

**Any Classified Document Downgraded in
this packet is done so under the
Memorandum for Record, dated 28
February 2007, Subject: Declassification
Guidance for Operation Iraqi Freedom
(OIF) 05-07 issued by the 4th Infantry
Division G2**

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 [REDACTED], Colonel, USA, Commander, 2BCT 4ID
(Appointing authority)

on 5 APR 06 (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 FOB Kalsu, Iraq at 2030
(Place) (Time)

on 5 APR 06 (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.)

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (B) (6)
UNLESS OTHERWISE
NOTED

The (investigating officer) (board) finished gathering/hearing evidence at _____ on _____
(Time) (Date)

and completed findings and recommendations at _____ on _____
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO ¹⁾	NA ²⁾
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?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?	X		
	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?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

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.

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

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.

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

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

After reading the sworn statements of SSG [REDACTED], SGT [REDACTED], and SPC [REDACTED] speaking with the soldiers, examining an M1A2 SEP tank, and examining the diagram, I find that the following events occurred on or about 04 APR 06:

At approximately 1738 there was a collision between a Local National truck with two occupants and a Charlie Company M1A2 SEP tank. The tank, bumper number C23, was commanded by SSG [REDACTED]. The loader was SPC [REDACTED] and the driver was SGT [REDACTED]. The Local National truck was travelling North on [REDACTED]. The tank was crossing the road from East to West while conducting a shift change.

Upon seeing the approaching truck, the Tank Commander (SSG [REDACTED]) and the loader (SPC [REDACTED]) used hand gestures to indicate the truck should stop. The truck did not slow or react in any way to the gestures from the crew. The TC recognized that the truck was not going to stop and ordered the tank to stop; it came to a halt on the edge of the road. Due to its weight and handling characteristics, it is not possible to stop forward motion and immediately throw a tank in reverse. The loader, SPC [REDACTED] tried to fire a warning shot, but did not have time to charge his M-4 and fire.

The truck struck the tank on the front left corner, with most of the damage to the truck coming from the contact with the gun tube. The impact spun the turret to the side, and forced the truck off into the median, where it flipped on to its side. The TC moved the tank back out of the spilled oil and fuel and established security. He then climbed down from the tank and checked on the injured man in the truck, however, he died before medical assistance could get there from a checkpoint eight kilometers to the south.

Iraqi Highway patrol came and took the deceased man and the other male passenger to the Iskandaria hospital. Charlie Company reported the incident while it was occurring and the Brigade Battle Captain completed the Serious Incident Report at 1800.

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

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

In order to prevent occurrences such as this, at this location and in others like it, I would like to make several recommendations:

My first recommendation is that all closed-bolt weapons, such as M-4, M-16A2, and M-9, be in RED status (magazine inserted, round chambered, weapon on SAFE) upon exiting any FOB. This is not just for the Soldier's safety, it is also for the safety of the Iraqi people. If a driver cannot see a 73-ton, 9 foot tall vehicle approaching the side of the road in broad daylight, he may be able to hear a shot, or see the muzzle flash of that shot. The fraction of a second that it takes to charge a weapon is sometimes the difference between life and death. The crew-served weapon status (M240B, M2 .50 cal, M249 SAW) will be AMBER- ammunition on the tray, bolt forward.

Secondly, at the cross-over area at Check Points on high-speed Main Supply Routes, the intersection should be marked in such a way as to alert the civilian traffic in both directions of travel. Orange paint on the road or some type of marker that can't be carried away would serve this purpose. A sign written in Arabic might also be helpful. This would protect the Soldiers as well as providing the civilians passing through with earlier warning.



Leaders at the tactical level must address this issue in their safety briefs. Whether operating in small towns, on highways, or in cities, Soldiers interact with civilian drivers almost constantly. There is no set standard or requirements for driving in Iraq, and subsequently the ability of individual drivers varies drastically. Soldiers and leaders need to exercise extreme caution when crossing high-speed areas, and in cities and towns.

The soldiers in this occurrence were not at fault, and their actions at the scene were professional and in keeping with expected standards of conduct. In the future, at the checkpoint where this happened, and the similar ones throughout the AO, great care must be taken to ensure that the Local Nationals are alerted to the presence of an American checkpoint.

