see a 2man mortar team dropping mortars from about 150m - 200m. I tell my gunner to turn east and fire on the team. The team quickly got into cover due to the T&E on the MK-19 gun taking too long to adjust. As the 2 casualties were being recovered and taken to our vics we were getting ICOM chatter about taliban moving on us (vics) with RPGs from the east. We then secured the casualties in the Vics and began our trip back to PB Alcátraz. As we started driving I then informed Lt. (b)(3), (b)(6) that we will require QRF if we take an IED or RPG hit. He then called (b)(1)1.4a and requested QRF. We arrived back to the PB with no more problems.

I swear (or affirm) that the information in the statement above and is true to the best of my knowledge or belief

(b)(3), (b)(6) 20110415

Sworn to before me this date.

(b)(3), (b)(6) 15 April 2011

Pages 398 through 399 redacted for the following reasons:
- -
Page 18-19 of 11-009 BOB and Death of Rast - Smith - part 16 is redacted under FOIA exemption (b)(1)1.4a
Pages 18-19 of 11-009 BOB and Death of Rast - Smith - part 16 is redacted under FOIA exemption (b)(1)1.4a

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: CW2

Unit: C CO 1-214

Telephone number: (b)(2)

Today, April 18, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 19 APR 11

re and date)

WITNESS STATEMENT

(b)(3), (b)(6)	CW2	(b)(3), (b)(6)
Name	Rank/Rate	Social Security Number
PILOT IN COMMAND		C CO 1-214
Position		Organization
(b)(3), (b)(6)		
Address (Home or Office)		
(b)(2)		
Office Phone		Mobile Phone

I, (b)(3), (b)(6), hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

On 6 April 2011at 0926 the 9 line dropped in Transverse for 1/23 QRF/2D Recon Medevac. My 1st up crew of (b)(1)1.4a and Chase of (b)(1)1.4a were immediately alerted. I was the Pilot in Command of (b)(1)1.4a and the Air Mission Commander of both ships. Both Aircraft were airborne by (b)(1)1.4a At 160 knots both aircraft were on station within (b)(1)1.4a minutes (b)(1)1.4a. Immediately after launching I was in contact with (b)(1)1.4a . I informed (b)(1)1.4a and (b)(1)1.4a who was over head that I would remain west of the wadi until LZ (b)(1)1.4a was called clear. After approximately (b)(1)1.4a minutes, (b)(1)1.4a, I asked (b)(1)1.4a what the holdup was and he then informed me that the patients were being transferred from PB Alcatraz to PB (b)(1)1.4a I continued to hold and after about (b)(1)1.4a minutes, (b)(1)1.4a I asked (b)(1)1.4a again what the holdup was. He then told me that the vehicles were under fire and he was launching his QRF vehicle. I promptly told (b)(1)1.4a that I had (b)(1)1.4a minutes to get the patients to the Role 3 within the golden hour which would expire at (b)(1)1.4a. I also informed (b)(1)1.4a that if he gave me a grid and told me the patients were unstable or crashing that I would ingress into the hot LZ where they were and retrieve them. (b)(1)1.4a then told me he had no communications with the ground element at PB Alcatraz and did not know the status of the patients. At approximately (b)(1)1.4a informed me that there was now one KIA. I asked him if it was one of the patients who he said he had no communications with or a new injury and he told me it was one of the existing ones. I passed this information to SPC (b)(3), (b)(6) who was working the operations desk at FOB Edinburgh. By about (b)(1)1.4a informed me that the second patient was now KIA. I then passed this information to SPC (b)(3), (b)(6) again. I was told by my operations to stay on station and retrieve the KIA individuals. At the airspeed I can fly in my aircraft I could have retrieved the individuals at PB Alcatraz by (b)(1)1.4a and with (b)(1)1.4a minutes on the ground I could have had them to Bastion Role 3 by (b)(1)1.4a to (b)(1)1.4a (b)(1)1.4a (b)(1)1.4a minutes before they were pronounced KIA, and in that flight time they would have been receiving life saving care by my certified flight medic.

I swear (or affirm) that the information in the statement above and on the ___ attached page(s) is or belief.

(b)(3), (b)(6) _____ 19 APR 11 (Date) 0914 Time

Sworn to before me this date

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

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ)

19 April 2011 (Date)

0914 Time

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) _____

Rank/Rate: SGT / E-5

Unit: A. CO. 1/23

Telephone number: (b)(2) _____

Today, 15 APRIL, 20 11, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

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a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 15 APR 2004

(Signature and date)

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

SECRET // REL TO USA, ISAF, NATO

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

VEHICLE #3 V.C.

ON APRIL 6, 2011, AT 0600 HOURS, 2ND PLATOON AWOKE TO PREPARE FOR A 0700 MISSION. WE DEPARTED FRIENDLY LINES A LITTLE AFTER 0700 AND PROCEEDED NORTH ON ROUTE 611 TOWARDS OUR INSERTION AREA.

WHILE EN ROUTE TO THE INSERTION AREA, MY VEHICLE, (#3) WAS HIT BY A SMALL IED, WHICH DID NO SUBSTANTIAL DAMAGE TO THE VEHICLE. MY VEHICLE PUSHED OUT OF THE IED KILL ZONE AND CONTINUED NORTH TO THE INSERTION AREA.

ONCE AT THE INSERTION AREA, ALL FOUR VEHICLES TURNED AROUND TO FACE SOUTH ON ROUTE 611. AFTER FACING SOUTH, ALL DISMOUNT MARINES EXITED THEIR VEHICLES AND BEGAN THEIR PATROL INTO THE "GREEN ZONE", ON THE WEST SIDE OF ROUTE 611.

WITHIN ABOUT 20-30 MINUTES OF PATROLLING, THE DISMOUNTED MARINES STARTED TO RECEIVE CONTACT FROM THE WEST SIDE OF THEIR POSITION.

