

Binder A

Original
Medal of Honor
recommendation
for
Sergeant
Rafael Peralta, USMC

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TAB A

PERSONAL AWARD RECOMMENDATION

ENSURE ALL BLOCKS ARE FILLED IN, SIGNED AND DATED.

FROM: ADDRESS: COMMANDING OFFICER BATTALION LANDING TEAM 1/3 T 44010 AP 96607-4010		TO: (Awarding Authority) ADDRESS: UIC/RUC: THE COMMANDER IN CHIEF			
COMMAND POC: (b)(6), (b)(7)(c)		PHONE (b)(6), (b)(7)(c)			
1. SOCIAL SECURITY NUMBER (b)(6), (b)(7)(c)		2. DESIG/NEC/MOS 0311			
3. NAME (Last, first, MI) PERALTA, RAFAEL, (NMI)		14. EXP. OF ACTIVE DUTY IF RETIREMENT/SEPARATION, NUMBER OF YEARS			
4. COMPONENT (USN, USMC, etc.) USMC		15. EST. DETACHMENT DATE <input type="checkbox"/> RETIREMENT <input type="checkbox"/> TRANSFER <input type="checkbox"/> TERMINAL LEAVE			
5. GRADE/RATE SGT/E-5		16. NEW DUTY STATION (Home address if separation anticipated) ADDRESS:			
6. WARFARE DESIGNATOR		17. UNIT AT TIME OF ACTION/SERVICE COMPANY A, BATTALION LANDING TEAM 1/3			
7. UIC/RUC: 13110		18. DUTY ASSIGNMENT PLATOON GUIDE			
8. RECOMMENDED AWARD (See instruction #3 on back) MH		9. SPECIFIC ACHIEVEMENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
10. <input type="checkbox"/> HEROIC <input type="checkbox"/> MERITORIOUS <input checked="" type="checkbox"/> HEROIC POSTHUMOUS <input type="checkbox"/> MERITORIOUS POSTHUMOUS <input type="checkbox"/> MIA		19. PREVIOUS PERSONAL DECORATIONS AND PERIOD RECOGNIZED (exclude Purple Heart and Combat Action Ribbon) NONE			
11. NUMBER OF AWARD OF RECOMMENDED MEDAL 1		20. PERSONAL AWARDS RECOMMENDED-NOT YET APPROVED NONE			
12. ACTION DATE/MERITORIOUS PERIOD 20041115		21. OTHER PERSONNEL BEING RECOMMENDED FOR SAME ACTION NONE			
13. GEOGRAPHIC AREA OF ACTION/SERVICE FALLUJAH, AL ANBAR PROVINCE, IRAQ					
I certify that the facts contained in the summary of action are <input type="checkbox"/> known to me <input checked="" type="checkbox"/> a matter of record					
22. GRADE, TITLE OF ORIGINATOR (b)(6), (b)(7)(c), COMMANDING OFFICER		SIGNATURE (b)(6), (b)(7)(c)			
		DATE 20050102			
23. FORWARDING ENDORSEMENTS BY VIA ADDRESSEE(S). (Attach additional sheets only as necessary)					
VIA	COMMAND (To be completed by originator)	RECOMMENDED AWARD	COMBAT "V"	SIGNATURE, GRADE	DATE FWD
1	COMMANDING OFFICER REGIMENTAL COMBAT TEAM 7	MH	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(b)(6), (b)(7)(c)	7 Jan 05
2	COMMANDING GENERAL 1ST MARINE DIVISION	MH	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	R3111	3 MAR 05
3	COMMANDING GENERAL I MARINE EXPEDITIONARY FORCE AND COMMARCENT	MH	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	F. Lattin	12 SEP 05
24. TO BE COMPLETED BY AWARDING AUTHORITY					
DISPOSITION OF BASIC RECOMMENDATION		COMBAT "V"	EXTRAORDINARY HEROISM RECOMMENDED	SIGNATURE, GRADE, TITLE	DATE APPROVED
DISPOSITION OF BASIC RECOMMENDATION		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		
FOR USE OF NDBDM ONLY					
FROM: SECNAV (NDBDM) CNO (N09B33) CMC (CODE MHM)				DATE:	
Extraordinary heroism recommended 2. Reviewed and recorded. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA					
By direction					

TAB B



THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

4 October 2006

MEMORANDUM FOR SECRETARY OF DEFENSE

SUBJECT: Recommendation for the Medal of Honor

The Commandant of the Marine Corps recommends, and I concur, that you endorse the recommendation for the Medal of Honor (posthumously) to Sergeant Rafael Peralta, USMC, for his gallantry and intrepidity at the risk of life above and beyond the call of duty during Operation IRAQI FREEDOM. The Chairman of the Joint Chiefs of Staff concurs with the recommendation for award of the Medal of Honor.

The Medal of Honor citation and certificate for Sergeant Rafael Peralta are attached. The file supporting the recommendation is also attached for your review, if desired.

Donald C. Winter

Attachments:
As stated

OSD 15779-06



10/5/2006 3:59:40 PM

Pages 7 through 10 redacted for the following reasons:

(b)(5)

(b)(5) Draft

**AWARD
RECOMMENDATION
IN CASE OF

SERGEANT
RAFAEL PERALTA**

**BATTALION LANDING
TEAM 1/3**

Name: Rafael (NMI) Peralta
Rate or rank at time of action: Sergeant/E-5
Organization: 1st Platoon, Company A, Battalion Landing Team 1/3,
Regimental Combat Team 7, 1st Marine Division
Next of Kin: (b)(6), (b)(7)(c)
Person who assisted: N/A

Conditions Under Which Act Performed

Location: Hey Al Askari District, Al Fallujah, Al Anbar Province,
Iraq, UTM 38S MGRS LB 889 918
Date: 15 November 2004
Terrain: Urban Residential
Weather: Sunny, Clear Skies, 70 degrees

Enemy condition: Insurgent groups occupying vacant buildings throughout the city operating primarily in 4-8 man cells. Insurgent tactics varied from actively seeking out and engaging coalition forces to remaining dormant inside buildings until coalition forces entered the building. When contact was forced by coalition forces, insurgents generally fought from fortified positions inside houses, using automatic weapons and grenades and attempted to flee after inflicting casualties on the first coalition forces to enter the building. Insurgents were supplied via weapons and food caches pre-positioned throughout the city.

Friendly condition: Battalion Landing Team (BLT) 1/3 attacked in zone during the initial assault on Fallujah from 8 thru 10 November. Upon reaching its limit of advance, BLT 1/3 established company sectors and conducted search and attack operations throughout its tactical area of responsibility (TAOR). Operating independently, each company of BLT 1/3 came into contact with insurgent forces on a daily basis to include the day of 15 November 2004. BLT 1/3 also began psychological operations on 11 November 2004 to encourage insurgents to surrender; these operations were conducted in conjunction with humanitarian aid operations at the Mujahareen and Al Haydra Mosques.

Narrative Description of Gallant Conduct

Sergeant Rafael (NMI) Peralta is enthusiastically recommended for the Medal of Honor for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Platoon Guide, 1st Platoon, Company A, Battalion Landing Team 1/3, Regimental Combat Team 7(-) (Reinforced), 1st Marine Division(-) (Reinforced) in action against Anti-Coalition Forces in the City of Fallujah, Iraq, 15 November 2004, during Operation Phantom Fury/Al Fajr.

At approximately 0830, Sergeant Peralta was conducting search and attack operations with 2d Squad, 1st Platoon. The squad was clearing their seventh house of the day. Sergeant Peralta was augmenting 2d Squad because they were short personnel due to recently sustained casualties. Sergeant Peralta was positioned in the center of the squad between the first and second fire teams as they prepared to enter the house.

The squad met no resistance during their initial entry into the house and cleared the front rooms without incident. The door to the back rooms of the house was closed. The squad staged for entry into the back rooms with Sergeant Peralta positioned behind the point man. As the point man pushed open the door, the squad immediately came under a heavy volume of close-range automatic weapons fire from multiple insurgents located in the back rooms. The squad instantaneously returned fire, wounding one of the insurgents. As the squad sought cover, Sergeant Peralta was shot in the head as he attempted to maneuver out of the line of fire. Sergeant Peralta fell to the ground, still attempting to speak, though his words were unintelligible.

After the initial exchange of gunfire, the insurgents broke contact, throwing a fragmentation grenade towards the Marines as the insurgents fled the building. The grenade bounced off the side of a couch and came to rest approximately one foot away from Sergeant Peralta's head. The grenade lay between Sergeant Peralta and other members of the squad. Though wounded, Sergeant Peralta, without hesitation, reached out and scooped the grenade under him and used his body to bear the brunt of the explosion, shielding other Marines of the squad who were only feet away. The grenade exploded underneath Sergeant Peralta with his body absorbing most of the blast. Other members of the squad nearby received only minor shrapnel wounds from the explosion.

Sergeant Peralta was immediately medevaced via amphibious assault vehicle but succumbed to his wounds and was pronounced dead at 0915, 15 November 2004 while en route to Bravo Surgical Company.

Sergeant Peralta's gallant leadership, bravery and unwavering dedication to duty and to his fellow Marines distinguish his conduct as above and beyond the call of duty. Sergeant Peralta's willingness to make the ultimate sacrifice to preserve the lives of his comrades reflected great credit upon him and was in keeping with the highest traditions of the Marine Corps and the United States Naval Service. For his actions, he is worthy of being decorated with the Medal of Honor.



UNITED STATES MARINE CORPS

1ST MARINE DIVISION (REIN)

UIC 40120

FPO AF 96426-0120

IN REPLY REFER TO:

1650

G-1

3 Mar 05

SECOND ENDORSEMENT on (b)(6), (b)(7)(c) ltr 1650 SJA/ of 1 Jan 05

From: Commanding General, 1st Marine Division (Rein)

To: Secretary Of The Navy

Via: (1) Commanding General, I Marine Expeditionary Force
(2) Commander, Marine Forces, U. S. Central Command
(3) Commander, U. S. Central Command
(4) Commandant of the Marine Corps

Subj: RECOMMENDATION FOR THE CONGRESSIONAL MEDAL OF HONOR
(POSTHUMOUSLY) FOR SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) /0311 USMC

Encl: (24) Composite Drawing Collection of Incident Series

(25) Transposed Statement of

(26) Transposed Statement of

(27) Transposed Statement of

(28) Transposed Statement of

(29) Transposed Statement of

(30) Transposed Statement of

(b)(6), (b)(7)(c)

(31) Transposed Witness Interview Form of

(32) Transposed Witness Interview Form of

(33) Transposed Witness Interview Form of

(34) Transposed Witness Interview Form of

(35) Transposed Witness Interview Form of

(36) Transposed Statement of

(37) Transposed Statement of

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

1. It is with great honor and reverent respect that I enthusiastically forward the recommendation for Sergeant Rafael Peralta to be posthumously awarded the Congressional Medal of Honor. Sergeant Peralta heroically gave his life on 15 November 2004 to save his fellow Marines during combat operations in Al Fallujah, Iraq.

2. While the basic application provides an extremely detailed account of the incident, the following is offered as an executive summary:

- a. Having completed the initial assault through the city of Al Fallujah, Iraq, Battalion Landing Team 1/3, Regimental Combat Team 7, 1st Marine Division, I Marine Expeditionary Force during Operation PHANTOM FURY (later renamed Operation AL FAJR), was conducting detailed clearing operations on 15 November 2004.
- b. The incident occurred at approximately 0830L as the Marines cleared their seventh house of the day.

Subj: RECOMMENDATION FOR THE CONGRESSIONAL MEDAL OF HONOR
(POSTHUMOUSLY) FOR SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) /0311 USMC

- c. Sergeant Peralta, the platoon sergeant for 1st Platoon, Alpha Company, was leading a composite squad of eight Marines on the date of the incident.
- d. The squad included (b)(6), (b)(7)(c) in the first stack (or fire team) and (b)(6), (b)(7)(c) Sergeant Peralta, (b)(6), (b)(7)(c) in the second stack.
- e. Enclosure (24) provides a series of PowerPoint diagrams to illustrate the actions as they took place on the morning of the incident. The first image is a cover slide.
- f. The second diagram, "Contact House Composite Floor Plan," is a drawing of the house where the incident took place. Each room is named, and each doorway is numbered.
- g. The third diagram, "Stack Outside House," shows how the two teams lined up as they prepared to make entry.
- h. The fourth diagram, "Gaining Entry," shows (b)(6), (b)(7)(c) as they entered the foyer beyond the first doorway. Finding Doorway 2 locked, they entered Doorway 3.
- i. The fifth diagram, "Clearing Living Room," shows (b)(6), (b)(7)(c) in the Living Room with (b)(6), (b)(7)(c) in the foyer and preparing to enter the Living Room.
- j. The sixth diagram, "Clearing Big Room," shows (b)(6), (b)(7)(c) in the Big Room after moving through Doorway 4 and shows the rest of the squad in, or preparing to enter, the Living Room.
- k. The seventh diagram, "Moving into Living Room," shows (b)(6), (b)(7)(c) in the Big Room with the rest of the squad dispersed around the Living Room.
- l. The eighth diagram, "Engagement Begins," shows (b)(6), (b)(7)(c) opening doorway five. Two insurgents appear, one each in the Bedroom and Kitchen Area. The insurgents immediately opened fire on the Marines upon the opening of the door.
- m. The ninth diagram, "The Fire Fight," shows the Marines returning fire against the insurgents. Sergeant Peralta was directly in the line of fire from the insurgents. (b)(6), (b)(7)(c) was between Sergeant Peralta and the insurgents, slightly to Sergeant Peralta's left side.
- n. The tenth diagram, "Sgt Peralta Hit," shows Sergeant Peralta and (b)(6), (b)(7)(c) being shot. After shooting one insurgent, (b)(6), (b)(7)(c) turned to move out of the line of fire and saw Sergeant Peralta as he fell after being shot. (b)(6), (b)(7)(c) then moved past Sergeant Peralta and into the Big Room.
- o. The eleventh diagram, "Insurgents Cease Firing," shows the location of the Marines as the shooting stops. (b)(6), (b)(7)(c) are in the Big Room, Sergeant Peralta is on the deck with his head in the Big Room and feet in the Living Room. The other four Marines are dispersed around the Living Room. One insurgent is beginning to flee through the Kitchen Area while the other is still in the Bedroom.

Subj: RECOMMENDATION FOR THE CONGRESSIONAL MEDAL OF HONOR
(POSTHUMOUSLY) FOR SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) /0311 USMC

- p. The twelfth diagram, "Insurgents Flee," shows the insurgents beginning to move through the Kitchen Area toward a back door, Doorway 11. One insurgent throws a grenade through Doorway 5 and Doorway 6. The grenade lands near Sergeant Peralta's head as he remained on the deck in the edge of the Big Room.
- q. The thirteenth diagram, "Grenade," shows the insurgents departing Doorway 11. The Marines who saw the grenade thrown announce this to everyone in the room, and they all begin trying to escape. Sergeant Peralta is seen actively reaching out, grabbing the grenade, and scooping it under his body. He is heard to make a guttural groan as he rolls over on top of the grenade. (b)(6), (b)(7)(c) cannot get out the locked Doorway 2, so they attempt to take cover in the corner. (b)(6), (b)(7)(c) all attempt to exit Doorway 3. (b)(6), (b)(7)(c) cannot escape and takes cover in the corner of the Living Room.
- r. The fourteenth (final) diagram, "Explosion/Retrograde," shows the actions as the grenade explodes. (b)(6), (b)(7)(c) all received small amounts of shrapnel from the explosion. The other four Marines are unhurt. (b)(6), (b)(7)(c) then has all of the remaining Marines regroup before they attempt to reenter, clear the house, and recover Sergeant Peralta's body.

3. I believe Sergeant Peralta made a conscious, heroic decision to cover the grenade and minimize the effects he knew it would have on the rest of his Marine team. As he lay injured, rather than using his strength in an attempt to save himself, he knowingly and selflessly opted to give his life for his fellow Marines. No one would have ever thought less of him if he would have chosen to save himself. **Sergeant Peralta's actions clearly rise above and beyond the call of duty and deserve to be recognized by award of our Nation's highest combat award, the Congressional Medal of Honor.**

4. Enclosures (1) through (6), (9), (11) through (15), and Attachment A to (16) to the original letter are handwritten statements from the witnesses to Sergeant Peralta's actions. Many of these testimonials are difficult to read. I, therefore, have had my staff transpose each a into typed form to ease review by higher headquarters. Each copy is an exact replication of the original statement - to include spelling and grammatical errors. The transposed versions are provided as enclosures (25) through (37).

5. The point of contact at this Headquarters until 17 March 2005 is (b)(6), (b)(7)(c) G-1 (Forward), at DSN (b)(6), (b)(7)(c) or email at (b)(6), (b)(7)(c). After 17 March, the point of contact will be (b)(6), (b)(7)(c) G-1 (Rear), at (b)(6), (b)(7)(c) or email at (b)(6), (b)(7)(c)

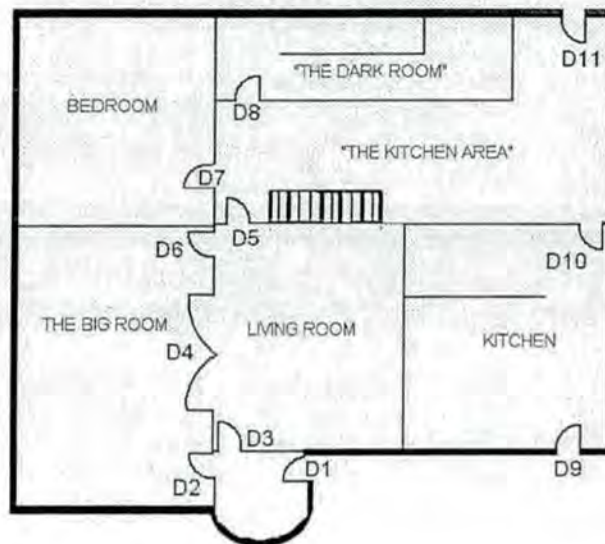


R. F. NATONSKI

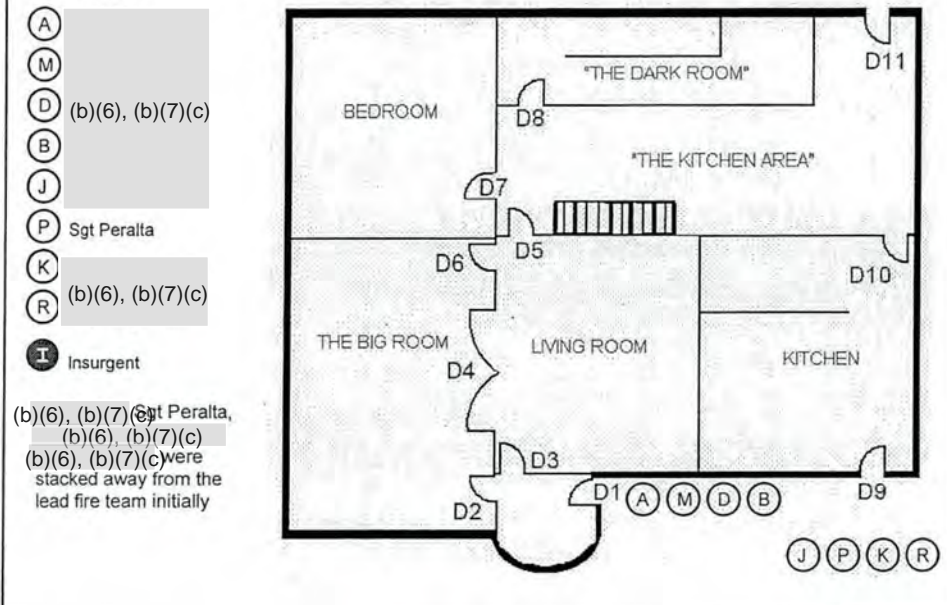
Sergeant Peralta Award Recommendation

Actions of 2d Squad, 1st Platoon, Company A,
Battalion Landing Team 1/3 at Contact House
15 November 2004

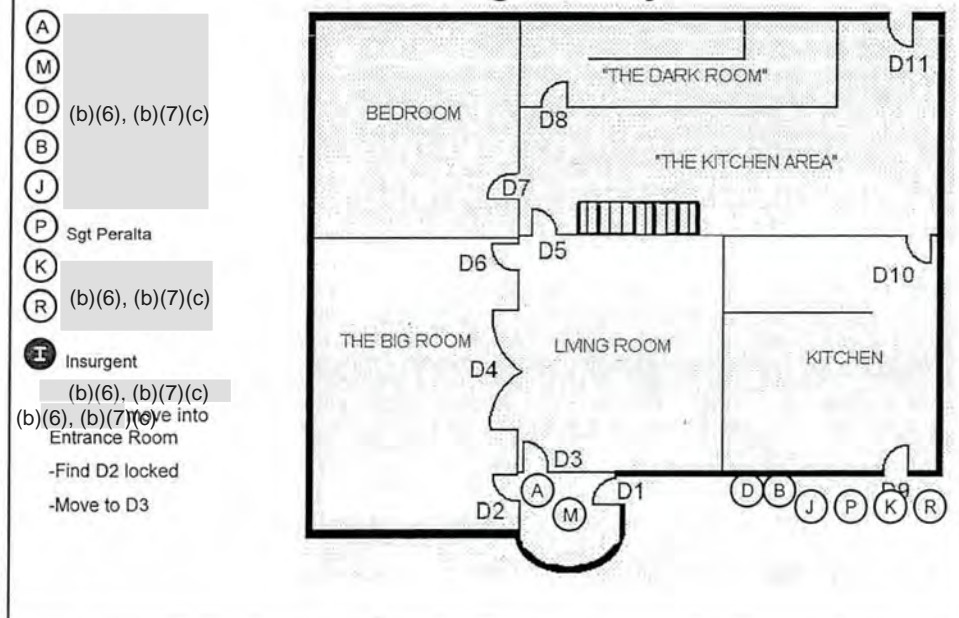
Contact House Composite Floor Plan



Stack Outside House

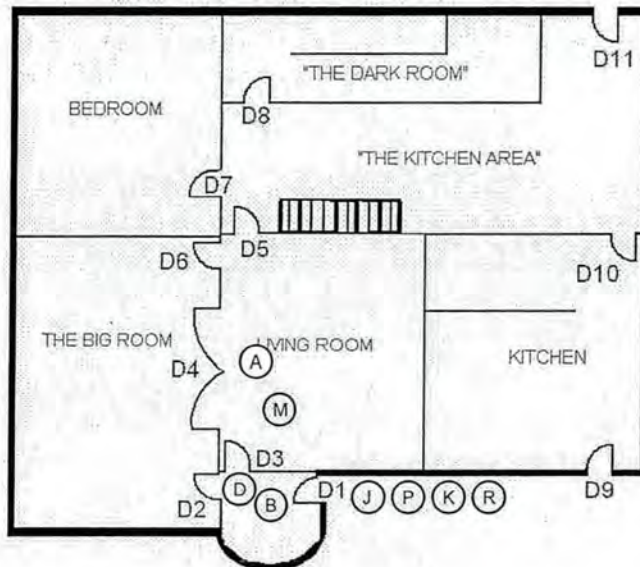


Gaining Entry



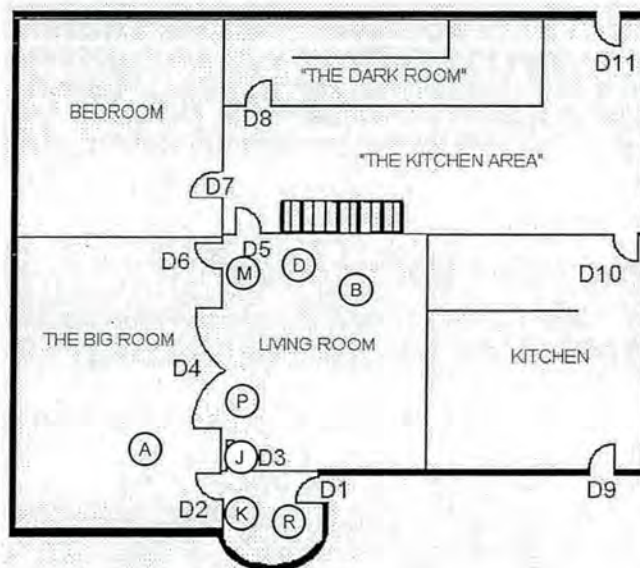
Clearing Living Room

- (A)
- (M)
- (D) (b)(6), (b)(7)(c)
- (B)
- (J)
- (P) Sgt Peralta
- (K)
- (R) (b)(6), (b)(7)(c)
- (I) Insurgent
- (b)(6), (b)(7)(c) move into Living Room
- Remainder of 1st stack enters building
- 2nd stack moves into position



Clearing Big Room

- (A)
- (M)
- (D) (b)(6), (b)(7)(c)
- (B)
- (J)
- (P) Sgt Peralta
- (K)
- (R) (b)(6), (b)(7)(c)
- (I) Insurgent
- (b)(6), (b)(7)(c) enters and clears The Big Room through D4
- (b)(6), (b)(7)(c) moves to cover D5 & D6
- (b)(6), (b)(7)(c) move to stack next to D5
- Remaining personnel move into Entrance Room and start moving into Living Room



Legend:

- (A) (b)(6), (b)(7)(c)
- (M) (b)(6), (b)(7)(c)
- (D) (b)(6), (b)(7)(c)
- (B) (b)(6), (b)(7)(c)
- (J) (b)(6), (b)(7)(c)
- (P) Sgt Peralta
- (K) (b)(6), (b)(7)(c)
- (R) (b)(6), (b)(7)(c)
- (I) Insurgent

Actions:

- (b)(6), (b)(7)(c) remains in The Big Room
- Sgt Peralta moves back to the Big Room
- (b)(6), (b)(7)(c) stack to the right of D5
- (b)(6), (b)(7)(c) move into Living Room

Floor Plan Details:

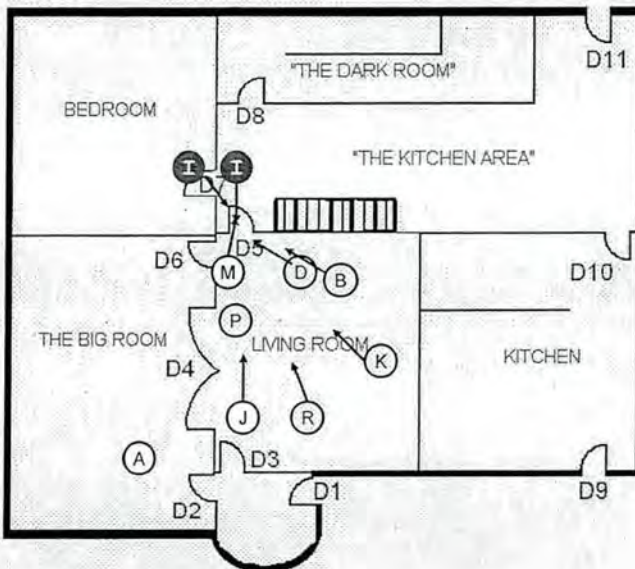
- Rooms: BEDROOM, "THE DARK ROOM", "THE KITCHEN AREA", THE BIG ROOM, LIVING ROOM, KITCHEN.
- Doors: D1, D2, D3, D4, D5, D6, D7, D8, D9, D10, D11.
- Other features: A striped rectangular object in the hallway between the Big Room and Kitchen Area.

(b)(6), (b)(7)(c) opens D5
-Insurgents immediately open fire from Bedroom and The Kitchen Area

The Fire Fight

- (A) [REDACTED]
- (M) [REDACTED]
- (D) (b)(6), (b)(7)(c)
- (B) [REDACTED]
- (J) [REDACTED]
- (P) Sgt Peralta
- (K) [REDACTED]
- (R) (b)(6), (b)(7)(c)
- (I) Insurgent

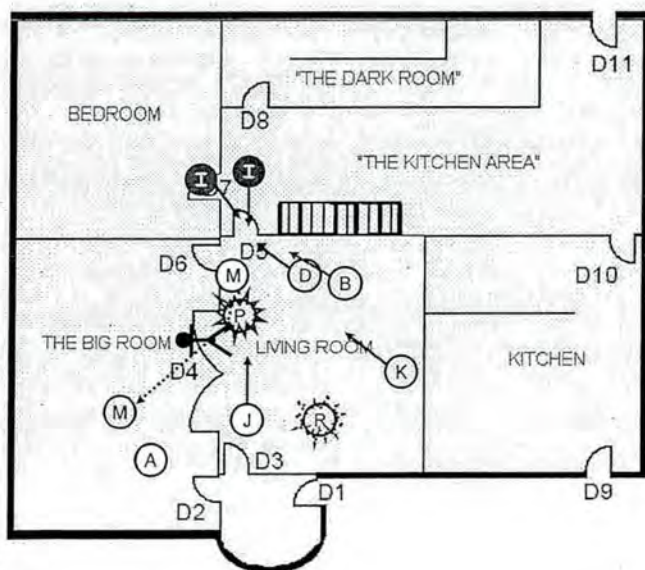
(b)(6), (b)(7)(c) firing over
 (b)(6), (b)(7)(c) (shoulder)
 return fire



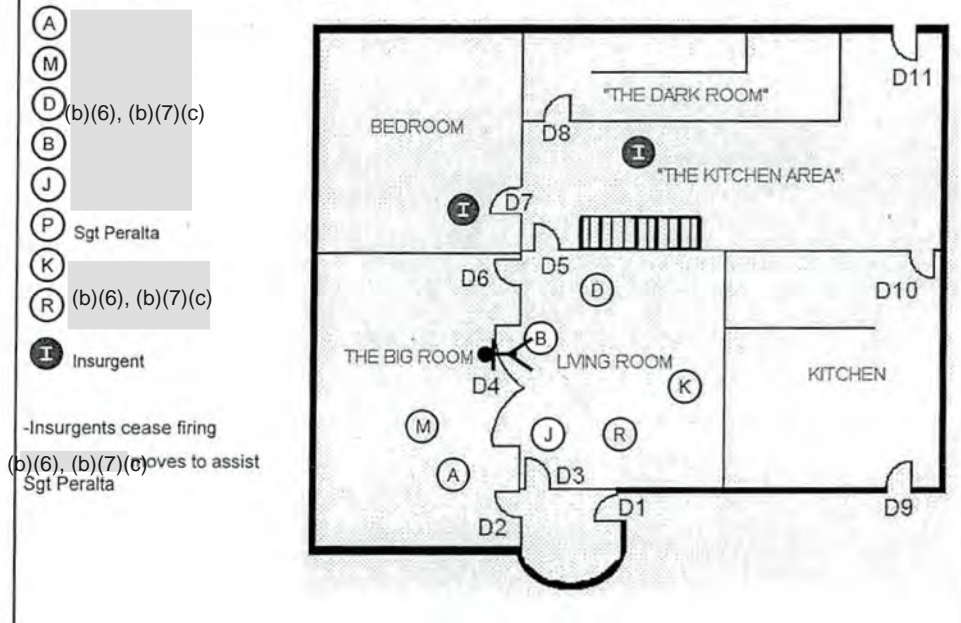
Sgt Peralta Hit

- (A) [REDACTED]
- (M) [REDACTED]
- (D) (b)(6), (b)(7)(c)
- (B) [REDACTED]
- (J) [REDACTED]
- (P) Sgt Peralta
- (K) [REDACTED]
- (R) (b)(6), (b)(7)(c)
- (I) Insurgent

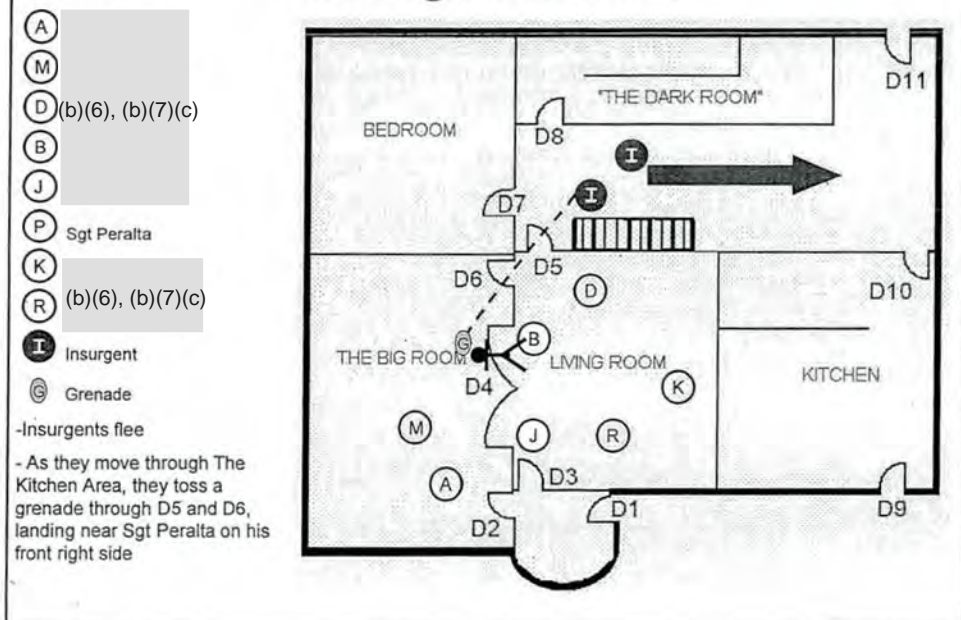
-Sgt Peralta is shot, rotates counter-clockwise and falls onto his stomach in the middle of D4
 (b)(6), (b)(7)(c) rotates clockwise and moves out of the line of fire through D4 into the Big Room
 (b)(6), (b)(7)(c) shot in forearm
 -Other Marines continue to engage



Insurgents Cease Firing

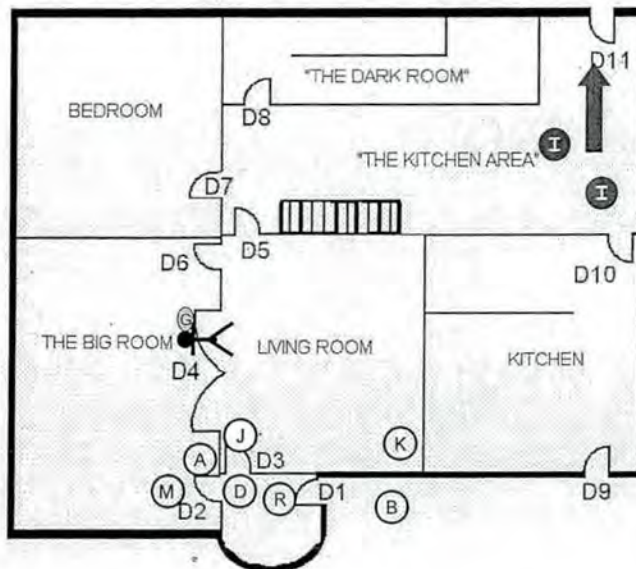


Insurgents Flee



"Grenade"

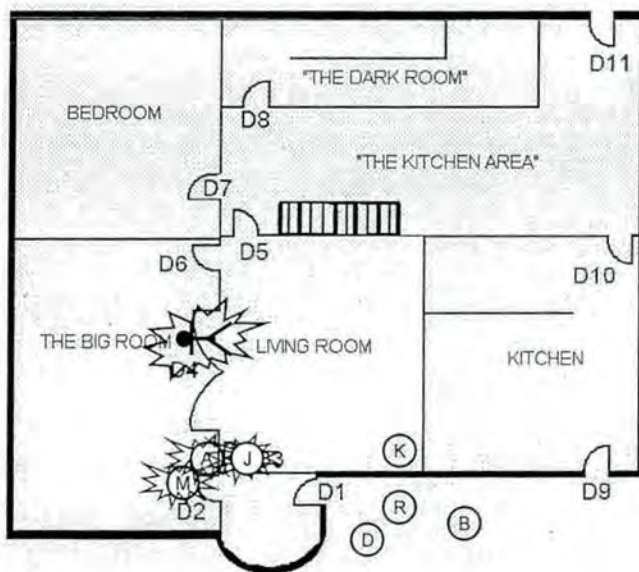
- "Grenade" is shouted
 - Sgt Peralta sees and scoops grenade from his right side to under the left side of his body
 (b)(6), (b)(7)(c) sees the grenade and runs out of the room
 (b)(6), (b)(7)(c) lies and drops to the floor seeking cover
 (b)(6), (b)(7)(c) run out of room
 (b)(6), (b)(7)(c) have no place to run; seek cover in The Big Room
 (b)(6), (b)(7)(c) seeks cover in back of Living Room



Explosion / Retrograde

(A) [Redacted]
 (M) [Redacted]
 (D) (b)(6), (b)(7)(c)
 (B) [Redacted]
 (J) [Redacted]
 (P) Sgt Peralta
 (K) [Redacted]
 (R) (b)(6), (b)(7)(c)
 (I) Insurgent

- Grenade explodes under left side of Sgt Peralta
 (b)(6), (b)(7)(c) [Redacted]
 (b)(6), (b)(7)(c) receive shrapnel wounds
 (b)(6), (b)(7)(c) orders everyone out to regroup before they finish clearing the house



TAB C

(b)(6), (b)(7)(c)

Investigation Officer for
1st Battalion, 3rd Marines

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

EXECUTIVE SUMMARY TO:

REVIEW OF INSURGENT
ENGAGEMENT ON 15 NOVEMBER 2004
INVOLVING SERGEANT RAFAEL
PERALTA (b)(6), (b)(7)(c) 0311 USMC

DECLARATION OF (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) **IN SUPPORT OF**
MEDAL OF HONOR (POSTHUMOUS)
RECOMMENDATION IN THE CASE
OF SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) **0311 USMC**

Date: June 20, 2005

Time: 4:00 p.m.