ALL ITEMS ARE
REDACTED UNDER
5USC552(B)(6)
UNLESS OTHERWISE
NOTED

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)	 (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)
----------	----------

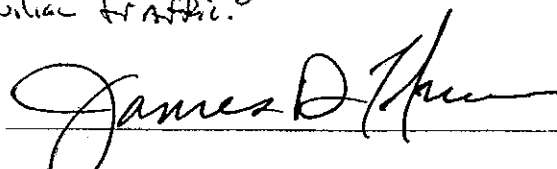
SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

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.)

We will not use weapons as bull horns or any other type of attention getter. A warning shot would not have been FAW the ROB unless the truck was perceived as a lethal threat. Our vehicle commanders must look first and cross second. Large trucks, like tanks do not stop on a dime. My belief is that the truck driver was not paying any attention and would have killed the occupants of a smaller vehicle. We may have right of way, but we must proceed with caution while entering any degree of traffic.  17 APR 01

Concur w/ Troop 6 Comments Above. Recommend no action against tank crew; however, as already completed - Troop leadership must continue to stress the inherent risks associated with crossing high speed routes in AO. TCs must be cognizant of civilian traffic.

 24 APR 01
10:46



JAMES D. THURMAN
Major General, USA
Commanding

I approve the findings and recommendations with the following exceptions: Recommendations:

- 1) disapproved. 2) Remanded to the BDE CDR to take
- 2) further action as he deems appropriate. 3) The BDE
- 3) must evaluate how vehicles can approach the turning

4) point in the safest manner.

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (B) (6)
UNLESS OTHERWISE
NOTED