I WAS ABLE TO UNDERSTAND A FEW TRANSMISSIONS FROM THE DISMOUNTED RADIOS, BUT NOT ENOUGH TO GRASP FULLY WHAT WAS TAKING PLACE. I LATER HEARD RADIO TRANSMISSIONS THAT "SCANEAGLE" WAS ON STATION, HAD VISUAL OF THE ENEMY, AND WAS WORKING ON FIRING ON ENEMY.

THE NEXT TRAFFIC THAT I HEARD ON THE RADIO WAS FROM VEHICLE #4, LT (b)(3), (b)(6) SAYING "SEVENTEEN SECONDS...", WHICH IS WHEN I HEARD THE EXPLOSION FROM THE HELLFIRE.

IMMEDIATELY AFTER THE EXPLOSION, I COULD HEAR A VOICE FROM THE DISMOUNT RADIO SCREAMING "CEASE FIRE, CEASE FIRE". ONCE WE REALIZED THE MISSLE HAD DROPPED ON TOP OF OUR DISMOUNTED ELEMENT, HM2 (b)(3), (b)(6) AND I EXITED VEHICLE #3 WITH OUR MEDICAL BAGS AND BEGAN MAKING OUR WAY TO THE CASUALTIES.

WITHIN MINUTES, HM2 (b)(3), (b)(6) AND I WERE WITH THE CASUALTIES AND ASSESSING INJURIES. THE FIRST CASUALTY WE CAME TO WAS SSGT SMITH, WHO WAS ALREADY DECEASED. KNOWING WE COULD NOT HELP HIM, WE MADE OUR WAY TO HN RAST.

INITIAL ASSESSMENT OF HN RAST SHOWED A CAROTID PULSE AND SHALLOW RESPIRATIONS. HAVING THOSE FINDINGS, HM2 (b)(3), (b)(6) AND I PULLED HN RAST TO COVER AND BEGAN TO TREAT HIM. WE WORKED ON HN RAST FOR ABOUT 20 MINUTES WHILE STILL TAKING FIRE FROM THE WEST. HM2 (b)(3), (b)(6) AND I, KNOWING WE HAD TO GET HN RAST TO THE VEHICLES, GOT HELP FROM OTHER MARINES AND EGRESSED EAST, DIRECTLY FROM OUR

SECRET // REL TO USA, ISAF, NATO

POSITION TO ROUTE 611, WHERE THE VEHICLES WERE WAITING. WE TOOK HN RAST TO MY VEHICLE WHERE WE LOADED HIM INTO THE REAR.

AFTER LOADING HN RAST INTO MY VEHICLE, THE MARINES WHO CARRIED SSGT SMITH OUT OF THE "GREEN ZONE", LOADED HIM INTO VEHICLE #4. WITH OUR HEAD COUNT UP, WE RTB'ED TO PB ALCATRAZ TO THE LANDING ZONE.

I swear or affirm that the information in the statement above and is true to the best of my knowledge or belief

(b)(3), (b)(6) 15 APRIL 2011

Sworn to before me this date

(b)(3), (b)(6) 15 April 2011

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF SERGEANT (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed Sergeant (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. Sergeant (b)(3), (b)(6) was located in Vehicle 3 on Rt 611 along with HM2 (b)(3), (b)(6) when the strike occurred. He and HM2 (b)(3), (b)(6) immediately responded when casualties were indicated. He assessed SSgt Smith as KIA and HN Rast's wounds as mortal due to massive blood loss and penetrating head wound. He and HM2 (b)(3), (b)(6) worked for approximately 20 minutes to stabilize HN Rast. It then took 30-40 minutes to move HN Rast and SSgt Smith to the vehicles. Sgt (b)(3), (b)(6) is a civilian (b)(3), (b)(6)

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

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) Rank/Rate: E-5
Activity: Unit: [illegible]
Telephone number: (b)(2)

Today, April 24, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. **AUTHORITY:** 44 U.S.C. § 3101; 5 U.S.C. § 301. Specify, if possible, other statutory authority listed below that is peculiarly applicable to the matter under investigation.

Authorities applicable to various investigations:

a. Requirement that enlisted members make up time lost due to misconduct or abuse of drugs or alcohol. 10 U.S.C. § 972.

b. Retirement or separation for physical disability. 10 U.S.C. §§ 1201-1221.

c. Manual for Courts-Martial

d. Uniform Code of Military Justice. 10 U.S.C. §§ 815, 832, 869, 873, 935, 936, and 938-940.

e. Military Claims Act. 10 U.S.C. § 2733.

f. Foreign Claims Act. 10 U.S.C. §§ 2734, 2734a, 2734b.

g. Emergency payment of claims. 10 U.S.C. § 2736

h. Non-Scope claims. 10 U.S.C. § 2737.

i. Duties of Secretary of the Navy. 10 U.S.C. § 5013

j. Duties of the Office Chief of Naval Operations. 10 U.S.C. §§ 5031-5033, 5035-5036.

k. Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General. 10 U.S.C. §§ 5021-5024, 5131-5133, 5135, 5137-38, 5141-5142a, 5148-5150.

l. Duties of the Commandant of the Marine Corps. 10 U.S.C. § 5043.

m. Reservists' disability and death benefits. 10 U.S.C. § 1074.

n. Requirement of exemplary conduct. 10 U.S.C. § 5947.

o. Promotion of accident and occupational safety by Secretary of the Navy. 10 U.S.C. § 7205.

p. Admiralty claims. 10 U.S.C. § 7622-7623

q. Federal Tort Claims Act. 28 U.S.C. §§ 1346, 2671-2680.

r. Financial liability of accountable officers. 31 U.S.C. §§ 3521, 3527, 3531.

s. Military Personnel and Civilian Employees' Claims Act of 1964. 31 U.S.C. §§ 240-243.

t. Federal Claims Collection Acts. 31 U.S.C. §§ 3521, 3526, 3529, 3701-3702, 3717-3718.

u. Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use. 37 U.S.C. § 802.

v. Eligibility for certain veterans' benefits. 38 U.S.C. § 105.

w. Postal claims. 39 U.S.C. §§ 406, 2601.

x. Medical Care Recovery Act. 42 U.S.C. §§ 2651-2653.

y. Public Vessels Act. 46 U.S.C. §§ 781-790

z. Suits in Admiralty Act. 46 U.S.C. §§ 741-752.

aa. Admiralty Extension Act. 46 U.S.C. § 740

bb. Transportation Safety Act. 49 U.S.C. § 1901

2. **PRINCIPAL PURPOSE(S):** The information which will be solicited is intended principally for the following purpose(s):

[Specify each purpose listed below for which the record of the particular investigation could reasonably be used:]

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determinations on disciplinary or punitive action

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. **ROUTINE USES**: In addition to being used within the Departments of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemembers' Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. **MANDATORY/VOLUNTARY DISCLOSURE - CONSEQUENCES OF REFUSING TO DISCLOSE**:

a. Where disclosure is voluntary, as usually is the case, use one of the following statements, or a combination of the following statements, as applicable.