Location: (b)(6), (b)(7)(c) USA

ENCLOSURE (1)

1 DECLARATION OF

(b)(6), (b)(7)(c)

2 I, (b)(6), (b)(7)(c) declare:

3
4 (b)(6), (b)(7)(C)
5

6 I (b)(6), (b)(7)(C) make this declaration in support of
7 MEDAL OF HONOR (POSTHUMOUS) RECOMMENDATION IN THE CASE OF
8 SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) 0311 USMC. I was the Investigating Officer for
9 the Review of Insurgent Engagement on 15 November 2004 Involving Sergeant Rafael Peralta (b)(6), (b)(7)(c)
10 (b)(6), (b)(7)(c) 0311 USMC dated January 1, 2005 and have been involved with the investigation of this
11 matter since its inception and was part of the investigatory team in the original inquiry.

12 2. I have first hand knowledge of the facts and events stated herein and know them to
13 be true, except for those matters stated on information and belief and as to those matters I here so
14 state I believe them to be true. If called upon as a witness and placed under oath I could testify to
15 the following.

16 3. On January 1, 2005, I completed my investigation into the 15 November 2004
17 Insurgent Engagement in Fallujah, Iraq which resulted in the untimely death of Sergeant Rafael
18 Peralta, USMC.

19 4. My recommendation was then and remains now that "Sergeant Rafael Peralta,
20 United States Marine Corps, receive the Medal of Honor." [Recommendation 1 to (b)(6), (b)(7)(c)
21 Inv dtd 1 Jan 05 (hereinafter referred to as the "Investigation")].

22 5. I submitted the Investigation to the authority who appointed me, the Commanding
23 Officer of what at that time was Battalion Landing Team 1/3, (b)(6), (b)(7)(c)
24 (b)(6), (b)(7)(c) USMC.

25 6. I am informed and believe that (b)(6), (b)(7)(c) forwarded the Investigation, favorably
26 endorsed, through BLT 1/3's operational chain of command. I am also informed that each
27 subsequent higher headquarters also favorably endorsed the Investigation.

28 **ENCLOSURE (1)**

7. I am informed and believe that in the course of his review for endorsement, the Commanding General, I Marine Expeditionary Force has determined further investigation is warranted to expound upon some findings, recommendations and opinions and deconflict others.

8. I am informed that the Armed Forces Institute of Pathology has reviewed the autopsy report on Sergeant Peralta and come to a contrary conclusion to that of (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) USN, Bn Surgeon, 1/3.

9. I am informed and believe that since that time, (b)(6), (b)(7)(c) M.D., MC USN, (b)(6), (b)(7)(c) Naval Medical Hospital San Diego, (b)(6), (b)(7)(c) MD, MC USN, (b)(6), (b)(7)(c) Naval Medical Hospital San Diego and (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) M.D., MC USN, Naval Medical Hospital San Diego and former Department Head of Internal Medicine and Neurology at NAMI have also reviewed the autopsy report on Sergeant Peralta and concur with (b)(6), (b)(7)(c) opinion. I have reviewed the written opinions of these three Neurologists, true and correct copies of which are attached to the Supporting Documentation correspondence of (b)(6), (b)(7)(c) and incorporated by this reference as though fully set forth herein.

10. I am informed that a question has arisen as to inconsistencies in witness testimony.

11. I am informed that a question has arisen as to on which side the grenade exploded in relation to Sergeant Peralta.

12. I am informed that a question has arisen as to why Sergeant Peralta's palm has exit wounds.

13. In response to the foregoing questions, I provide the following undisputed facts.

I. FACTS IN SEQUENCE OF EVENTS

A. Undisputed Facts Part 1

14. Although it was not part of his duties as platoon guide, Sgt Peralta took it upon himself to assist an undersized rifle squad in clearing houses of insurgents over the course of two days. [Encls 1-6, 9-11, 13-17 to Investigation]

15. At the last house he cleared on the day of his death, he was one of the first six Marines to enter (the actual sequence is irrelevant. What is relevant is every witness has him entering the house). [Encls 1-6, 9-11, 13-17 to Investigation]

ENCLOSURE (1)

1 16. Once inside the house, Sgt Peralta was in close proximity to the door to the next
2 room being cleared (the actual distance is irrelevant. What is relevant is every witness places him
3 in the room where the subsequent firefight broke out). [Encls 1-6, 9-11, 13-17 to Investigation]

4 17. A firefight broke out. [Encls 1-6, 9-11, 13-17 to Investigation]

5 18. Sergeant Peralta went down during the firefight. [Encls 1-6, 9-11, 13-17 to
6 Investigation]

7 19. Sergeant Peralta came to rest on his stomach. [Encls 1-6, 9-11, 13-17 to
8 Investigation]

9 20. Sergeant Peralta received a penetrating wound to the back of his head. [Encl 19 to
10 Investigation]

11 21. Sergeant Peralta's feet fell oriented towards and partially in the room with the
12 firefight, with the bulk of his body pointed towards and laying in the room where the grenade
13 entered, ultimately came to rest and subsequently exploded. [Encls 1-6, 9-11, 13-17 to
14 Investigation]

15 B. Deduced Fact No. 1: Time from Peralta's fall to grenade explosion.

16 22. There is only slight variance among the witnesses. The longest any witness places
17 the time is 15 seconds from Sergeant Peralta's fall to the grenade explosion. Every witness who
18 was present when the grenade exploded states the grenade seemed to take a long time or "forever"
19 to go off, as much as 10 seconds from first sighting to explosion. [Encls 1,3, 5, 9, 10, 16, 17 to
20 Investigation]

21 23. From my experience as (b)(6), (b)(7)(c) judge advocate interviewing witnesses,
22 time is a difficult thing to measure from recollection. A common technique (which I employed on
23 this occasion with each of the witnesses) is to first ask, "How many seconds?", then breakout a
24 stopwatch – start it – and count off the stated time – then ask – "Still think that was it? Was it
25 more? Was it less?" This method gives a more reliable baseline.

26 25. After doing the foregoing, the times testified to were 15 seconds MAX from fall to
27 explosion and 10 seconds MAX from sighting of grenade to explosion. Therefore: I deduce that

28 **ENCLOSURE (1)**

1 the time from when Sergeant Peralta fell to when the grenade exploded was at most – 15
2 seconds.

3 26. I understand that our regulations on this type of award require “certainty” and that
4 we must have “no doubt.” I respectfully opine to the Armed Forces Institute of Pathology
5 (“AFIP”) that it is possible for a person to *doubt* anything. The question is: is the doubt in
6 question a *reasonable* doubt based on the evidence? As this standard of proof is the same as used
7 in criminal cases under all State and Federal law [see, e.g., California Evidence Code and Military
8 Rules of Evidence], where we are deliberating deprivation of a person’s liberty – and sometimes –
9 his or her life, I am informed and believe there is no higher standard of proof and have applied this
10 standard herein. Based on all the evidence, I cannot reasonably doubt the sworn time frame and
11 therefore state with certainty the time from fall to explosion was at most 15 seconds.

12 C. Undisputed Facts Part 2

13 27. The grenade came from the insurgents. [Encls 1-3, 5, 9, 10, 13, 16, 17 to
14 Investigation]

15 28. The insurgents were in the room the rifle squad was in the process of clearing when
16 the firefight broke out. [Encls 1-3, 5, 9-11, 13, 16, 17 to Investigation]

17 29. There was an open doorway adjacent to the doorway leading to the insurgent’s
18 room. [Encls 1-3, 5, 9-11, 13, 14, 16, 17 to Investigation]

19 30. The grenade came from the insurgent’s room, through the adjacent doorway and
20 into the room where Sergeant Peralta lay on his stomach, head first. [Encls 2, 3, 5, 9, 10, 13, 16, 17
21 to Investigation]

22 31. The grenade was smaller than the standard U.S. fragmentation grenade, oblong,
23 orange or yellowish-orange in color with a long fuse. [Encls 2, 3, 5, 9, 10, 13, 16, 17, 20, 22(D),
24 22(E) to Investigation]

25 D. Deduced Fact No. 2: The Grenade Was An “Iraqi Grenade, Model Unknown”.

26 32. I had an EOD Gunnery Sergeant, (b)(6), (b)(7)(c) USMC,
27 examine Sergeant Peralta’s flak, and read the witness descriptions of the grenade. Based on these
28 examinations, he gave a statement stating with certainty that the grenade in question was what

ENCLOSURE (1)

1 EOD calls, "Iraqi Grenade, Model unknown." I am informed and believe based on my interview
2 with (b)(6), (b)(7)(c) this model grenade is the only grenade Iraq ever manufactured. BLT 1/3
3 uncovered this exact model grenade all over its battle space (and (b)(6), (b)(7)(c)
4 USMC of combat camera has video footage of one being found on the BLT 1/3 video CD he made
5 for the unit and which I have personally viewed).

6 33. Having viewed the actual grenade model personally, I concur with (b)(6), (b)(7)(c)
7 description as related to me during his interview. This model grenade is a small, plastic grenade
8 with approximately 37 grams of explosives containing a metal spring coil similar to a thin "slinky"
9 inside (b)(6), (b)(7)(c) added that, by comparison, the standard U.S. Fragmentation Grenade has
10 approximately 85 grams of explosive]. The plastic exterior is not unlike a "silly putty" container
11 and is Orange. Upon extended exposure to sun and the elements, the orange plastic fades to
12 "yellowish-orange." I have personally viewed newer and older versions of this model and the
13 newer ones (as well as the unexposed interiors of older ones) are Orange while the exterior of older
14 or long-exposed ones is Yellow or Yellowish-Orange.

15 34. (b)(6), (b)(7)(c) stated to me this grenade can accommodate any standard soviet fuse
16 and normally takes 10-15 seconds to explode once initiated. (b)(6), (b)(7)(c) also stated this model
17 is "very low yield" and "it is not uncommon for those exposed to its force to live because the
18 intended effect of its shrapnel is to 'shred'," or words to that effect. I personally observed (b)(6), (b)(7)(c)
19 (b)(6), (b)(7)(c) remove bits of shrapnel from Sergeant Peralta's flak and compare them to an actual Iraqi
20 grenade he had brought with him (photos are in the investigation at Encl 22(D)). The shrapnel
21 matched.

22 35. (b)(6), (b)(7)(c) then looked at the blast pattern on the flak. He stated that based on
23 this blast pattern, the grenade went off "*directly under*" *Sergeant Peralta on the lower left flank*.
24 (b)(6), (b)(7)(c) stated it is rare for this type of grenade "to penetrate our flak jackets, even under
25 these conditions because it simply has too low a yield," or words to that effect. Those witnesses in
26 a position to hear or observe the blast all confirm that "the blast was not as loud as I expected," or
27 "it wasn't as loud as I thought it would be" or "it made a kind of 'pop'" – or words to that effect.

28 **ENCLOSURE (1)**

1 These statements are consistent with the type of explosion made by the Iraqi Grenade, Model
2 unknown.

3 36. In other words, while plenty lethal, the grenade's effects can be defeated by
4 covering it with anti-penetration material – such as Sergeant Peralta's flak jacket. Therefore, I
5 have no reasonable doubt and so state with certainty that the grenade in question was in fact an
6 Iraqi Grenade, Model unknown.

7 E. Undisputed Facts Part 3

8 37. The grenade entered the room where Sergeant Peralta lay FROM HIS RIGHT.
9 [Encls 2, 3, 5, 9, 10, 13, 16, 17 to Investigation] I consider the point of origin a critical fact. If you
10 are supine on your stomach and a grenade is thrown from your right, how does it come to rest
11 UNDER your LEFT side? More on this point below.

12 38. The grenade came to rest within arm's reach of Sergeant Peralta. Most witnesses
13 have it coming to a stop at right shoulder level or a bit above his head – still on the right. I believe
14 one witness stated it stopped above head height but on the left. My first observation is every
15 witness places the grenade shoulder height or above, within arm's reach. No one says the grenade
16 stopped UNDER Sergeant Peralta. So we are *certain* the grenade was not under his body, but
17 within arm's reach when it came to rest of its own accord.

18 39. Certainty that the grenade was not under Sergeant Peralta's body, but within arm's
19 reach when it came to rest of its own accord is critical. The only way a grenade which comes to
20 rest outside your body but within arm's reach can create a blast pattern UNDER your lower left
21 flank [as attested to by (b)(6), (b)(7)(c)] is if something or SOMEONE *moves it*. There is no
22 evidence that any THING moved the grenade. There is eyewitness testimony that Sergeant Peralta
23 moved the grenade (More on this later).

24 40. Given the foregoing, it is not necessary to resolve the conflict between the
25 testimony as to whether the grenade came to rest shoulder level or above on either the right (as
26 most say) or the left (as one says). By way of analogy, if the issue is whether or not I was wearing
27 a shirt or not, it does not matter if one witness says I was wearing a red shirt and the other says I
28 was wearing a black shirt – I WAS wearing a shirt. Continuing the analogy for those who do

ENCLOSURE (1)

1 desire to resolve such a conflict in testimony, if these witnesses observed me and my shirt during
2 the hours of darkness, a red shirt can appear "dark" or "black" in low or no light.

3 41. Similarly, the one witness who places the grenade [I believe it was (b)(6), (b)(7)(c)
4 (b)(6), (b)(7)(c) to the upper left of Sergeant Peralta was situated to the left of Sergeant Peralta's supine
5 form in a corner of the room in a low kneel or squatting position. This position will impair depth
6 perception and spatial relationship between two objects viewed laying next to one another on the
7 ground at a distance. The grenade may APPEAR to be left of its actual position.

8 42. Among the witnesses placing the grenade to the right of Sergeant Peralta, some are
9 perpendicular to him facing his feet. This view, even if made by someone in a crouched position,
10 will still provide a better spatial position of two objects laying next to one another on the floor.
11 Therefore, I conclude the grenade came to rest on the upper right side of Sergeant Peralta. This
12 opinion is consistent with both logic and my personal experience with interviewing eye witnesses
13 on their recollections of events such as speed and distance.

14 43. At this juncture in the chronology of events, the actual side on which the grenade
15 came to rest is NOT what is critical. The fact that it came to rest outside his body within arm's
16 reach is the critical fact.

17 II. THE LOCATION OF THE GRENADE UPON EXPLOSION

18 A. "Certainty" versus "Deduction."

19 44. What I consider "certain" another may consider "deduction." Based on (b)(6), (b)(7)(d)
20 (b)(6), (b)(7)(c) forensic analysis of the type of grenade, the blast fragments recovered from the flak and
21 the blast pattern on Sergeant Peralta's flak, I am certain the grenade exploded UNDER Sergeant
22 Peralta's lower left flank.

23 45. There is plenty of testimony stating this was this platoon's (and Sergeant Peralta's)
24 first hostile contact inside a house. [The statements of (b)(6), (b)(7)(c)
25 (b)(6), (b)(7)(c) provide excellent examples] I am absolutely certain that Sergeant Peralta's flak is
26 singed and torn. [Encl 22(D) to Investigation] It was clearly exposed to some type of blast. The
27 grenade explosion is the ONLY blast to which either Sergeant Peralta or his flak was exposed prior
28 to his death (according to all the evidence). Bits of shrapnel from an Iraqi grenade. Model

ENCLOSURE (1)

1 unknown, were recovered from Sergeant Peralta's flak by EOD. Furthermore, one of the pieces of
2 shrapnel recovered from Sergeant Peralta's flak jacket by (b)(6), (b)(7)(c) in my presence, and
3 included in Enclosure 22(D) is the actual fuse of the grenade. The fuse could not have lodged
4 where it was recovered *unless the grenade exploded directly under Sergeant Peralta.* (b)(6), (b)(7)(c)
5 (b)(6), (b)(7)(c) as most emphatic about this point and I concurred in his conclusion.

6 46. I am certain the singeing and tearing evident on Sergeant Peralta's flak came from
7 the explosion of the Iraqi grenade, Model unknown in the room with him that day based on both
8 my lay observation and the statements made to me directly by (b)(6), (b)(7)(c) Some may call this
9 fact "deduction." I call it "the certainty of cause and effect."

10 47. Looking at the flak (many pictures in the investigation) and reviewing with (b)(6), (b)(7)(c)
11 (b)(6), (b)(7)(c) I have no reasonable doubt and therefore state with certainty that the Iraqi grenade, Model
12 unknown which was thrown by insurgents into the room where Sergeant Peralta lay and came to
13 rest of its own accord outside his body but within arm's reach EXPLODED UNDER HIS BODY'S
14 LOWER LEFT FLANK. (b)(6), (b)(7)(c) forensic blast analysis AND the autopsy report both
15 support an explosion of this type at this location.

16 B. Sergeant Peralta Placed The Grenade Under Himself.

17 48. As a (b)(6), (b)(7)(c) I can fully appreciate the value of
18 medical opinions as to what a wounded person was or was not capable of doing under a given set
19 of circumstances. I am also somewhat familiar with the legal evidentiary standard in this area.
20 Since a medical expert can rarely, if ever, render an opinion to a "mathematical certainty," the law
21 requires the opinion be given to a "medical certainty." "Medical certainty" is a synonym for
22 "probability."

23 49. In the case at hand, we have four physicians of excellent pedigree who state to a
24 medical certainty that Sergeant Peralta was medically capable of placing the grenade under
25 himself. We also have a physician of excellent pedigree who disagrees. While the weight of such
26 testimony is heavily in our favor, I view this mental exercise akin to Stonehenge.

27
28 **ENCLOSURE (1)**

1 50. There are experts of excellent pedigree who say the Druids built it. There are other
2 experts of just as excellent pedigree who say no one had the technology to make it. Yet there
3 Stonehenge stands, as I myself have seen it in the shire north of South Hampton, England.

4 51. Similarly, the grenade that once was outside Sergeant Peralta's body exploded
5 UNDER Sergeant Peralta's body. Stonehenge stands and the grenade was moved. We have a
6 distinct advantage over Stonehenge which is aptly pointed out by Major General Natonski, USMC.
7 Unlike Stonehenge, we have witnesses.

8 52. While there can be no doubt that the grenade was moved, all the witnesses who
9 were in a position to observe so unanimously state IT WAS SERGEANT PERALTA WHO
10 MOVED THE GRENADE. Newton's first law of motion tells us "every action has a reaction."
11 Ocam's Razor tells us "the simplest explanation is usually *the* explanation." Therefore, I have no
12 reasonable doubt and state with certainty that Sergeant Peralta moved the grenade under his left
13 flank.

14 C. Why Marines To The Left Of Sergeant Peralta Received Shrapnel.

15 53. I personally walked the ground of this firefight and took the photographs of the spot
16 of the explosion and the shrapnel pattern. I reviewed and discussed the photographs with (b)(6), (b)(7)(d)
17 (b)(6), (b)(7)(d) and the BLT 1/3 Executive Officer, (b)(6), (b)(7)(c) USMC. The two Marines huddled
18 down in the corner off to the left side of Sergeant Peralta's supine person received shrapnel
19 because when Sergeant Peralta moved the grenade from outside his body to under his LEFT flank,
20 his body did not completely cover the blast. Anyone to his left remained exposed to shrapnel.

21 D. Why Sergeant Peralta's Palm Has "Exit Wounds" From Shrapnel.

22 54. We have no testimony on the orientation of the hand itself. My summary
23 recollection is the witnesses say Sergeant Peralta extended his arm (the arm as a whole) in a
24 "scooping" fashion, lasso-ing the grenade if you will, and bringing it into his body. It is difficult to
25 do that with your palm up.

26 55. If a person is supine on his stomach as Sergeant Peralta was, the only way his palm
27 faces up without contortion or discomfort is if his arm is along the side of his body pointed
28

ENCLOSURE (1)

1 towards his feet. No witness testified to that orientation. Quite the contrary. As a person so
2 situated brings his arm up while laying on his stomach, the palm just about has to FACE DOWN.

3 56. Now follow through with the whole arm "scoop" and bring that under your stomach
4 stopping about the left kidney and, if your palm is on the deck, a grenade exploding in proximity to
5 the hand would leave shrapnel no point of entry other than the side of the hand and the back of the
6 hand - exiting - if exiting at all - through the palm.

7 57. I think the reviewers have a mental picture of Sergeant Peralta using the hand itself
8 to grab the grenade. No one says that. He used his arm, mostly the inner forearm if I recall
9 (maybe the crook of the arm or perhaps the crook between the wrist and thumb) to "scoop" it into
10 and under him. Anyone trying to re-enact this movement would find his palm facing the deck
11 once the arm reaches about shoulder height (which is as low as any of the witnesses put the
12 location of the grenade - some have it head height or above head height).

13 58. I am informed and believe that 1/3 has retained possession of Sergeant Peralta's
14 flak jacket, but that the pieces of shrapnel we recovered therefrom may have been lost or destroyed
15 through inadvertence or mistake. Again, I myself took the photos contained in the investigation, to
16 include the photographs of the flak and all shrapnel recovered from it in my presence.

17 50. I am informed that further forensic tests may be conducted on the flak jacket to
18 confirm or deny the conclusions reached by (b)(6), (b)(7)(c) and concurred and amplified herein by
19 myself. I welcome such testing as I am confident it will confirm the conclusions stated in the
20 investigation and this declaration.

21 60. If I may be of any further assistance in this investigation, I am available at the

22 (b)(6), (b)(7)(c)

23 61. I thank (b)(6), (b)(7)(c) the AFIP and all those involved in this solemn process for
24 their attention to detail and this opportunity to address the supplementary materials acquired
25 thereby.

26 ///

27 ///

28 **ENCLOSURE (1)**

1 I declare under penalty of perjury under the laws of the State of California and the Uniform
2 Code of Military Justice that the foregoing is true and correct.

3 Executed this 17th day of June, 2005 at (b)(6), (b)(7)(c)

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5 (b)(6), (b)(7)(c)
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ENCLOSURE (1)

TAB D

Statement of (b)(6), (b)(7)(c) , USMC

0900 041115 1st Plt, A Co, 1/3, 2nd Squad
Contact in Grid LB 889918 Block 407 city of Fallujah. I
(b)(6), (b)(7)(c) , on the date listed above, was attempting to
clear a building at the above grid. Once my point man
entered the building the lead fireteam cleared the first
room on the left side. Myself, along with the second
fireteam breached a door to the direct front and both fire
teams immediately began taking fire. The Marines inside the
building returned fire into the two rooms we were taking
contact from. Sgt Peralta was hit, and dove into the
adjacent room on the left, with two members of first fire
team. The enemy thru a grenade, that landed next to Sgt
Peralta, who was lying on the deck, he reached over, and
pulled the grenade into himself. The grenade detonated,
injuring (b)(6), (b)(7)(c) with
shrapnel. (b)(6), (b)(7)(c) moved in from behind me and was
also wounded in the forearm by possible small arms fire.
I made the call to pull back, we retrograded across the
street, rendered aid to our wounded, and then called Gator
(AAV's) to suppress the house, once the building was
suppressed, my remaining squad moved back in to finish
clearing the building. We found an assortment of RPG's,
AK-47's and other explosives. The building was on fire the
second time we went in so we did not collect the
explosives, before pulling back.

//s//

(b)(6), (b)(7)(c)

1300 041115

1st Plt. 2nd Sqd. made entry on a house, it was breached by (b)(6), (b)(7)(c) (front door). He was followed by (b)(6), (b)(7)(c) & the rest of the squad & combat camera. Shots fired by enemy first, then returned by (b)(6), (b)(7)(c) those 2 Marines went into the room on the left & (b)(6), (b)(7)(c) also left leaving me exposed. (b)(6), (b)(7)(c) shot 3 rounds & got cover to the wall on my right side. Where I saw Sgt Peralta took fire, & fell down. Went for aid & then saw a frag, tried to pull Sgt Peralta but was too heavy, so I ran out. 2nd time in the building nobody in house that I can see, but Sgt Peralta was dead.

//s//

(b)(6), (b)(7)(c)

0900 041115

1st Plt. 2nd Squad entered a house at LB 889918 on block # 407 in fallujah. We breeched the doorway, cleared the room on the left and began to push forward to clear the rest of the house. We began taking fire. I saw a number of muzzle flashes and a Marine, uninjured, fell back onto me to escape the rounds. We immediately got up and I returned fire with five shots. A grenade was thrown, by the enemy, into the adjacent room. Sgt Perralta, who had been hit by small arms fire, hugged the grenade and saved the lives of the Marines in the room with him. Those Marines' lives were saved by his actions. If Sgt Perralta hadn't stepped up into my place in the squad before we cleared that house, it would have been me getting dragged out of that house.

//s//

(b)(6), (b)(7)(c)

0900 041115

1st Plt, 2nd Squad entered a house at LB 889918 on block #407 in Fallujah. After the front entryway was breached, we immediately took fire from an unknown number of insurgents who were waiting for us there. (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c), was in the back of the squad by the front door. I set up security by the front of the house while the squad started to pull back. After Sgt Peralto pulled the live grenade into his body, The Squad pulled back to take care of our wounded. We regrouped and went back into the house to recover Sgt Peralto's body and clear the house w/ the AAV's support. Sgt Peralto saved a lot of lives by taking as much of the blast from the grenade as he could.

//s//

(b)(6), (b)(7)(c)

0900 041115 1st Plt Alpha Co. 1/3 2nd Squad
Contact in grid LB 889918 block 407 of Fallujah. (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) was behind the point (b)(6), (b)(7)(c) breached the doorway and immediatly cleared the first room. After clearing the first room, the enemy opened up with small arms fire. (b)(6), (b)(7)(c) and myself saw Sgt Peralta fall down in front of us. We immediatly open fire. I saw 2 enemies, 1 in the kneeling the other in the prone. Suddenly a grenade flew into the room Sgt Peralta, (b)(6), (b)(7)(c) and myself were in. Sgt Peralta grabbed the grenade and pulled it underneath him while we took cover. (b)(6), (b)(7)(c) took shrapnel in his buttocks and I recieved some in my right thigh. We tried exiting the door but in was closed shut and we had trouble breaching it. I was able to kick it open and help (b)(6), (b)(7)(c) up. As he got up I covered him with suppression fire along with the rest of the squad. Then we eggressed back to the PLT CP and provided medical aid to the wounded. Sgt Peralta saved (b)(6), (b)(7)(c) and myself lives. Along with others from 2nd squad.

//s//

(b)(6), (b)(7)(c)

Witness Statement of (b)(6), (b)(7)(c), USMC

0900 041115 1st PLT A Co. 1/3 2nd Squad
Took contact in grid LB 889918 BLOCK 407 of the city of
Fallujah. I (b)(6), (b)(7)(c), on the date listed above, breached
a house in the grid listed above. My team moved in second
behind first team as soon as my two men in front of me
entered we took fire. I seeked cover right outside the
front door and returned fire. The Sqd pulled out sought
cover on the street. As soon as I got up I heard a grenade
go off but, it didn't sound as loud as a normal grenade.
When I exited the Building we got medical attention to (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) We picked up and moved back to the PLT CP I
turned around for rear security and saw (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) on come running out. I held security till they got
by me. When we seeked medical attention for (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) we returned for the body of SGT PERALTA. We
cleared the house and picked up SGT PERALTA and moved out.
He had to of taken the Blast because I didn't see a left
hand and his face was not reconizable. We brought Sgt
Peralta back to the AAV's and loaded him up with (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

//s//

(b)(6), (b)(7)(c)

Witness Interview Form

Date: 19 December 2004

Witness name/rank:

(b)(6), (b)(7)(c)

Unit: 1st Fire Team 2nd Squad 1st Platoon Alpha Company 1st
Battalion 3rd Marines

Location of interview: Alpha Company Firm Base

Subject incident: Engagement involving SGT Peralta

Testimony: I, (b)(6), (b)(7)(c) provide the following Swearn statement to (b)(6), (b)(7)(c) regarding the fire fight involving SGT Peralta on November 15, 2004. My platoon, 1st Platoon Alpha Co. 1st BN 3rd MAR was the Battalion Reserve. On Nov. 8th, we were task with a mission to provide security for a D9 Bulldozer to breach the railroad track just north of the city of Fallujah. My platoon then ended up setting up a CP in a house on the very edge of the city. We were there for 3 days doing rotations throughout the 3 squads in the platoon. Our schedule was 4 hours on post providing security for the CP. Then 4 hours of patrols and clearing houses looking for insurgents and weapons cache. Finally 4 hours of rest. Then we were task to provide security at Dr. Talib Al Janibe Hospital on phase line Fran for 1 day. The next day we were task to clear section 412 were we set up a CP at night. On this day the 11th, 12th November we started clearing house by house, street by street, block by block and then at night set up a CP and do our 4 hour rotation. On midday of the 14th of November while we were clearing houses. SGT Peralta came up to my squad and asked if he can help clear houses with us. He said he would only clear houses with us because he used to be our squad leader and was a close personal friend. He was already on his 2nd Enlistment and was the Platoon guide. He chose to come clear with us also out of his own unselfishness knowing he didn't have to but he also chose to because we were also short of Marines in my squad. He helped cleared about 15-20 houses with us by the end of the day on the 14th. He also chose to stand post that night to help us stand less post and get more rest. Being the platoon Guide who is in charge of the Squad leaders and being a SGT, they don't have to stand post, but he chose to out of his own will. On the morning of November 15th we stepped off at 0700. We were given our

Enclosure (31)

Frag Order to go clear section 407 of the city of Fallujah. We have cleared about 7 houses prior to our Fire fight at ruffly 0900. We reached a house at LB 889918. We then called up (b)(6), (b)(7)(c), who carried all of our breaching tools, to breach the front gate. He kicked the gate door and it flew open easily without any resistance. My squad then moved up to the front door. Our order of movement was (b)(6), (b)(7)(c) (Pointman), (b)(6), (b)(7)(c) (SAW Gunner), (b)(6), (b)(7)(c) (Team Leader), (b)(6), (b)(7)(c) (Rifleman), (b)(6), (b)(7)(c) (Squad Leader), SGT Peralta (Guide), (b)(6), (b)(7)(c) (Rifleman), (b)(6), (b)(7)(c) (SAW Gunner), (b)(6), (b)(7)(c) (Team Leader), (b)(6), (b)(7)(c) (Rifleman), (b)(6), (b)(7)(c) (Corpsmen), (b)(6), (b)(7)(c) (Combat Camera), (b)(6), (b)(7)(c) (combat Photographer). To assist in this statement I made a diagram in this interview. There were several things that were different about this house then all the others. The first thing was is how the front gate was very easy to open. Second there were no curtains in the front windows. The first door we tried to breach after we easily got through the front door was locked and wouldn't open. So we kicked in the door on our right. As we entered the living room, we notice that all the couches and chairs in the living room on our left were in unusual positions, as referred to the diagram. The sequence thus far at this point is D1 opened easily, D2 was solidly locked, D3 was easily kicked open. (b)(6), (b)(7)(c) procedes from D3 through D4 into living room 1 and clears it at a counter clockwise fashion towards D2. As he finishes he is at the position where D2 is and procedes to try to open up D2 but it is solidly locked. Myself and the rest of my squad move towards D5 were the door is shut. As I grab the door handle, I asked my squad if they are ready. So I then pushed open D5 easily, after my-squad acknowledged they were ready. After I pushed open D5 then immediatly rounds started flying right by me. I saw two insurgents in the Doorway of D7. One in the prone labeled as "1", the other in the kneeling labeled as "2". I then immediatly open fire, hitting the insurgent in the prone ("1"). I then turned clockwise to get away from enemy fire. I know I hit the insurgent in the prone because I saw the rounds impact against him and he curled up into the room out of sight from D5. After I turned clockwise I saw Sgt Peralta about 2 ft above the ground before he hit the deck. As he was on the deck. He fell face first, stomach down with his weapon underneath him. His face was toward D6, on his left cheek his right arm was at a L-shape, palm down, at a outward stretch at about a shoulder level. His left arm was also at a L-shape, palm down, outward stretch at shoulder level. His left leg was straight and his left foot looked like he was trying to push forward with his toes. His right leg

was slightly bent while his right foot was at a 90° angle to his leg and his inside sole was touching the ground. I have marked the diagram with an "X" to indicate the general position of SGT Peralta's body. The tick mark next to the word feet indicates the approximate position of his feet. The tick mark next to the word shin indicates the approximate position of his shins. The tick mark next to the word Head indicates the approximate position of his Head. As I bounded back clockwise I stepped over SGT Peralta's feet from Living room 2, through D4, into living room 1 where I notice D6 was opened all the way. I heard (b)(6), (b)(7)(c) yelling "Corpmen up" after SGT Peralta got shot. As (b)(6), (b)(7)(c) was yelling I could hear SGT Peralta mumbleling, not gurgling. He was also trying to push off of his toes on his left foot, and his left elbow was moving very slightly up and down. (b)(6), (b)(7)(c) proceeded to go Aid Sgt Peralta while I started to move up towards D6. I then saw the 2 insurgents running out of D7 headed towards the back door labeled as D11, As shown on the diagram. As they were running out, one of the insurgents lobbed a grenade backwards underhanded. The grenade looked like a yellow, egg shaped grenade, with a 1/2" - 1" metal fuse at the top of it. I have review several photo's of grenade with the IO and believe that the grenade looks most like the picture of the RGD-5 Fragmentation Grenade. As soon as I saw the grenade coming into the room, (b)(6), (b)(7)(c) yelled "Grenade", then I yelled "Grenade". and ran back towards D2 along with (b)(6), (b)(7)(c). The grenade ricocheted off of the couch nearest to Sgt Peralta and came to a dead stop right by his head where I have labeled "G" for grenade as shown in the diagram. (b)(6), (b)(7)(c) and myself tried to open D2 and it wouldn't so I dropped straight down on my back with both knee's up. As I dropped I looked at Sgt Peralta and saw him with his right arm scoop the grenade into the small of his right shoulder. The grenade appeared to be more against him then under him. Immediately (b)(6), (b)(7)(c) dropped right next to me on his left side curling both feet towards his buttocks. We both dropped in the corner of the room in living room 1, next to D2. We are both Labeled "A"(b)(6), (b)(7)(c) (b)(6), (b)(7)(c) "M" (b)(6), (b)(7)(c) as shown in the diagram. The grenade exploded about 3-5 seconds later. The total elapsed time from when I saw Sgt Peralta fall to the ground until the explosion of the grenade was 10-15 seconds. After the explosion I felt shrapnel hit my right thigh, right above my knee. I later found out I was hit by 4 pieces of shrapnel. (b)(6), (b)(7)(c) started screaming after the explosion. He started panicing saying our squad left us. I told him that they didn't. I told him to shoot towards D6. So he can cover me while I kick open D2. When he started firing I began to kick the door. It took me 5-6

times to kick open D2. I also recall the sound of the explosion of the grenade was less loud than I expected - compare to the U.S. M67 Fragmentation grenade which is very loud. After I kicked the door open, I helped (b)(6), (b)(7)(c) up and told him "to get out of here so I can cover you." As he ran out I shot about 75-100 rounds of 5.56 mm rounds from my M249 Squad Automatic Weapon into D5, just in case the insurgents were still there. After I shot through D5, (b)(6), (b)(7)(c) and I ran through the front gate where we saw our squad stacked up on the right side of the gate against the wall. We took our wounded to the platoon CP. I refused to go because myself along with everyone else in my squad wanted to go back to get Sgt Peralta. (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) who I subsequently learned was also injured by frag while he was in living room 2, with other members of my squad went back into the house. I was told by (b)(6), (b)(7)(c) to not look at Sgt Peralta because of emotions and me being in the room during his death. We enter through D2 and I and (b)(6), (b)(7)(c) went up through D6 and shot rounds through D7 and D8 where a fire broke out in both rooms. I subsequently learned that there was a weapons cache in the bedroom through D7, which included the following: 3 AK-47, 2 grenades, 3 man-made mortars, 2 mortar tubes, 10 AK-47 magazines, 5 RPG's, 3 RPG's launchers. I also subsequently learned from (b)(6), (b)(7)(c) that all the rooms were dark and the windows painted red along with the back door wide open. As we were exiting the house due to a fire in the weapons cache in the bedroom I notice Sgt Peralta's Kevlar was a 2-3 ft. away from his head, where I have labeled with a "K" as shown in the diagram. I remember as prior to the explosion his kevlar was on his head. So I retrieved his kevlar and gave it to (b)(6), (b)(7)(c) who was a close friend of Sgt Peralta. I believe that if Sgt Peralta didn't grab the grenade that it would have seriously injured me or most likely kill me along with (b)(6), (b)(7)(c) who were all there when the grenade was thrown into living room 1. If Sgt Peralta was still alive and I can talk to him I would thank him a million times. It was an unselfish act. He didn't have to do what he did but he loved us. He would always tell us that we were his squad and he would only operate with us.

