

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by _____
(Appointing authority)on 2 April 2005 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at _____ at 08:00 hrs
(Place) (Time)on 2 April 2005 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

_____The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

_____The (investigating officer) (board) finished gathering/hearing evidence at 12:00 hrs on 2 April 2005 (Time) (Date)and completed findings and recommendations at 09:00 hrs on 2 April 2005 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

YES NO¹ NA²

1 Inclosures (para 3-15, AR 15-6)

Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)

- a. The letter of appointment or a summary of oral appointment data?
- b. Copy of notice to respondent, if any? (See item 9, below)
- c. Other correspondence with respondent or counsel, if any?
- d. All other written communications to or from the appointing authority?
- e. Privacy Act Statements (Certificate, if statement provided orally)?
- f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
- g. Information as to sessions of a formal board not included on page 1 of this report?
- h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

FOOTNOTES: 1 Explain all negative answers on an attached sheet.

2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

2	Exhibits (para 3-15, AR 15-6)	YES	NO ¹	NA ²
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input checked="" type="checkbox"/>		
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input checked="" type="checkbox"/>		
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input checked="" type="checkbox"/>		
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input checked="" type="checkbox"/>		
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	<input checked="" type="checkbox"/>		
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input checked="" type="checkbox"/>		
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input checked="" type="checkbox"/>		
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input checked="" type="checkbox"/>		
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	<input checked="" type="checkbox"/>		
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):	<input checked="" type="checkbox"/>		
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input checked="" type="checkbox"/>		
	b. Was the date of delivery at least five working days prior to the first session of the board?	<input checked="" type="checkbox"/>		
	c. Does each letter of notification indicate —	<input checked="" type="checkbox"/>		
	(1) the date, hour, and place of the first session of the board concerning that respondent?	<input checked="" type="checkbox"/>		
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input checked="" type="checkbox"/>		
	(3) the respondent's rights with regard to counsel?	<input checked="" type="checkbox"/>		
	(4) the name and address of each witness expected to be called by the recorder?	<input checked="" type="checkbox"/>		
	(5) the respondent's rights to be present, present evidence, and call witnesses?	<input checked="" type="checkbox"/>		
	d. Was the respondent provided a copy of all unclassified documents in the case file?	<input checked="" type="checkbox"/>		
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input checked="" type="checkbox"/>		
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):	<input checked="" type="checkbox"/>		
	a. Was he properly notified (para 5-5, AR 15-6)?	<input checked="" type="checkbox"/>		
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	<input checked="" type="checkbox"/>		
11	Counsel (para 5-6, AR 15-6):	<input checked="" type="checkbox"/>		
	a. Was each respondent represented by counsel?	<input checked="" type="checkbox"/>		
	Name and business address of counsel:	<input checked="" type="checkbox"/>		
	(If counsel is a lawyer, check here <input checked="checked" type="checkbox"/>	<input checked="" type="checkbox"/>		
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input checked="" type="checkbox"/>		
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	<input checked="" type="checkbox"/>		
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):	<input checked="" type="checkbox"/>		
	a. Was the challenge properly denied and by the appropriate officer?	<input checked="" type="checkbox"/>		
	b. Did each member successfully challenged cease to participate in the proceedings?	<input checked="" type="checkbox"/>		
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):	<input checked="" type="checkbox"/>		
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input checked="" type="checkbox"/>		
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input checked="" type="checkbox"/>		
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input checked="" type="checkbox"/>		
	d. Call witnesses and otherwise introduce evidence?	<input checked="" type="checkbox"/>		
	e. Testify as a witness?	<input checked="" type="checkbox"/>		
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input checked="" type="checkbox"/>		
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	<input checked="" type="checkbox"/>		
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	<input checked="" type="checkbox"/>		

FOOTNOTES: ¹ Explain all negative answers on an attached sheet.

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SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

1. I have interviewed and taken sworn statement from [REDACTED], taken sworn statement from [REDACTED] and 5 Ws from [REDACTED]. Pictures of the IED, insurgent vehicle, and EPW were taken and placed into evidence.
2. My findings show that:
 - a. [REDACTED] and [REDACTED] actions were well within the ROE and Laws of War:
 - i. [REDACTED] positively identified individual as demonstrating hostile action by attempting to emplace an IED along [REDACTED] and used appropriate level of force when engaging enemy combatant with direct fire.
 - ii. Insurgents emplacing IED refused to surrender by fleeing site.
 - iii. Once vehicle stopped the wounded insurgent received first aid on site and was then immediately ground MEDEVAC to [REDACTED]
 - iv. Every attempt was made to revive insurgent at [REDACTED] aid station before EPW expired.
 - b. All evidence indicates proper use of force and adherence to the laws of land warfare.

-----NOTHING FOLLOWS-----

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

No action be taken.