(1) Where an individual is a subject of an investigation for purpose 2a or 2b, above: "Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the [personnel determinations] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative

record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possibly could prevent the investigation from obtaining evidence, which may be needed to support a favorable determination."

(2) Where an individual is a subject of an investigation for purpose 2c, above: "Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held liable for repayment of the Government's loss would be based on the other evidence in the investigative record."

(3) Where the individual is a claimant or potential claimant in an investigation for purpose 2e, above: "Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have made or may make against the Government as a result of the incident under investigation."

(4) Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: "Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in a Naval medical facilities."

(5) In any other case: "Disclosure is voluntary, and if you do not provide the requested information, any determinations or evaluations made as a result of the investigation will be made on the basis of the evidence that is contained in the investigative record."

b. In the unusual situation where a specific statute, regulation, or lawful order of competent authority requires an individual to disclose particular information for the Government's benefit in furtherance of a Government interest, policy, or objective, the following statement should be used: "Disclosure of (specify the particular relevant information required) is mandatory under (cite the statute, regulation, or order), and refusal to disclose that information will subject you to possible disciplinary or criminal proceedings. Disclosure of any other information requested is voluntary, (and there will be no adverse effects if you elect not to disclose it) (but election not to disclose the information could ."

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

(Signature and date)

LCPL

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

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

I was located in VIC 4 of the Convoy. We left PTS ALKATRAZ early morning of April 6th, 2011. Drove up the Coll. On the way up North to our drop off point for the dismount team, I heard an explosion. Sounded like a VIC up front hit an IED. was told by my drive that it was a dud. We made our way up North, turned around, than drove approximatly 300 to 400m South and dropped of the dismounts. I was the Mark-19 gunner of VIC 4 and was providing rear security for the convoy. I was scanning back and forth from West than to North than to East and then back. I do not remember what time we took contact but I heard and kept hearing pop shots and machine gun fire. I was relaying what I heard and kept hearing to my driver, Cpl (b)(3), (b)(6) 3rd 2nd LT (b)(3), (b)(6), who was my V.C. There was alot of traffic on the radio but I could not make alot of it out. It sounded like they were doing a call for fire mission. All I heard was someone over the radio (152) say, "17 seconds", LT (b)(3), (b)(6) start yelling to me, "get down" and over the radio, "get down" repeatedly, than like 5 seconds later I heard an explosion very close to the road. Than Sgt (b)(3), (b)(6) on the radio, "Cease fire, Cease fire" ~~AtF~~ After that my driver, Cpl (b)(3), (b)(6) spotted vehicles about 150-200 meters off to the east. Guys were dismounting and we started hearing mortar fire. They were not targeting the VIC's, but they were targeting the dismounts. I told my driver to back up so I could have a clear view of fire and unloaded with the mark. I shot a case of Ammo, ~~been~~ as I was shooting I saw my rounds impact the burm where they exploded like I hit an IED or mortar round. My last volley of fire I hit the back end of a pick up truck dropping the rear axle. was reloding, saw the guys push the vehicle behind a burm, when I have more ammo and went Condition one ~~SECRET // REL TO USA, ISAF, NATO~~ ~~I couldn't see~~ anyone. My driver yelled

at me that Icom Chatter reported the guys (taliban) to the east where we were taking the IDF from, were getting RPG's ready to fire at the VIC's. We moved up about 30-50m to some cover. The cover was a building and tall wall that protected out east flank. Bout 20 minutes later I saw marines gather in a Wadi 75meters North west of where VIC 4 was parked. One of them shot a 203 Red smoke to the east. I told my driver and we backed up till they were directly west of our position. My gun was still orientated to the east, when I looked back and saw the V.C.'s of our convoy dismount and haul ass to the west, where the marines where. Saw a body on a stretch being taken to the Six-by MRAP. Then the last of the marines carried A body to my VIC, VIC 4. There was words being exchanged, however, I could not hear clearly. They loaded the body up, we headed South to PB Alkatraz. As we headed back ~~we~~ I saw VIC's on the east side of the road. We made it to Alkatraz as the blackhawk was landing. A lot of Recon guys were out to meet us and help us. ~~AF~~ I saw them rush the bodies to the bird, and thats when my driver yelled up and asked if I knew what was going on. I said, "I have no idea, are they okay, who are they?" Thats when he told me SSgt. Smith and Doc Rast were KIA. And thats when we went inside the PB, went condition 4, and thats when it hit me.

I swear or affirm that the information in the statement above and is true to the best of my knowledge or belief

(b)(3), (b)(6) 20110415

Sworn to before me this date.

(b)(3), (b)(6) 15 April 2011

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6) Rank/Rate: Cpl - E-4
Activity: _____ Unit: A Cs 1/23
Telephone number: GB

Today, April 24, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

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1. **AUTHORITY:** 44 U.S.C. § 3101; 5 U.S.C. § 301. Specify, if possible, other statutory authority listed below that is peculiarly applicable to the matter under investigation.

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b. Retirement or separation for physical disability. 10 U.S.C. §§ 1201-1221.