SIGNED

Witness Interview Form

Date: 041220

Witness name/rank: (b)(6), (b)(7)(c)

Unit: 2nd Fire Team 2nd Squad 1st Platoon Alpha Company
1st BN 3rd MAR

Location of interview: BLT 1/3 COC, Camp Owen, Iraq

Subject incident: Sgt Peralta Ingagement of 15 Nov 04

Testimony: On Nov 14 2004 Aproxametly 1600 Sgt PERALTA Joind 2nd Squad he helped clear a house that we were going to stay In For the night. After securing the house SGT PERALTA ofeard to help out with standing post that night so the squad could get some extra sleep. On 15 Nov 2004 Aproxametly 0830 2nd Squad started to clear houses from West to East. The house that we took contact In was roughly the 4th or 5th house. I was point man for 2nd Fire team there were aproxametly six or sevan Marines stacked In front of me. When I aproached D1 I saw First Fire team to includ (b)(6), (b)(7)(c)

making their way through D3, SGT PERALTA, (b)(6), (b)(7)(c) had already made their way through D2 and were approaching D4 I maid my way Through D1, D2. SGT PERALTA and (b)(6), (b)(7)(c) turned right through D4 as I reached D4 apon my arrival at D4 gun fire started as I crossed through the threshold I turned right and saw muzzle Flash aproxametly nine steps up on the stairs. I Got shot in the right forearm immediatly apon being hit I put my back against the wall behind what looked like a door jam without no door I returned fire in the direction of the muzzle flashes until my weapon ran dry I attempted to reload my weapon with my right hand At that time I noticed my right forearm was covered in blood and I was unable to move my Fingures. With my Back against the wall and slightly peaking around the corner I must have fired with my right hand even though I'm a left handed shooter. Approxametly five seconds had gone by when I made the decision to leave the house as I left my possison I saw SGT PERALTA make a sweaping motion with his right arm while laying Face down on the floor. All I reamember is SGT PERALTA lying Face down I don't no what position his body was In and I had no idea where his weapon was. As I exited the house I went through D4 to D2 then D1 to the Gate as I was going through the gate I started asking For a Corpsman and I was letting people in the squad that SGT PERALTA was still In the house. After going through the Gate (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) gave me First aid during this time The squad started to regroup pulling people from 1st Squad. The squad went back into the house to get SGT PERALTA. They

pulled him out of the house and put him on the AAV Before loading myself and (b)(6), (b)(7)(c) onto the AAV to be medivaced out of the city. I did not look at SGT PERALTA's injury's. Throughout the event that took place I did not see any granaides nor did I hear any one yeall grainade or hear any explosions go off.

For the record I believe that this was the first hostile contact my platoon had taken in a house. I know for a fact that this was the first hostile contact my squad has taken while in a house. As a follow up I can not rectolect when exactly I first became aware that SGT PERALTA was lying on the deck other then in obsearving him when he made the sweeping motion with his arm. It appeared to me at first that SGT PERALTA wasn't moving then he made a sweeping motion with his arm. From my point of view I could not tell If SGT PERALTA was injured or not. In spit of every thing going on around me it didn't register that SGT PERALTA had been injured during the fire fight or wasn't making no attempt to move out of harms way

In viewing my diagram I did not enter Open Room 2 and the FOYER at any time during the engagement I did not enter these two rooms. On my diagram I have marked an area known as the "unknown additional space". From my experience of clearing other houses and seeing the outstide of the house before entering I know this house had more area then what I saw.

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

weeks ago and since that time I and my squad have many many Blocks of houses many we have cleared more then once

SIGNED

Witness Interview Form

Date: 20 DEC 04

Witness name/rank: (b)(6), (b)(7)(c)

Unit: 2nd squad, 1st PLT, Alpha Co., 1/3

Location of interview: BLT 1/3 COC, Camp Owen, Iraq

Subject incident: SGT Peralta engagement of 15Nov04

Testimony: Sgt Peralta joined our 2nd squad on the evening of the 14th. From what I knew, he was not pleased with our 1st squad and wanted a change of pace. This sort of thing was not at all out of the ordinary, and his company was well recieved. Upon entering what seemed to be a house 3/4's of the way down street, we recieved contact. Sgt Peralta had been with us the whole day, and had worked his way to very nearly the front of the squad by the time we reached this house. I carried assorted tools used for breaching obstacles upon entering the houses. I typically have to either pry or bludgeon certain doors, gates and what not before we enter the houses. In this specific instance, I did no such thing. By the time I entered the gate near the street, the Marine's in front of me were already entering the house. There were roughly six or seven Marines already in the house before I got in along with them. I barely made my way into the enterance way when I looked to the right. Upon looking to the right, I focused in on who was no doubt (b)(6), (b)(7)(c) only to hear gunfire immediately thereafter. (b)(6), (b)(7)(c) was a good distance in front of me (at least 10 feet), and was merely a point of refrence for me due to his height. Upon hearing the gunfire, I ran to the outside of the house and knelt near the entrance, waiting for all the Marines to get out. After I saw them stop running out, I ran to the street where they had posted up and began treating (b)(6), (b)(7)(c) I brought (b)(6), (b)(7)(c) across the street to the house, where I dressed the gunshot wound to his forearm. After I was through treating (b)(6), (b)(7)(c) I turned around to see (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) who had come back to the house, along with the rest of the Marines. I began treating his shrapnel wounds, when I heard from one of the Marines that Sgt Peralta was dead. I do not recall who said it, nor did that person specify how he was killed. I had been treating both (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c) for about 10 minutes, if that, when the Medevac AAV pulled up. Before I got the both of them aboard the AAV, the Marines had already brought Sgt Peralta's body aboard the AAV. I walked (b)(6), (b)(7)(c) and some Marines assisted (b)(6), (b)(7)(c) aboard the AAV. Upon entering the cargo area, the AAV corpsman told me Sgt Peralta was dead. I saw him

laying face down on the middle bench, and had to move him to accomidate (b)(6), (b)(7)(c) Upon moving his body, I saw a brief glimpse of what his face looked like. It was not enough of a look to make any pathological judgement, but there was obviously a significant amount of facial trauma, consistent with an explosion near his head. No one had said specifically what the cause of death was, but after seeing his body, it looked as though he had very nearly swallowed the grenade. After the AAV's had left we got to more or less piece together what had happened. Then I was told that he had pulled the grenade that was thrown into his body, potentially saving half the squad.

SIGNED

Witness Interview Form

Date: 041220

Witness name/rank: (b)(6), (b)(7)(c)

Unit: 1Tm 2nd Sqd 1st plt. A. Co.

Location of interview: BLT 1/3 COC, Camp Owens, Iraq

Subject incident: Sgt. Peralta engagment of 15 Nov 04

Testimony: On the 14th of Nov. 04 Sgt. Peralta got attached to Second Squad 1st plt. for reasons I dont know, I do know he stood post with us night pryer. On the day of Nov 15 04, that morning we started clearing houses, when we took contact it was the 4th house we had cleared that morning. The Order of the squad that day was, (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) Sgt Peralta, (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) Now (b)(6), (b)(7)(c) was behind (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) in the Stack, he was in front of (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) from Combat Camera so position in stack may have been reversed. I have included a diagram with my statement, I cant remember how long it took to open the front gate, but I remember it taken a couple of minutes & kicks to open the front door. I was the 4th man in & I remember (b)(6), (b)(7)(c) not being able to open (D2), (b)(6), (b)(7)(c) then moved to (D3), he was able to open that, once we all got into the second living room (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) ran into (D4) which was another living room & he waved us in to clear the rest of the house. At this time (b)(6), (b)(7)(c) was now running point (b)(6), (b)(7)(c) was behind him (b)(6), (b)(7)(c) At that time (b)(6), (b)(7)(c) put his hand on the door (D5) & asked me if I was ready. He pulled the door open & we recived contact, (b)(6), (b)(7)(c) got on a knee started firing I got behind him & fired 3 shots & then took some cover to the end of the wall. I saw an insurjen firing at us from (D7), after I got to the end of the wall I looked back & saw Sgt Peralta laying on the floor at (D4). On the diagram I have represented a location of his head with an (H) and a (f) for his feet. Sgt Peralta was laying facing to his left & his face still facing as if he was shooting. His face was laying on his weapon as if aiming in on something. Legs were straight be hind him with no movement. From their I ran to him, from where I took cover & to him at (D4). Came up to him on his left side & asked him if he was ok, he then just mumbled to me I could not understand him so I just attempted to pick him up. I could not tell if he was wounded or not, at that time I attempted to pick him up & then I heard a grenade He thumps so then I ran threw (D3) &

(D1) while I was running out I can hear (b)(6), (b)(7)(c) through (D2) yell out grenade, before I ran out of D1 I saw a Marine fall down by the sink at (D1) when I ran out of (D1) I ran outside of the gate where then the grenade went off. From there we went back to the COC where (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) were shot. We took a team from first Squad & went back to the house where then I was the new pointman I walked threw (D1) then (D2) made a right & saw Sgt Peralta laying on the floor the same way I saw him earlier right hand on the trigger & the left hand on the other part of the weapon as if shooting from there I went through (D6) & cleared the rest of the bottom deck while 2nd Tm cleared the top deck. When I saw Sgt Peralta's face on the AAV he was missing a chunk of his scalp, then I looked away. Starting to forget little important details because its been a while since it happened. When I took cover behind the wall & then turned all my attention went to Sgt Peralta & possibly there could have been other people in the room. For further recollection I can't remember how Sgt Peralta's head was facing the first time I saw him, the statement above is the second time I saw him. When I attempted to pick him up by the waist I was unable to move his whole body included head just his waist, I do not believe his head changed positions when I tried to pick him up. When I departed from (D3) I don't know if anybody was still in the living room.

SIGNED

Witness Interview Form

Date: 21 December 2004

Witness name/rank: (b)(6), (b)(7)(c)

Unit: 1st Fireteam Leader, 2nd Sqd., Alpha Co. 1st Plt. BLT 1/3

Location of interview: BLT 1/3 COC, Camp Owen, Iraq

Subject incident: Engagement involving Sgt. Peralta of 15 November 2004

Testimony: I, (b)(6), (b)(7)(c) provide the following sworn statement to (b)(6), (b)(7)(c) regarding the events of 15 nov. 2004. First plt. Alpha Co was tasked as the battalion reserve for 1/3. For the first three days of the attack on Fallujah our platoon held security at the breach site. From there security patrols were ran in the city. We then rejoined Alpha Co. and took the Al-Janabi hospital. From there 1st Plt. joined Alpha Co. in clearing blocks North of the hospital. On the 14th of November Sgt. Peralta joined second sqd. Our sqd. was moving down a street when Sgt. Peralta yelled to second sqd leader, (b)(6), (b)(7)(c) that he would like to go with our sqd. I do not recall if we cleared anymore houses after Sgt Peralta joined us on the 14th. On the evening of the 14th 2nd Sqd. occupied a house that would be the sqds CP. First fireteam began barricading the lower level of the house while second fireteam posted as security on the roof. Sgt Peralta chose to form a third fire team with himself, 2 combat camera guys, and our corpsman even though he could have slept all night at the platoon CP. He stood post with the third fireteam to let the other fireteams get a few extra hours of sleep. On the morning of the 15th, (b)(6), (b)(7)(c) gets the word of which houses we would be clearing that day. We then step off to begin clearing. I do not recall a specific time that we stepped off, but it was the morning of the 15th. Normally when clearing house 1st fireteam is the 1st to make entry through any gates and into the house. Movement of 1st fireteam is (b)(6), (b)(7)(c) first as the pointman. He generally breeches the gates and doors through which we make entry into the houses. Second in the order of movement is (b)(6), (b)(7)(c) the SAW gunner. After (b)(6), (b)(7)(c) follows myself as the teamleader. Then (b)(6), (b)(7)(c) follows as the fireteams assistant automatic rifleman (A-gunner). We had cleared about 4 houses and stacked up to clear the 5th house which I will call the "contact house" because it is the only house we had hostile contact. I should add that this was the first house in which 1st Plt. of Alpha Co had taken hostile enemy contact. Our sqd

stacked outside the gate and I believe that it was (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) who breeched the gate. Once the breach was made on the gate, my fireteam went to the front door of the house where we would make entry. While I'm not certain of his exact position I am certain that Sgt. Peralta was in the stack with second sqd., somewhere behind my team. I should also add that I have made a diagram in which the entrance to the house is labeled as D1. While I can't specifically recall who breeched D1 I am almost certain that it was (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) as it was our fireteam SOP for him to do so. Once D1 was breeched (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c) were the first to enter followed by the rest of 2nd sqd. (b)(6), (b)(7)(c) made an attempt to breach D2 then entered through D3 knowing from previous experiences that we could probably clear living room #2 in my diagram by going through a different entrance. (b)(6), (b)(7)(c) then moved toward D4 with (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) and the rest of the sqd following. I followed through D3 then (b)(6), (b)(7)(c) moved through D4 to clear living room #2 leaving myself as the pointman in Living room #1. We are taught in training to call out vocally the word "clear" if the room is clear of enemy or any threat. However we had cleared so many houses that we had developed the habit of not always calling out clear but everyone would assume that the room was clear if no shots were fired or no one gave any kind of alarm. After (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) moved through D4 I continued past D4 and approached D5 near the wall to my left. I noticed that D5 was open and that it was dark beyond D5. I reached approximately 4 feet from D5 when enemy fire opened up. I could see muzzle flash from an enemy weapon in front of me. It sounded as though there were more enemy firing in the house as well, however, I only saw the muzzle flash coming from one weapon being fired in front of me. The muzzle flash I saw in front of me was coming either from the interior wall of the bedroom or on the exterior wall of the room beyond D5. At that point I dropped to a knee and returned approximately 5 to 10 rounds toward the muzzle flash I saw. From living room #2 I heard someone yell "grenade," or "frag". I then turned clockwise and ran through D3 After exiting through D3 I passed at least 2 Marines bottled up between D3 and D1. It appeared to me that the Marines I passed in the doorway were not aware of the situation inside the house because it did not appear to me that they were trying to exit the house as quickly as they should if they had known that a grenade had been thrown inside the house. I exited the house through D1 where I then proceeded to the gate. After reaching outside the gate, I turned and stacked on the wall with another Marine, expecting that the squad would reform at that point and go back into the house to finish clearing after the

grenade went off. While I recall someone yelling "Grenade" or "Frag" I do not actually recall hearing the grenade explode. From my position outside the gate I heard Marines yelling for our corpsman. I then saw Marines running from the house who appeared to be wounded. As (b)(6), (b)(7)(c) passed me as he was running back toward the platoon CP I asked him if everyone was okay and he replied "no." At that point I knew that we would return to the Plt CP with our wounded, because the Plt CP was so close to our position. As I reached the Plt. CP I noticed large amounts of blood on (b)(6), (b)(7)(c) pants. Until that point I didn't know that he had been wounded. When we reached the Plt CP I got accountability for my fireteam, to make sure that all of them had exited the house. I then assisted our corpsman in treating (b)(6), (b)(7)(c) injury. During this time (b)(6), (b)(7)(c) discovered that Sgt Peralta had not exited the house and that we were going back to get him. (b)(6), (b)(7)(c) stated that he knew Sgt Peralta was dead. The remaining uninjured members of our squad assisted by two Marines from 1st sqd left the Plt CP back to the contact house to finish clearing and to recover Sgt Peralta's body. As my fireteam was clearing, (b)(6), (b)(7)(c) of 1st Sqd pulled Sgt Peralta's body out of the house to the street. After clearing the house 2nd sqd pulled out quickly because there was a fire burning in the house and the enemy had left RPG's and other explosives inside. Upon exiting the house, members of 2nd Sqd including myself carried Sgt Peralta's body back to the Plt CP where we loaded him onto an AAV to be medevaced with (b)(6), (b)(7)(c) My recollection was that the RPG's were inside the bedroom where the fire was burning. Upon entering the house the second time as I entered Living Room #2 I noticed the form of Sgt Peralta's body lying face down. I have marked his position with an X. I only saw Sgt Peralta's body through my peripheral vision as I had my eyes forward on D6 looking for the enemy. I did not notice what gear Sgt Peralta did or did not have on but only that he appeared to be face down.

SIGNED

12-21-2004

(b)(6), (b)(7)(c)

2nd team Ldr, 1st sq, 1st plt, A. Co. 1/3

Location: Alpha Co. Firm base, Fallujah, Iraq

Regarding: engagement regarding Sgt. Peralta of 15 Nov. 04

I (b)(6), (b)(7)(c) give the Following sworn statement to (b)(6), (b)(7)(c) regarding the above incident. As I enter living room 2 (room on Left as your facing interior of house) Sgt. Peralta's upper body is in Living room 2 and about waist down is in living room one. I saw his left arm fully extended to his side palm up and the top of his hand (opposite of palm) was black. His head was faced to his right shoulder as he was laying face down with his kevlar still on. His weapon was still slung and under him. And I say by his hand fully extended I mean his hand by his flank and pointing to his feet. What I mean by his hand being black it looked to me as if his hand (top of hand) had been burnt. I could tell the top of his hand was burnt by looking at the edges of his palm, because they were black (from about the pinky finger to his wrist and thumb to his wrist). I do not recall Sgt. Peralta grasping any part of his weapon. I know for a fact his left hand was not grasping anything, but his right hand I do not remember seeing. I know his head was facing toward the right because when I entered room two I could see the back of his kevlar. Before entering the building another Marine had told me that Sgt. Peralta had been shot in the face, so that is why I tried to avoid looking face to face with him. Also as I entered living room two I could see some blood over his right shoulder. As I entered room two Security was already posted (Marines with there weapon aimed in on doors) and I had my weapon up too. I saw that no one really wanted to pick up his body so I kept my weapon slung with my tactical sling and approached him walking toward his left (as he is laying face down) shoulder and head. I came to a stop with my legs stradling his head because I knew I was going to drag him by his flak jacket. Again I don't recall where his right arm was and if there was a grenade blast by him, I knew there were still insurgents in the building and I wanted to get him out as fast as possible. And I still knew his face had been injured so I did what I could by not look down at his face while I was going to grab him by his flak jacket. As I reached down with two hands grabing his flak jacket I began to back trace my movement in. As I was exiting room two Sgt.

Peralta's weapon was perpendicular to him not allowing me to pull him out. With my right hand I reached to move his weapon and get him through the door. After I get his body to exit room two I was exiting the main house door. Again his weapon got caught in the door so I told a combat camera man who was standing to my left to move Sgt. Peralta's weapon so he could fit through the main door. As he moved the weapon I continued to pull his flak with two hands and got him through the door. Then after his body was out I grabbed the flak jacket with my right hand and began to drag him to the end of the driveway. As I'am exiting the driveway dragging Sgt. Peralta I hear gun shots, I immediatly dropped his body next to a wall by the gate (out side the gate) I pointed to the Marines ion the roof across the street that I was leaving the body there and going back inside to assist. When I got done assisting I was one of the last Marines to exit the main gate to the house a Marine gave me Sgt. Peralta's bloody helmet and his weapon. I knew it was bloody because I looked at it before a grabbed it and I did not bother to inspect it for damages, I carred it walking behind the Marines that were carring Sgt. Peralta to the track. I then put the helmet and weapon in the track. That was the last time I saw Sgt. Peralta, his kevlar (helmet), and his weapon. I have personal knowledge of the foregoing facts. I have reviewed this statement and swear that it is true to the best of my recollection, except as to those matters stated under information or belief, and as to those matters I believe them to be true.

SIGNED

Attested and sworn to before me by (b)(6), (b)(7)(c)
this 21st day of December, 2004 at Alpha Co. Firm base,
Fallujah, Iraq.

SIGNED

I (b)(6), (b)(7)(c) 0311 make this voluntry statement in the facts that I witnessed in the case of Sgt. Peralta. I was point man in a 9 man stack in Fallujah while we were clearing houses. I went into the house and ran into 2 doors. One was unlocked, so I went in and cleared the room with the squad. The next door was unlocked and I went in and cleared the room That when I heard gun fire coming from the kitchen. (b)(6), (b)(7)(c) came in the room I was in, I told him to come back to where I was and he did. Then SGT Peralta came in and I seen him get shot. I ran over to him and yelled corpman up. As soon as I yelled corpman up the enemy threw a grenade in the room. (b)(6), (b)(7)(c) run into the corner and hide, at that time I SAW SGT Peralta reached for the gernade. I put my head down and It went off. After it went off myself and (b)(6), (b)(7)(c) got out of the building and told (b)(6), (b)(7)(c) our Squad leader that SGT Peralta was dead.

SIGNED

(b)(6), (b)(7)(c)



UNITED STATES MARINE CORPS

BATTALION LANDING TEAM 1/3
31ST MARINE EXPEDITIONARY UNIT
UNIT 44010
FPO AP 96607-4010

N REPLY REFER TO:

1650

(b)(6), (b)(7)(C)

2 Jan 05

FIRST ENDORSEMENT on (b)(6), (b)(7)(c) ltr of 1 January 2005

From: Commanding Officer, Battalion Landing Team 1/3

To: Commanding Officer, Regimental Combat Team 7

Subj: REVIEW OF THE ENGAGEMENT ON 15 NOVEMBER 2004 INVOLVING SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) /0311 USMC

1. I concur with the Investigating Officer's findings, opinions, and recommendation.
2. This investigation contains conclusive evidence, to include sworn eyewitness testimony, of Sergeant Peralta's conscious self sacrifice to protect the lives of his fellow Marines.
3. It is my solemn honor and privilege to forward this investigation for your consideration, with my strongest recommendation that Sergeant Peralta be awarded the Medal of Honor posthumously.

(b)(6), (b)(7)(c)



UNITED STATES MARINE CORPS

BATTALION LANDING TEAM 1/3
31ST MARINE EXPEDITIONARY UNIT
UNIT 44010
FPO AP 96607-4010

N REPLY REFER TO:

1650

SW (b)(6), (b)(7)(c)
1 Jan 05

From: Investigating Officer, (b)(6), (b)(7)(c)
To: Commanding Officer, Battalion Landing Team 1/3

Subj: REVIEW OF INSURGENT ENGAGEMENT ON 15 NOVEMBER 2004 INVOLVING SERGEANT
RAFAEL PERALTA (b)(6), (b)(7)(c) /0311 USMC

Ref: (a) SECNAVINST 1650.1G

- Encl:
- (1) Stmt of (b)(6), (b)(7)(c) USMC dtd 15 Nov 04
 - (2) Stmt of (b)(6), (b)(7)(c) USMC dtd 15 Nov 04
 - (3) Stmt of (b)(6), (b)(7)(c) USMC dtd 15 Nov 04
 - (4) Stmt of (b)(6), (b)(7)(c) USMC dtd 15 Nov 04
 - (5) Stmt of (b)(6), (b)(7)(c) USMC dtd 15 Nov 04
 - (6) Stmt of (b)(6), (b)(7)(c) USMC dtd 15 Nov 04
 - (7) DD Form 890, Jan 58, Record Of Identification Processing, dtd 15 Nov 04
 - (8) DD Form 893, Feb 56(EG), Record Of Identification Processing Anatomical Chart, undated
 - (9) Sworn Stmt of (b)(6), (b)(7)(c) USMC dtd 19 Dec 04 (w/diagram)
 - (10) Sworn Stmt of (b)(6), (b)(7)(c) USMC dtd 20 Dec 04 (w/diagram)
 - (11) Sworn Stmt of (b)(6), (b)(7)(c) USMC dtd 20 Dec 04 (w/diagram)
 - (12) Sworn Stmt of (b)(6), (b)(7)(c) USN dtd 20 Dec 04
 - (13) Sworn Stmt of (b)(6), (b)(7)(c) USMC dtd 20 Dec 04 (w/diagram)
 - (14) Sworn Stmt of (b)(6), (b)(7)(c) USMC dtd 21 Dec 04 (w/diagram)
 - (15) Sworn Stmt of (b)(6), (b)(7)(c) USMC dtd 21 Dec 04
 - (16) IO Summary of telephonic interview of (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) USMC of 21 December 2004 (with second written statement of SNM enclosed as Attachment - A)
 - (17) IO Summary of telephonic interview of (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) USMC (w/ photographic attachments (A)-(G), inclusive) of 22 December 2004
 - (18) Personnel Casualty Report ICO Sergeant R. Peralta, USMC
 - (19) Armed Forces Institute of Pathology Preliminary Autopsy Report (Final), dtd 21 December 2004
 - (20) Stmt of (b)(6), (b)(7)(c) USMC, dtd 24 Dec 04
 - (21) Stmt of (b)(6), (b)(7)(c) dtd 23 Dec 04
 - (22) Stmt of Investigating Officer w/attachments (A - Article by Oliver North (LtCol, USMC (Ret)), "Hero in Fallujah: Marine Laid Himself on Top of Grenade to Save Rest of Squad"; B - Article by Lance Corporal T.J. Kaemerer, USMC, "A Hero's Sacrifice" dtd 2 Dec 04; C - Powerpoint of aerial map enlargements of incident location; D - Photographs taken by (b)(6), (b)(7)(c) of Sergeant Peralta's Flak Jacket, contact house, shrapnel and grenades;

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- E - photographic "lineup" of different grenades used to assist witnesses; F - Powerpoint composite floor plan)
(23) Recommended Citation and Summary of Action for Medal Of Honor ICO
Sergeant Rafael Peralta, United States Marine Corps

Preliminary Statement

1. I have reviewed the reference, enclosures and all available information concerning the engagement against anti-coalition forces on 15 November 2004, in Fallujah, Iraq, which lead to the death of Sergeant Rafael Peralta, USMC. It is my conclusion that Sergeant Peralta was mortally wounded during a fire-fight in a house while conducting search and attack operations. While Sergeant Peralta lay mortally wounded on the ground, an insurgent lobbed a grenade that came within proximity of Sergeant Peralta and lay between him and other Marines. Aware of the danger it presented, Sergeant Peralta scooped the grenade under himself, sacrificing his life to save the lives of others by using his body to shield them from the blast of the grenade.
2. Throughout this report, a composite floor plan diagram will be used as a reference to orient the reader on individual actions. All references to "D#" refer to doors located in the "contact house" as labeled in attachment (F) to enclosure (22). In addition, attachment (C) to enclosure (22) is a Block Map of eastern Fallujah, which is also referred to throughout this report.

Findings

1. On 8 November 2004, Battalion Landing Team 1/3 (BLT 1/3), Regimental Combat Team 7, 1st Marine Division, I Marine Expeditionary Force participated in Operation Phantom Fury and Al Fajr, the initial assault and penetration into the insurgent held City of Fallujah, Iraq. On 10 November 2004, having seized its initial objectives and reached its limit of advance, BLT 1/3 assigned company sectors within its Tactical Area Of Responsibility (TAOR) and began detailed clearing operations in the northeast section of the city.
2. Sergeant Rafael Peralta was the Platoon Guide for 1st Platoon, Alpha Company, BLT 1/3. During the initial breach of insurgent defenses north of the city, 1st Platoon provided security for a D9 bulldozer as it worked to clear a breach lane for the assault force. After the initial penetration into the city, 1st Platoon, as part of the BLT reserve, established a command post (CP) on the northern edge of the city and maintained open lines of communications into and out of the city for medevac and logistical resupply vehicles. The platoon remained there for approximately three days, conducting search and attack operations. On 13 November 2004, the platoon was tasked with providing security at the Dr. Talib Al Janabe Hospital near phase line "Fran" in Block 426. On 14 November 2004, 1st Platoon moved north, cleared Block 412 and began clearing Block 407 [see Attachment C to Enclosure (22)].
3. An infantry rifle squad was the basic unit for conducting clearing operations. Generally, one squad per platoon would clear a house while the other two squads cordoned off the area and provided over watch.
4. Functioning below its table of organization strength of 13 Marines, 2d Squad, 1st Platoon, Alpha Company, BLT 1/3 (hereafter referred to as 2d Squad) used two four-man fire teams, vice the standard three. In the

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afternoon of 13 November 2004, 2d Squad received two combat cameramen, who also assisted the squad with its search and attack mission.

5. At some point in the late afternoon or early evening of 14 November 2004, Sergeant Peralta approached the squad leader of 2d Squad, (b)(6), (b)(7)(c) and asked if he could assist the squad in clearing houses in Block 407.

6. Witnesses attribute Sergeant Peralta's joining 2d Squad to his sense of loyalty and the fact that the squad was at less than full strength. According to (b)(6), (b)(7)(c) "He [Sergeant Peralta] said he would only clear houses with us because he used to be our squad leader and he was a close personal friend," and "He was already on his second enlistment and was the platoon guide. He chose to come clear [houses] with us also out of his own unselfishness proving he didn't have to, but he also chose to because we were also short of Marines in my squad. He helped clear about 15 to 20 houses with us by the end of the day on the fourteenth." [Enclosure (9)]

7. On the evening of 14 November 2004, Sergeant Peralta organized himself and the two combat cameramen into a provisional fire team, which he integrated into the four-hour duty rotation that same night. Sergeant Peralta, as the platoon guide, would normally sleep at the platoon CP, vice the squad CP. On that night, he elected to remain with 2d Squad and stood post with the additional fire team he had organized. Because of this, the remaining members of the squad were able to get more rest during the night.

8. On the morning of 15 November 2004, the squad awoke around dawn, performed hygiene, ate chow, and awaited orders to move out. (b)(6), (b)(7)(c) got the mission fragmentary order from the Platoon Commander to continue search and attack operations in the 407 Block. He briefed the Platoon Commander on his plan and the squad moved out.

9. By most accounts, the squad had cleared four to eight houses before reaching the house (the "contact house") where they engaged insurgent forces on 15 November 2004. A review of the actual block being cleared shows the contact house was the seventh house on the block moving from east to west [see Attachment C to Enclosure (22)].

10. Upon reaching the contact house, Sergeant Peralta was positioned in the middle of the squad, one to two Marines ahead of (b)(6), (b)(7)(c) (Combat Camera), but somewhere behind (b)(6), (b)(7)(c) who was the last man in first fire team. The majority of statements indicate that (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) Squad Leader) was ahead of (b)(6), (b)(7)(c) at this point. Enclosures (1)-(3), (5), (9)-(11), (13), (16) and (17) pertain.

11. Several squad members state that Sergeant Peralta carried bolt-cutters when he operated with the squad, and would move to the front of the squad if his services were required to breach a lock. However, there is no report of Sergeant Peralta using his bolt-cutters on 15 November 2004.

12. In general, Sergeant Peralta and the personnel he organized into a provisional fire team would remain in the center of the squad, between the other two fire teams, as it cleared buildings.

13. The order of movement for first fire team was as follows: (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) (breacher/pointman); (b)(6), (b)(7)(c) (Squad Automatic

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Weapons gunner); (b)(6), (b)(7)(c) (team leader); (b)(6), (b)(7)(c) (Assistant
Squad Automatic Weapon Gunner).

14. The second fire team contained (b)(6), (b)(7)(c) (pointman) and
(b)(6), (b)(7)(c) (team leader). Available statements indicate that (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) was the only Marine from second fire team to enter the
contact house.

15. At the contact house, breaching tools were not necessary, as (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) was able to kick the gate open. The squad then rapidly
proceeded to D1. Some Marines peeled off to provide perimeter security, so
the squad order changed from that of the previous house between the gate and
D1.

16. The squad order outside D1 was (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) and
Sergeant Peralta were close by, if not next, followed by (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) and then the beginning of the next fire team lead by (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) breached D1 and the squad flowed in behind
him. There is a sink or washbasin inside this first room and it is variously
referred to as the "sink room", the portico, the foyer, and the entrance
room. As it is not marked with a name on the composite floor plan, it is
referred to here as the sink room. A sink is depicted in the photograph
appearing at page 15 of Attachment D to Enclosure (22).

17. Upon gaining entry to the sink room, (b)(6), (b)(7)(c) then attempted
to breach D2. He found it locked and moved to D3. Some testimony states D2
was open; however, the two individuals in the best position to know the
status of this door state it was locked, causing them to turn to D3
[Enclosures (9) and (16)]. As the two lead Marines progressed, other members
of the squad entered through D1.

18. Upon entering the house and clearing the first room, the order of
movement was not pre-determined. Marines would use initiative based tactics,
with the Marine in the most advantageous position clearing rooms or areas as
they presented themselves. Several members of the squad, to include Sergeant
Peralta and (b)(6), (b)(7)(c) had freedom to change their position in
the squad as they saw fit.