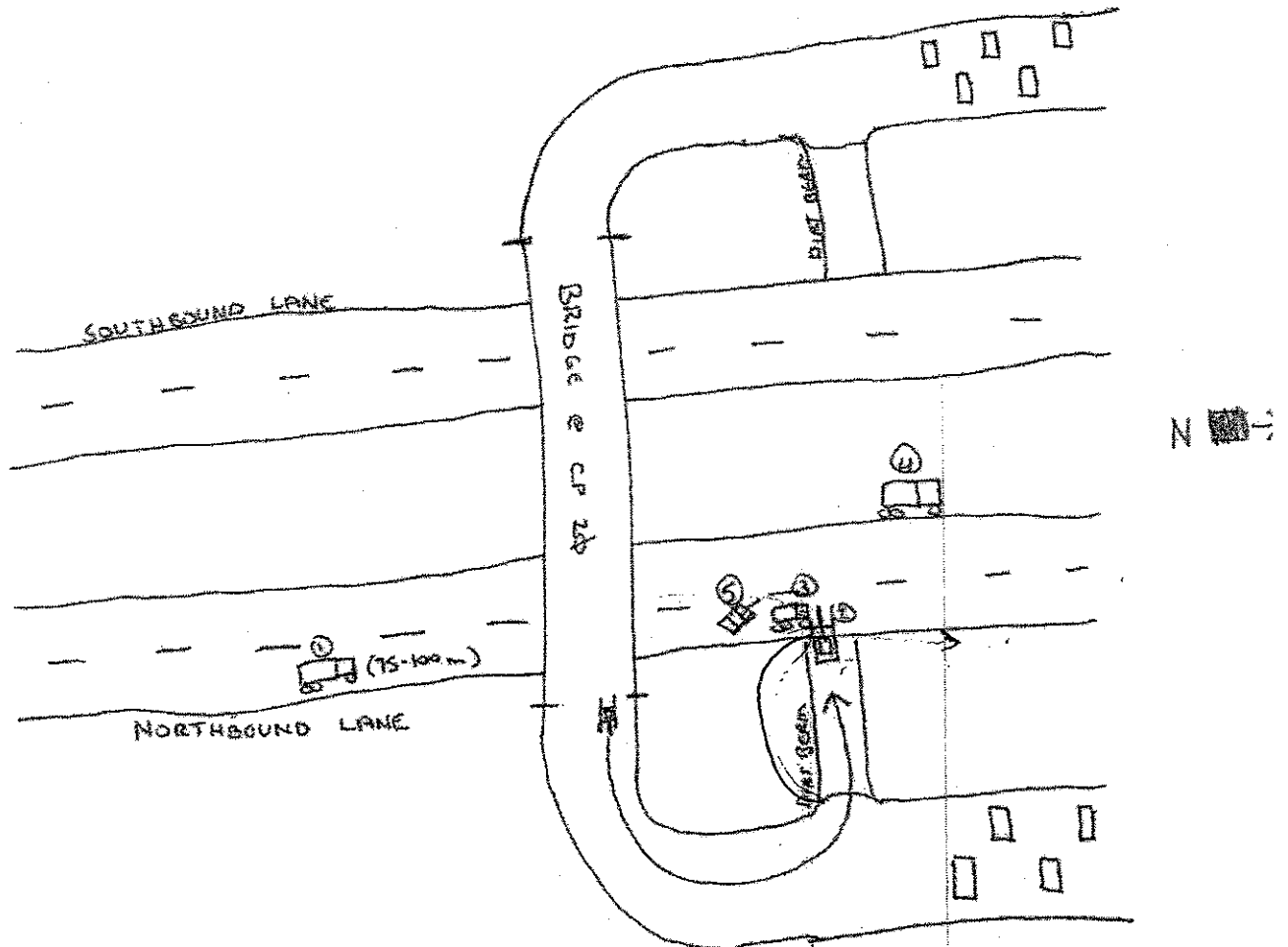
INDEX

1. Report of Proceedings, DA Form 1574
2. Appointment Orders
3. Serious Incident Report, Battle Captain 2-8 Infantry
4. Sworn Statement, DA Form 2823 (SSG [REDACTED])
5. Sworn Statement, DA Form 2823 (SGT [REDACTED])
6. Sworn Statement, DA Form 2823 (SPC [REDACTED])
7. Diagram
8. Privacy Act Statements (3)

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (B) (6)
UNLESS OTHERWISE
NOTED

CP 20 is an overpass beam on a main service road between Lutibigh & Obadie

C23 ACCIDENT
4 APR 06 @ 1746



- ① Initial place of truck when we saw it (about 75-100m south of CP 20 (bridge))
- ② Tank position in road
- ③ Where truck ran into tank
- ④ Trucks final landing spot
- ⑤ Where we backed up tank to after impact

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Kalsu, Iraq
2. DATE (YYYYMMDD): 2006/04/05
3. TIME: 1043
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E6/RA
8. ORGANIZATION OR ADDRESS: C Company, 2nd Battalion, 8th Infantry Regiment, 2BCT, 4ID

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 4 April 2006 at approximately 1700, Blue Platoon relieved White from Checkpoint 20. After doing a change over with Blue 1, I walked to C23, my tank, and got ready to move. As we made our way down the hill from CP 20, SPC [REDACTED] and I started looking around for traffic. We were coming off the east side of the checkpoint so we were going to have to cross the road from the northbound over to the southbound lane. As we were coming up a slight grade to get in the northbound lane, SPC [REDACTED] saw a dump truck south of CP 20 by about a 100 meters driving forward. He gave them the signal to stop using hand signs but they continued to drive forward. By this time, the tank was already on the road with the guntube facing direct west (meaning it was sticking out across the northbound lane). SPC [REDACTED] then flashed his M4 at them from the loader's hatch and signaled for them to stop once again while I also gave the hand signal to stop from the TC hatch. I realized that they were not going to stop so I told my driver, SGT [REDACTED] to stop. There was no way we could have moved back because you can't just throw a tank in reverse and go back in a second. At that same time, I gave SPC [REDACTED] the order to fire a warning shot because this truck was going at least 45-50 mph at my best guess. They could have been going faster but definately not slower. When a vehicle is coming at you like that, you don't know if they intend to hit you or not. Unfortunately, there was no round chambered due to us being told by our superiors that we have to have our weapons with the magazine in but no round chambered. So due to this, SPC [REDACTED] just reacted and fired but it only clicked. By this point, it was too late. The truck came barreling toward us and hit our tank. At first, I only saw the truck crash into the gun tube that was sticking out into the road but when I got a chance to look, it had clipped the front left #1 skirt. On impact, it knocked the gun from being directly over the driver's hatch to over the front right fender. The truck went tumbling into the median, spilling all the dirt it was hauling. Oil went flying everywhere, on my tank, on my loader and me, and we immediately backed up because we didn't know if any fuel had spilled or if it could ignite. Then I saw the one guy (the driver) running around holding his head and talking in Arabic so I grabbed my M4, got off the tank and went over to him to find out just why the hell he had been charging at me like a bat out of hell. Then he started crying and pointing to the ground and I saw that the guy from the passenger side was lying on the ground with a big gash under his chin and through his neck. The guntube had ripped through the top passenger side of the cab. A lot of blood had already poured out by this time but I squatted down to check his pulse. It was faint and I was pretty certain that he was beyond help. But we had the medic, SGT [REDACTED] from Checkpoint 18 come down and he gave the word that the man had died. At the same time, Blue and White Platoons had cordoned off the area while we got the IHP to come over to help clean up the area.