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i. Duties of Secretary of the Navy. 10 U.S.C. § 5013

j. Duties of the Office Chief of Naval Operations. 10 U.S.C. §§ 5031-5033, 5035-5036.

k. Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General. 10 U.S.C. §§ 5021-5024, 5131-5133, 5135, 5137-38, 5141-5142a, 5148-5150.

l. Duties of the Commandant of the Marine Corps. 10 U.S.C. § 5043.

m. Reservists' disability and death benefits. 10 U.S.C. § 1074.

n. Requirement of exemplary conduct. 10 U.S.C. § 5947.

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t. Federal Claims Collection Acts. 31 U.S.C. §§ 3521, 3526, 3529, 3701-3702, 3717-3718.

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v. Eligibility for certain veterans' benefits. 38 U.S.C. § 105.

w. Postal claims. 39 U.S.C. §§ 406, 2601.

x. Medical Care Recovery Act. 42 U.S.C. §§ 2651-2653.

y. Public Vessels Act. 46 U.S.C. §§ 781-790.

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b. Determinations on disciplinary or punitive action.

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d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. **ROUTINE USES**: In addition to being used within the Departments of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemembers' Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

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record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possibly could prevent the investigation from obtaining evidence, which may be needed to support a favorable determination."

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b. In the unusual situation where a specific statute, regulation, or lawful order of competent authority requires an individual to disclose particular information for the Government's benefit in furtherance of a Government interest, policy, or objective, the following statement should be used: "Disclosure of (specify the particular relevant information required) is mandatory under (cite the statute, regulation, or order), and refusal to disclose that information will subject you to possible disciplinary or criminal proceedings. Disclosure of any other information requested is voluntary, (and there will be no adverse effects if you elect not to disclose it) (but election not to disclose the information could ... "

2011 04 24

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

CPL. (b)(3), (b)(6) SSN: (b)(3), (b)(6) HOR: (b)(3), (b)(6)
(Driver For Vic 4)

On 6 April 2011 we left the wire at around 0700. I was driving Vic #4 with Lcpl (b)(3), (b)(6) as my gunner and 2nd Lt. (b)(3), (b)(6) as my vehicle commander. We headed north and eventually vic #3 struck an IED that caused no injuries and no damage to the vic. Lt. (b)(3), (b)(6) then sent up a strike report via BFT and we continued on heading north on route 611. We then arrived at our insert point and turned the vics around to face south. At that time all the dismounts exited the vics and began their insertion into the green zone. Roughly within 15 mins of inserting to the green zone ~~we~~ the dismounts began to take SAF from north west of their POS. As the dismounts took fire Lt (b)(3), (b)(6) called for ISR assets to get eyes on the fire fight. Then (b)(1)1.4a (2nd Recon Alpha Co) said they see muzzel flashes (in, from, or around) compound 58 from the drone in the air overhead. They then told Lt (b)(3), (b)(6) to get everyone down in cover. Before Lt (b)(3), (b)(6) called for ISR he sent up a 10 digit grid. The first one had the wrong easting acording to (b)(1)1.4a because he quickly sent the correct grid 2X. After the grid was sent they asked if everyone was in cover because they were going to fire a hellfire. Lt (b)(3), (b)(6) then called and told our dismounts to get in cover. They ragered up. Then Lt (b)(3), (b)(6) asked if they were in cover and CPL (b)(3), (b)(6) said yes. Lt (b)(3), (b)(6) then informed (b)(1)1.4a that the dismounts were covered. Almost immidiately after the (b)(1)1.4a said 30 secs till impact. Then 5 secs later they said 17 secs. then bout 10 secs later ~~the bomb hit the~~ deck.

10 secs later I heard Sgt (b)(3), (b)(6) yell "cease fire!". He said the bomb landed right on top of ~~[illegible]~~ them. The SAF was alot lighter, but still continued. Lt. (b)(3), (b)(6) asked repeatedly for a SIT.REP on the ground. After 10 mins of assessing the bomb strike Sgt. (b)(3), (b)(6) said SSgt. Smith is KIA, & Doc. Rast is being stableized. My gunner said he hears explosions to the west, As I turn to my east I see a 2man mortar team dropping mortars from about 150m - 200m. I tell my gunner to turn east and fire on the team. The team quickly got into cover due to the T&E on the MK-19 gun taking too long to adjust. As the 2 casualties were being recovered and taken to our vics we were getting ICOM chatter about taliban moving on us (vics) with RPGs from the east. We then secured the casualties in the Vics and began our trip back to PB Alcátraz. As we started driving I then informed Lt. (b)(3), (b)(6) that we will require QRF if we take an IED or RPG hit. He then called (b)(1)1.4a and requested QRF. We arrived back to the PB with no more problems.

I swear (or affirm) that the information in the statement above and is true to the best of my knowledge or belief

(b)(3), (b)(6) 20110415

Sworn to before me this date.

(b)(3), (b)(6) 15 April 2011

Pages 421 through 422 redacted for the following reasons:
- -
Page 18-19 of 11-009 BOB and Death of Rast - Smith - part 16 is redacted under FOIA exemption (b)(1)1.4a
Pages 18-19 of 11-009 BOB and Death of Rast - Smith - part 16 is redacted under FOIA exemption (b)(1)1.4a

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: CW2

Unit: C CO 1-214

Telephone number: (b)(2)

Today, April 18, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 19 APR 11

re and date)

WITNESS STATEMENT

(b)(3), (b)(6)	CW2	(b)(3), (b)(6)
Name	Rank/Rate	Social Security Number
PILOT IN COMMAND		C CO 1-214
Position		Organization
(b)(3), (b)(6)		
Address (Home or Office)		
(b)(2)		
Office Phone		Mobile Phone