19. Entering through D3 into the Living Room, (b)(6), (b)(7)(c) entered
the Big Room on the left through D4. (b)(6), (b)(7)(c) says D4 was closed
and blocked by a couch, but he is the only witness to say such with the
others stating D4 was open or did not have doors and was unblocked. He also
states that (b)(6), (b)(7)(c) came charging into the Big Room through
this closed, blocked door but does not recall how (b)(6), (b)(7)(c) did so. In
addition (b)(6), (b)(7)(c) confirms that (b)(6), (b)(7)(c) actually
entered the Big Room through D4 as well, making it more likely this door was
already open as the others describe. (b)(6), (b)(7)(c) cleared the Big
Room while (b)(6), (b)(7)(c) went to D5, followed by (b)(6), (b)(7)(c) and
(b)(6), (b)(7)(c). The latter three then stacked to the right of D5,
while (b)(6), (b)(7)(c) went to the center and right of the Living
Room, remaining behind them. Sergeant Peralta approached towards D5 and
stopped at approximately the middle of D4, with (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) now in the vicinity of D3.

20. Sergeant Peralta moved forward and was in close proximity to D5 as (b)(6), (b)(7)(c) made ready to push the door open. Upon doing so, Marines in the Living Room immediately began taking fire from "the kitchen area" and bedroom side of D5. (b)(6), (b)(7)(c) states he saw one insurgent in the prone and another in the kneeling firing from D7. Others state they saw muzzle flash from D8. (b)(6), (b)(7)(c) states he saw muzzle flash from D7 and to the left of D7, as well as an actual muzzle protruding from the stairs to the right of D5. All Marines in the house testify there was more than one insurgent weapon firing based on the sound and rapidity of fire, with as many as three insurgents firing at once.

21. No one can testify to actually seeing Sergeant Peralta being hit by insurgent fire. Most believed he had been hit to his front and/or his face. There is conflicting testimony as to Sergeant Peralta's exact position at the time he was hit and to the orientation of his body and face. Some witnesses observe him going down while others only notice him after he is down. All witnesses place him going down more or less in between the Big Room and the Living Room, coming to rest at approximately the point shown by the designation "D4" on the composite floor plan with his feet in the Living Room while his upper body and head are in the Big Room.

22. There is also some conflicting testimony as to which way Sergeant Peralta's head was turned once he went down. Most witnesses who can recall Sergeant Peralta's position describe him facing to the right. Two witnesses have him facing to the left. However, the autopsy and medical evidence demonstrate Sergeant Peralta still had the ability to see, hear and move. This same evidence shows Sergeant Peralta had no wounds or ballistic impacts to the front of his body at this point. He received a single bullet wound to the back of the head, which the medical evidence deemed as fatal. The Personnel Casualty Report (PCR) was based on initial reports that have since been refuted by the medical evidence.

23. Almost immediately after Sergeant Peralta went down, an insurgent tossed a grenade from the kitchen area through D5 and D6 and into the Big Room, landing approximately one foot from Sergeant Peralta's head. Those who are able to recall the grenade describe it as "yellow" or "orangish yellow" in color, similar to a coconut or pineapple grenade but with no serrations, about the size of the palm of one's hand. They also describe it as having a long fuse that took much longer than anyone expected to go off. Once the grenade went off, everyone who heard it describes the explosion as not being as loud as any of them expected.

24. Representatives of explosive ordnance disposal (EOD) inspected Sergeant Peralta's flak jacket and retrieved several shrapnel fragments as well as a piece of the grenade's fuse. The fact that a piece of the fuse was found imbedded in the Velcro of the flak jacket means the grenade went off "very close" to Sergeant Peralta. By viewing the photographs contained in Enclosures (17) and (22), the flak jacket, the fragments, and the witness statements, EOD determined this grenade to be "Iraqi grenade, model unknown." This grenade has a plastic casing, vice metal, with a thin, slinky-like spring inside as its source of shrapnel. The grenade has a low yield based on its 37 grams of explosive and is adaptable to any USSR fuse. It is rare for shrapnel from a grenade of this type to penetrate metal or a flak jacket, as it is designed to cause damage to flesh and disrupt the enemy.

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25. Upon seeing the grenade, one or more Marines shouted "frag" or "grenade." Testimony differs slightly as to which arm Sergeant Peralta used and where the grenade was in relation to his body, but most of the testimony has Sergeant Peralta using his right arm and reaching for the grenade on his right side. Since the grenade was moving from right to left, from D6 towards the center of the Big Room, and since most testimony has Sergeant Peralta facing to his right on the ground, I find it most probable that the grenade was slowing or had come to a stop on his right side and that he reached to scoop it using his right arm.

26. There is absolutely no doubt that Sergeant Peralta did in fact scoop the grenade with his arm.

27. EOD's review of the burn pattern on Sergeant Peralta's flak jacket; combined with the fragmentation pattern documented by the battalion surgeon and the autopsy report; as well as the photographs of the spot where Sergeant Peralta was recovered, where the grenade exploded on the floor and the fragmentation pattern left on the wall inside the Big Room between D4 and D2; leave no doubt that the grenade exploded underneath Sergeant Peralta on the left side of his flak jacket.

28. Given that Sergeant Peralta was lying atop his weapon, which was found still slung on his person when he was retrieved from the house, and that he was lying on his stomach on the floor with the grenade coming from his right, there is no way for the grenade to have lodged itself under Sergeant Peralta's left side unless he, himself, put it there.

29. Those witnesses able to make an estimate believe that the time from when Sergeant Peralta hit the deck until the time when the grenade exploded was between 10 and 15 seconds. The medical evidence states that as badly wounded as Sergeant Peralta was prior to reaching for the grenade, his faculties and motor control would have still allowed him to recognize the grenade as a grenade and scoop it under himself. In other words, he knew what he was doing and intended to do what he did.

30. I can find no explanation for Sergeant Peralta's scooping a grenade under himself except as an attempt to shield others around him. By no stretch of the imagination can scooping a grenade into one's self be deemed as an act of self-preservation. In other words, Sergeant Peralta was sacrificing himself for his fellow Marines.

31. After the grenade exploded, those still in the house left, regrouped and made another assault to both clear the house and retrieve Sergeant Peralta. The medical evidence is unclear as to the precise time of death. I can only conclude that Sergeant Peralta succumbed to his wounds some point after the explosion of the grenade but before being pronounced dead by Bravo Surgical.

32. The Marine who retrieved Sergeant Peralta from the house stated that Sergeant Peralta was facing to his left when he was picked up. In addition, the entire left side of Sergeant Peralta's face was macerated, indicating that the right side must have been against the floor and thus shielded. However, most witnesses state that Sergeant Peralta was facing to the right when the grenade entered the Big Room. Based on the totality of the testimony and evidence, I find it entirely reasonable that Sergeant Peralta was originally facing to his right as the grenade entered the room and came within his grasp. The injuries to his right arm are consistent with it being

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under him when the grenade exploded. At some point after scooping the grenade, Sergeant Peralta turned his head under.

33. The insurgents subsequently fled out the back of the house and were ultimately killed by members of 3d squad, 1st Platoon, Alpha Company, BLT 1/3, in a house immediately adjacent to the contact house.

34. Sergeant Peralta was taken to Bravo Surgical, where enclosures (7) and (8) were generated. (b)(6), (b)(7)(c) M.D., Medical Corps, USN, Medical Officer, BLT 1/3, also viewed and inspected Sergeant Peralta at the forward BLT Aid Station (co-located with the BLT field trains) prior to him being taken to Bravo Surgical Company [Enclosure (21)].

35. After the contact house was secured, some Marines who were present provided written statements of their account of these events, which are enclosed herewith as Enclosures (1) thru (6).

36. As part of this inquiry, additional, sworn statements and telephonic interviews were taken from eyewitnesses, which are attached hereto as Enclosures (9) thru (17).

37. As part of the casualty reporting process, First Marine Division generated a Personnel Casualty Report (PCR) (Enclosure (18)). The PCR erroneously refers to Sergeant Peralta's unit as "1st Bn, 8th Mar" (1st Battalion, 8th Marines was also participating in Operation Al Fajr under 1st Marine Division on 15 November 2004) and attributes wounds to him that were subsequently refuted by medical evidence obtained after the fact.

38. Sergeant Peralta succumbed to his wounds some time after the grenade exploded but prior to being pronounced dead by (b)(6), (b)(7)(c) at 0915 on 15 November 2004.

39. The Armed Forces Institute of Pathology conducted an autopsy of Sergeant Peralta's remains, and provided a copy of its report for this inquiry, attached as enclosure (19).

40. Representatives of EOD rendered their expertise and the summary of (b)(6), (b)(7)(c) USMC, is attached hereto as enclosure (20).

Opinions

1. There is no doubt that Sergeant Peralta was in the contact house as he was subsequently retrieved from that house.

2. There is no doubt that (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) were also in the contact house, as each sustained injuries from the engagement therein.

3. There is no doubt there was a fire-fight.

4. There is no doubt that Sergeant Peralta fell mortally wounded early in the fire-fight.

5. There is no doubt that Sergeant Peralta fell at least halfway into the room where he was later recovered.

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6. There is no doubt Sergeant Peralta fell face down.
7. There is no doubt a grenade was thrown through D6 into the room where Sergeant Peralta lay.
8. There is no doubt the grenade landed or came to a stop in close proximity to Sergeant Peralta.
9. There is no doubt Sergeant Peralta reached for the grenade with his arm.
10. There is no doubt the grenade exploded under Sergeant Peralta, on his left side.
11. There is no doubt that the only way a grenade entering the Big Room through D6 could have gotten underneath the left hand side of Sergeant Peralta was if Sergeant Peralta put it there.
12. That Sergeant Peralta sacrificed himself to save the lives of his fellow Marines.

Recommendations

1. That Sergeant Rafael Peralta, United States Marine Corps, receive the Medal of Honor.

(b)(6), (b)(7)(c)

Copy to:
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Pages 69 through 77 redacted for the following reasons:

(b)(6), (b)(7)(C)

RECORD OF IDENTIFICATION PROCESSING (Effects and Physical Data)			DATE 70041115	
LAST NAME - FIRST NAME - MIDDLE INITIAL (Or unknown number) BTB PERALTA, RAFAEL		GRADE E5	SERVICE NO. SSAN (b)(6), (b)(7)(c)	CIL CASE NUMBER (If applicable) N/A
NAME OF CEMETERY, EVACUATION NUMBER, OR SEARCH AND RECOVERY NUMBER 070 04 USMC DET 1-3			PLOT N/A	ROW GRAVE N/A N/A
RECEIVED FROM FALLUJAH			IMPRINT OF IDENTIFICATION TAG	
OFFICIAL IDENTIFICATION FOUND WITH REMAINS (Include personal effects aiding identification) GENEVA CONVENTION CARD PERALTA, RAFAEL (b)(6), (b)(7)(c) COMMERCIAL DRIVER LICENSE, CALIFORNIA RAFAEL PERALTA (b)(6), (b)(7)(c) IDENTIFICATION CARD, CALIFORNIA RAFAEL PERALTA (b)(6), (b)(7)(c) ID TAGS SEA ID TAGS RED TYPE GLASS INSCRIBED			DD FORM 111 MEMO CARD PERALTA, RAFAEL (b)(6), (b)(7)(c) VOTER REGISTRATION FORM RAFAEL PERALTA <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> PERALTA RAFAEL O-NEG (b)(6), (b)(7)(c) USMC M (b)(6), (b)(7)(c) </div>	
ITEMS OF CLOTHING AND EQUIPMENT FOUND WITH REMAINS (Indicate type, color, size, markings, service, etc. If laundry marks are indistinct, follow procedures outlined in TM 10-286) TAN DESERT COMBAT BOOTS 9 REG GREEN SOCKS DESERT DIGITAL CAMO FLAUXIE BLOUSE M/L DESERT DIGITAL CAMO FLAUXIE TROUSERS M/L TAN BELT GREEN GLOVES GREEN UNDER SHIRT SIZE M BLACK UNDER SHORTS SIZE M INSCRIBED "HAWES" GREEN KNEE PADS WOOD LINED CAMOFLAUXE MAGAZINE HOLDER				
FINGERPRINTS TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		X-RAYS MADE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FLUOROSCOPE STATEMENT ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PHOTOGRAPHS TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		ANTHROPOLOGICAL STATEMENT MADE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		CHEMICAL STATEMENT ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PHYSICAL DESCRIPTION				
ESTIMATED HEIGHT 66"	MUSCULARITY MEDIUM	COLOR OF HAIR BROWN	RACE OR NATIVITY MONGOLOID	
TATTOOS, SCARS OR MARKS ON BODY SEE FORM 893				
EVIDENCE OF HEALED FRACTURES AND BONE MALFORMATIONS NONE FOUND				
WOUNDS OR INJURIES SEE FORM 893				
I HAVE PERSONALLY VIEWED THE REMAINS OF THIS DECEASED AND ALL RESULTING INFORMATION HAS BEEN RECORDED TO THE BEST OF MY KNOWLEDGE.				
NAME, GRADE, AND ORGANIZATION (b)(6), (b)(7)(c)			SIGNATURE	

RECORD OF IDENTIFICATION PROCESSING ANATOMICAL CHART

LAST NAME - FIRST NAME - MIDDLE INITIAL (or unknown number)

BTB RAFAEL, PERALTA

GRADE BTB

ES

SERVICE NUMBER BTB

(b)(6), (b)(7)(c)

NAME OF CEMETERY, EVACUATION NUMBER, OR SEARCH AND RECOVERY NO.

070 UMSC 04 DET 1-3

PLOT

NA

ROW

NA

GRAVE

NA

ESTIMATED AGE (Yrs)

24

ESTIMATED HEIGHT

66"

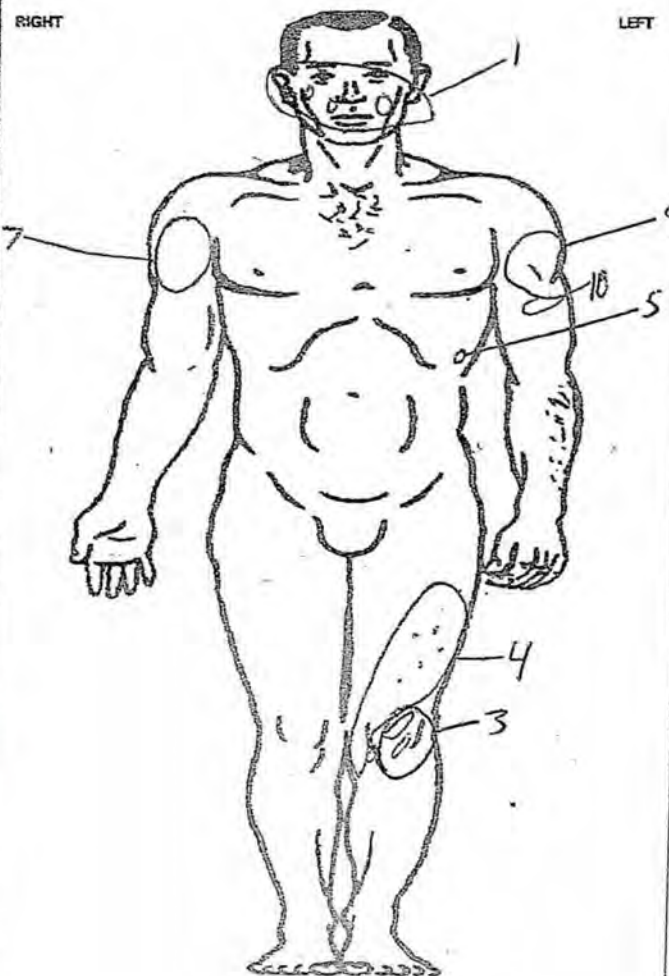
BLACK OUT PORTIONS NOT RECOVERED

RIGHT

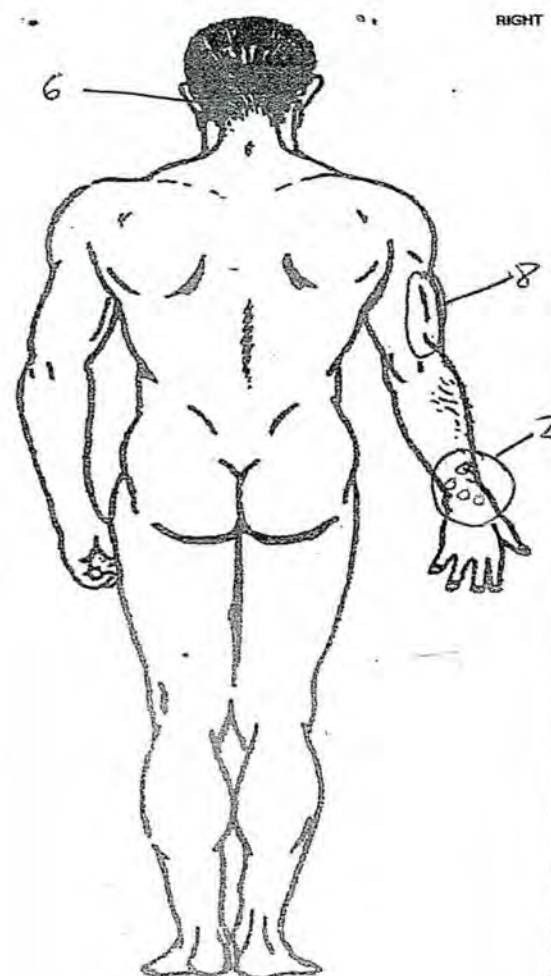
LEFT

LEFT

RIGHT



ANTERIOR



POSTERIOR

CONDITION OF REMAINS (Check pertinent blocks)

☐ SEMI-SKELETAL

☒ FLESH COVERED

☒ INTACT

☐ DECOMPOSED

☐ BURNED (Degree: ☐ 1st ☐ 2d ☐ 3d)

REMARKS (Continue on reverse if additional space is required)

- 1-MULTIPLE PUNCTURE WOUNDS, FACE
- 2-MULTIPLE PUNCTURE WOUNDS, RIGHT WRIST
- 3-MULTIPLE LACERATIONS, LEFT KNEE
- 4-MULTIPLE PUNCTURE WOUNDS, LEFT THIGH
- 5-PUNCTURE WOUND, LEFT ABDOMEN, SIZE 1/4" IN DIAMETER
- 6-GAPPING WOUND, LEFT SIDE OF BACK OF HEAD, SIZE 1 1/2" IN DIAMETER
- 7-TATTOO, RIGHT SHOULDER, PICTORIAL, DESIGN WITH WINGS, SIZE 4" IN DIAMETER
- 8-TATTOO, RIGHT TRICEP, PICTORIAL, DESIGN WITH WINGS, SIZE 4" IN DIAMETER
- 9-TATTOO, LEFT SHOULDER, PICTORIAL, DESIGN WITH WINGS, SIZE 4" IN DIAMETER
- 10-TATTOO, LEFT SHOULDER, PICTORIAL, DESIGN WITH WINGS, SIZE 4" IN DIAMETER

NAME OF PREPARING OFFICIAL (Print name)

(b)(6), (b)(7)(c)

Pages 80 through 84 redacted for the following reasons:

(b)(6), (b)(7)(C)

Date: 20 December 2004

Unit: Sqd Ldr, 2nd Squad, 1st Platoon, Alpha Co., BLT 1/3

Location of Interview: BLT 1/3 COC, Camp Owen, Iraq

Subject: Engagement involving Sgt Peralta on or about 15 Nov 04

I, (b)(6), (b)(7)(c) provide the following Sworn Statement to (b)(6), (b)(7)(c) who has typed this statement for me, regarding the firefight involving Sgt Peralta on November 15, 2004.

I have previously provided a written statement regarding these events. That statement was written by me on the date of the incident, 15 November 2004. I reviewed my prior written statement prior to further discussing these events with the IO.

I am the Squad Leader, 2nd Squad, 1st Platoon, Alpha Co., BLT 1/3. On or about 7 November 2004, our platoon was tasked by Bn as the Bn reserve for Operations Phantom Fury and Al Fajr. Our battalion went through the breach, in zone, on 8 November 2004. Our breaching point was across the railroad tracks on the northern edge of the City of Fallujah. During the breach, we provided security to the rear by the Logistical Operations Center (LOC). The following morning (9 Nov 04), we received orders from the Bn Cmdr to move up to the breach site and provide security and clear the breach site and improving ("proofing") it to make it more accessible. Upon completion of this mission, we received further orders from the Bn Cmdr to move through the breach and occupy the first building on the corner at the northern edge of the city (approximately at Phase Lines (PL) Charlie and April).

We secured the building and established a platoon command post (CP) there. For the next three days (9 Nov - 11 Nov 04) we maintained security at the breach site and sent patrols in the surrounding blocks. The next day (12 Nov 04) we cleared and occupied the Al Janabi Hospital on the northern edge of PL Fran. The following day (13 Nov 04), we began "search and assess" clearing of block 412. We finished block 412, as well as a small section of block 406, with one squad (1st Squad) clearing and occupying the school to the immediate east of the block 412 (NE of the Hospital).

The following morning (14 Nov 04) our platoon got the order to move into block 407. My squad started in the center of the block, with 3rd Squad on our left flank, 1st Squad on our right flank, all clearing from south to north. Towards the end of the afternoon that day, 1500ish, Sergeant Peralta linked up with me in the middle of clearing one of the houses. He asked if he could join our squad for the remainder of the day to help clear houses, knowing we were undermanned. I should add at this point that my squad had only two fire teams strength, as did all of our squads. With Sergeant Peralta, and two other Marines (a combat cameraman named (b)(6), (b)(7)(c) and a combat correspondent named (b)(6), (b)(7)(c) both of whom had joined my squad about five houses prior), we cleared an additional eight houses.

At the end of the day, we got the order to hold security on the northern edge of this block (407). We still had one row of houses on the direct north of this block which had not yet been cleared. Our platoon commander previously selected a house on the northeast section

of the block overlooking the row of houses we had not yet cleared, to use as our squad CP. We set security, barricading and reinforcing the ground floor, stationing one Marine at the top of the stairs and the bulk of our remaining security on the roof in overwatch positions.

During this time, Sergeant Peralta remained with us. We all retrieved our rucksacks, chow and water resupply, returned to our CP and set our watch rotations. I approached him and asked about using the two combat camera guys in a provisional fireteam along with myself. Sergeant Peralta told me I was in charge as the squad leader and that he would stand the watch with the two cameramen and that I should get some sleep. The night went through without incident.

The following morning (15 Nov 04), I got the call from the platoon commander to pack up and get ready to take down the northern block of block 407 which had not been cleared yet. I advised the platoon commander I would take the southern row of houses first, from east to west, and then go to the northern row from west to east. The platoon commander agreed and we were instructed to return to the platoon CP to stage our gear and packs prior to stepping off for our mission.

Once we returned to our CP, Sgt Peralta asked to go with our squad. I told him it was up to him, that he didn't have to go, but that he was more than welcome to come with us. He agreed to come with us and we stepped off around 0700 for the southeastern portion of the northern row of houses we were to clear.

We continued to clear houses as we had done the day before. For the first four houses we cleared, the order of march was 1st Fire Team (b)(6), (b)(7)(c) [point], (b)(6), (b)(7)(c) [SAW], (b)(6), (b)(7)(c) [Tm ldr], (b)(6), (b)(7)(c) [Asst. Automatic Rifleman or "A Gunner"]], one of the combat camera guys, myself, Sergeant Peralta, 2nd Fire Team (b)(6), (b)(7)(c) [point/rifleman], (b)(6), (b)(7)(c) [A Gunner], (b)(6), (b)(7)(c) [Tm ldr] (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) [SAW]), second combat cameraman, and the corpsman (b)(6), (b)(7)(c)

Going in to the fifth house, Sergeant Peralta took the place in the order of march formerly occupied by the first cameraman, which put him directly in front of me. In previously discussing our order of march with Sergeant Peralta, I felt he was free to position himself wherever in the stack he felt best for him, so I did not think anything about his change of position in the stack leading into the fifth house. When we cleared the fifth house, there was an open door unlocked and wide open in the rear of that house leading into the back alley. We cleared the alley and upon searching the house, found a fully loaded AK-47 leaning up against one wall.

Once everything was cleared, we brought the whole squad to the front door and I sent the first fire team across the street to the platoon CP to drop off the weapon for subsequent destruction. Once they dropped off the weapon, they came back and linked up with the rest of the squad as we came out of the front gate of house five.

At approximately 0800, we lined up in our stack outside the gate to house number six. (b)(6), (b)(7)(c) gave one kick on the front gate and it immediately came open. As soon as the squad made entry through the gate into the courtyard, we noticed that the front door to the house

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was wide open. (b)(6), (b)(7)(c) shouted "we're in", which is squad SOP for indicating we had made entry.

At this point I should add that I made a diagram of the first floor of house six, as best I recollect. The diagram is part of this statement and references to "the diagram" are references to this enclosure. The front door which was wide open is marked as "D1" on the diagram.

The first fire team made entry through D1 and ended up in what I have marked as "Living Room 1." I'm not sure how they got there but assume they entered through D3. Sergeant Peralta entered through D1, directly in front of me and continued through D3. I took a position on D3 looking directly on D5, with my visible line of sight being just to his right, looking down his right side. By the time I set myself, Sergeant Peralta was 6-8 feet ahead of me, directly towards D5 and slightly left. As was his habit, and as what I have marked as "Living Room 2" was already clear, Sergeant Peralta made a quick movement forward towards D5. I do not know if he intended to position himself nearer to D5 or if he intended to proceed through D4.

At this point, (b)(6), (b)(7)(c) was off to the right of D5, (b)(6), (b)(7)(c) was directly behind (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) was in living room 1 (it was his habit after clearing the living room directly in front of the breach to remain in that room as security). (b)(6), (b)(7)(c) was either in living room 1 or living room 2; I cannot recall, but he was definitely in one or the other. At this point, the entrance room (room surrounded by D1, D2 and D3, aka the "portico") had myself and (b)(6), (b)(7)(c) with the rest of the second fire team starting to enter.

At some point, (b)(6), (b)(7)(c) must have opened D5 since that is our SOP and I have subsequently confirmed this point with both (b)(6), (b)(7)(c) (b)(6), (b)(7)(c). Once the door opened up, we immediately started taking small arms fire from what I believe to be D8. From where I was standing in D3, I could see muzzle flashes from D8. I then saw Sergeant Peralta fall or go down. When Sergeant Peralta went down, I had a direct line of sight into D8. I took a knee and returned fire.

At this point, I saw an object, which looked like a grenade, enter living room 1 from D6. I saw it come in, looked at it real quick, continued to fire into D8. At one point, I had to cease fire, because (b)(6), (b)(7)(c) cut across my line of sight. Ultimately, (b)(6), (b)(7)(c) ran out D3 and D1, past me at some point. I heard a voice I recognized as (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) shout, "grenade" and in what appeared to happen simultaneously, my eye caught the sight of movement by Sergeant Peralta.

I saw Sergeant Peralta's right arm moving. The general location of his body has been marked with an "X" on the diagram, with a tick mark for foot end and another tick mark for his head. He lay about midway between living room 1 and living room 2 in D4. He was face down, on his stomach. I did not notice which way his head was turned. His legs appeared outstretched in a natural "V" shape behind him. His weapon was underneath him and a little off to the left with his left hand still on the forward pistol grip.

I saw his right arm move up in an "L" shape up towards his head and almost "scooped" the grenade in, towards his body. I do not recall what position his right arm started from before doing this. As I

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noticed the movement of Sergeant Peralta's right arm, I noticed the grenade had come to a stop 1-2 feet from his right side, just above his head. In recalling these events, the movement by Sergeant Peralta to "scoop" the grenade into himself seemed to be in response to the previous shout of "grenade," as well as because I did not notice any previous movement by him. Based on these observations, I believe Sergeant Peralta knew the object next to him to be a grenade at the time he scooped it into his body.

As Sergeant Peralta was doing the above, I rolled on one knee to my right in an attempt to take cover behind the wall closest to me. At this point I lost sight of Sergeant Peralta. The last thing I recall seeing of Sergeant Peralta was he was still in the act of scooping the grenade towards himself.

I had just turned my head to my right as part of my roll when the grenade detonated. The total time from when Sergeant Peralta hit the deck until the explosion of the grenade was approximately 10-15 seconds. The explosion sounded "muffled" and not as loud as one of our, U.S. M67 fragmentation grenades. While still in my roll, I felt something, like someone throwing a rock, hit me in my left buttocks.

Right about the time I felt the impact, I reached to where I was hit with my left hand to see if I was bleeding. I then looked at my hand, didn't see any blood and got right back in the doorway (D3) facing into D5. At this point I was on the left side of D3 to keep as much cover as possible. I could see Sergeant Peralta's feet and just the bottom of his legs.

We were still taking fire from D8 as well as somewhere else in the rear of the house. I recognized the shooting as enemy weapons by its sound. I returned fire into D8 and made the call for the 1st fire team to retrograde out of the house. I yelled words to the effect, "pull out" or "get out of the house" or something like that. Our intention was to regroup and immediate re-attack. At this point I believe (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c) were already out of the house. I then moved out through D1 and held security for (b)(6), (b)(7)(c) to make their exit out of the house.

I know from subsequently talking with (b)(6), (b)(7)(c) that he and (b)(6), (b)(7)(c) exited from D2 through D1, as well as the fact that D2 was closed when I exited through D1 and it was open when we subsequently re-entered the residence.

Once (b)(6), (b)(7)(c) linked up with us, the entire squad was basically standing between D1 and D9. I determined that was not a safe place and that we should regroup outside of the gate. Once outside the gate, I attempted to get accountability of personnel and assess our injuries. I made the call to evacuate the injured personnel across the street into the platoon CP and we did so.

Once we returned to the CP, I contacted the Plt Cmdr, and informed him we had taken casualties and that Sergeant Peralta was believed to be KIA and still inside the house. The Plt cmdr informed me that we would suppress the house with aav's, and then return to finish clearing the house and retrieve sergeant Peralta's body.

ENCLOSURE(10)

The house was subsequently suppressed as described, and my squad then re-entered the house. Prior to suppressing the house, I informed the plt cmdr of the location of sergeant Peralta's body, and was informed that the machine guns would fire into the kitchen, on the right side of the house to avoid hitting him with the machine gun fire.

Upon re-entering the house, my squad moved in through D1 and immediately began firing into D7, and D8, subsequently starting fires in both rooms. I then moved into living room 1 and saw Sergeant Peralta lying in the same position as noted in the diagram, midway between living room 1 and living room 2. Once I approached Sergeant Peralta's body, I observed that his Kevlar helmet was no longer on his head, but in front of him about 1-2 feet. I have marked the location of the Kevlar helmet on the diagram with a "K". Once living room 1 was secure, (b)(6), (b)(7)(c) began to retrieve Sergeant Peralta's body, taking him out through D2, and then D1. I retrieved Sergeant Peralta's Kevlar helmet from the deck, and placed it on the chair inside of living room 1.

Once sergeant Peralta's body was moved out of the house, my squad continued to clear the rest of the house. (b)(6), (b)(7)(c) informed me there was a weapons cache inside of the bedroom, and I moved in to inspect it. The bed inside the room was on fire, and was sitting over top of the weapons cache. The cache appeared to include about 12-14 rocket propelled grenades (RPG's), about 4-5 57mm rockets, an assortment of hand grenades, and two ak-47's. The squad continued to clear the rest of the residence without incident, and I gave the order to return to the platoon CP. Once the squad began the retrograde out of the house, (b)(6), (b)(7)(c) and myself, picked up Sgt Peralta's body, and carried him across the street to the waiting AAV. Sergeant Peralta's body was loaded onto the AAV and was moved out of the city. I am unaware of the location where his body was taken.

In my own opinion, based on what I saw, if Sergeant Peralta had not done what he did that day, based on where the grenade landed inside of living room 1, in relation to where (b)(6), (b)(7)(c) and myself were standing, we would have sustained serious if not fatal injuries. My own belief is that Sergeant Peralta gave his own life, knowingly, and consciously to save the lives of the others in that house.

I have personal knowledge of the foregoing events. I have reviewed the foregoing statement as to form and content and made any revisions I desired. I swear this statement is true and correct to the best of my knowledge, except as to such matters which are stated under information and belief, and as to such matters I believe them to be true.

Date: 20 December 2004

(b)(6), (b)(7)(c)

Attested and sworn to before me on 20 December 2004 in Fallujah, Iraq, by (b)(6), (b)(7)(c) USMC.

Date: 20 December 2004

(b)(6), (b)(7)(c)

ENCLOSURE(10)

Pages 90 through 107 redacted for the following reasons:

(b)(6), (b)(7)(C), handwritten statements

Summary of Telephonic Interview with

(b)(6), (b)(7)(c)

USMC

Of 21 December 2004

On 21 December 2004 I, (b)(6), (b)(7)(c) interviewed (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) USMC, 1st Fire Team, 2nd Squad, 1st Platoon, Alpha Company, Battalion Landing Team 1st Battalion, 3rd Marine Regiment (BLT 1/3). The interview commenced at approximately 2026, local time, Camp Owen (IVO the City of Fallujah), Iraq.

I telephoned via the Kaneohe Bay operator to the two following numbers: (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) I confirmed the individual I was speaking with was (b)(6), (b)(7)(c). Our connection dropped three times during the call, twice due to the fact (b)(6), (b)(7)(c) only landline phone was a cordless phone and the batteries were cutting out and the third time for good when his cell phone cut out. When the line cut out the final time, I called back twice attempting to re-establish and got voice mail both times. I left a message stating I would attempt to reach (b)(6), (b)(7)(c) the same numbers at the same time the following day. The interview was complete through the point of where (b)(6), (b)(7)(c) had run out of the "contact house." I had but a few follow-up questions, but got voice mail again the following day. Deciding I had enough for the purposes of this inquiry, no further attempt was made at contact. The following are my notes of this interview.

(b)(6), (b)(7)(c) knew Sgt Peralta as the Plt Guide. On 14 Nov 04, Peralta linked up with 2nd Sqd, 1st Plt, A Co, BLT 1/3. Peralta was the Guide for that plt. Peralta had been with 1st Sqd and showed up carrying bolt cutters. This was in the late afternoon. Peralta spent about 4-5 hours with the Sqd. The Sqd Ldr for this squad is (b)(6), (b)(7)(c). The Sqd quit clearing houses around dark. It had finished the block of houses.

The Sqd then set up a Sqd CP in a house and set security, got sleep. Peralta was with them through the night and set up a 3rd Fire Team to include himself and the two combat camera Marines who were with the sqd.

15 Nov 04 – The sqd dropped off its packs at the plt CP down the street, got water and started clearing houses. Had contact on the 4th house (contact house). This was the first insurgent contact in a house this squad or platoon had had since first entering the city. Peralta was with them at the contact house. Normal breaching order for (b)(6), (b)(7)(c) fire team (stack order) is (b)(6), (b)(7)(c) pointman/breacher, (b)(6), (b)(7)(c) (SAW), (b)(6), (b)(7)(c) (sn ldr), (b)(6), (b)(7)(c) (A-Gunner), (b)(6), (b)(7)(c) (sqd ldr) would be wherever. Then came (b)(6), (b)(7)(c) pointman for fireteam 2). Peralta was near the end of our stack. During the breach of the contact house there was no change in the normal order.