Damage to the tank that was obvious was the front left fender was broken along with the welded portion. The MRS on the guntube was cracked. When my gunner tried to move the gun, it moved up and down but also to the left and right without being directed to do so. A team is looking at the vehicle to determine the further extend of damage to the guntube that cannot be seen from just eyeing it.

NOTHING FOLLOW
ALL ITEMS ARE REDACTED UNDER 5USC552(B)(6) UNLESS OTHERWISE NOTED

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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

9. STATEMENT (Continued)

[Redacted Statement Area]

ALL ITEMS ARE REDACTED UNDER 5 USC 552 (B) (6) UNLESS OTHERWISE NOTED

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

C/O 2-8-10 410 2307
ORGANIZATION OR ADDRESS

C/O 2-8-10 WF 2007 410
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of April, 2004 at Baghdad, Iraq

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)
Executive Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

R

SIR

From: Battle Captain, 2-8 Infantry

Thru: 2BCT, 4ID

To: 4th ID / Division Operations Center

Subject: SIR

1. Category: Vehicle Accident
2. Type of incident: Vehicle Accident with LN and CF
3. DTG:

- A. DTG of Incident: 041738APR06
- B. DTG Unit was notified of Incident: 041742APR06
- C. DTG received by 2-8 IN: 041835APR06

4. Location: [REDACTED] 5USC552(B)(6)

5. Personnel involved:

A. Subject 1: [REDACTED]

1. Rank or grade: SSG
2. Battle Roster Number: [REDACTED]
3. Race: White
4. Sex: Male
5. Age: 27
6. Position: Tank Commander
7. Security clearance: N/A
8. Unit and station of assignment: C 2-8IN
9. Duty status: 19K
10. Marital Status: Not Married
- 11.

B. Summary of incident:

2/C/2-8IN was conducting their change of shift at CP20 with 3/C/2-8IN on [REDACTED] when a 5USC552(B)(6) dump truck struck a tank (C23). There were two occupants in the dump truck, one of whom died on the scene and the other sustained no injuries. No coalition forces were injured and damage to the tank is being assessed. IHP arrived on the scene and took the deceased and the other LN to the Iskandaria Hospital. The dump truck is currently in the median waiting to be recovered by coalition assets. The dump truck will be taken to the IHP station.

6. Other Information:

- A. Racial: N/A
- B. Alcohol Involvement: N/A
- C. Last Deployment to OIF/OEF (include start and end dates): N/A

7. Remarks:

ALL ITEMS ARE
REDACTED UNDER
5USC552(B)(6)
UNLESS OTHERWISE
NOTED

- 8. Commander reporting: [REDACTED], Commanding, 2-8 IN
- 9. Point of contact: [REDACTED] MAJ, AR, BN S3, 2-8 IN
- 10. Report originated by: [REDACTED] 1LT, CM, HHC/ 2-8 IN
- 11. Released by: [REDACTED] MAJ, AR, BN S3, 2-8 IN

12. Unit Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
CDR, 2/4 BCT	[REDACTED] OL		Conduct CDR Inquiry
Battle CPT, 2BCT	[REDACTED] MSG		Submit SIR
US LNO to MND-CS	[REDACTED] LTC		Send copy of SIR