I, (b)(3), (b)(6), hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

On 6 April 2011at 0926 the 9 line dropped in Transverse for 1/23 QRF/2D Recon Medevac. My 1st up crew of (b)(1)1.4a and Chase of (b)(1)1.4a were immediately alerted. I was the Pilot in Command of (b)(1)1.4a and the Air Mission Commander of both ships. Both Aircraft were airborne by (b)(1)1.4a At 160 knots both aircraft were on station within (b)(1)1.4a minutes (b)(1)1.4a. Immediately after launching I was in contact with (b)(1)1.4a . I informed (b)(1)1.4a and (b)(1)1.4a who was over head that I would remain west of the wadi until LZ (b)(1)1.4a was called clear. After approximately (b)(1)1.4a minutes, (b)(1)1.4a, I asked (b)(1)1.4a what the holdup was and he then informed me that the patients were being transferred from PB Alcatraz to PB (b)(1)1.4a I continued to hold and after about (b)(1)1.4a minutes, (b)(1)1.4a I asked (b)(1)1.4a again what the holdup was. He then told me that the vehicles were under fire and he was launching his QRF vehicle. I promptly told (b)(1)1.4a that I had (b)(1)1.4a minutes to get the patients to the Role 3 within the golden hour which would expire at (b)(1)1.4a. I also informed (b)(1)1.4a that if he gave me a grid and told me the patients were unstable or crashing that I would ingress into the hot LZ where they were and retrieve them. (b)(1)1.4a then told me he had no communications with the ground element at PB Alcatraz and did not know the status of the patients. At approximately (b)(1)1.4a informed me that there was now one KIA. I asked him if it was one of the patients who he said he had no communications with or a new injury and he told me it was one of the existing ones. I passed this information to SPC (b)(3), (b)(6) who was working the operations desk at FOB Edinburgh. By about (b)(1)1.4a informed me that the second patient was now KIA. I then passed this information to SPC (b)(3), (b)(6) again. I was told by my operations to stay on station and retrieve the KIA individuals. At the airspeed I can fly in my aircraft I could have retrieved the individuals at PB Alcatraz by (b)(1)1.4a and with (b)(1)1.4a minutes on the ground I could have had them to Bastion Role 3 by (b)(1)1.4a to (b)(1)1.4a (b)(1)1.4a (b)(1)1.4a minutes before they were pronounced KIA, and in that flight time they would have been receiving life saving care by my certified flight medic.

I swear (or affirm) that the information in the statement above and on the ___ attached page(s) is or belief.

(b)(3), (b)(6) _____ 19 APR 11 (Date) 0914 Time

Sworn to before me this date

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

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ)

19 April 2011 (Date)

0914 Time

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: CW2

Unit: C CO 1-214

Telephone number: (b)(2)

Today, April 18, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

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1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

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c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

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Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

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b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

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e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 19APR11

(Signature and date)

WITNESS STATEMENT

(b)(3), (b)(6)	CW2	(b)(3), (b)(6)
Name	Rank/Rate	Social Security Number
PILOT		C CO 1-214
Position		Organization
(b)(3), (b)(6)		
Address (Home or Office)		
(b)(2)		
Office Phone		Mobile Phone

I, (b)(3), (b)(6) hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).
On 6 April 2011at (b)(1)1.4a a 9 line dropped in Transverse for 1/23 QRF/2D Recon Medevac. I was the Pilot of the 1st up aircraft, call sign (b)(1)1.4a . The Pilot In Command (PC) and Air Mission Commander (AMC) was CW2 (b)(3), (b)(6) . At (b)(1)1.4a we were airborne and en-route to the Point of Injury (POI). While en-route the AMC was in contact with (b)(1)1.4a , the ground element, and (b)(1)1.4a , the air support element. Within (b)(1)1.4a minutes, at (b)(1)1.4a, we were on station and we were informed that the patients were being transferred from the POI to Patrol Base (PB) (b)(1)1.4a . My PC was told to hold until the patients were at PB (b)(1)1.4a . We remained west of a wadi approximately 5 kilometers from PB (b)(1)1.4a . We continued to hold for approximately (b)(1)1.4a minutes while my PC was informing the ground element that we needed to pick up the patients and bring them to Bastion Role Three hospital, he asked 3 to 4 times if the patients were unstable and was told by (b)(1)1.4a that they had no communications with the injured. About (b)(1)1.4a more minutes went by and we were told by (b)(1)1.4a that one of the patients was KIA (approximately (b)(1)1.4a) and within approximately (b)(1)1.4a more minutes (b)(1)1.4a) we were told the other patient was now KIA. We were then instructed to continue holding until the KIA's were at PB (b)(1)1.4a and when they arrived to pick them up and take them to Bastion Role 3. With as much time as we spent holding, we could have gone to the POI, picked up the patients, and transported them to the Role 3 while giving the patient's life saving en-route care by a trained and certified flight medic.

I swear (or affirm) that the information in the statement above and on the ___ attached page(s) is true to the best of my knowledge or belief.

(b)(3), (b)(6)		19 APR 11	0913
		(Date)	Time

Sw[illegible] e.

(b)(3), (b)(6)	LtCol, USMC	19 Apr 2011	0913
(Si[illegible]	Administer Oaths per Art. 136, UCMJ)	(Date)	Time

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: SGT

Unit: C CO 1-214

Telephone number: (b)(2)

Today, April 18, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

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4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 19 Jan 11

(Signature and date)

WITNESS STATEMENT

(b)(3), (b)(6)	SGT	(b)(3), (b)(6)
Name	Rank/Rate	Social Security Number
MEDIC		C CO 1-214
Position		Organization
(b)(3), (b)(6)		
Address (Home or Office)		
(b)(2)		
Office Phone		Mobile Phone

I, (b)(3), (b)(6) hereby make the following statement for the COMMAND INVESTIGATION INTO THE FRIENDLY FIRE INCIDENT THAT OCCURRED ON 6 APRIL 2011 IN REGIONAL COMMAND-SOUTHWEST (RC-SW)(AFGHANISTAN).