(b)(6), (b)(7)(c) began breaching the house by kicking in the front gate. He then kicked in the front door. He found himself in a little room with two doors. The door directly ahead of him was locked so he tried the one to his right. It opened. He knew from previous house

Enclosure (16)

Summary (b)(6), (b)(7)(c) Interview, page 1 of 5

breaches that when one door to a room is locked, often there is another door to the same room. When he opened the second door he was in what he called the "Dining Room". There were a set of larger, double doors to his left leading into the room he was previously trying to enter through the locked door. The doors are closed and there is a couch in front of them (b)(6), (b)(7)(c) proceeds forward. There are two more doors or doorways in the room, one directly ahead of him and one to the left of that which also leads into the closed room to his left.

(b)(6), (b)(7)(c) approached these two doorways, he could tell the room ahead of him was some kind of kitchen and the door leading to it was either already open or did not have a door at all (Interviewer's note (b)(6), (b)(7)(c) is the only witness to state the "kitchen door" may not have had a door at all. Others state it was closed or ajar and one other states it was open, but that it did have a door). He states he never got into that part of the house. He took the door to its left into another, larger living room he calls the "big room." He now heads through the big room towards the locked door he first tried entering through. He got about midway through the room with the double doors now on his left when he heard gun fire.

At first he could not tell if the firing was friendly fire or not, but he figured it out. The firing was rapid, a couple of bursts, then stop, then couple bursts, then stop, etc. He sees (b)(6), (b)(7)(c) come through the double doors into the big room and (b)(6), (b)(7)(c) kneels on one knee near the end of the double doors closest to the "locked door" he first tried to open to gain entrance to the big room in which he now found himself. He states (b)(6), (b)(7)(c) opens or kicks in the double doors and is now at the opposite end of the double doors from himself. He's closest to the locked door and (b)(6), (b)(7)(c) is closest to the "kitchen door." He does not know what became of the couch, if it was moved, pushed, knocked aside or what. (Interviewer's note (b)(6), (b)(7)(c) is the only witness to state these double doors were closed on entry and that there was a couch in front of them. Upon review of the house and pictures taken on the day of the event, there are several pieces of furniture in the "big room" to include several couches and a couple chairs (b)(6), (b)(7)(c) does not recall just how the couch had been previously blocking the double doors from the dining room side, but it was and (b)(6), (b)(7)(c) came through it. He (b)(6), (b)(7)(c) had been somewhere in the Dining Room near the couch.

The Kitchen was the source of the firing, but (b)(6), (b)(7)(c) never got back there (b)(6), (b)(7)(c) bases this statement on the source of the sound of the firing. He asks (b)(6), (b)(7)(c) if he can see anything and (b)(6), (b)(7)(c) replies, "No." From where he is at a knee (b)(6), (b)(7)(c) can see in the big room, the living room and the entrance of the house (if he were to turn his head right over his right shoulder (b)(6), (b)(7)(c) is on a knee at his end of the double doors (end nearest the locked door) and (b)(6), (b)(7)(c) is on a knee at his end of the double doors (end nearest the kitchen (b)(6), (b)(7)(c) is looking towards what he believes is the source of the fire, where (b)(6), (b)(7)(c) just came from (b)(6), (b)(7)(c) then tells (b)(6), (b)(7)(c) to pull back to where he is and (b)(6), (b)(7)(c) does (b)(6), (b)(7)(c) tells (b)(6), (b)(7)(c) to cover the door to his front (the one between the dining room and the big room), while (b)(6), (b)(7)(c) covers where (b)(6), (b)(7)(c) came from, towards the kitchen (b)(6), (b)(7)(c) is still at his end of the double door.

Then Sergeant Peralta comes into the big room from the dining room and fell to the ground (b)(6), (b)(7)(C) says that (b)(6), (b)(7)(C) should be next behind (b)(6), (b)(7)(C) in the stack, followed by (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) does not recall seeing either (b)(6), (b)(7)(C) in either room. Just Peralta.

(b)(6), (b)(7)(C) returned fire at first until (b)(6), (b)(7)(C) told him to pull back. (b)(6), (b)(7)(C) also shot towards the kitchen. Then Peralta came in. (b)(6), (b)(7)(C) states he had stopped firing before Peralta came in. Peralta was coming from (b)(6), (b)(7)(C) right-to-left in front of him. (b)(6), (b)(7)(C) was still hearing bursts of fire coming from the kitchen. (b)(6), (b)(7)(C) says Peralta was "walking, I think just trying to get in my room." (b)(6), (b)(7)(C) states he never heard Peralta saying anything, was not yelling or running. He just walked into the room and went down.

(b)(6), (b)(7)(C) says Peralta went down because of a gunshot. He did not see the gunshot, wear Peralta was hit or where the shot came from.

(b)(6), (b)(7)(C) runs up to Peralta and yells, "corpsman up!" Peralta's body was all the way in the big room. (b)(6), (b)(7)(C) saw a little pool of blood above shoulder height. At this point (b)(6), (b)(7)(C) only aware of himself, (b)(6), (b)(7)(C) and Peralta in the house. He never saw (b)(6), (b)(7)(C) and never saw (b)(6), (b)(7)(C) run up to Peralta (Interviewer's note: only (b)(6), (b)(7)(C) says he (b)(6), (b)(7)(C) ran up to Peralta).

(b)(6), (b)(7)(C) states he was standing on the other side of some furniture. When Peralta first went down, (b)(6), (b)(7)(C) could not see all of him because furniture blocked his view, which is one reason he ran up to Peralta. Now (b)(6), (b)(7)(C) is looking down at Peralta over some furniture. He can see Peralta and yells "corpsman" three times and then see the grenade.

"They" throw a grenade through the door I used to enter the big room (the same door (b)(6), (b)(7)(C) was told to watch). (b)(6), (b)(7)(C) had pulled back as previously stated. So when (b)(6), (b)(7)(C) checks Peralta, (b)(6), (b)(7)(C) is to his rear ("right on my ass").

(b)(6), (b)(7)(C) says "They" meaning insurgents (plural), because the bursts sounded like more than one weapon firing.

Grenade (b)(6), (b)(7)(C) saw it. Looked like one of those old coconut grenades except orangish yellow in color. It came in flying in the air. He saw it hit the ground and he turned away counter clockwise and ran towards the locked door but realized it was locked and the window to the right of it had bars on it. (b)(6), (b)(7)(C) was already in that same corner of the room. (b)(6), (b)(7)(C) is not quite sitting on (b)(6), (b)(7)(C) but they are "really, really close" together facing toward the grenade.

(b)(6), (b)(7)(C) does not know why he chose to face towards the grenade. He recalls thinking it was taking the grenade a long time to go off. The grenade seemed to have a long fuse. (b)(6), (b)(7)(C) wasn't expecting to make it to the corner of the room where he ended up because he expected the grenade to go off sooner, if not immediately. Once he reached the locked corner of the room, neither he nor (b)(6), (b)(7)(C) had anywhere to go. So both huddled down. (b)(6), (b)(7)(C) was looking at the grenade.

(b)(6), (b)(7)(c) states he was sitting on the deck, hands on his weapon, weapon between his legs, legs in front of him bent at the knees. He was looking at the grenade because he was expecting it to go off. (b)(6), (b)(7)(c) was behind him but (b)(6), (b)(7)(c) head was above his ("higher") (b)(6), (b)(7)(c) does not know if (b)(6), (b)(7)(c) was squatting or what.

(b)(6), (b)(7)(c) **sees Peralta's arm move, so he knows Peralta was still moving.** By being down and further back, now he could see under the furniture between himself and Peralta, whereas before, when he was closer and higher, the furniture blocked his view.

(b)(6), (b)(7)(c) states Peralta was facing left, towards (b)(6), (b)(7)(c). (b)(6), (b)(7)(c) says he could see Peralta's eyes. Peralta is laying stomach side down (b)(6), (b)(7)(c) does not recall where Peralta's weapon was.

(b)(6), (b)(7)(c) states when he first went up to Peralta, Peralta was facing left (Interviewer's note: only (b)(6), (b)(7)(c) state Peralta was facing left. Others state he was facing right or can't tell which direction he was facing).

At all times when Peralta was down, his body was oriented with the head end pointed further into the big room and the feet end pointed back into the dining room.

(b)(6), (b)(7)(c) is looking at the grenade, which is above Peralta's head. The grenade is above and to the left of Peralta's head (b)(6), (b)(7)(c) can see the entire grenade, which is about one foot from Peralta's head.

Peralta's eyes are open and that's when (b)(6), (b)(7)(c) sees Peralta reach up. At no time did Peralta say anything. Nor did Peralta ever say anything while in the room. **Peralta did make a "grunt" sound like "er" or "ugh" as he was reaching up.**

As Peralta was reaching up (b)(6), (b)(7)(c) could not tell where Peralta was looking (b)(6), (b)(7)(c) thinks Peralta reached up with the arm that was closest to (b)(6), (b)(7)(c) (making it the left arm). Do not recall seeing where Peralta's weapon was after he fell (b)(6), (b)(7)(c) **only noticed Peralta's arm moving once the arm was above Peralta's head (above in the sense it was above his head on the floor, not "over" his head as if in the air).**

After Peralta reaches up with his arm (b)(6), (b)(7)(c) looks down, closes his eyes and tilts his head down, with the remainder of his person remaining as previously described (b)(6), (b)(7)(c) states he looked down at this time because he is still expecting the grenade to go off.

The grenade goes off (b)(6), (b)(7)(c) did not continue to observe Peralta's arm movement because he had looked down in expectation of the grenade going off.

After the grenade goes off (b)(6), (b)(7)(c) opens his eyes. There is a big dust cloud in the air and he feels a stinging in his ass (Interviewer's note (b)(6), (b)(7)(c) received multiple shrapnel wounds to his hind quarters and buttocks).

(b)(6), (b)(7)(C) then said to (b)(6), (b)(7)(C) "Let's go" and they took off (b)(6), (b)(7)(C) lead them out through the double doors between the big room and the dining room, cutting around the corner nearest them and out the entrance to the house.

(b)(6), (b)(7)(C) does not recall seeing any other Marines on his way out of the house, but states other Marines came up to him afterwards and told him they saw him running past them.

(b)(6), (b)(7)(C) ran out of the house and across the street to the platoon CP, with (b)(6), (b)(7)(C) then took his pants down and started washing blood off himself due to shrapnel (b)(6), (b)(7)(C) states he knew (b)(6), (b)(7)(C) was injured and heard that it was shrapnel in the arm. He also learned that (b)(6), (b)(7)(C) (pointman for second fire team) had been shot "twice" in the arm. (b)(6), (b)(7)(C) states he believes (b)(6), (b)(7)(C) must have been in the "other" room (dining room).

At this point I and (b)(6), (b)(7)(C) lost telephone connectivity for the third and final time and I was unable to re-establish communications as described above.

(b)(6), (b)(7)(C)

Pages 113 through 114 redacted for the following reasons:

(b)(6), (b)(7)(C), handwritten statement

Summary of Telephonic Interview with

(b)(6), (b)(7)(c)

USMC

Of 22 December 2004

On 22 December 2004 I, (b)(6), (b)(7)(c) interviewed (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) USMC, a combat cameraman formerly attached to 2nd Squad, 1st Platoon, Alpha Company, Battalion Landing Team 1st Battalion, 3rd Marine Regiment (BLT 1/3). The interview commenced at approximately 1740, local time, Camp Owen (IVO the City of Fallujah), Iraq.

I telephoned via the tactical phone net (TAC) to 3220-120 (b)(6), (b)(7)(c) work space at Camp TQ). I confirmed the individual I was speaking with was (b)(6), (b)(7)(c). Our connection dropped three times during the call, but we were able to re-establish communication on each occasion and complete the interview, which ended approximately 2323, 22 December 24, 2004. (b)(6), (b)(7)(c) confirmed he has previously provided both a written statement written on the day of this incident, as well as authoring the news article bearing his name and enclosed with this inquiry.

(b)(6), (b)(7)(c) was with BLT 1/3 from early November until approximately 22 November 2004. He spent his entire time with BLT 1/3 with Alpha Company, tagging along with one platoon or another as the situation allowed. He was with the BLT before D-Day for approximately two weeks in the City of Fallujah. He is a combat cameraman and linked up with 2nd Squad, 1st Platoon, Alpha Company, BLT 1/3 sometime after dark on 13 Nov 04. He states his training is to both write and take photographs but while with BLT 1/3 his job was only photography, to capture images and document the battle. Another combat cameraman (b)(6), (b)(7)(c) also joined Alpha Company at the same time and his job was to video tape.

(b)(6), (b)(7)(c) states that on 13 Nov 04 his camera batteries had died. His rucksack was aboard one of the AAVs, as were his spare batteries. So by the time he linked up with 2nd sqd, he was just clearing houses and not taking photos.

By 14 Nov 04, he states his position in the "stack" (order of march for breaching houses), "floated around." Most often he would shadow LCpl Brown, who was the A-Gunner for 1st Fire Team and the fourth man in that fire team's "stack." Otherwise, he cannot say how his position in the stack was determined and that he "just fell in."

His first recollection of Sgt Peralta being with 2nd Sqd is on 14 Nov 04. (b)(6), (b)(7)(c) did not know Peralta was the platoon guide. (b)(6), (b)(7)(c) recalls that his sqd was at only a two fire team strength, instead of the normal three fire teams. He recalls Peralta remained with 2nd sqd the night of 14 Nov 04. He believes it was Peralta who formed a 3rd fire team out of (b)(6), (b)(7)(c) the corpsman and himself. The sqd ldr, (b)(6), (b)(7)(c) may have been a part of the provisional 3rd fire team as well. They stood post and got sleep.

(b)(6), (b)(7)(c) states his sqd arose at first light on 15 Nov 04. They did hygiene, got chow and waited for orders to move out. (b)(6), (b)(7)(c) would give the word on what they were doing. Same as any other day, "we're here; we're going there and clearing houses."

(b)(6), (b)(7)(c) thinks they had cleared 1-3 houses before reaching the "contact house" (house in which the sqd received hostile fire). For 15 Nov 04, (b)(6), (b)(7)(c) to get behind (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) recalls he and first fire team holding their stack order for houses 1-3. He thinks they received contact on the 4th house. He thinks they had been clearing houses 1-2 hours before reaching the contact house.

(b)(6), (b)(7)(c) recalls Peralta had the bolt cutters and would be in the squad stack, but not sure where. If a bolt needed cutting, he'd come up and cut it and then move back. For houses 1-3, Peralta was not in front of (b)(6), (b)(7)(c) in the sqd stack. (b)(6), (b)(7)(c) recalls the order being (b)(6), (b)(7)(c) perhaps (b)(6), (b)(7)(c) did not know the Marines well, or by name or sight, since he was relatively recent to the platoon), then (b)(6), (b)(7)(c) says he was always behind (b)(6), (b)(7)(c). He thinks the corpsman may have been behind him.

(b)(6), (b)(7)(c) states that the stack order can change between when the front gate of a house is breached and prior to breaching the entrance door. The sqd will typically set some security prior to the breaching of the entrance door and the Marines performing security are not always the same.

After leaving the previous house (the last house immediately before the "contact house"), Peralta is now in front of (b)(6), (b)(7)(c) in the stack. (b)(6), (b)(7)(c) cannot recall the specific stack order or just how far in front of him Peralta is. He knows that (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c) are also all ahead of him in the stack. The next time he sees Peralta is in the contact house.

The entryway to the contact house had a porcelain sink or wash basin (the "sink room"). Once inside it had 3 doors: the entrance you came through, a door directly ahead leading ultimately to a big living room (the "big room"), and a door to the right leading into a living room/dining room (the "living room"). There is a wide opening between the big room and the living room (it may have had French doors, or an accordion door or double doors or no doors but (b)(6), (b)(7)(c) recalls it was open). To the right of this wide space if one is standing in the living room looking into the big room is another door which adjoins the big room with the living room. To the right of this adjoining door is another door which leads into a kitchen area. (b)(6), (b)(7)(c) calls this last door the "Peralta" door since he recalls Peralta being the one to open it or near it when it opens.

(b)(6), (b)(7)(c) states the one to first breach the contact house entrance was probably (b)(6), (b)(7)(c). (b)(6), (b)(7)(c) opened the door and a new Marines enter the sink room. The tempo is the first two Marines would stay really close together but after that Marines just kind of filter for flow through and get ready to go to the next room because the room they are all in is already clear. They try not to bunch up.

(b)(6), (b)(7)(c) states he entered the sink room behind others, and went through the right door into the living room. He recalls the door in the sink room leading into the big room being "open." (Interviewer's note: Both (b)(6), (b)(7)(c) specifically state that door was locked, which is why they tried the other door and went into the living room).

(b)(6), (b)(7)(c) states he would normally just shadow the guy in front of him but back enough to stay out of the way. He states, as a combat cameraman, he does not have the same level of experience clearing houses as the grunts. So he would try to learn from them, defer to their experience, maintain his flow, tempo and interval and stay out their way, helping when and how he could.

(b)(6), (b)(7)(c) was armed with a standard issue M16A2 with iron sights. He had added an extra magazine pouch to the buttstock of the weapon, but the pouch was empty because he had placed that magazine in the weapon, carrying extra mags elsewhere on his person. He was not carrying his camera. He is right handed.

(b)(6), (b)(7)(c) entered the sink room and flowed right into the living room. He flowed into the living room out of habit because that would be the best position to normally get a picture of a Marine kicking in a door. So even though he did not have his camera, he continued the habit. He flowed into the living room and stopped sort of in the middle of the living room and to the right (using the point of entry as a reference for right and left). At this point he is looking at the closed door leading into the kitchen (the Peralta door). He stops because the Peralta door is closed and based on the situation, that would be the next step – the next place they would go through.

(b)(6), (b)(7)(c) states (b)(6), (b)(7)(c) was to the left of the Peralta door with his SAW. He thinks (b)(6), (b)(7)(c) was near. He states (b)(6), (b)(7)(c) was in the living room as well (b)(6), (b)(7)(c) was somewhere off to (b)(6), (b)(7)(c) left, but cannot tell if he is in the living room as well or in the big room, but in any event, to his left.

(b)(6), (b)(7)(c) can tell there are more people in the living room as well but cannot say who or how many. There also may have been people in the big room.

Peralta is in the living room. (b)(6), (b)(7)(c) first notices him by the closed door to the kitchen (the Peralta door). (b)(6), (b)(7)(c) and another Marine are stacked to the left of this door as you are looking at it. Sgt Peralta is now standing in front of this door, and appears about to open it. (b)(6), (b)(7)(c) sees Peralta's hand on the door handle. (b)(6), (b)(7)(c) is 90% sure there was at least one other Marine stacked to the left of the Peralta door.

Once inside a residence, (b)(6), (b)(7)(c) says the "stack order" breaks down. People do what is needed and it does not have to be the same Marine doing the same thing each time. The Marine who is closest to the next door, once a room is cleared, may be the one to breach it. He states he, himself, has opened or breached doors simply because he was closest at hand at the time.

Peralta and (b)(6), (b)(7)(c) were approximately the same distance from the Peralta door. Then the door opens. (b)(6), (b)(7)(c) cannot state whether it opens because Peralta opens it, or (b)(6), (b)(7)(c) opens it or if someone on the opposite side opens it. But it opens and he believes it was Peralta who opened it (Interviewer's note: (b)(6), (b)(7)(c) is the only witness to state it was Peralta who opens this door. (b)(6), (b)(7)(c) specifically states it was himself who opened this door).

When the door opened it opened all the way and it stayed open. Almost immediately there is gun fire from within. The firing was "pretty continuous." It was not the kind of "empty the magazine" type of firing but it was also more than 3 round bursts. It was continuous. (b)(6), (b)(7)(c) could tell it was more than one weapon firing.

(b)(6), (b)(7)(c) saw one insurgent in a room off to the left of the Peralta door (which he learned upon subsequent re-entry of the residence after the fire fight to be a bedroom) which he calls the "bedroom." He also saw another insurgent off to the left in the rear of the house. There was another room to the right of the bedroom. (b)(6), (b)(7)(c) is not sure what that room was and calls it the "unknown room." (b)(6), (b)(7)(c) saw a third insurgent by the fact he could see the muzzle of a weapon sticking out from the right of the Peralta door doorway (from what he later learned was a stair well leading up to the residence's second story).

After the firing started, (b)(6), (b)(7)(c) says at first he did nothing. "I stood there and did nothing, then it hit me, 'holy shit, people are shooting at us!'" (b)(6), (b)(7)(c) then fired off 5 shots from his weapon. He states the first shot was well aimed over the sights at the bedroom. For the other 4 shots the rifle was in his shoulder aimed at the bedroom. Then another Marine came towards him and (b)(6), (b)(7)(c) stopped firing. The other Marine did bump into him and he almost fell but didn't. But then he had trouble getting his weapon back up to re-engage and there were people running all around the room so he did not have a clear line of fire. So he asked himself what he should do and he sees Peralta on the ground.

Someone screamed "frag" or "grenade" and Marines in the big room scrambled and (b)(6), (b)(7)(c) saw a grenade come into the big room. It came from right to left as he was looking into the big room. **It bumped or bounced and then rolled and then** (b)(6), (b)(7)(c) **saw Peralta "scoop" the grenade towards himself.**

(b)(6), (b)(7)(c) said to himself, "Shit! That's a grenade!" and ran to the right rear corner of the living room and "hunkered down" (if the entrance from the sink room to the living room is the "rear", (b)(6), (b)(7)(c) was in the corner to the right of the entrance from the sink room). Then the grenade went off.

Looking around now (b)(6), (b)(7)(c) saw Marines making their way to the exit through the sink room. (b)(6), (b)(7)(c) said to himself, "Time to get out" and "hailed ass."

At first when Peralta was moving back from the Peralta door it was like he was scrambling, but then he staggered. It appeared Peralta saw the insurgents and tried to

back off. (b)(6), (b)(7)(c) doesn't know if gun fire impacted Peralta's sapi-plate or what but it he was scrambling backwards and then staggering.

When Peralta fell, his body (head) was pointed towards the wall inside the "big room" at about the 1130 position (if one is standing in the middle of the living room facing directly into the big room, the wall beyond the big room is the 12 o'clock position for point of reference, making Peralta's feet in roughly the 6 o'clock position pointing back towards the living room).

The grenade was round but not a circle. It was "ovular," about the same shape as old World War II pineapple grenades but it wasn't a pineapple grenade. It's dimensions from top to bottom were about 3.5 inches in height, but he's not sure. At it's thickest part it is smaller than a person's wrist in width. Overall it would not fit in his palm (if layed on its side on his palm, each end would extend beyond the palm). The color of the grenade was "yellow."

(b)(6), (b)(7)(c) thinks only one person yelled "frag" or "grenade", but it could have been more than one person. Also, the explosion from the grenade was not as loud as he was expecting it to be. Not that he's heard many grenades, but it just wasn't that loud.

(b)(6), (b)(7)(c) **thinks the grenade was on Peralta's right side. He also think Peralta scooped the grenade with his right arm. (b)(6), (b)(7)(c) did not see any other part of Peralta's body move. The arm moved and (b)(6), (b)(7)(c) turned to run and lost sight of Peralta as he was "scooping."**

Peralta's arm looked like it was going up towards his head as though attempting to snare the grenade, and then (b)(6), (b)(7)(c) turned away. (b)(6), (b)(7)(c) ran to the corner of the room and faced just to the right of the corner slightly towards the entrance to the room (towards the sink room), and doubled over at the waist, bending at his knees.

From the time he first "frag" or "grenade" until the time of the explosion it seemed like a long time but in all reality he doesn't know if it was as long as it seemed. Time seemed different. The grenade seemed like an eternity. "Forever."

Next everyone was moving, yelling and taking off. (b)(6), (b)(7)(c) ran out of the house and out the front gate of the contact house. He stopped, looked around, saw where people where headed and ran to the platoon CP. He and (b)(6), (b)(7)(c) (combat videographer) stopped at the corner of the wall around the CP and waited to see. Somebody, probably (b)(6), (b)(7)(c) shouted to get inside the CP. There was a gate that was partially down close to them and (b)(6), (b)(7)(c) didn't realize it was rigged with a "flash/bang" by the Marines and (b)(6), (b)(7)(c) tripped it and it exploded next to his boot. After that, they ran around into the CP.

They had left Peralta behind in the building. The first thing on everybody's mind was to go back and pull him out. Pretty much everybody who was available went back. They went back in the house. (b)(6), (b)(7)(c) does not remember how they got back in or what they did.

(b)(6), (b)(7)(c) does remember having to get out of another Marine's way at the entrance to the contact house because that Marine was pulling Peralta's body through the front door into the courtyard. Peralta's rifle was still slung on his body and it was catching on the door and the other Marine said, "Don't just stand there, help me," and (b)(6), (b)(7)(c) helped him move the rifle out of the way.

(b)(6), (b)(7)(c) remembers forming up outside the gate for a second time to go back into the contact house. When he got there to form up, there was a Marine already there.

(b)(6), (b)(7)(c) does not remember if Peralta still had his Kevlar helmet on when he was being brought out of the contact house. (b)(6), (b)(7)(c) does remember that there was blood on the rifle. The rifle is supposed to be black and he saw red, so there was enough blood on it to tell it was blood (Interviewer's note: the Bn Adj spoke with the supply chain and learned the weapon was serviceable and has since been cleaned and re-issued. This unit has been unable to locate the Kevlar for further inspection and it is believed to have been disposed of. At least one witness states he recalls viewing the Kevlar and it appeared bloody and damaged.)

(b)(6), (b)(7)(c) remembers traks (AAVs) outside the gate after Peralta was brought out of the house and saw Peralta being placed in one of the AAVs. (b)(6), (b)(7)(c) pack was on one of the AAV's and he retrieved it, replaced the batteries in his camera and later went back into the contact house (for what was now the third time), this time with EOD and his camera and took pictures. He photographed some of the rooms and ordnance found in the building. He went straight to the rear of the house where the insurgents had been and took pictures while EOD removed ordnance. He didn't want to go back to where Peralta had fallen but talked himself into it, for some reason thinking he should take a photo. He took a picture of the spot where Peralta fell. Someone had lain a sheet or piece of cloth over the spot, partially covering it, but not really covering it and blood was very visible.

(b)(6), (b)(7)(c) still had the photographs he took and agreed to email them to the Bn Adjutant's account for purposes of this inquiry. The photographs are attached to this summary (there were a total of 10, but three are of poor quality and unclear, so only seven are attached).

(b)(6), (b)(7)(c) stated he had nothing else to add to this interview and that his statement to me was his best recollection of these events.

(b)(6), (b)(7)(c)



Attachment A to Enclosure (17)

Picture taken on 15 Nov 04 by (b)(6), (b)(7)(c) of weapons cache in "bed room"



Attachment B to Enclosure (17)

Picture taken on 15 Nov 04 by (b)(6), (b)(7)(c) of weapons being recovered by EOD and staged



Attachment C to Enclosure (17)

Picture taken on 15 Nov 04 by (b)(6), (b)(7)(c) of EOD staging recovered weapons from "contact house" with another room beyond and rear exit to house to the left



Attachment D to Enclosure (17)

Picture taken on 15 Nov 04 by (b)(6), (b)(7)(c) of EOD staging recovered weapons in the "kitchen" area of the "contact house" with another room beyond and rear exit to house to the left and another door to the right, under the stairway. From Post-house-rubbling photos, the door directly ahead (and dark) is the entrance to the actual kitchen of the house.



(b)(6)

Attachment E to Enclosure (17)

Picture taken on 15 Nov 04 by (b)(6), (b)(7)(c) of spot where Sergeant Peralta fell and from which he was subsequently recovered in "big room." The entryway between this room and the "living room" is between the two chairs to the left of the picture. There is a door from this "big room" into the "sink room" out of sight in the extreme upper left of the photograph. The marks on the floor leading away from the cloth indicate the direction of removal of Peralta from the room.



Attachment F to Enclosure (17)

Picture taken on 15 Nov 04 by (b)(6), (b)(7)(c) of AK-47 magazines on floor of "contact house"



Attachment G to Enclosure (17)

Picture taken on 15 Nov 04 by (b)(6), (b)(7)(c) of food stores and bunk beds in "unknown room" of "contact house"

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

(01) Report Type: INIT

(02) Casualty Type: HOSTILE

(03) Casualty Status: DECEASED

(04) Report Number: DIV3586

(07) Category: ACTIVE DUTY/

(08) SSN(New/Old): (b)(6), (b)(7)(c)

(09) Name(Last/First/Middle/Sfx): PERALTA/RAFAEL//

(11) Date/Place of Birth: 19790407///US

(12) Rank: Sgt

(13) Service/Component: USMC/REGULAR

(14) Organization/Station: A CO, 1ST BN, 8TH MAR, RCT-7, 1ST MARDIV {13110}

(15) Duty MOS/AFSC: 0311

(25) Home of Record: SAN DIEGO/CA/

(36) Date/time of Incident: 20041115/0915//

(37) Place of Incident: FALLUJAH//IZ

(39) Circumstances: SGT PERALTA SUSTAINED A GUNSHOT WOUND TO THE CHEST FROM SMALL ARMS FIRE AND A SHRAPNEL WOUND TO HIS HEAD FROM AN EXPLOSION WHILE CONDUCTING COMBAT OPERATIONS IN THE AL ANBAR PROVINCE. SGT PERALTA DIED OF WOUNDS (DOW) WHILE ENROUTE TO BRAVO SURGICAL COMPANY. HE WAS PRONOUNCED DECEASED AT 0915/041115 BY (b)(6), (b)(7)(c) ATTENDING PHYSICIAN. NOK HAS NOT BEEN NOTIFIED. PURPLE HEART IS RECOMMENDED. THIS IS A FINAL PCR.

(40) Inflicting Force: ENEMY FORCES

(57) Date/Time of Death : 20041115/0915 (Confirmed)

(61) Additional Remarks: REQUEST CACOS TACTFULLY INFORM NOK THAT WHEN THE MEDIA IS ALERTED TO SPECIFIC INFORMATION ABOUT A CASUALTY (INFORMATION SUCH AS LOCATION, SPECIFIC INJURIES, UNIT, ETC.), IT PROVIDES THE ENEMY AN IMMEDIATE BATTLE DAMAGE ASSESSMENT (BDA), NOT OTHERWISE AVAILABLE TO HIM. THIS TYPE OF INFORMATION GIVES THE ENEMY THE ABILITY TO INFLICT FURTHER CASUALTIES ON FORCES IN THE THEATER.

(70) Software Version: DCIPS Forward - Version 3.2 ; DB - Version 1.2M

Supp. Item(s): 10, 24, 30, 31, 32, 33, 34, 35, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59,
 □



DEPARTMENT OF DEFENSE
ARMED FORCES INSTITUTE OF PATHOLOGY
WASHINGTON, DC 20306-6000



December 21, 2004

REPLY TO
ATTENTION OF

Office of the Armed Forces
Medical Examiner

(b)(6), (b)(7)(c)

Battalion Landing Team 1/3
Fallujah, Iraq

Dear (b)(6), (b)(7)(c)

As requested, enclosed is a copy of the Preliminary Autopsy Report Protocol in the case of SGT Rafael Peralta, SSN (b)(6), (b)(7)(c). These findings are preliminary, and subject to modification pending further investigation and laboratory testing.

I understand that this report will be used as part of an investigation into SGT Rafael Peralta's death. I realize that there is a possibility that some of the terminology used therein may be unfamiliar to you. If you have questions regarding any portion of the report provided, please do not hesitate to call me at (b)(6), (b)(7)(c). You may also contact me via e-mail at the following address: (b)(6), (b)(7)(c).

As these are copies of the reports, there is no need to return them to our office. If you need any further assistance, please do not hesitate to contact me.

Sincerely,

(b)(6), (b)(7)(c)

Commander, Medical Corps
United States Navy
Armed Forces Medical Examiner

Enclosure (19)
1 of 3

Pages 130 through 133 redacted for the following reasons:

(b)(6)

Not a USMC record, referred to AFIP.

The following statement is based on (1) my interpretation of the findings of the enclosed formal autopsy (2) my examination of Sgt Peralta's body, which occurred at the field Battalion Aid Station approximately 30 minutes after his injury (3) my examination of his flak jacket on 22 DEC 2004 (4) the witnessed accounts of the death of Sgt Peralta contained within the investigation folder.

The autopsy details the cause of death: gunshot wound to the back of the head.

ENTRANCE AND TRAJECTORY:

The gunshot wound entered the occipital area of the head "tangentially," meaning not straight on. It caused a depressed, "pushed in" entrance wound, creating multiple skull fragments. As a result, the trajectory entrance path of the bullet is inconclusive. In Figure 1, this is depicted by an arc of approximately 160 degrees, representing possible angles of entry that are tangential to the curvature of the skull. Therefore, he was shot from behind at an undetermined side angle.

EXIT:

No exit wound.

BULLET PATHWAY AND END POINT:

The path of the bullet is depicted in Figure 1, with an end point in the right brain.

DAMAGE:

The bullet penetrated the skull, dura, and arachnoid, which are tissues covering the outside of the brain. It caused bleeding on the outside and inside of the brain, in the areas of both left and right occipital lobes and the cerebellar area, as it passed through its course. The first area of the brain encountered was the left occipital lobe, which was macerated, essentially destroyed. Lacerations were noted along the rest of the pathway, going through the right temporoparietal area (see Figure 1).

Based on this report of damage, and areas affected, it is conceivable that Sgt Peralta had intact cognitive and motor function for 30 seconds or more after his brain injury. The left occipital lobe of the brain primarily functions in vision. Destroying this area would disturb vision, most likely causing a loss of ability to see the right half of each eye's visual field, as well as the center. However, the left visual field would most likely be preserved. This visual deficit is depicted below, oriented as if one was looking out through the circles, with the right and center fields of vision blacked out, but the left fields intact and clear.



Figure 3

Enclosure (21)
3 of 4

As the bullet moved into the right parietal and temporal areas, Sgt Peralta would likely have lost some motor function on his left side. It is not possible to know how much ability to move his left side remained intact, but since this area was lacerated, rather than macerated and completely destroyed, he likely retained some ability to move his left side, as well as his right. His frontal lobes were not affected by the bullet path, meaning his ability to perform higher functioning tasks such as recognizing a situation and willfully responding was intact. It is possible and likely that some of his hearing was intact in the 30 seconds following his injury.

OTHER INJURIES:

Figure 2 shows multiple penetrating ballistic injuries, entering the left face from the front and breaking and lodging in the facial bones, without entering the cranium or brain. These did not contribute to his death.

He also had "too-numerous-to-count" superficial fragment wounds to the face, groin and extremities. The examination of the body documented at Camp Fallujah Mortuary Affairs specifically points to numerous shrapnel injuries to the right wrist.

Examination of his flak jacket reveals numerous shrapnel fragments on the left side, most densely grouped at the left mid-chest, with fewer fragments superiorly and inferiorly. There are a few fragments in the groin protector. These fragments do not appear to have penetrated through the flak jacket. They are consist with the relatively low velocity fragments that entered the left side of his face, lodged in the facial bones, but did not penetrated through to the brain.

SUMMARY:

Sgt Peralta died from a gunshot wound to the back of the head, which lodged in his brain. Based on the path of the bullet and documented damage, it is possible and most likely that Sgt Peralta did not suffer instantaneous death or immobilization. Instead, he had visual impairment, but not total blindness, progressing to primarily left-sided motor dysfunction. It is possible that he could willfully move his body in the seconds following this eventually fatal brain injury.

(b)(6), (b)(7)(c)

Battalion Landing Team 1/3 Surgeon

Note:

I am licensed to practice medicine by the Commonwealth of Virginia. I am a General Medical Officer assigned to the Marine Corps. I am not a certified medical examiner, pathologist, or neurologist. This statement is my interpretation of formal autopsy results, a translation into more easily understandable vernacular, and an informed assimilation of medical findings and possible actions by the deceased.