B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
-----------------	-------------	-------------	---------------------

FOD / DOC NCO ONLY:

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

FOD Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
-----------------	-------------	-------------	---------------------

B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
-----------------	-------------	-------------	---------------------

ALL ITEMS ARE
 REDACTED UNDER
 5USC552(B)(6)
 UNLESS OTHERWISE
 NOTED

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

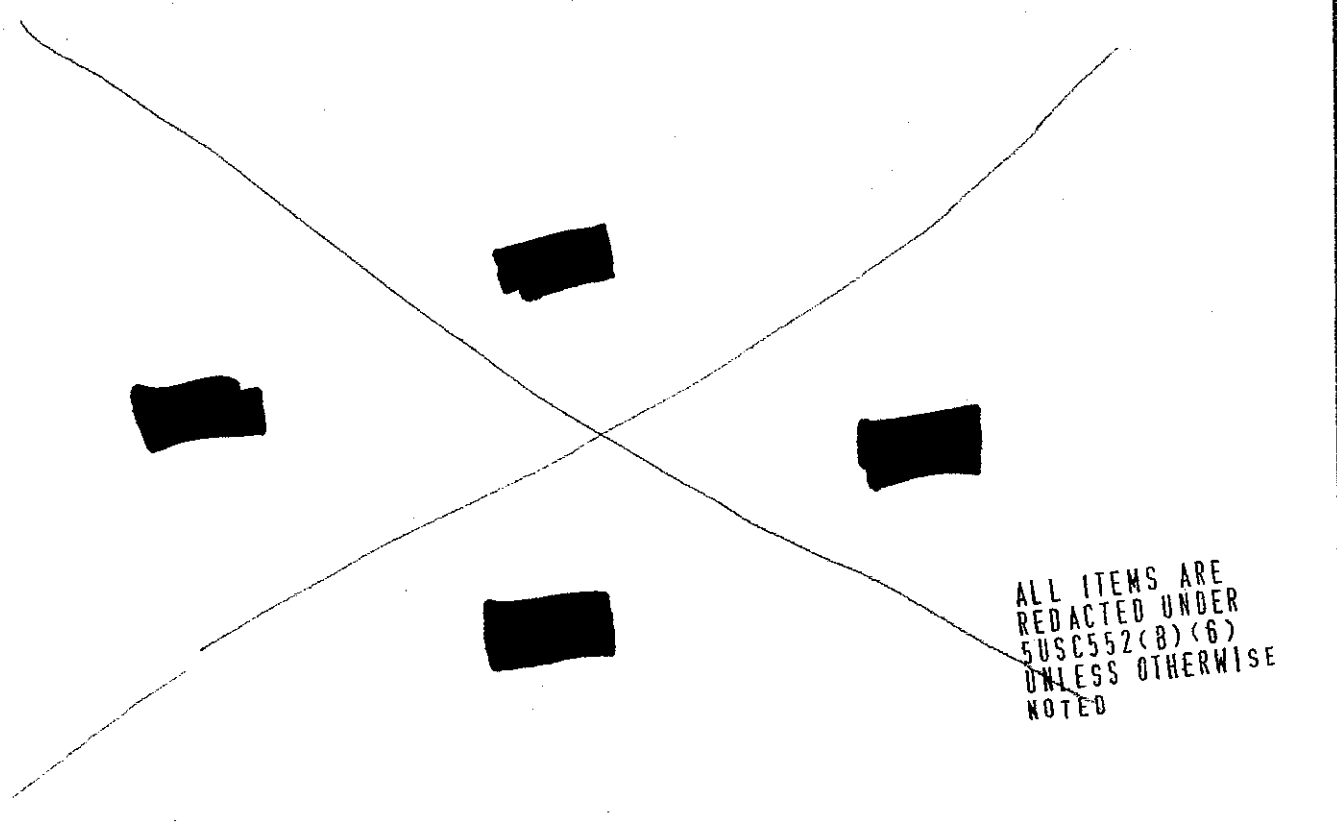
PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Kalsu, Iraq
2. DATE (YYYYMMDD): 2006/04/05
3. TIME: 1816
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-5/RA
8. ORGANIZATION OR ADDRESS: C Co. 2-8 Inf. 4ID