On 6 April 2011at (b)(1)1.4a, my medevac crew launched on mission 04-06B near LZ (b)(1)1.4a . According to the 9-line, the mission assigned to us was for 2 US Marines, the first reported to have a concussion fading in and out of consciousness. The second was reported to have fragmentation wounds with blood loss. The 9 line stated that the mechanism of injury was from a "BLAST". We arrived near the POI approximately (b)(1)1.4a minutes later, but were told to hold our position approximately (b)(1)1.4a minutes away from the patient location. Over the radio, the ground element was reporting possible enemy action in the area, so we were being held off until the area was cleared. At this time also, we were being informed that the ground element was attempting to move the patients to a more secure location. The Pilot in Command, CW2 (b)(3), (b)(6) , asked the ground element what the status of the patients was. He told them multiple times that if the patients are unstable we will land anywhere and as close to the patients as possible. The ground unit held us off stating that they were trying to move the patients to the more secure location. Around (b)(1)1.4a local time, radio calls began to come through regarding 3 patients, 1 injured 2 KIA, on the ground rather than the 2 the 9-line originally mentioned. CW2 (b)(3), (b)(6) tried to clarify patient information twice. At (b)(1)1.4a according to my watch, clarification came across the radio that there were only 2 KIA, with no other injuries. At this time, approximately (b)(1)1.4a minutes after our takeoff, we were still being told by the ground element to hold position.

Around (b)(1)1.4a, we were finally cleared in for landing at LZ (b)(1)1.4a . According to my watch, we landed at (b)(1)1.4a. When we landed, I exited the aircraft and approached a large crowd of Marines near an MRAP. The remains of the KIAs were sent to the aircraft where SPC (b)(3), (b)(6), the crew chief, assisted loading. I approached who I believed to be the ground medic/corpsman; he was the only one with rubber gloves and a stethoscope. I asked him what the times of death were. He reported that one was at (b)(1)1.4a and the other at (b)(1)1.4a This seemed odd to me at first, since the times almost exactly coincided with our landing time, and since we had already been told over the radio at (b)(1)1.4a that both patients were KIA. However, I assume that the corpsman/medic was giving me his official time of death as being the medical authority at the LZ. No transfer or medical paperwork was given to me by the medical personnel on the ground. After takeoff, I rechecked for vital signs on both patients, and found no pulse, no respirations.

On landing at Bastion Role 3, I accompanied both sets of remains to the morgue for patient report. I informed the SSG working at the morgue that we were told over the radio at (b)(1)1.4a that both were KIA, but that the official time of death reported by the ground corpsman/medic was reported as (b)(1)1.4a and (b)(1)1.4a He found the time discrepancy unusual, but informed me that he would use (b)(1)1.4a and (b)(1)1.4a as the official record.

I swear (or affirm) that the information in the statement above and on the ___ attached page(s) is true to the best of my knowledge or belief.

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

(Witness' Signature) _____ 19 Apr 2011 (Date) 0910. Time

Sworn to before me this date.

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

(Signature of Officer Authorized to Administer Oaths per Art. 136, UCMJ) _____ 19 Apr 2011 (Date) 0913 Time

PRIVACY ACT STATEMENT

Name: (b)(3), (b)(6)

Rank/Rate: CAPT/USMC

Unit: 2D Reconnaissance Battalion

Telephone number: (b)(2) (Com)

Today, April 15, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

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(b)(3), (b)(6) 110415

(Signature and date)

1/2

- Capt (b)(3), (b)(6)
- A Co CO, 2D Reconnaissance Battalion
-

(b)(2), (b)(3), (b)(6)

- 18 year Active Duty (Infantry, Anti-Terrorism, Scout-Sniper, Reconnaissance ; Prior Svc (+) Commission time).
- N 2269

- On 06 April I was advised that a possible fratricide event had occurred. MSgt (b)(3), (b)(6) woke me up mid morning, so I had been up through POD due to A2 conducting movmnt to secondary PB w/i the Green Zone.

I made my way to the ROC and rcvd an update from TOP (b)(3), (b)(6), GySgt (b)(3), (b)(6), and Capt (b)(3), (b)(6) IRT the events of the morning to include the 1x Hellfire strike.

(b)(1)1.4a had a DFL time vic 0800 and was mounted in a 4 vic movmnt. As I reviewed the mission card I keyed in on 4/21 as the PAX loadout - evently, so the PAX count was actually listed (b)(1)1.4a on the mission card. I was informed that NQT had taken SAF and RPG fires from their (W) following a low order IED strike and was attempting to tgt the EF position.

I assumed control of the ROC at this point and positioned myself by HMW and CoTAC. I called (b)(1)1.4a and asked for an update to the FF and EF sit. I was informed that (b)(1)1.4a was retrieving the casualties and that wounds incurred consisted of 1x shrapnel wounds ("all over") and 1x concussion. I was also told by LT (b)(3), (b)(6) that he "didn't know why we had hit that position". When asked how long to get the casualties to his vics, he advised that they were on the way - they were "right by his southern vic". He (LT (b)(3), (b)(6)) rqstd that (b)(1)1.4a fly into their pos to p/u the 2x FF casualties. Given the information I had as to the nature of the wounds and the EF activity in the area, I instructed LT (b)(3), (b)(6) to load the casualties into the vics and transport back to PB Alcatraz / LZ (b)(1)1.4a.

After approx 20 mins, and EF fires again from the N, W, and poss IDF TM on E, LT (b)(3), (b)(6) advised that he could not move the casualties with the assets he had on ~~hand~~ hand (his vics could not sppt). I advised to A3 to load up for QRF (they had staged & were on standby at that time). LT (b)(3), (b)(6) advised at that time that he still did not have the casualties loaded up and could not provide me with an updated MIST report.

At approx 40 mins into the evolution I instructed A3 to launch and assume a sec position to (b)(1)1.4a's south and await further instruction. It took over an hour for (b)(1)1.4a to retrieve the 2x FF casualties - medical assessment remained "1x concussion & 1x shrapnel wounds" until the call back (when loading them up) that they were "Urgent". I received the call that they were KIA upon loading them up - concurrent with the call that (b)(1)1.4a was on (S) to PB Alcatraz.

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

CAPT / USMC.
N 2269

2/2

* During my initial brief by my JTAC's I was advised that the situation & position had been confirmed with (b)(1)1.4a on 2x, possibly 3x, occasions. The fired feed & what we were able to view on the feed was relayed to (b)(1)1.4a as well for confirmation of target location, FF disposition & locations. FF positions were confirmed with (b)(1)1.4a, Tgt confirmed w/ (b)(1)1.4a — Then cleared HOT.