Enclosure (21)
yafy

Dec 24 2005

On December the 23rd I, (b)(6), (b)(7)(c) responded to a request by Battalion Landing Team 1 /3, for an Explosive Ordnance disposal Technician. Upon arrival at 1/3's position I was informed that my assistance was required in an investigation regarding the death of Sgt Peralta. I was then informed of what had happened to Sgt Peralta, according to eyewitness statements and shown many pictures from the scene of his death. I was informed that during an encounter with insurgents in a house Sgt Peralta suffered a bullet wound to the head and in an effort to protect his fellow Marines, was still able to pull an enemy grenade to his body when it was thrown.

I, (b)(6), (b)(7)(c) was informed that my presence was requested in an effort to positively identify the type of grenade that was used, and possibly where the detonation occurred in relation to Sgt Peralta's body. Upon request I was allowed to examine Sgt Peralta's flack jacket. The flack jacket showed little blast damage with minor fragmentation damage located mostly on the left front portion. On further examination I removed several small pieces of metal fragmentation from within exterior wall of the flack jacket and first aid kit. Also located under the front closure Velcro flap of the flack jacket was a piece of the grenade fuse. The fragment pattern on the front left portion of Sgt Peralta's flack jacket indicated the grenade was directly underneath Sgt Peralta's left side and was shielded by something (possibly his arm) on the right side, blocking any grenade damage to that side of his body and deflecting the fragment from the fuse under the Velcro closure flap. The eyewitness description of what the grenade looked like stated it was yellowish with the standard USSR type grenade fuse. This description is consistent with the Iraqi "model Unknown" grenade. The pieces of metal fragmentation removed from Sgt Peralta's flack jacket are also consistent with the fragmentation of this particular grenade being the only grenade, which uses a flexible, low-grade serrated spring as its liner. The blast damage caused on Sgt Peralta's flack jacket is also consistent with the effects this grenade would cause as it's explosive weight is only 36.05 grams compared to the US, M67 grenade of 184 grams of explosives. In conclusion, no other grenade would have caused the minimal blast and fragmentation effects as seen in the photographs or as was evident on Sgt Peralta's flack jacket. The metal fragmentation pieces recovered from Sgt Peralta's flack jacket were also indicative to only one type of grenade, the Iraqi "model unknown". It was also evident by fragmentation patterns on Sgt Peralta's flack jacket that he had pulled the grenade underneath his body upon detonation.

Respectfully Submitted

(b)(6), (b)(7)(c)

Explosive Ordnance Disposal Technician/ Team Leader
14 years experience in EOD

ENCLOSURE(20)

Statement of Investigating Officer

On December 19, 2004, the Executive Officer, Battalion Landing Team 1st Battalion, 3rd Marine Regiment (BLT 1/3), with the knowledge and consent of the Battalion Commanding Officer, verbally appointed both myself, (b)(6), (b)(7)(c) to inquire into the allegation of heroism surrounding the death of Sergeant Rafael (NMI) Peralta, USMC, occurring on 15 November 2004, Fallujah, Iraq.

I already had a passing knowledge of the general circumstances of Sgt Peralta's death from having read two, open source, news articles (one by former Lieutenant Colonel Oliver North, USMC (Ret.) and the other by Lance Corporal Travis J. Kaemmerer, USMC, a combat cameraman attached to 2nd Squad, 1st Platoon, Company "A", BLT 1/3 at the time of the incident). I have enclosed copies of both of these news articles as attachments (A) and (B) respectively to this statement.

I began this investigation by reviewing the reference. I learned that several witnesses had previously provided, unsworn, written statements on the day of the incident. I reviewed these prior statements, which are enclosed with this investigation as enclosures (1)-(6), inclusive. We requested, EOD support, as well as medical, ballistic and autopsy records. Meanwhile, we commenced to interview, or re-interview as the case may be, percipient witnesses to this engagement. We obtained sworn statements from percipient witnesses whenever possible. I telephonically interviewed (b)(6), (b)(7)(c) and have transcribed my notes of these conversations as Enclosures (16) and (17) respectively. (b)(6), (b)(7)(c) also took pictures within the contact house the day of the engagement. He sent me ten photographs by electronic mail. Of the 10 photographs, 2 are very blurry and 1 is simply redundant of EOD staging weapons by the stairway of the contact house. All photographs have been preserved, but only photos 1-7 (entitled "Attachments (A)-(G)" to Enclosure (17)) are attached.

I spoke with the S-2 section for BLT 1/3 and had them put together a sequence of aerial maps of the city, neighborhood, block and house where the engagement took place. This montage appears in a powerpoint slide presentation I have attached to this statement as Attachment (C).

I also took several photographs. I initially photographed Sergeant Peralta's Flak Jacket recovered from his person the day of the incident. I next photographed the contact house when I toured it with the platoon commander, the squad leader (b)(6), (b)(7)(c) and the Bn XO (and confirmed the layout of the ground floor and geometry of fires and blast radius in the process). My viewing of the contact house confirms that the diagrams made by (b)(6), (b)(7)(c) most closely approximate the actual layout. My photos and those taken by (b)(6), (b)(7)(c) support this conclusion as well. The foregoing also confirms that (b)(6), (b)(7)(c) diagram is inaccurate. (See attachment (D) to this enclosure).

In personally viewing the contact house, our group also went next door to where the insurgents who fled the contact house were killed. Still in the kitchen of that house were the remains of one insurgent under the kitchen sink.

I also took photographs of the flak jacket and gear when (b)(6), (b)(7)(c) was inspecting the flak jacket. All the witnesses who heard the grenade explode stated it did not sound loud or did not sound as loud as they expected. All the witnesses who were able to recall the color of the grenade stated it was "yellow" or "organish yellow." All the witnesses who recalled the grenade stated it had a long fuse. All the witnesses who heard the yell "frag" or "grenade" said it seemed like a long time before the grenade went off. The frag pattern on the floor and wall did not recover any actual shrapnel. I photographed the bits of shrapnel EOD recovered from the flak jacket (to include a piece of the fuse of the grenade), and two sample grenades. These photographs appear collectively in Attachment (D) to this statement. Based on the foregoing, I agree with EOD that the grenade in question was "Iraqi grenade model unknown," as depicted in the photographs.

(b)(6), (b)(7)(c) found a photograph depicting different grenade types and we used it as a "lineup" to assist witnesses in identifying the grenade in this incident. The actual grenade used, as determined by EOD, is NOT depicted in the composite photograph. A close approximation is the RGD-5, which does appear and was selected by a couple witnesses who were able to make an identification at all. This composite photo is enclosed as Attachment (E) to this statement.

Using the witness testimony, diagrams and photographs, I and another officer created a composite diagram in powerpoint showing the layout of the first floor of the contact house. This diagram is attached as (F) to this statement.

The witness statements are fairly consistent as to the circumstances of Sergeant Peralta's heroic act, as well as the heroic act itself. There are differences among the statements as to the number of people in the house, where they were located, and in what order. There are differences as to which way Sergeant Peralta's head was facing and which arm he used and where the grenade was located in proximity to his head. Another difference was whether or not Sergeant Peralta still had his Kevlar helmet on his head after the explosion. Two Marines testify that each of them was the one to pick the Kevlar off the floor as Sergeant Peralta was being recovered from the house. However, the Marine who actually pulled Sergeant Peralta out of the house himself states the Kevlar was still on the Sergeant. He goes on to add it and Peralta's weapon were subsequently handed to him once Peralta was being loaded on the evacuation vehicle. A search of the supply section has revealed the Kevlar was either lost, destroyed or misplaced and the weapon has since been cleaned and re-issued. Neither was initially available for viewing for during the course of this inquiry, until January 1, 2005, when (b)(6), (b)(7)(c) inspected and photographed the M16A4. These photographs appear at the end of Attachment D to Enclosure 22. None of the testimonial differences I noted in any way clouds or diminishes the confirmed and certain heroic act of Sergeant Peralta on this occasion.

There is no doubt that Sergeant Peralta fell mortally wounded early in the fire fight of 15 Nov 04. Neither is there any doubt that he fell at least half way into the room where he was later recovered. There is no doubt he fell face down. There is no doubt a grenade was thrown into the room where he lay. There is no doubt the grenade landed or came to a stop in close proximity to him (about a foot by most accounts). There is no doubt he reached for the grenade with his arm (according to most, his right arm – according to one, his left). There is no doubt the grenade exploded under him, on his left side. There is no doubt that the only way the grenade entering the room from right to left could have gotten underneath the left hand side of Sergeant Peralta unless Sergeant Peralta put it there.

We requested, and the Armed Forces Institute of Pathology kindly provided its autopsy report on Sergeant Peralta. (b)(6), (b)(7)(c) M.D., MC USN reviewed the results of autopsy and provided a summary for this inquiry. EOD kindly provided its expertise to us as well.

Given the circumstances of the subject of this inquiry, as well as the combat circumstances under which it was conducted, we experienced very little in the way of difficulties in conducting.

My deepest sympathies for the Peralta family.

Our deepest gratitude to Sergeant Rafael (NMI) Peralta, United States Marine Corps (KIA), 15 November 2004, Fallujah, Iraq.

(b)(6), (b)(7)(c)

Investigating Officer
01 January 2005

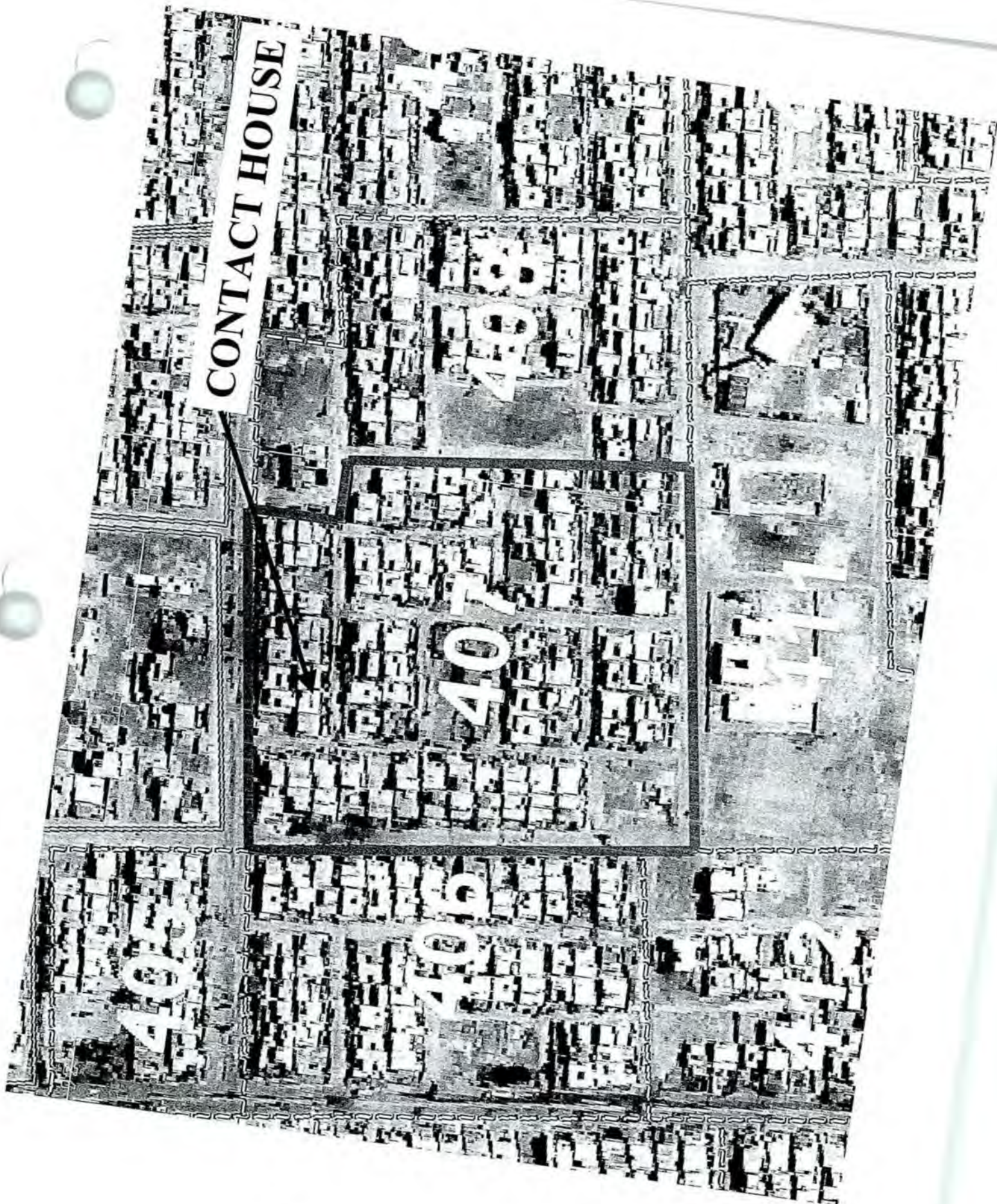
FALLUJAH, IRAQ

BLOCK 407

MSR MOBILE

CLOVER LEAF







(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash depicting Peralta's flak jacket with piece of shrapnel (later identified by EOD as being part of a fuse to an Iraqi grenade "model unknown") embedded in the Velcro.

(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using ambient light depicting same piece of shrapnel in Velcro of Sgt Peralta's flak jacket.



(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using ambient light depicting front of Peralta's flak jacket. The molle gear on the left side of the flak has shrapnel holes and scorch marks.

(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah depicting entire front of Peralta's flak jacket and groin protector.



(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah depicting interior of Peralta flak jacket as opened from the front. The dark patch on the top left and left side of the flak (appearing on the right when viewed here) is dried blood.

(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of close up of interior of back panel of Peralta flak jacket. The writing reads, "GOD MY LIFE IS IN YOUR HANDS" and is believed to have been written by Sergeant Rafael (NMI) Peralta.



(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of interior of back panel of Peralta flak jacket taken slightly further back than preceding photo.

(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of exterior of back of Peralta flak jacket depicting Peralta's "CamelBack" and medical kit (the medical kit was subsequently inspected and disassembled by (b)(6), (b)(7)(c) of EOD several days later when searching for bits of shrapnel).

(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 19 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using ambient light depicting left, exterior side of Peralta flak jacket which scorching and shrapnel damage to molle gear.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting gate to "contact house" when viewed from court yard of house looking out towards the street.

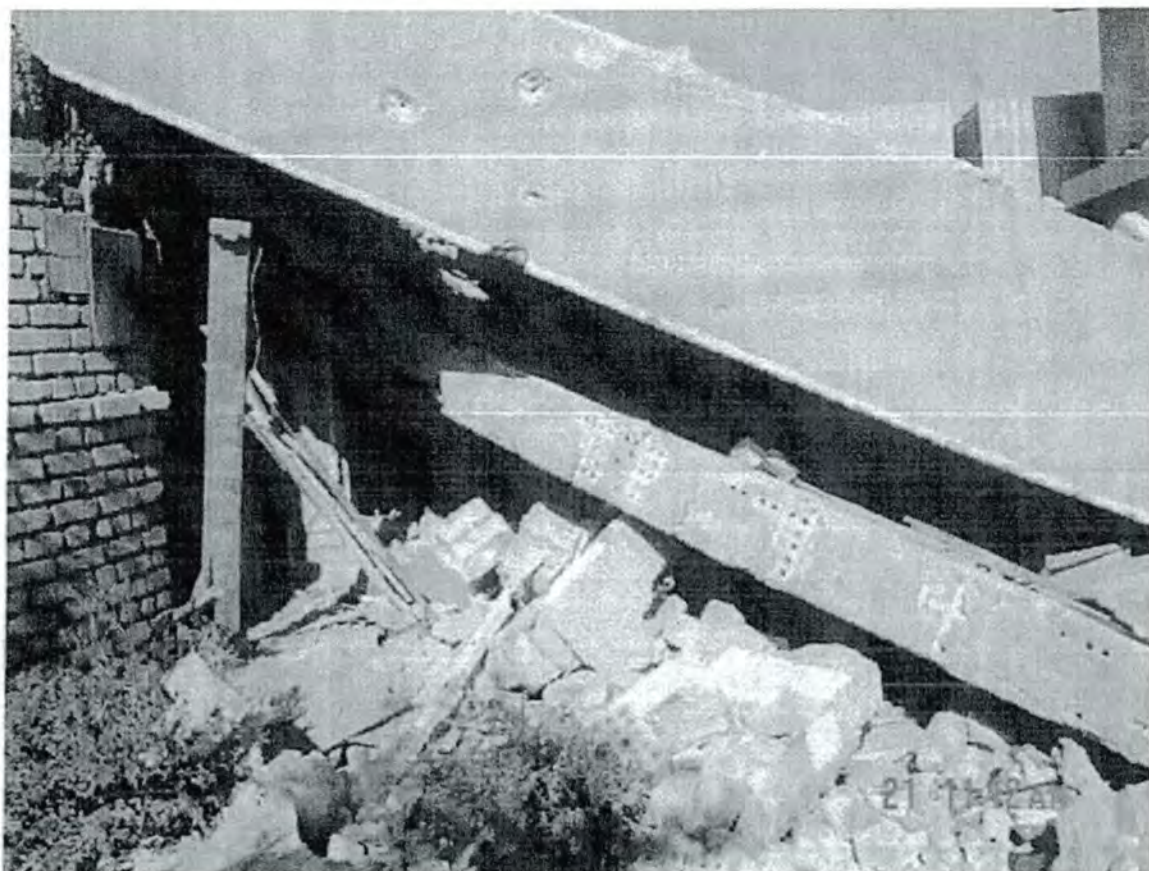


Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting front entrance to "contact house" when taken from same position as preceding photo and rotating 180 degrees. The rubble to the right of the photo is the former "living room/dining room".



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting front entrance to "contact house". Part of the wooden door frame is protruding from the entrance. The rounded "tower" contains the "sink room" or portico or foyer room first entered from the front door.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting front entrance to contact house from inside looking out.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting front entrance to "contact house" with wider view of the rounded tower which has the entrance room at its base. The window into the "big room" or "living room 2" is visible to the left of the tower.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting entrance room/sink room/portico/foyer to "contact house". The entryway is off camera to the left of the photo. There is a door directly behind the camera and another to the right of the camera. The broken "sink" or wash basin is visible in the lower center foreground.

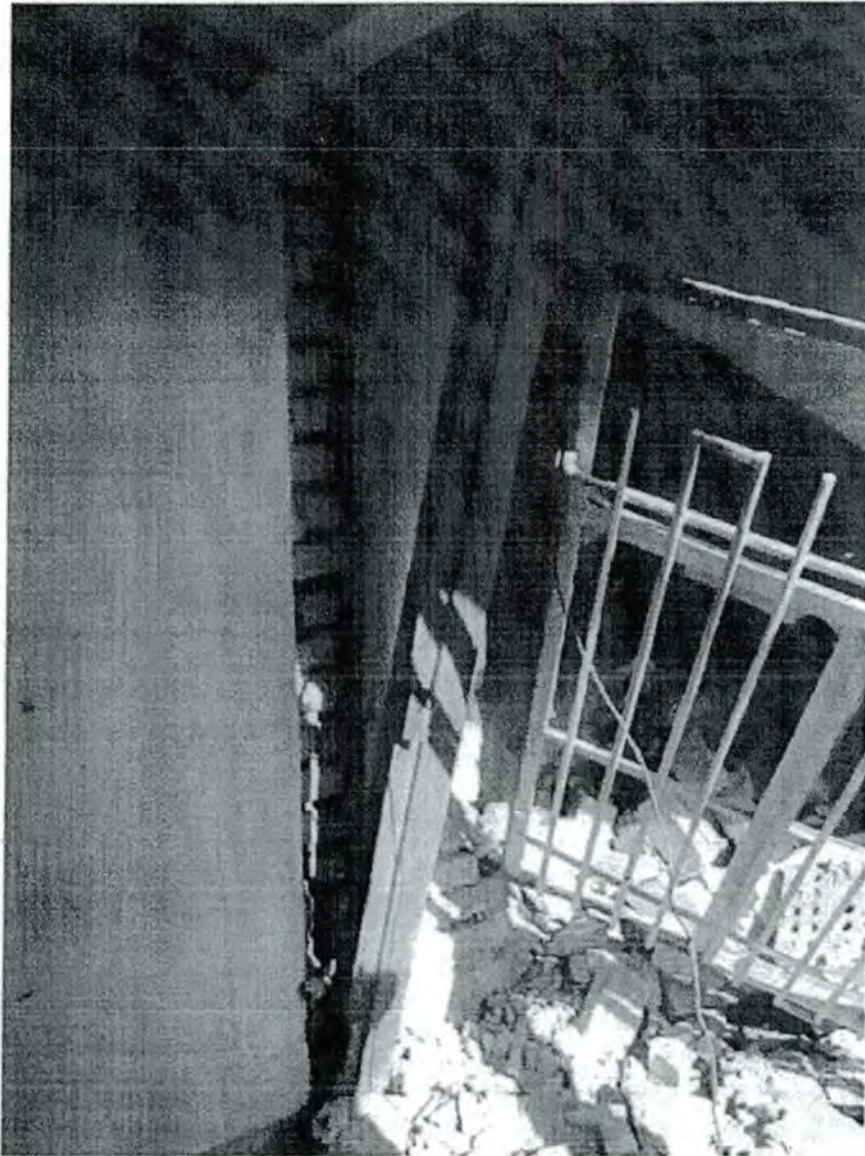


Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting front entrance to "contact house" viewed from inside the sink room and oriented 45 degrees to the left of the door way. Another door is 45 degrees further to the left as depicted below.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light taken from the entry room or sink room looking into the living room/living room1/dining room. The front entrance to the house is off camera to the right and the entrance to the "big room" or living room 2 is off camera to the left (which is also the "locked door" entry into the big room.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting the entry into the first living room/living room1/dining room thru "D3" and the "locked door" or "D2" (second door stack tried to breach) leading to "big room"/living room 2 to the left. The sink is behind the camera and the front entrance to "contact house" is off camera to the right.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting "double door" or "french door" or "accordion door" entry way adjoining living room/living room1/dining room with "big room"/living room2 as walking through the threshold of the doorway leading from the sink room/portico/foyer/entry room



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting further into living room/living room1/dining room than preceding picture and now facing directly ahead from the sink room/portico/foyer/entry room towards the area generally described as the source of insurgent fire. The dark rubble ahead is where several witnesses describe the door to the "kitchen area" or rear of the building.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting another view, further into the interior of the living room/living room2/dining room than the preceding photo. The "big room" is to the left and the one side of the double door entrance is visible to the left. A Marine is visible to the left, kneeling to clear rubble from the floor to expose the site of the grenade blast.

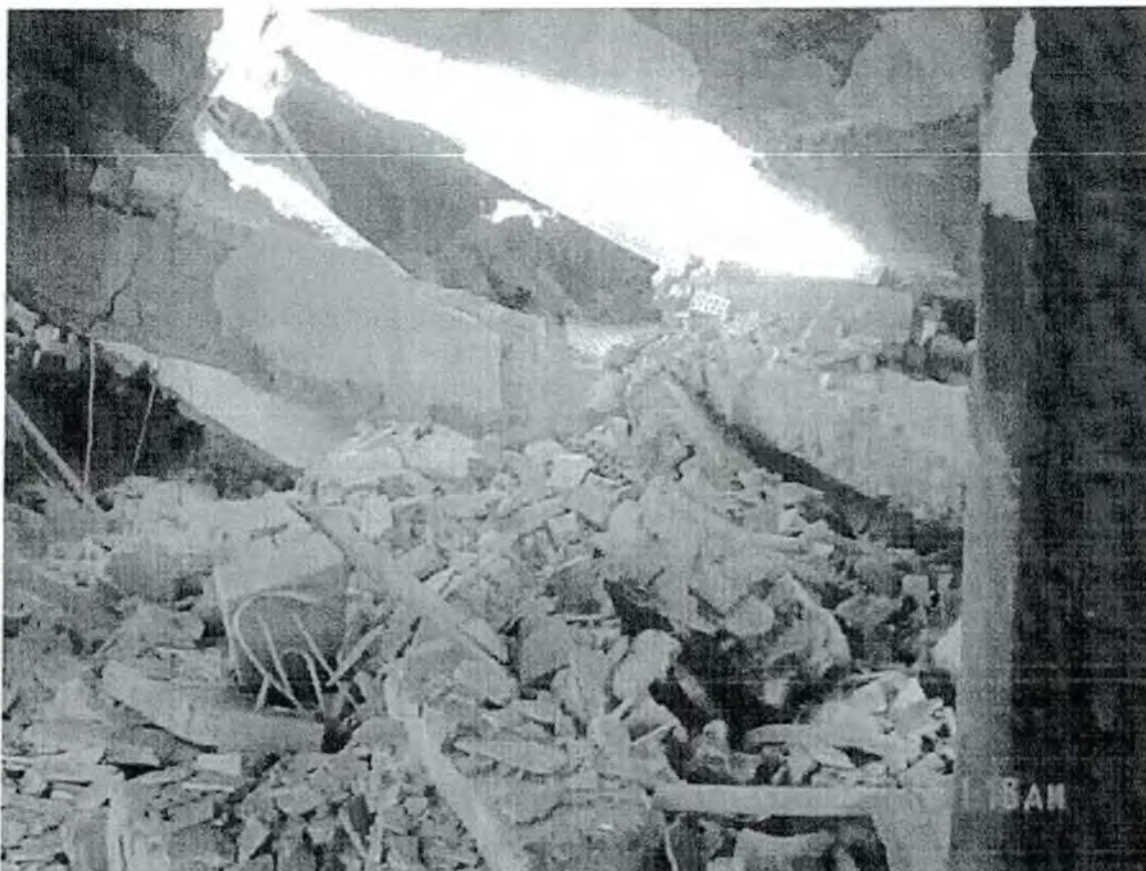


Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting the caved in roof of the "contact house" in the area of the living room/living room1/dining room. The double door entrance to the "big room"/living room 2 is off camera to the left. Part of the charred door frame leading from the sink room/entry room/portico/foyer is visible on the right.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light looking past one end of the double door entrance between the living room/living room 1/dining room and into the "big room"/living room 2. Rubbled furniture is visible in the background and the outline of the former wall is visible on the remaining ceiling.



(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light depicting the floor of the "big room"/living room2. Camera man is standing below the blast area, with the double door entry way off camera to the right and the rubble left wall of the big room off camera to the left. The scorched black area is pointing roughly towards the cameraman and is emanating from the depression next to it to its left. The wide streaks on the floor above the depression are dried blood.



(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using flash depicting same position as in preceding photograph.



(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using flash depicting the same position as in the preceding photograph with the addition of a standard issue, Beretta 9mm pistol for scale. The blast depression is visible directly below the 9 mil.

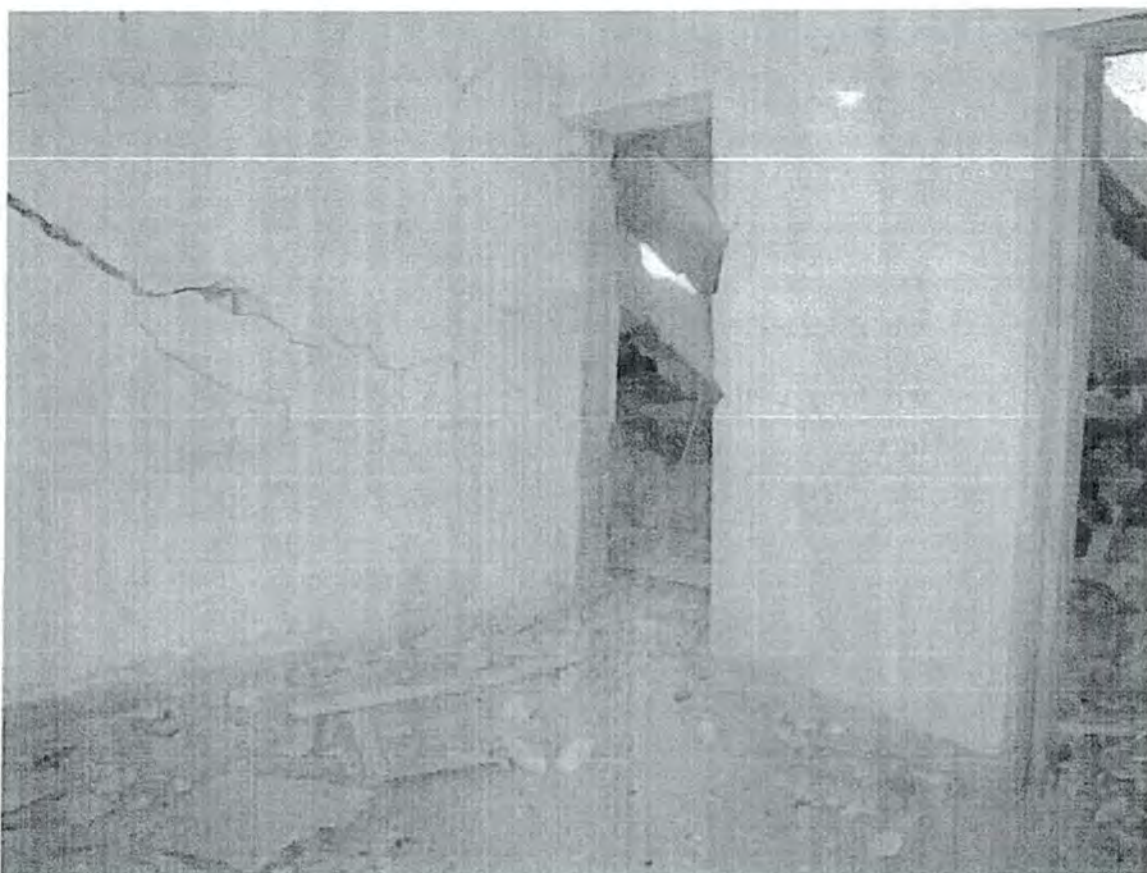


Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light taken from "big room"/living room2 looking towards the door at the end of the room which leads back into the living room/living room1/dining room. Through and to the left of that door is the former location of the doorway leading further back into the rear of the contact house (the "kitchen" area). Part of the double door entrance between the two living rooms is visible to the right of the photo.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light looking from the approximate spot of the grenade explosion towards the door leading from the "sink room"/entry room/portico/foyer into the "big room"/living room2. The window into this room is visible, as well as the depicting the floor of the "big room"/living room2. The direction and pattern of fragmentation from the grenade is visible on the left wall, with the greatest concentration nearest the floor.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light looking from the doorway between the big room an the living room through which the grenade is stated to have entered. This is also the approximate position of the stairs.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light looking from the approximate position of the doorway which would have lead to the "kitchen" area, looking back towards the front of the house and into the "sink room." The "big room" is visible through the double door entrance to the right. The door way through which the previous picture was taken is off camera to the right. Two steps back and to the right, off camera, would be the door way to the "bed room."



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using flash looking from the same position as the previous picture, but rotated 90 degrees to the right (clockwise) into the "bed room" (which is also depicted in page 7, Attachment A to Enclosure (17)). Part of the bed frame and mattress springs are visible under the rubble wall.

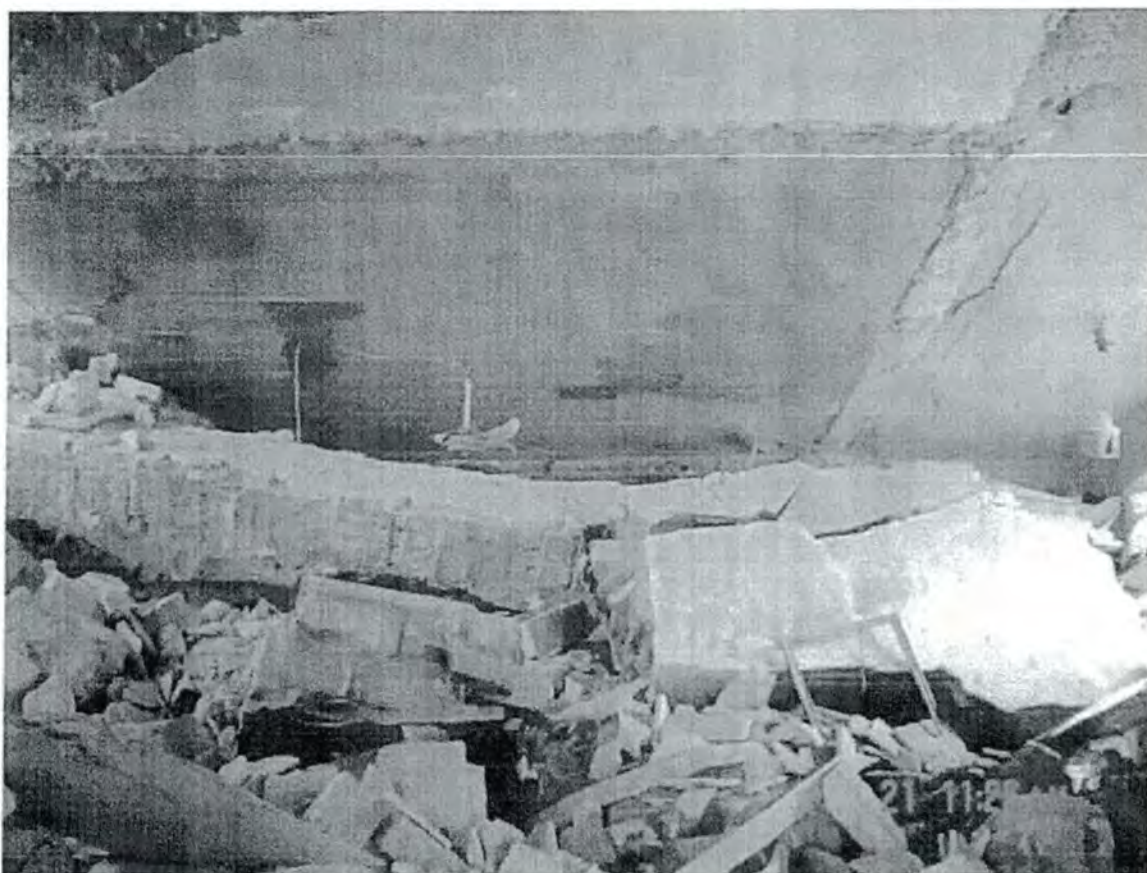
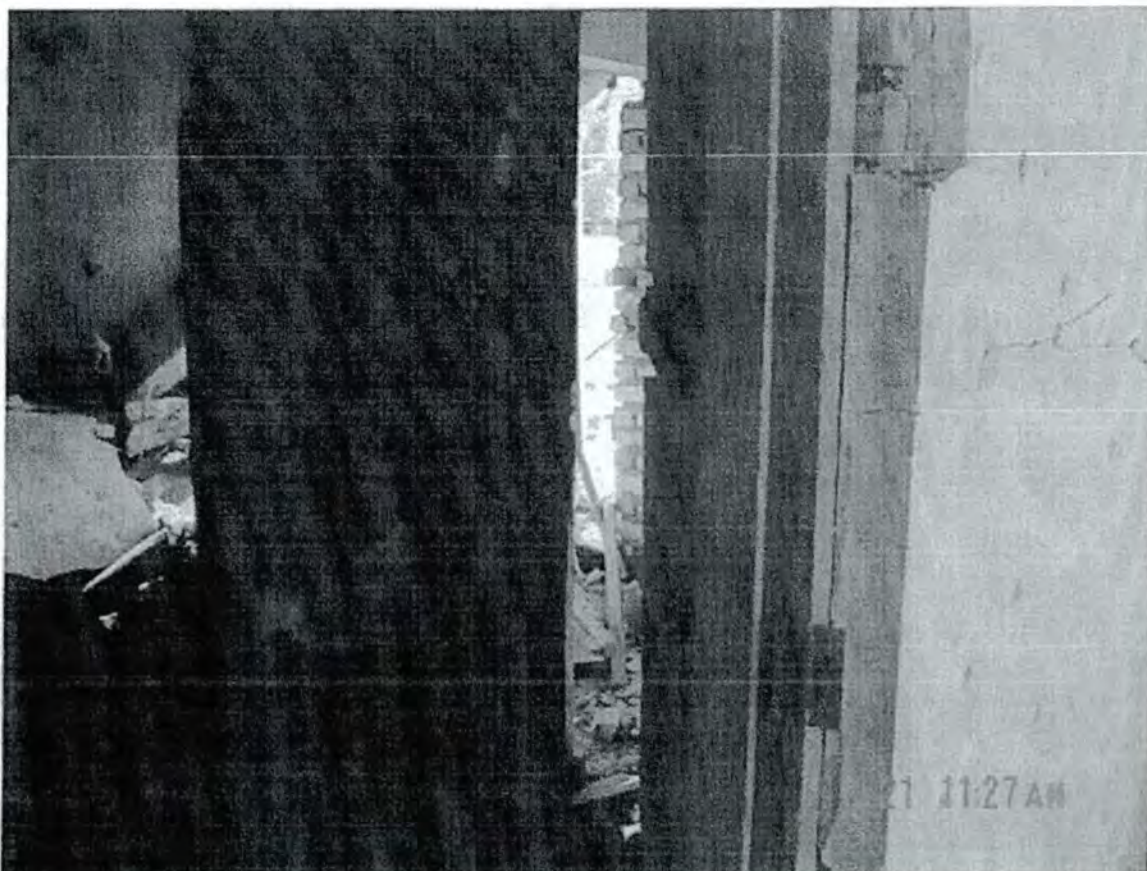


Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using flash looking from the double door entry to the big room looking into the living room/living room 1/dining room. The former outline of the rooms is visible by looking at the outline of the former walls left on the ceiling. The dangling ceiling fan near the center of the photo is the approximate location of the residences cooking area.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using flash looking from big room through the living room and out both the door from the living room into the sink room and the entry to the sink room from the front door beyond. Fragmentation from the grenade is visible on the wall to the right.