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the date of 4 April 2006 at approximately 1700, my platoon was being relieved by my company's Blue platoon. My tank, C-23, was in the process of coming down the berm at CP 20 when I saw some traffic pass my front as I was driving. I slowed down before I actually hit the MSR. We came upon the MSR after my TC gave me the order to move out and get into the lane. As we moved out into the lane I hear my TC say something very muffled and then a "Hey that's it!" We were still rolling because I was waiting for the order to cross the road and actually make our move back to the FOB. All of a sudden, in the matter of a split second, I was jerked around in the drivers hole and my shoulder had went numb. By therecovered time I recovered my composure I was rolling towards a truck flipped on it's side. I came to a stop and immediately backed the tank up about 15 meters. After I made clear over the net what had happened, I exited the vehicle. As I came upon the accident the driver had already passed and and I tried my best to gain control of the situation. Within 30 minutes the IHP were at the site and took the body away. Within another 20 minutes everybody in my platoon mounted up and began our move back to the FOB.



ALL ITEMS ARE REDACTED UNDER 5 USC 552 (B) (6) UNLESS OTHERWISE NOTED

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

9. STATEMENT (Continued)

[Redacted statement content with large X and four black redaction boxes]

ALL ITEMS ARE REDACTED UNDER 5USC552(B)(6) UNLESS OTHERWISE NOTED

AFFIDAVIT

I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Redacted signature]

(Signature of Person Making Statement)

WITNESSES:

[Redacted witness name]

CCO 2-8 IN, 2805, 410

ORGANIZATION OR ADDRESS

[Redacted witness name]

SFC CCO 2-8 IN, 2805, 410

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of April, 2006 at FOB Kalsu Iraq

[Redacted signature]

(Signature of Person Administering Oath)

[Redacted name]

(Typed Name of Person Administering Oath)

Executive Officer (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

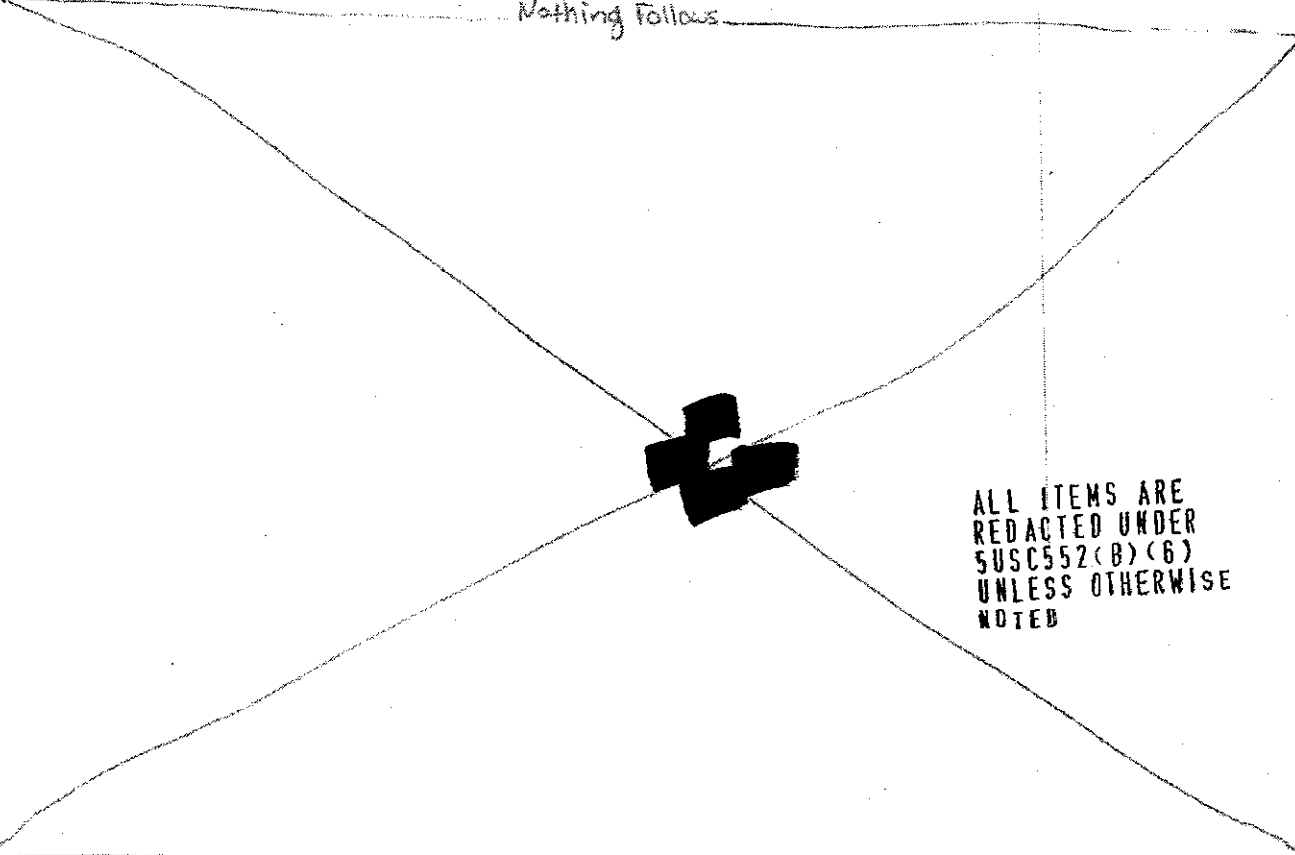
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Kalsu, Iraq
2. DATE (YYYYMMDD): 2006/04/05
3. TIME: 1820
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E4/RA
8. ORGANIZATION OR ADDRESS: C Company, 2-8 IN, 2BCT, 4ID