— Upon (b)(1)1.4a arrival at PB Alcatraz, I instructed my SARCs and SARC/IDC to conduct an assessment while (b)(1)1.4a was inbound. He called and advised that HR (b)(6) and AS (b)(6) were KIA at 061024D* APR11 and 061025D* APR11. loaded 2x FF KIA on (b)(1)1.4a and evac'd from Area/LZ.

gathered all players in ACo HQ and (b)(1)1.4a PC/PSgt and had them write statements & sketches of FF laydown as they understood them to be (PC/PSgt respectively). Collected and enclosed for transport to SQD the following aim.

* more than happy to provide any clarifying info via oral interview.

(b)(3), (b)(6) 110415 1300 hrs.

I swear (or affirm) that the information in the statement above and is true to the best of my knowledge or belief

x. (b)(3), (b)(6) 110415

Sworn to before me this date

(b)(3), (b)(6) 20110415

PRIVACY ACT STATEMENT

Name: _ (b)(3), (b)(6) _____

Rank/Rate: HM1 / E6

Unit: 2D RECON BN A Co.

Telephone number: (b)(2) ___

Today, 15 APRIL, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521-3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651- 2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

f. Other determinations, as required, in the course of naval administration.

g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting

Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

a. Where an individual is a subject of an investigation for purpose 2a or 2b, above:< Disclosure is voluntary.< You are advised that you are initially presumed to be entitled to have the [personnel determination] [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigation records.< If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence which may be needed to support a favorable determination.

b. Where an individual is a subject of an investigation for purpose 2c, above:< Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held pecuniarily liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

c. Where an individual is a claimant or potential claimant in an investigation for purpose 2e, above:< Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 15APR11

(Signature and date)

15 APR 2011

I, HM' I (b)(3), (b)(6), USN, (b)(3), (b)(6), DO ~~SWARE~~ AFFIRM THE FOLLOWING STATEMENT IS TRUE IN FACT TO THE BEST OF MY KNOWLEDGE. I AM THE A CO. IDC. & LPO.

ON THE MORNING OF 6APR2011 @ APPROX 0845 I WAS AWAKENED BY THE SOG. THE COMPANY'S SOP IS TO WAKE UP ALL CORPSMEN & TEAM MEDICS IN CASE OF A CASUALTY. IN THIS CASE " (b)(1)1.4a " HAD TAKEN (2) FROM THE PRELIMINARY REPORTING I HAD RECEIVED. THE MIST REPORT THAT I HAD RECEIVED REPORTED THAT MORNING STATED THAT (1) WAS KIA & (1) WIA. ~~TH~~ (b)(3), (b)(6) @ APPROX 1040 (b)(1)1.4a HAD FINALLY MADE IT UP THE WADI TO COMPOUND 8 ((b)(1)1.4a), WHERE I, ALONG WITH 2 OTHER CORPSMEN & APPROX 12 MARINES STOOD WAITING TO RECEIVE THE CASUALTIES.

THE FIRST CASUALTY I ASSESSED WAS A CORPSMEN. AS HE WAS BEING OFF LOADED FROM A MRAP HE APPEARED TO BE LIFELESS ~~& LIMP~~ (b)(3), (b)(6). WE SET HIM DOWN INTO A HYPOTHERMIA KIT. ~~I KEY~~ (b)(3), (b)(6) THE PATIENT HAD A KING-LT AIRWAY ADJUNCT INPLACE. I REASSED THE AIRWAY BY "LOOK, LISTEN, FEEL". THE PT WAS NOT BREATHING. I TOOK MY STETHESCOPE & LISTENED FOR A HEART BEAT AND BREATH SOUNDS. THERE WAS NONE, FOR EITHER. FINALLY I GAVE THE PATIENT A QUICK STERNAL RUB FOR RESPONSIVENESS & AGAIN, NO RESPONSE. HIS SKIN WAS ALSO COOL & CLAMMY. I PRONOUNCED HIM DEAD @ APPROX ~~1054~~ (b)(3), (b)(6) 1054.

THE SECOND CASUALTY I ASSESSED WAS ALREADY IN A BLACK BAG AND ZIPPED UP. I OPENED THE BAG WITH A KNIFE TO ASSESS THE PATIENT FOR MYSELF. THE PATIENT DISPLAYED SIGNS OF O~~WILLS~~ ~~SECRET // REL TO USA, ISAF, NATO~~ EXAMINATION ~~OF THE~~

Hm' (b)(3), (b)(6)
15 APR 2011

(2)

OPENING THE BAG. THERE WERE NO (b)(6)

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

(b)(6)

(b)(6)

(b)(6) . I PRONOUNCED THE MARINE DEAD @ ~~1055~~ (b)(3), (b)(6) APPROX 1055. SIMULTANEOUSLY, WHILE I WAS ASSESSING BOTH PATIENTS THE HELO WAS INBOUND TO THE HLZ FOR PICK-UP. I RELAYED THIS INFORMATION TO ONE OF THE MEMBERS OF THEIR FLIGHT CREW. WE PASSED UP ~~OFF~~ THEIR ZAP# & TIME OF DEATH TO HIM. MOMENTS AFTER I WALKED OVER TO MSGT (b)(3), (b)(6) & 1ST SGT (b)(3), (b)(6) TO NOTIFY THEM OF THE MARINE & SAILOR'S TOD.

AFTERWARDS, WE CLEANED UP & REORGANIZED OUR COMPANY CCP (CASUALTY COLLECTION POINT) BECAUSE WE HAD A PLATOON OUT, STILL. AFTER THAT, I REPORTED TO THE A Co. ROC TO ASK CAPT (b)(3), (b)(6) IF THERE WAS ANY INFORMATION OR AMPLIFYING REMARKS HE REQUIRED FROM ME. AT THAT TIME NONE WAS NEEDED AND I WAS DISMISSED.