Same picture as above only without flash. Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light looking from big room through the living room and out both the door from the living room into the sink room and the entry to the sink room from the front door beyond. Fragmentation from the grenade is visible on the wall to the right.

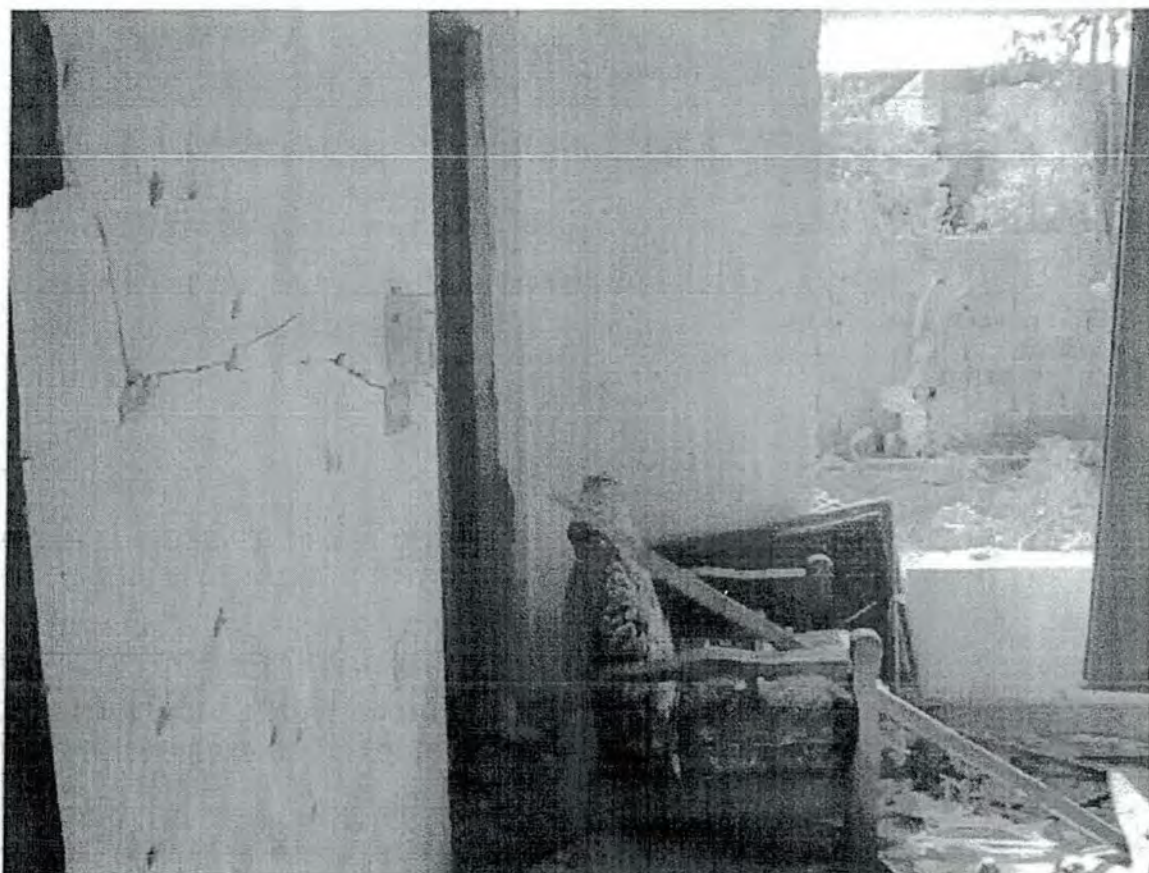


Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light looking from the approximate point of the explosion in the Big room looking towards the corner of the room nearest the entry from the sink room. This is the corner (b)(6), (b)(7)(c) occupied during the blast. Again, fragmentation from the grenade is visible on the wall to the left.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using ambient light looking from the approximate position of the grenade blast towards the door between the big room (this side) and the living room. Absent from this photo is any sign of fragmentation from the grenade, which was shielded by Sgt Peralta's body since the grenade is under his left side (towards the direction of the preceding photo)



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using flash looking from big room out the room's only window. The wall to the right is the direction Sgt Peralta's body (head first) was pointed at the time of the blast. Part of the grate formerly covering the window is visible outside the window.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using flash looking from living room through the door into the sink room. The big room is off camera to the right.



Photo taken by (b)(6), (b)(7)(c) on 21 Dec 04 at grid coordinates 38S LB 889918 using flash looking from big room through the living room and out both the door from the living room into the sink room and the entry to the sink room from the big room are visible. Fragmentation from the grenade is visible on the wall to the center of the photo with the concentration of fragmentation damage increasing as it gets nearer the floor. The depression in the floor is the spot where the grenade exploded and the burn patch from the grenade's fuse is still visible. At the time of the explosion, (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) were approximately where the chair is presently situated, and (b)(6), (b)(7)(c) was at a knee and rolling towards the entrance door of the house, placing him in the sliver of doorway visible to the left of the frag'd wall.



(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of Peralta's flak jacket with EOD holding back the Velcro to expose what (b)(6), (b)(7)(c) identified as the "a piece of the fuse" of the Iraqi grenade, "model unknown."

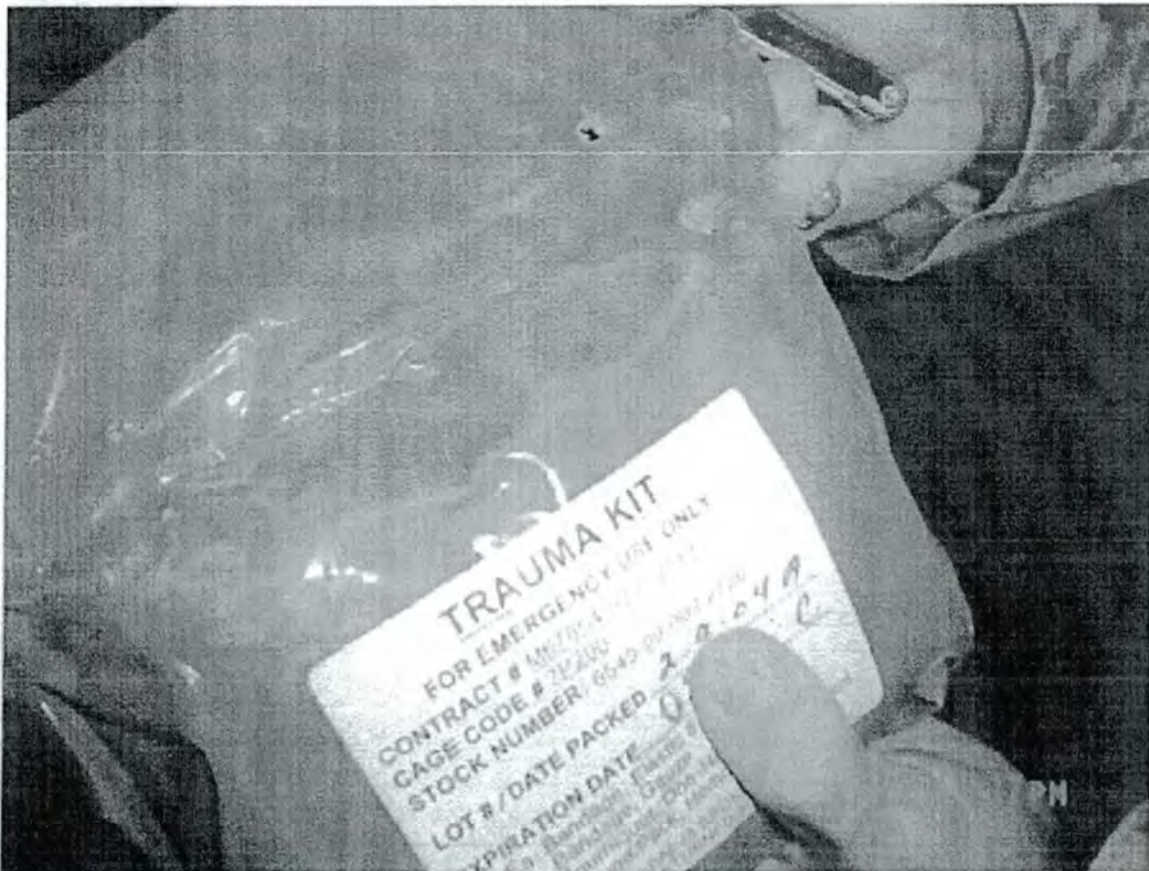


Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of Peralta's trauma kit as it was removed by EOD from his medical pouch while searching for shrapnel fragments. Frag damage is visible at the top center of the photo.

(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of Peralta's medical pouch being searched by EOD. Shrapnel damage is visible on the pouch.

(b)(6)

Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of Peralta's vital statistic's card and some of the contents of his medical pouch as removed by EOD.



Photo taken by Maj. (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of the contents of Peralta's medical pouch and trauma kit as removed by EOD during its search for shrapnel.

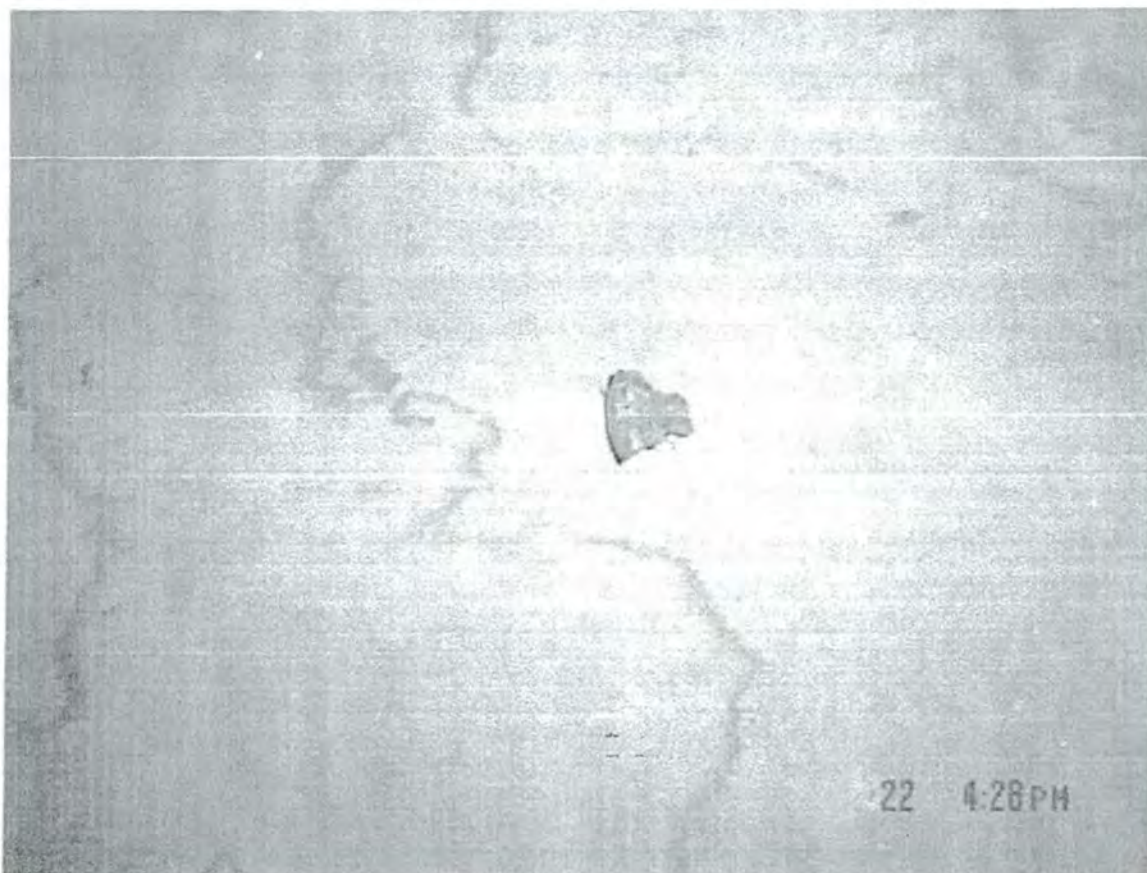


Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of the piece of grenade fuse removed by EOD from Peralta's flak jacket.

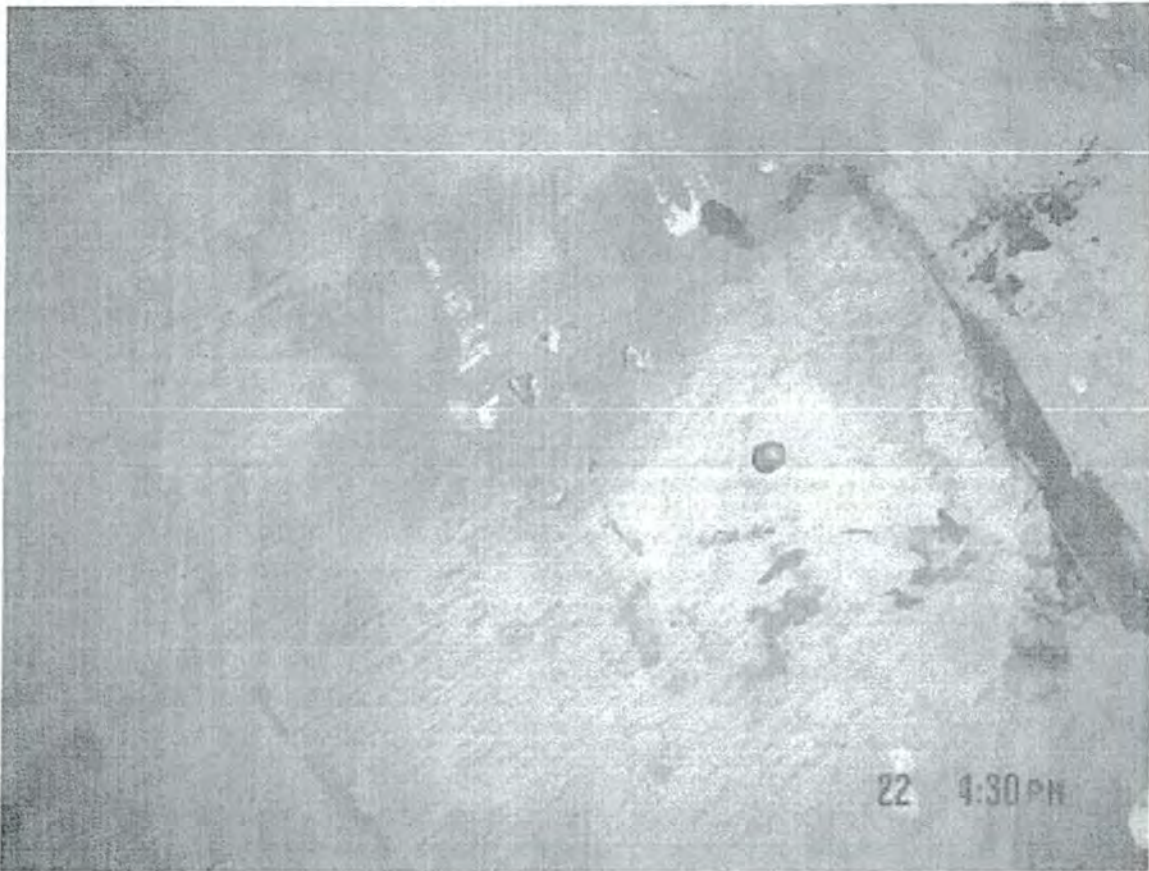


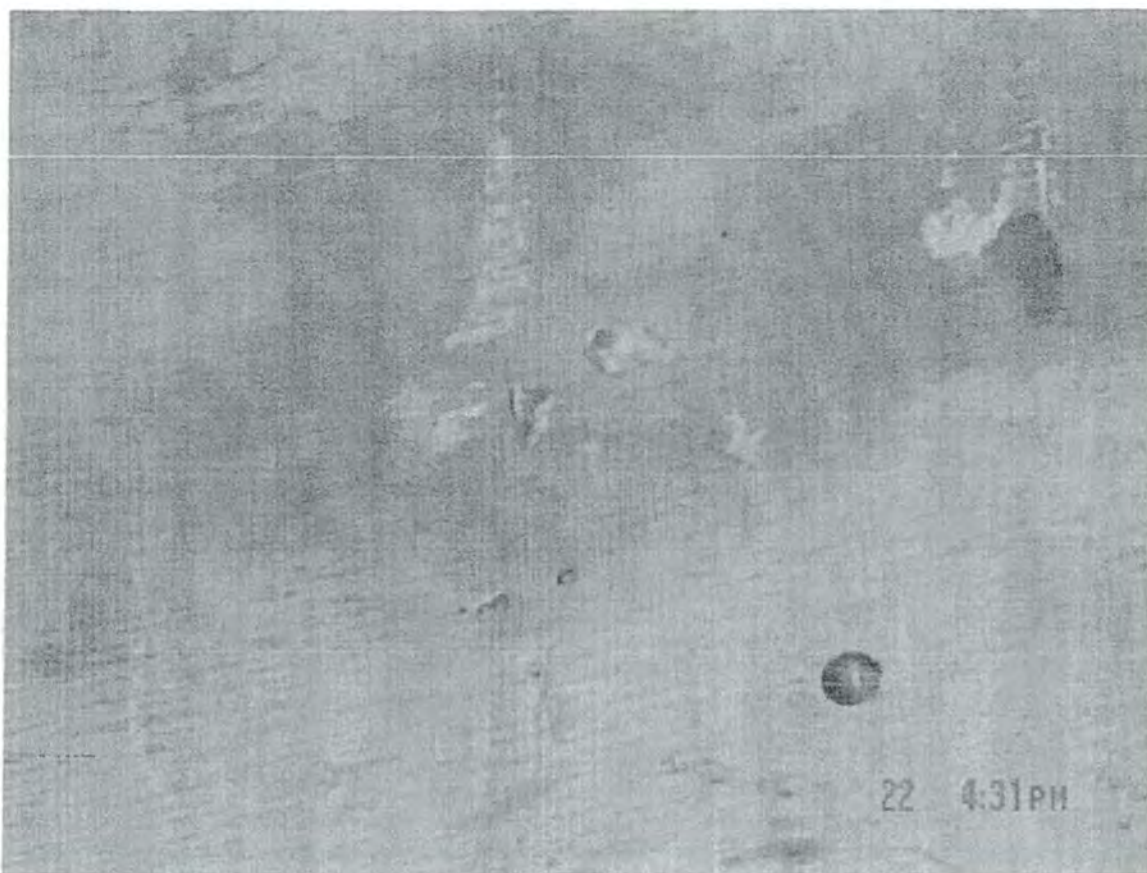
Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of four pieces of shrapnel removed by EOD from Peralta's flak jacket.



Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of same photo as above with a 9mm round for perspective.



Closeup Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of shrapnel recovered by EOD from Peralta's flak jacket.



Same photo and conditions as above using ambient light (no flash).

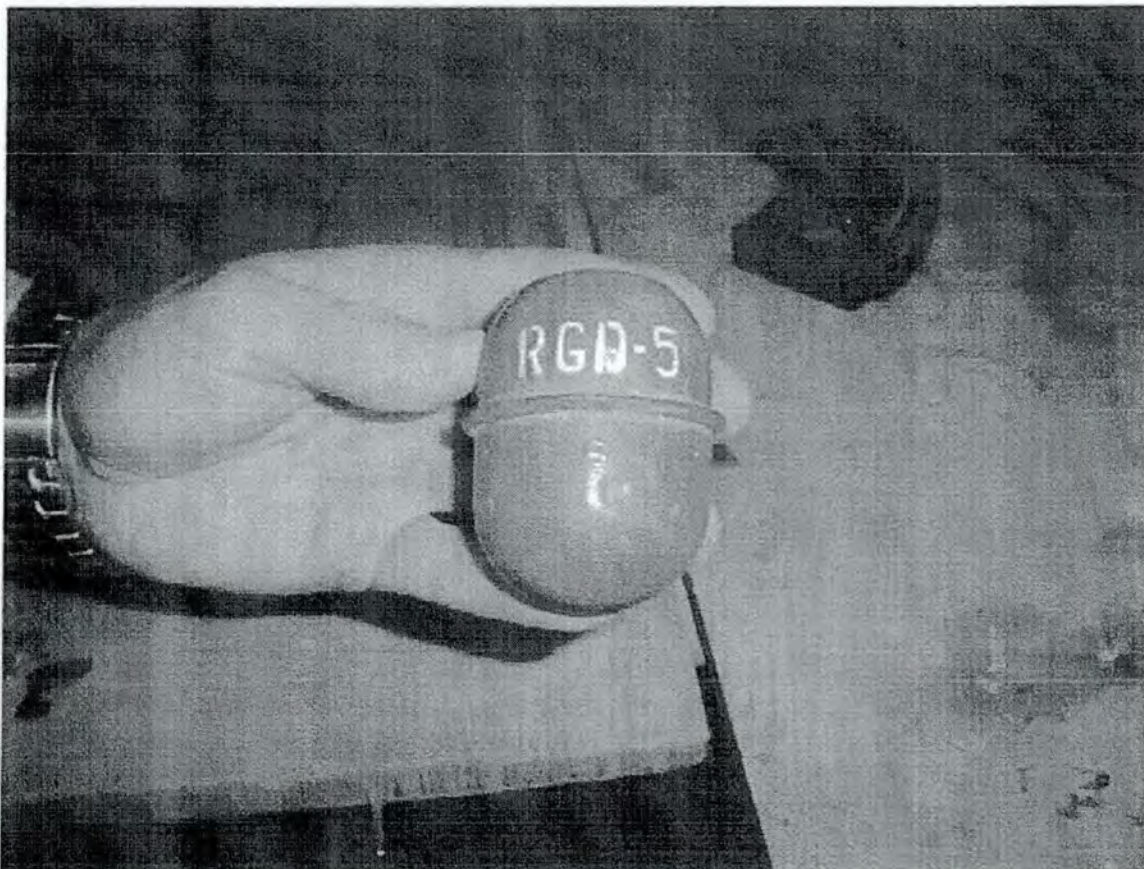


Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of inert "RGD-5" grenade identified by (b)(6), (b)(7)(c) from available photos as type most closely approximating the grenade he saw at the contact house. EOD brought this grenade for comparison to the shrapnel and witness descriptions.

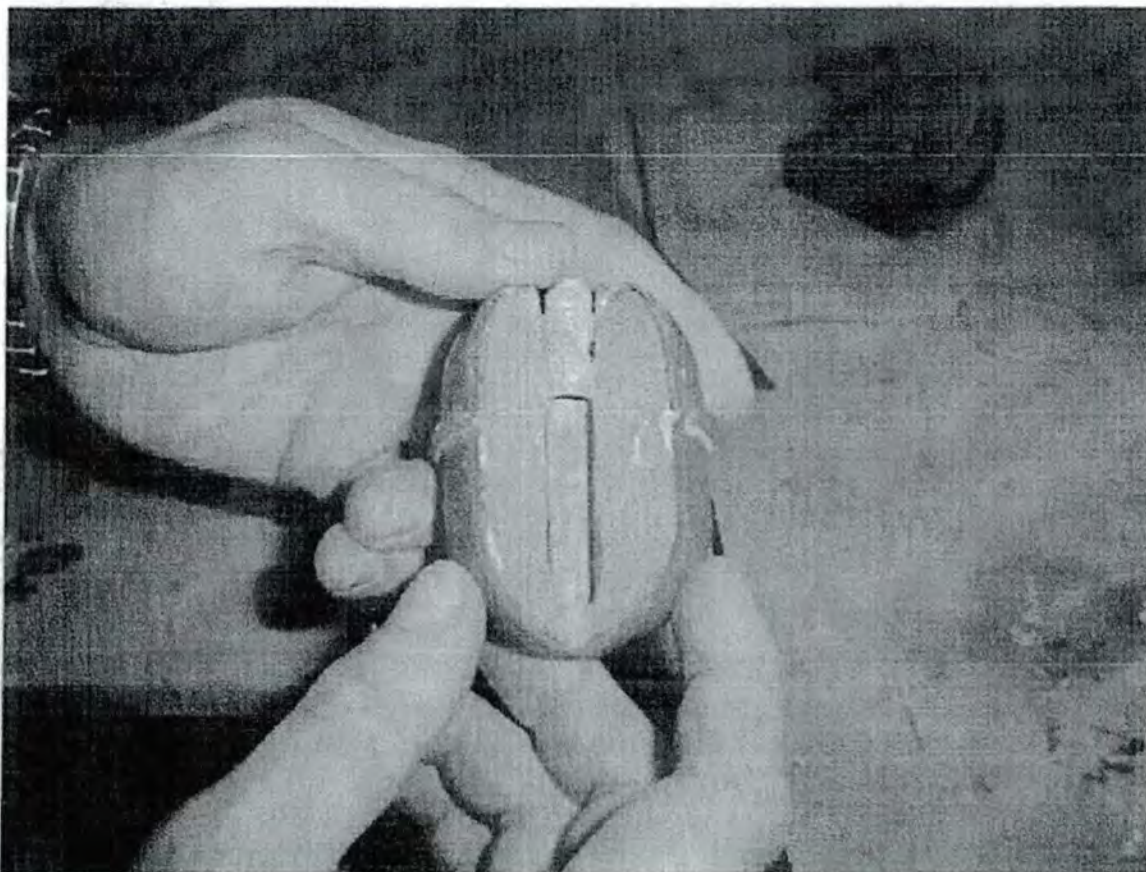
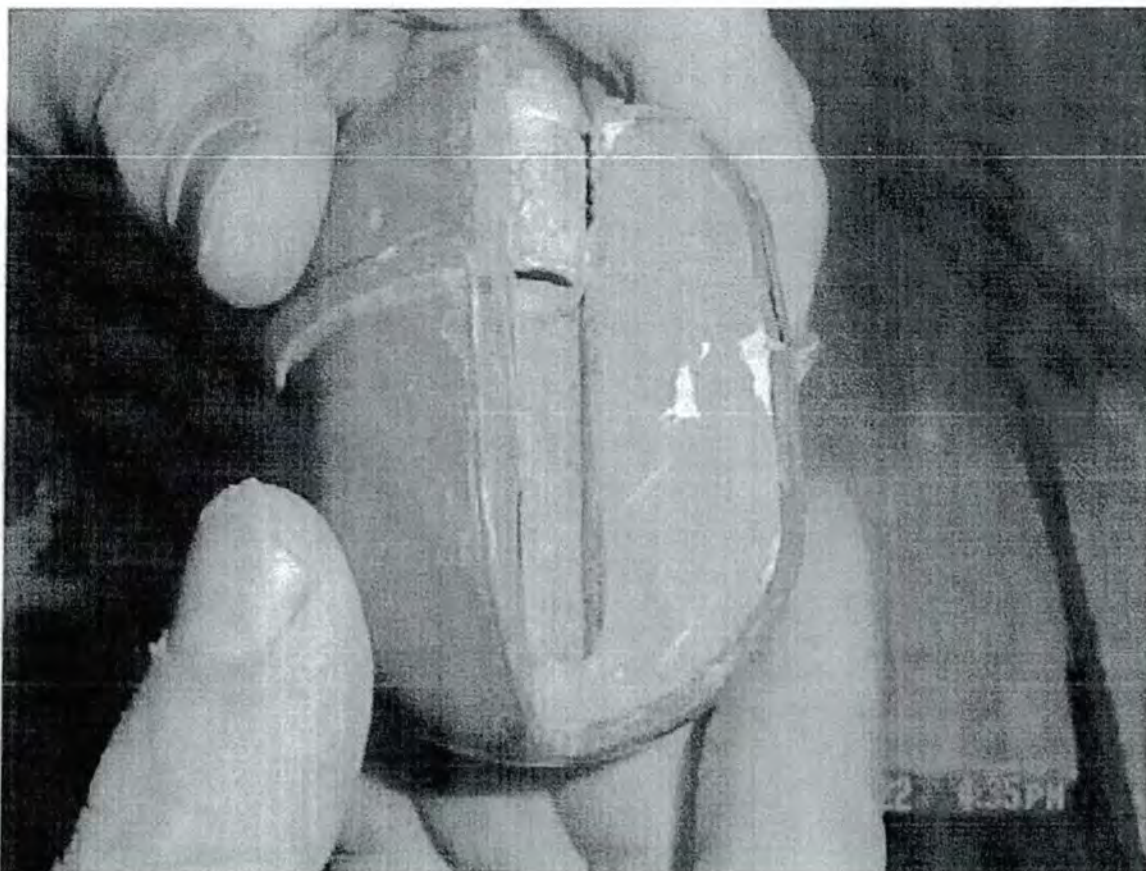


Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of cut away portion of grenade depicted in preceding photo. This grenade contains explosives comparable to the US model M67 and has a thick, metal casing which would cause thicker shrapnel than that found in Peralta's flak jacket.

I



Close up photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of same grenade depicted in the previous photo. The thickness of the metal casing is visible.



Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of Iraqi grenade "model unknown." The casing is plastic. It is pineapple or coconut shaped and "orangish yellow" or "yellow" as described by the witnesses. EOD states its original color is orange, but it fades to yellow over time or upon exposure to sun and elements of weather. It adapts to accept USSR fuses.

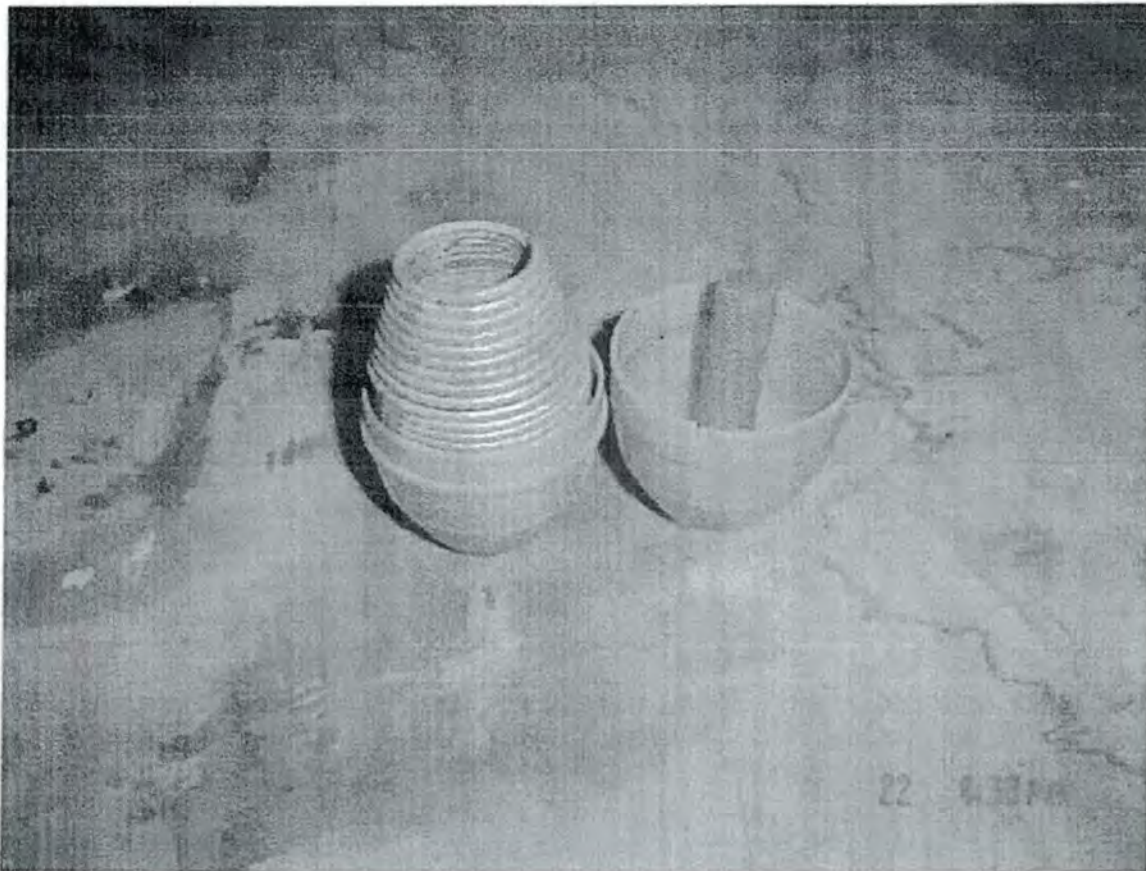


Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of same Iraqi grenade "model unknown" as depicted in previous picture, now separated in half to expose its interior. The rod on the left half shows its true color when not exposed to sun or weather. The thin metal spring at left is similar to a "slinky" and is consistent with the shrapnel recovered from Peralta's flak jacket.