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 1700, 3rd Platoon relieved us from checkpoint 20. We were coming down the berm on checkpoint 20 crossing over the north bound lane on [REDACTED]. I saw a dump truck about 75 meters south of Checkpoint 20 coming towards us. I motioned for the driver to stop with hand signals but he continued to come towards us. I pointed my M4 at the driver as a part of the escalation of force and gave him the hand signal to stop again. He continued to drive towards the tank so I attempted to fire a warning shot. A round was not chambered because we have to have the weapons at Amber/Ready so it only clicked. By the time I realized what was wrong, it was already too late and the dump truck plowed into the tank. After it hit, the dump truck flipped over and oil went everywhere, including all over the tank. We backed the tank up in case fuel or something ignited and cordoned off the area. SSG Pyles hopped off the tank and went over to inspect the accident. I jumped over to the TC cupola and started pulling security while Blue and the rest of my Platoon handled the issue on the ground. Ah

Nothing Follows



ALL ITEMS ARE REDACTED UNDER 50 USC 552 (B) (6) UNLESS OTHERWISE NOTED

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 3 PAGES

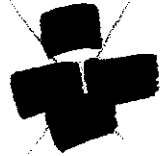
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (B) (6)
UNLESS OTHERWISE
NOTED

INITIALS OF PERSON MAKING STATEMENT

PAGE 02 OF 03 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (B) (6)
UNLESS OTHERWISE
NOTED

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

SFC _____
C/O 28 IN 2003 410
ORGANIZATION OR ADDRESS

SSA _____
C/O 28 IN 2003 410
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of April, 2006 at Fort Kasey, Iraq

(Signature of Person Administering Oath)

CPT
(Typed Name of Person Administering Oath)
Executive Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

6 APR 06
Date

[REDACTED]
Signature

[REDACTED] SPC
Printed Name and Rank

[REDACTED]
Social Security Number

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (B) (6)
UNLESS OTHERWISE
NOTED

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

SG Apr 06
Date

[REDACTED]
Signature

SGT [REDACTED]
Printed Name and Rank

[REDACTED]
Social Security Number

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (b) (6)
UNLESS OTHERWISE
NOTED

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

20040401
Date

[REDACTED]
Signature

[REDACTED] SSG
Printed Name and Rank

[REDACTED]
Social Security Number

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (B) (6)
UNLESS OTHERWISE
NOTED