-----NOTHING FOLLOWS-----

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)
(Investigating Officer) (President)

(Member)
(Member)

(Member)
(Member)**SECTION VII - MINORITY REPORT** (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board.
(In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)
(Member)**SECTION VIII - ACTION BY APPOINTING AUTHORITY** (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/ substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

EXHIBITS

1. TASK FORCE [REDACTED] SPOT REPORT
2. TASK FORCE [REDACTED] 9-LINE IED/UXO REPORT
3. SWORN STATEMENT FROM [REDACTED]
4. SWORN STATEMENT FROM [REDACTED]
5. AID STATION 5W'S ON EPW FROM [REDACTED]
6. PICTURE- IED INSIDE TIRE
7. PICTURE- IED WITH RELAY DEVICE
8. PICTURE- INSURGENT VEHICLE
9. PICTURE- FRONT PASSENGER SEAT WHERE INSURGENT WAS FOUND
10. PICTURE- AID STATION ATTEMPTING TO STABILIZE EPW
11. PICTURE- WOUND BY SMALL ARMS ROUND TO UPPER RIGHT LEG



UNIT

2/11 TOC

DTG

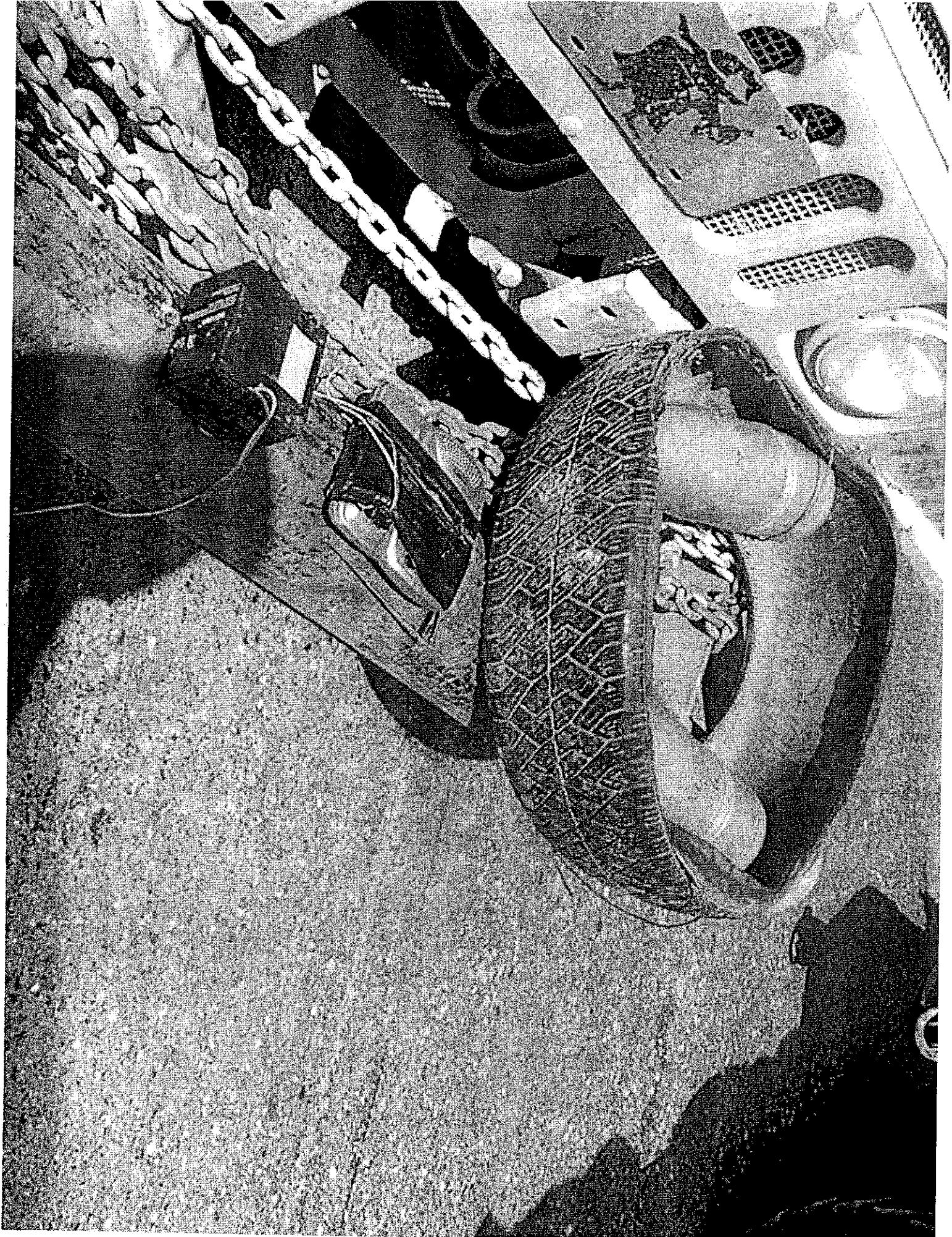
1352 APR 05

LOCATION/GRID

SITUATION

BDE notified battle x-ray that the uav spotted a possible IED off of MSR Tampa. Two white stationary trucks and 3 personnel on the eastern side of the road. 1455 Battle x-ray informed thug 2 to go check out the area. Snipers report they took a warning shot at the individuals placing in the possible IED.

UPDATE 1	1415 - is in pursuit chasing the vehicles that were in placing possible ied. 1420 - reports they have stopped the vehicle and searching vehicle and personnel. 1422 - reports 2 individuals ran from the vehicle when it stopped and 1 individual was shot in the upper right leg at grid [REDACTED]
UPDATE 2	1505 - reports that they are continuing to search for the other two individuals that ran from the scene. 1515 - reports that they went to led site to confirm that there was 2x mortar rnds in a tire on the side of the road. 1520 - is bringing the wounded individual back to the fob for surgical urgent.
UPDATE 3	1525 - returned to the fob with the individual that is wounded. 1533 - reports site is cleared at this time. 1540 - reports that IED was 2x125MM rounds inside a tire with long range cordless phone base.
UPDATE 4	1540 - reports individual cornered in a housing complex. 1545 lost visual but regained visual contact and requesting Warmonger through [REDACTED]. 1557 insurgent that was wound is pronounced dead. [REDACTED] is being requested to pick up corpse. 1610 Last known location of insurgent Thug is pursuing [REDACTED]
UPDATE 5	[REDACTED]



11835