AMPLIFYING REMARKS: FROM THE REPORT OF THE INITIAL CASUALTIES THERE WAS ALOT OF CONFUSION FROM THE REPORTING FROM (b)(1)1.4a . UNCERTAINTY OF HOW MANY PATIENTS THERE WERE, (b)(3), (b)(6) THEIR STATUS & TIMELINESS TO THE CCP/HLZ WERE DEGRADED. ALL THE MARINES WERE PACKED INSIDE BOTH VEHICLES WHICH LEAD ME TO BELIEVE THERE WAS NO MEDEVAC/DOWN VEHICLE BUMP PLAN, IN PLACE.

I swear (or affirm) that the information in the statement above and is true to the best of my knowledge or belief

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

Hm' (b)(3), (b)(6)

(b)(1)1.4a Co. IDC

15 APR 2011

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

Sworn to before me this date

15 Apr 2011

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

MEMORANDUM FOR THE RECORD

Subj: SUMMARY OF INTERVIEW OF HM1 (b)(3), (b)(6) ON APRIL 15, 2011

1. On April 15, 2011 at Patrol Base Alcatraz I, Major (b)(3), (b)(6), Major (b)(3), (b)(6), and Captain (b)(3), (b)(6) interviewed HM1 (b)(3), (b)(6) to gather additional details on the actions related to the (b)(1)1.4a Hellfire strike on April 6, 2011. We were assisted by Lieutenant Colonel (b)(3), (b)(6), the legal representative to the investigative team.

2. HM1 (b)(3), (b)(6) first assessed the casualties when they arrived at HLZ (b)(1)1.4a for extract and pronounced HN Rast KIA at 1054 and SSgt Smith KIA at 1055L.

3. I certify that this statement is an accurate summary of the interview.

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

COL USMC

Pages 443 through 457 redacted for the following reasons:
- -
(b)(3), (b)(6), (b)(1)1.4a

PRIVACY ACT STATEMENT

Name: __ (b)(3), (b)(6) _____

Rank/Rate: LCDR/04

Unit: UK Role 3 Hospital Bastion

Telephone number: _ (b)(2)

Today, 14 APR, 2011, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

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b. Determination on disciplinary or punitive action.

c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

d. Evaluation of petitions, grievances, and complaints.

e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

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g. Public information releases.

h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

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Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government.< Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings.< The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.< The records are checked by or against the Government, and for use in design and evaluation of products, services, and systems.< The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

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e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the bases of the evidence that is contained in the investigation record.

(b)(3), (b)(6) 14 Apr 2011

nature and date)

WITNESS STATEMENT

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

LCDR/04
Rank/Rate

(b)(3), (b)(6)
Social Security Number

US Contingent, UK Role 3 Hospital Bastion
Command

Emergency Department
Division

TAD from/to

20 APR 2011
Until (give dates)

Naval Hospital Jacksonville, FL
Whereabout for next 30 days

(b)(2)
Phone

I, (b)(3), (b)(6), hereby make the following statement to LtCol (b)(3), (b)(6), who has identified himself/herself as a preliminary inquiry officer for the Personnel Support Detachment, Camp Lejune, North Carolina.

See attached statement, consisting of two pages, dated 14 April 2011. Subject line: command investigation into the facts and circumstances surrounding the deaths of Hospitalman Benjamin D. Rast (b)(6) and Staff Sergeant Jeremy D. Smith (b)(6) on 06 April 2011.

I swear (or affirm) that the information in the statement above and on the 2 attached page(s) is true to the best of my knowledge or belief.

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

14 April 2011
(Date)

1359
Time

Sworn to before me this date.

(b)(3), (b)(6)
(Investigator's Signature)

LtCol, USMC

14 Apr 2011
(Date)

1359
Time

UNITED STATES MARINE CORPS
II MARINE EXPEDITIONARY FORCE (FWD)
UNIT 73920
FPO-AE 09510-3920

IN REPLY REFER TO:
5800
JEC
14 Apr 11

From: Lieutenant Commander (b)(3), (b)(6) /2100 USN
To: Colonel (b)(3), (b)(6) USMC, Investigating Officer

Subj: COMMAND INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES SURROUNDING THE DEATHS OF HOSPITALMAN BENJAMIN D. RAST XXX-XX- (b)(6) AND STAFF SERGEANT JEREMY D. SMITH XXX-XX- (b)(6) ON 06 APRIL 2011

Ref: (a) JAGINST 5800.7E, Change Transmittal 2, Manual of the Judge Advocate General (JAGMAN), 16 Sep 08

1. I am a board certified Emergency Physician assigned to UK Role 3 Hospital Bastion and in charge of trauma resuscitations at this facility. I am additionally responsible for certifying the deaths of US service members who arrive at this facility.

2. I was the physician in charge of the Emergency Department on 06 April 2011.

3. At (b)(1)1.4a hours, we received a 9-line request for medical evacuation mission of two "CAT A" patients who were reportedly injured by blast. This was mission 04-06B. The MIST report indicated one patient with "concussion" and "in/out of consciousness," and another patient with "frag" and "blood loss."

4. Mission 04-06B was later updated (time unknown) to reflect transport of two "heroes," or service members who had been killed in action. No further details of the patients' injuries were given.

5. Mission 04-06B arrived at UK Role 3 Hospital Bastion at approximately (b)(1)1.4a hours with the remains of Hospitalman Rast and Staff Sergeant Smith.

6. I examined Hospitalman Rast and Staff Sergeant Smith at Mortuary Affairs and certified their deaths. A full autopsy was not performed at that time. My preliminary examination revealed the following injuries.

6. Hospitalman Rast sustained (b)(6)

(b)(6)

and was in an appropriate position. Time of death was documented as 1024 hours.

7. Staff Sergeant Smith (b)(6)

(b)(6)

(b)(6) Time of death was documented as 1025 hours.

8. In my professional opinion, the injuries that Hospitalman Rast and Staff Sergeant Smith sustained were unsurvivable, regardless of medical care rendered in the field, during medical evacuation or in a hospital setting.

9. In my estimation, Staff Sergeant Smith died instantaneously. Hospitalman Rast may have lived for some time after his injuries, but his wounds were fatal regardless of care rendered.

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