

156

REPORT OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

16

See Notes on Reverse Before Completing Form

NAME	GRADE	SSN	UNIT	PAY (Basic & Sea/Foreign)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] b6-5

63
3
7c

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: ^{1/} In that you, did, at or near Samarra, Iraq, on or between 3 January 2004 and 16 January 2004, wrongfully endeavored to impede an investigation by influencing the sworn statements of [REDACTED] b6-4

SEE CONTINUATION SHEET

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. ^{2/} If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. ^{3/} In deciding what you want to do you have the right to consult with legal counsel located at [REDACTED]

You now have 48 hours to decide what you want to do. ^{4/}

b6-2

DATE & TIME	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
8 MAR 04 1400	[REDACTED]	[REDACTED]

3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (Initial appropriate blocks, date, and sign)

- a. I demand trial by court-martial.
- b. I do not demand trial by court-martial and in the Article 15 proceedings:
 - (1) I request the hearing be Open Closed. (2) A person to speak in my behalf Is Is not requested.
 - (3) Matters in defense, mitigation, and/or extenuation: Are not presented Will be presented in person Are attached.

b6-5

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
13 Mar 04	[REDACTED]	[REDACTED]

4. In a(n) Open Closed hearing ^{5/} all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: ^{6/}

To be reprimanded.

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{7/} NA

6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

b6-2

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
13 Mar 04	[REDACTED]	[REDACTED]

7. (Initial appropriate block, date, and sign)

- a. I do not appeal
- b. I appeal and do not submit additional matters ^{8/9/}
- c. I appeal and submit additional matters ^{8/9/}

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
13 Mar 04	[REDACTED]	[REDACTED]

b6-5

8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE

9. After consideration of all matters presented in appeal, the appeal is: Denied Granted as follows: ^{10/}

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE

10. I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS ^{11/12/13/} Blk/M
- Informal Commander's Inquiry containing 78 pages
- ORB

006967

Bb

Ex 6
3

DA FORM 2627, PERTAINING TO [REDACTED]

7c

Item 1, Continued:

bb-5

[REDACTED] and [REDACTED] to deny that [REDACTED] and [REDACTED] were pushed into the Tigris River, near Samarra, Iraq, and that they instead were left at the side of the roadway. This is a violation of Article 134, UCMJ.

bb-4

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NOTES

- 1/ Insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMJ (*Part IV, MCM*). If additional space is needed, use item 11 or continuation sheets as described in note 11 below.
- 2/ Inform the member of the maximum punishment which may be imposed under Article 15.
- 3/ Inform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or she may object to trial by SCM and that at SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or by civilian counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to refuse Article 15 punishment. In such cases, all reference to a demand for trial will be lined out and an appropriate remark will be made in item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time punishment was imposed.
- 4/ Give the member copy 5 of this form.
- 5/ Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.
- 6/ Amounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement should be added after to: To be automatically remitted if not vacated before (*date*). If punishment includes a written admonition or reprimand, it will be attached to this form and listed in item 11.
- 7/ The imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without approval of the Cdr, MILPERCEN or selection board proponent.
- 8/ If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.
- 9/ Before acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes reduction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in quarters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. (*See Article 15e(1) to (7), UCMJ*.)
- 10/ The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 12.
- 11/ In this space indicate the number of pages attached as follows: Allied documents on appeal consist of _____ pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If additional space is needed for completion of any item(s), use plain bond headed "Continuation Sheet 1", etc.
- 12/ Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 11 or, if necessary, on a continuation sheet. Supplementary actions (*para 3-38, AR 27-10*) will be recorded on DA Form 2627-2.

Suspension, Mitigation, Remission, or Setting Aside

(DATE)

On (*date*), the punishment(s) of _____
imposed on (*date of punishment*) (*was*) (*were*) (*suspended and will be automatically remitted if not vacated before (date)*) (*mitigated to*)
(*set aside, and all rights, privileges, and property affected restored*) (*by my order*) (*by order of*) (*the officer who imposed the punishment*)
(*the successor in command to the imposing commander*) (*as superior authority*).

(*Typed name, grade, and organization of commander*) /s/ _____
- 13/ Racial/ethnic identifiers will be placed in Item 11 (*Chapter 15, AR 27-10*).



INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ
APO AE 09323-2628

NO

REPLY TO
ATTENTION OF:

AFYB-CG

b6-2

MEMORANDUM FOR LTC [REDACTED], Commander, 1st Battalion, 8th Infantry Regiment, 3rd Brigade Combat Team, 4th Infantry Division (Mechanized)

SUBJECT: Reprimand for Obstruction of Justice

1. You are hereby reprimanded for wrongfully endeavoring to impede an investigation into the drowning death of an Iraqi civilian by members of your command. On 7 January 2004, you were briefed by the A Company commander, CPT [REDACTED] that soldiers of [REDACTED] platoon pushed two Iraqi men into the Tigris River causing one of them to drown. You ordered them to deny that the men were pushed into the river and to say that they were dropped off at the side of the road. Your conduct was wrongful, criminal and will not be tolerated.

b6-2

2. Good order and discipline requires leaders to live and enforce standards of conduct we expect from our subordinates. Your conduct is a poor example for other soldiers to follow. As a commissioned officer, I expect much more from you. Your actions have brought discredit upon you, [REDACTED] 8th Infantry, 4th Infantry Division and the United States Army. Your violation of the Uniform Code of Justice (UCMJ) casts severe doubt on your suitability for leadership in the U.S. Army.

3. This reprimand is imposed IAW Article 15, UCMJ and will be filed in conjunction with DA Form 2627.

RAYMOND T. ODIERNO
Major General, USA
Commanding

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