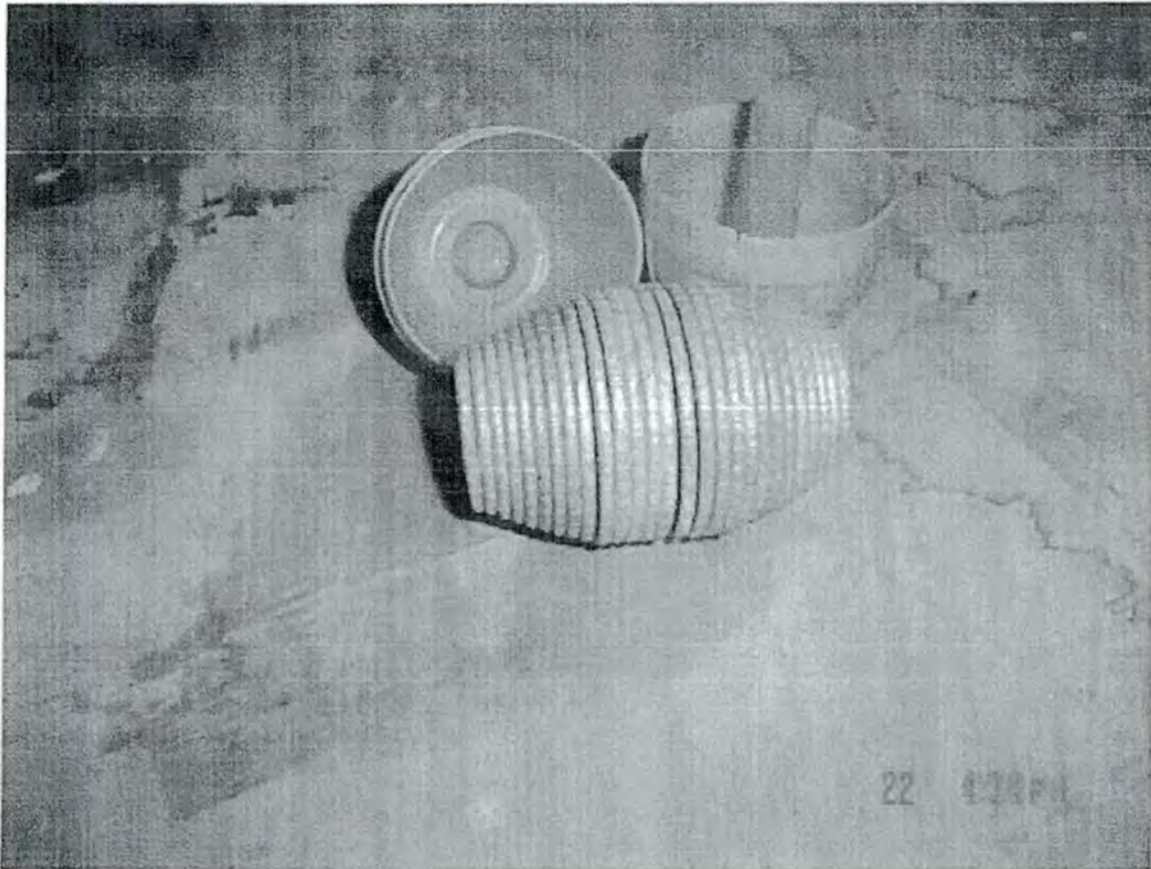


Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of same Iraqi grenade "model unknown" as depicted in previous picture, now disassembled.

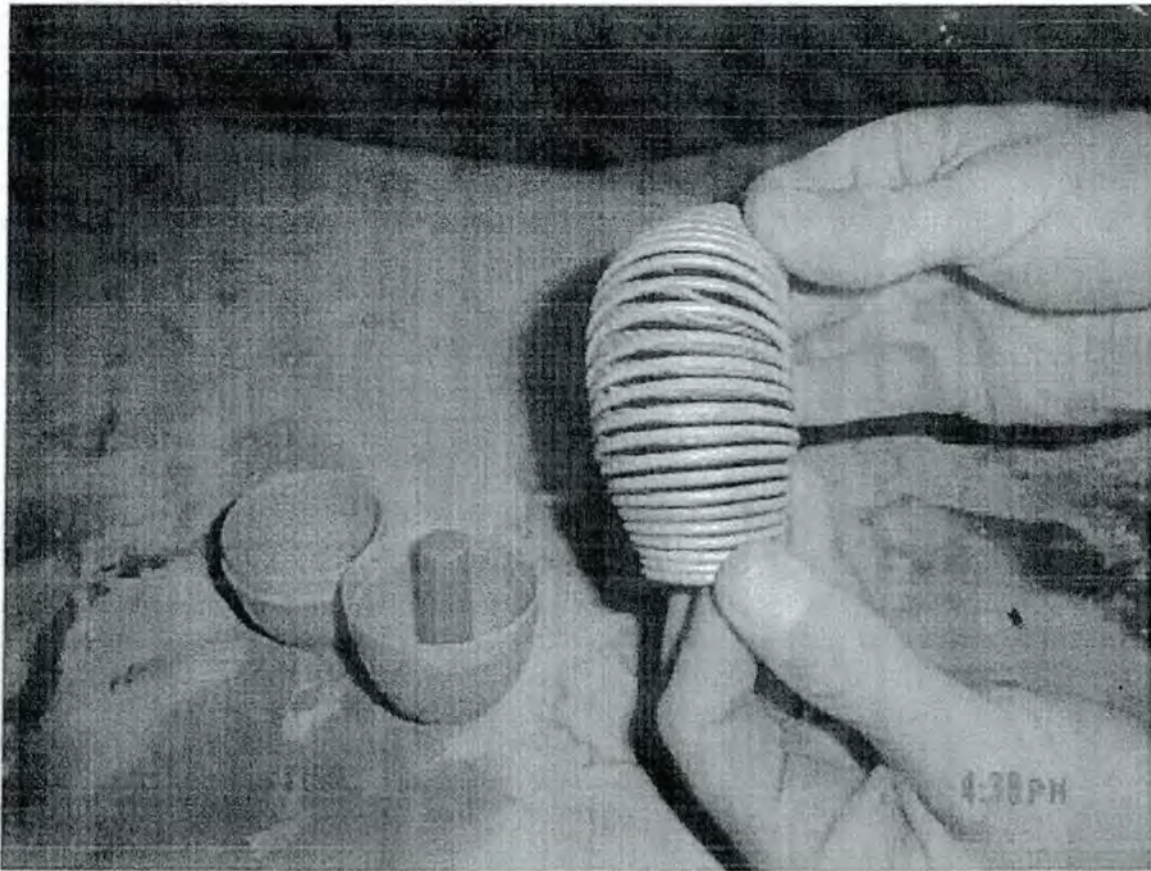


Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of same Iraqi grenade "model unknown" as depicted in previous picture, now disassembled and with EOD showing the thinness and flexibility of the "slinky" portion.

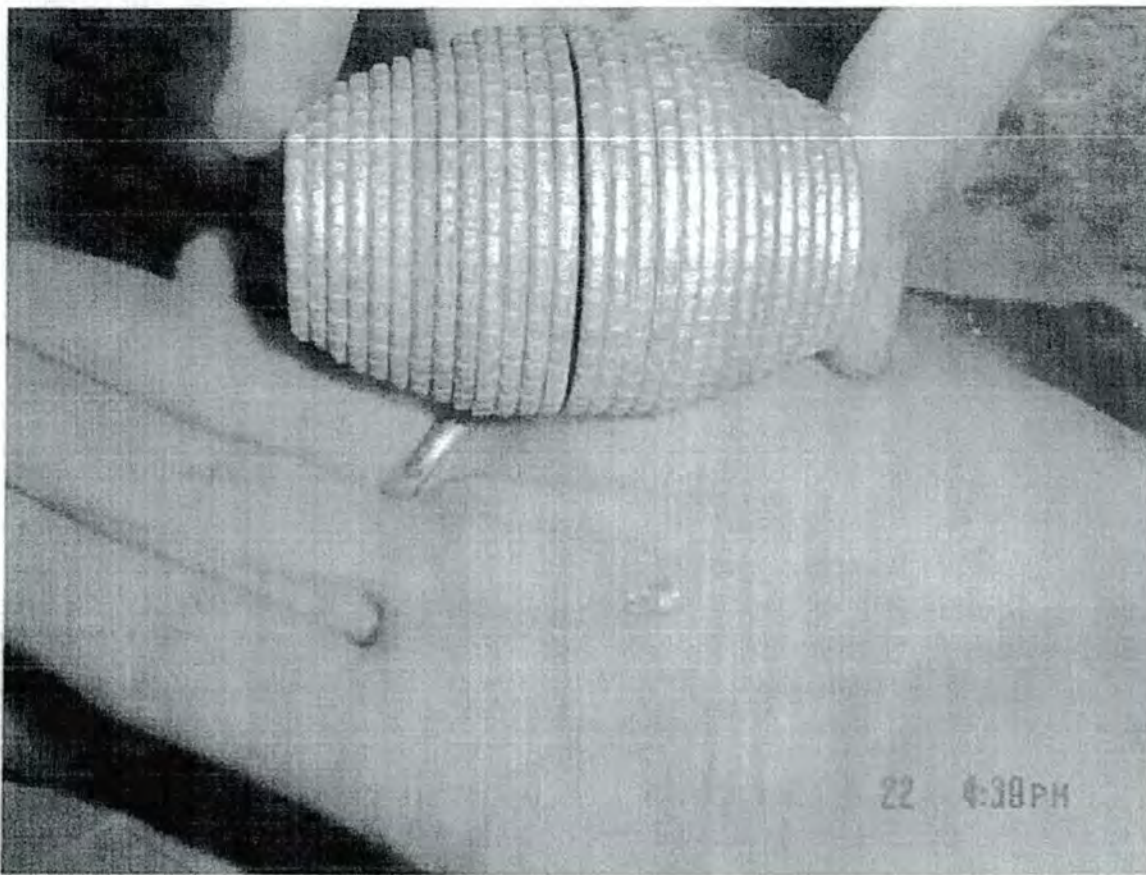


Photo taken by (b)(6), (b)(7)(c) on 22 Dec 04 at BLT 1/3 COC IVO of Camp Fallujah using flash of slinky portion of Iraqi grenade "model unknown" as depicted in previous picture, now being compared by EOD to a piece of the shrapnel recovered from Peralta's flak jacket.



Photo taken by (b)(6), (b)(7)(c) on 01 Jan 05 at BLT 1/3 COC IVO of Camp Fallujah of Sergeant Peralta's M16A4

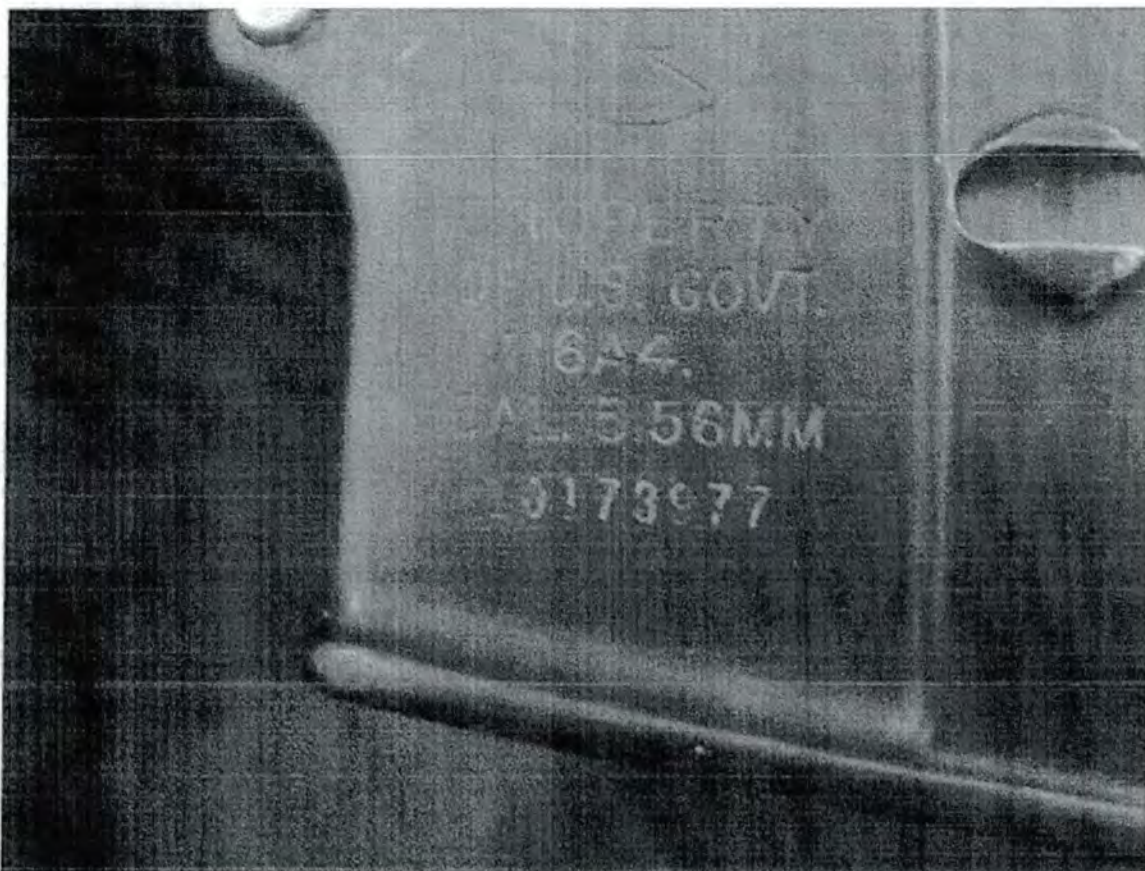


Photo taken by (b)(6), (b)(7)(c) on 01 Jan 05 at BLT 1/3 COC IVO of Camp Fallujah of Sergeant Peralta's M16A4, close up of serial number

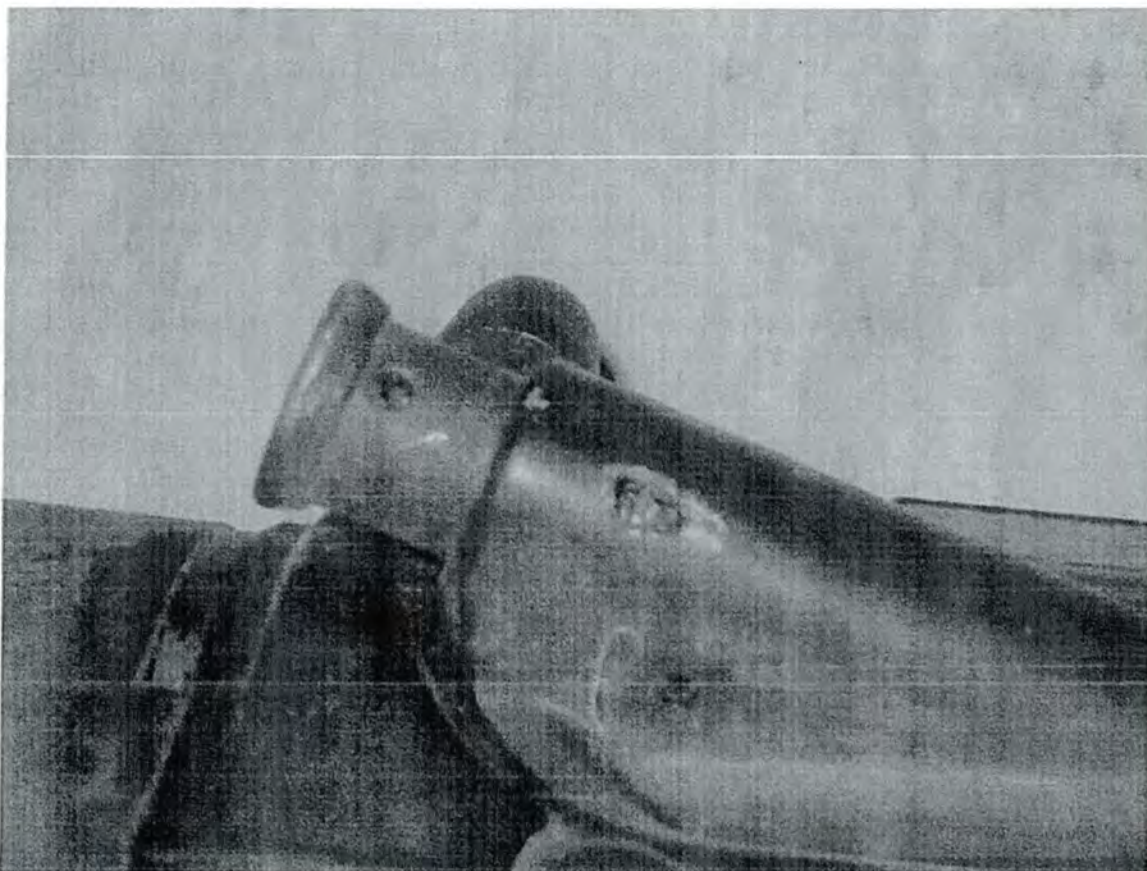


Photo taken by (b)(6), (b)(7)(c) on 01 Jan 05 at BLT 1/3 COC IVO of Camp Fallujah of Sergeant Peralta's M16A4, forward assist with shrapnel damage

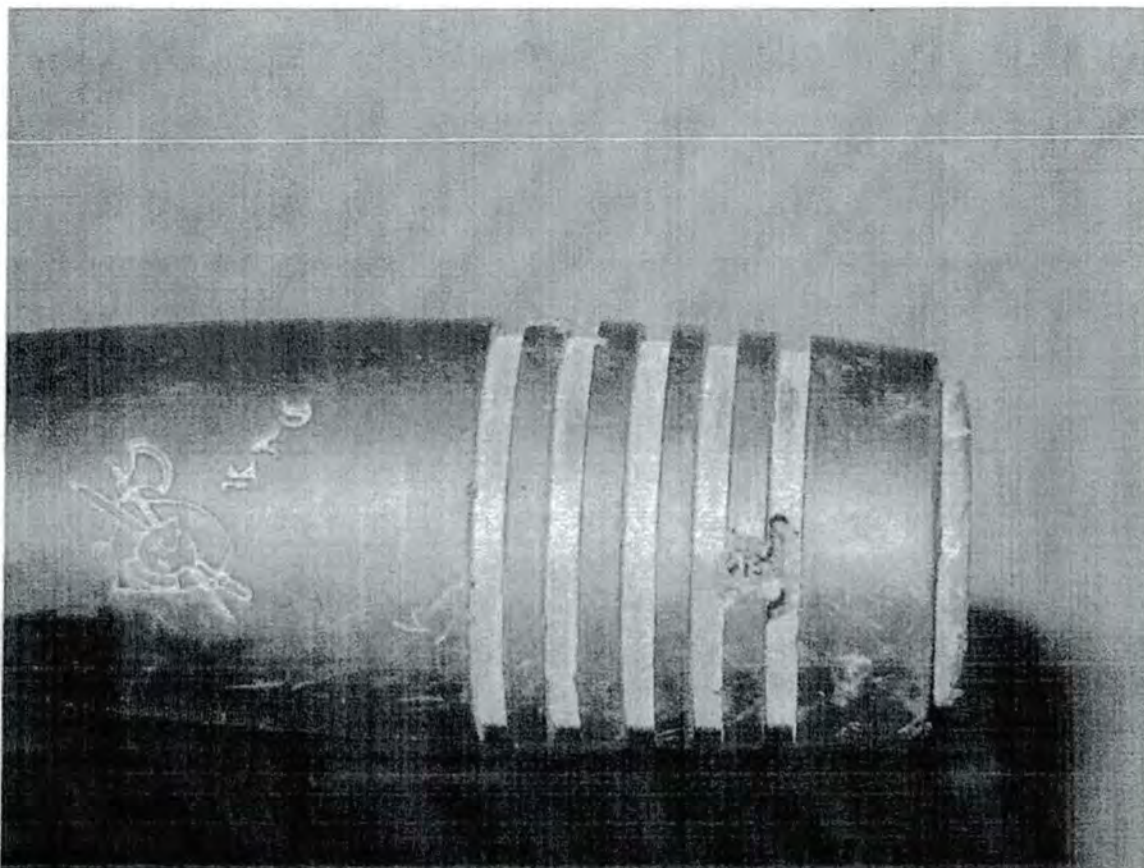


Photo taken by (b)(6), (b)(7)(c) on 01 Jan 05 at BLT 1/3 COC IVO of Camp Fallujah of Sergeant Peralta's M16A4, front hand post with shrapnel damage

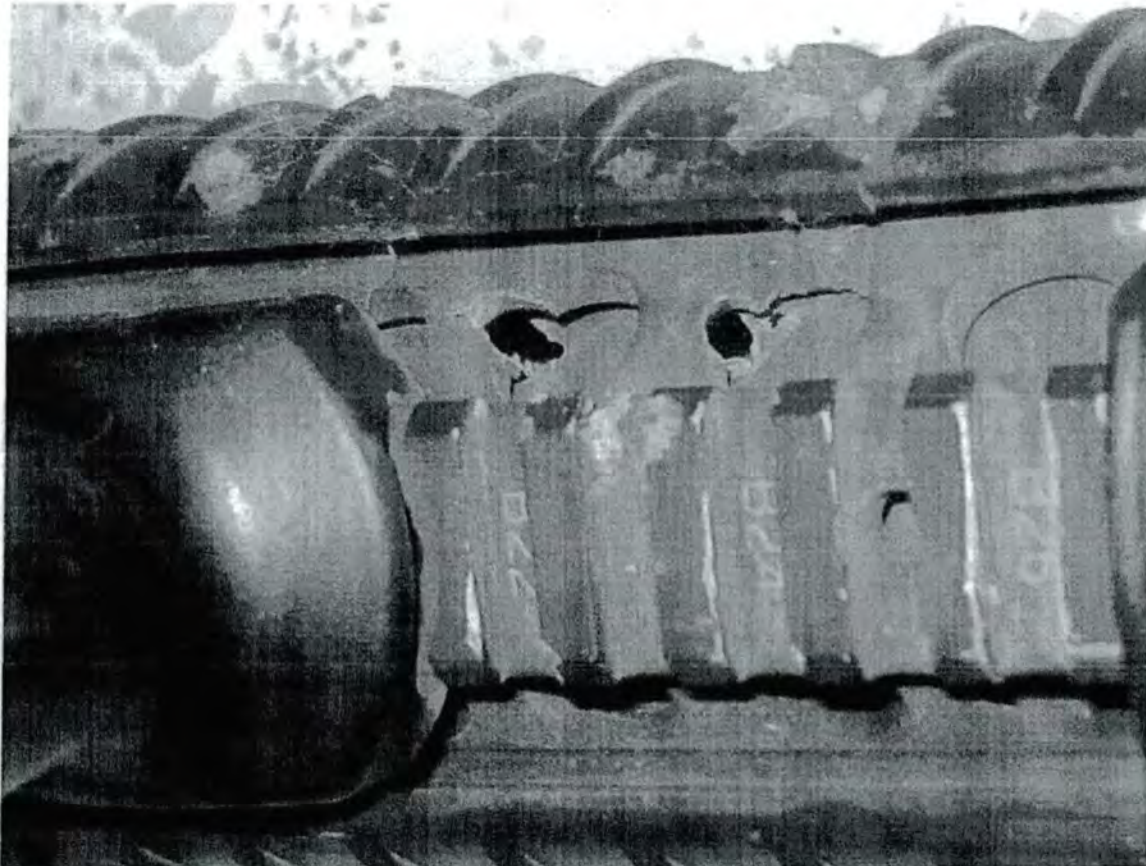


Photo taken by (b)(6), (b)(7)(c) on 02 Jan 05 at BLT 1/3 COC IVO of Camp Fallujah of Sergeant Peralta's M16A4, close up of forward lower rail with shrapnel damage

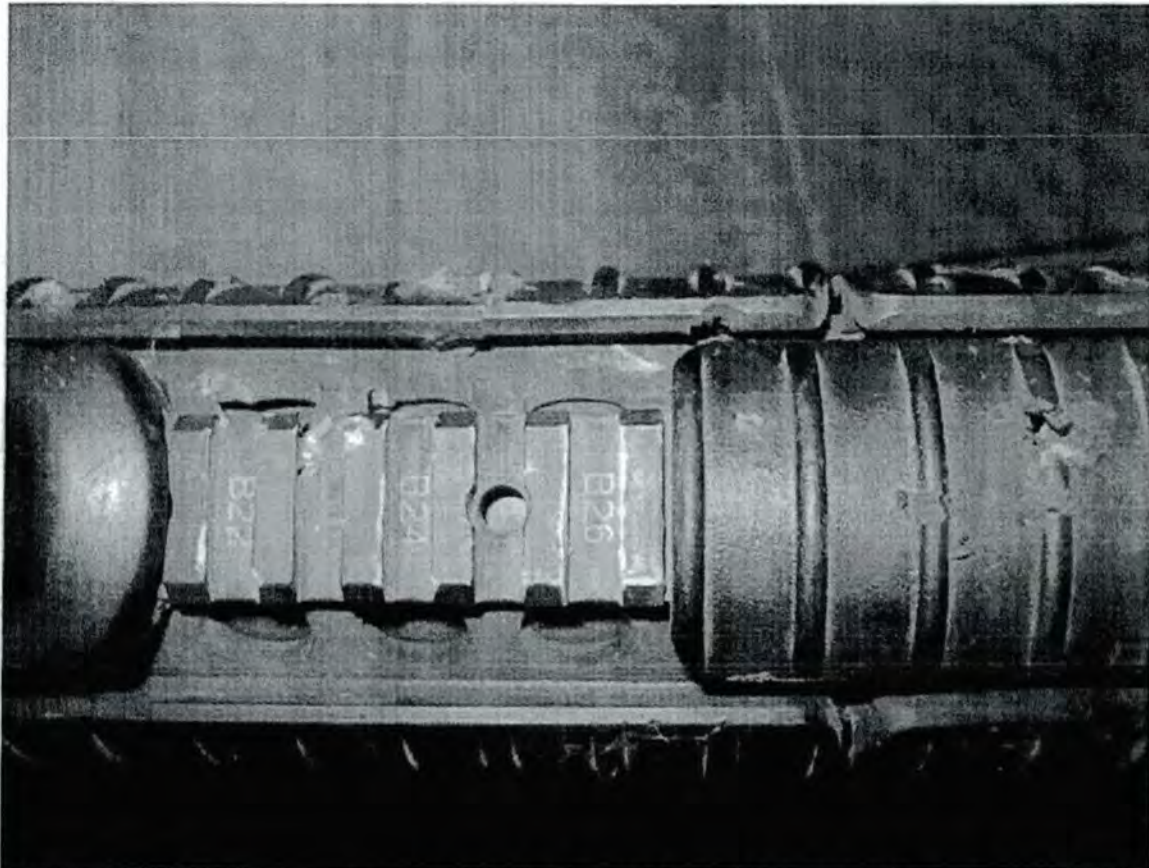


Photo taken by (b)(6), (b)(7)(c) on 01 Jan 05 at BLT 1/3 COC IVO of Camp Fallujah of Sergeant Peralta's M16A4, shrapnel damage to forward lower hand guard and rail

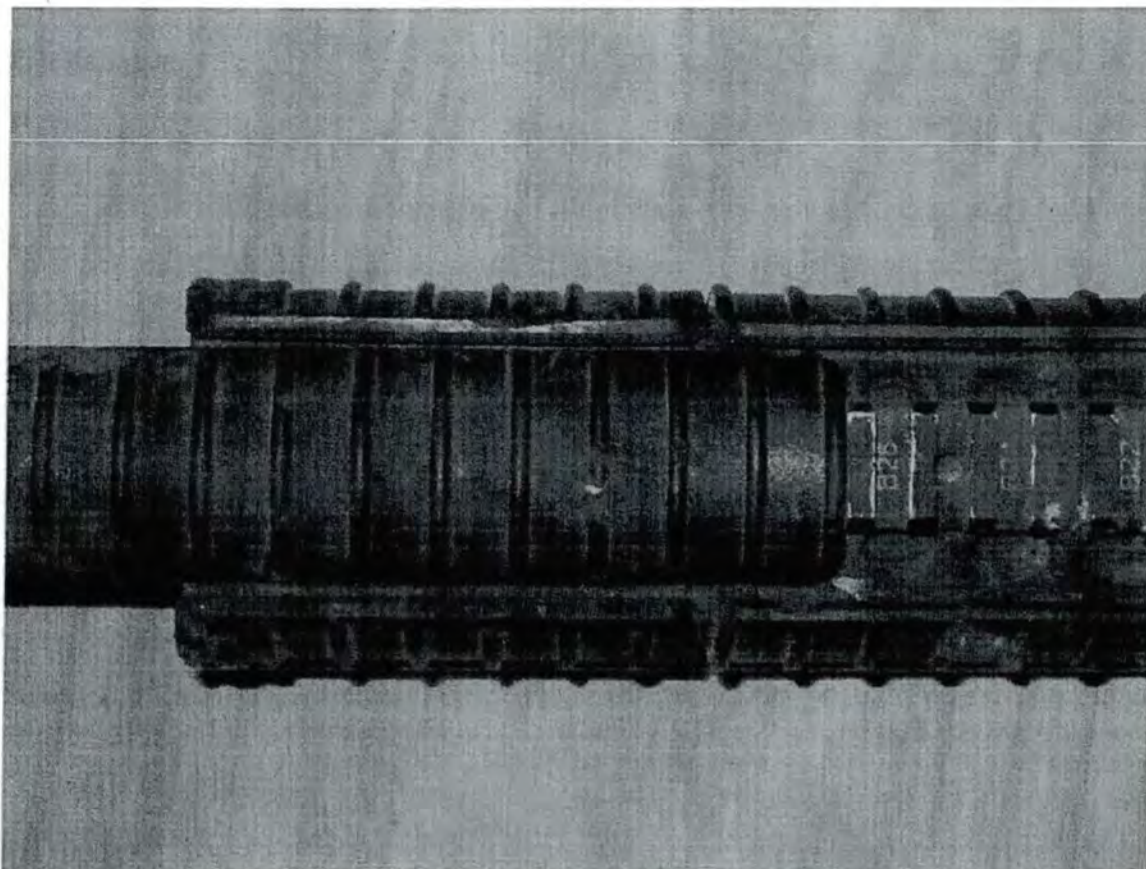


Photo taken by (b)(6), (b)(7)(c) on 01 Jan 05 at BLT 1/3 COC IVO of Camp Fallujah of Sergeant Peralta's M16A4, hand guard slide showing shrapnel damage to the front lower handguard

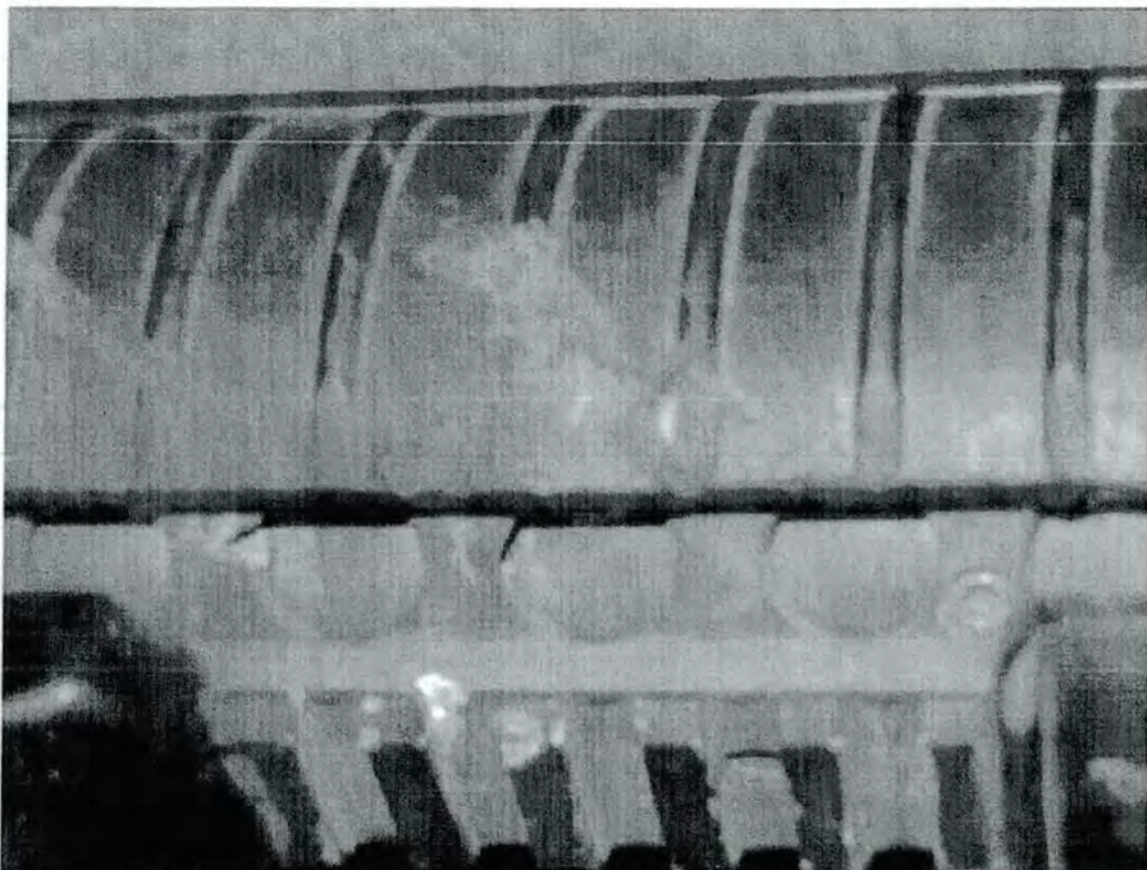
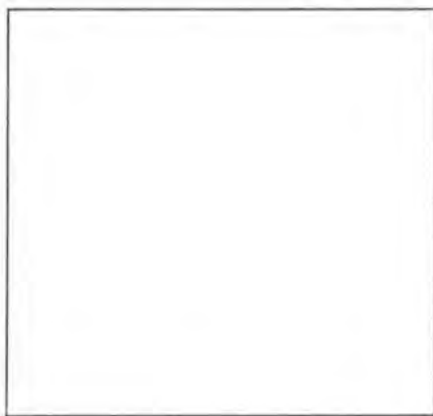
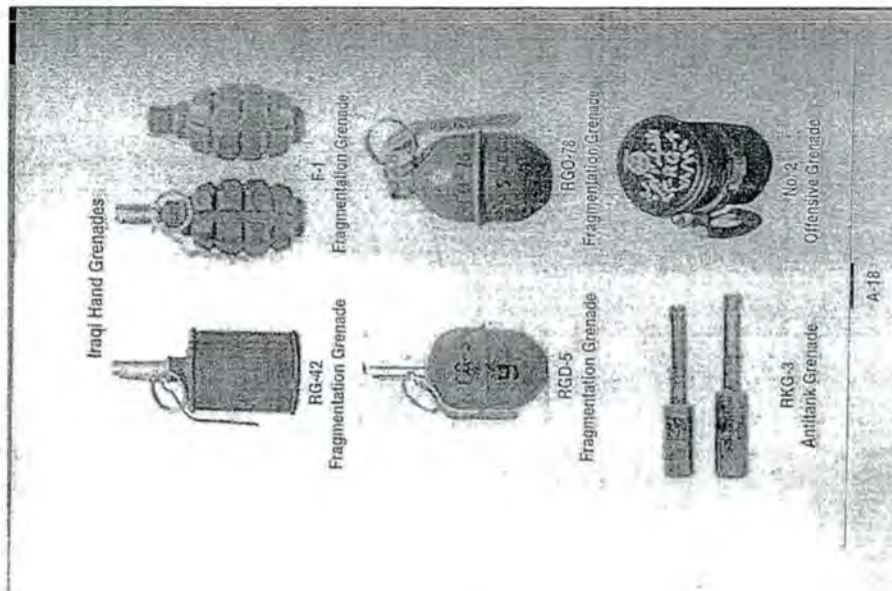


Photo taken by (b)(6), (b)(7)(c) on 01 Jan 05 at BLT 1/3 COC IVO of Camp Fallujah of Sergeant Peralta's M16A4, side handguard showing blast pattern to the upper left

18. (Only for those Marines who saw the grenade which killed Sergeant Peralta) With the understanding that the situation was very chaotic and the details of this incident are difficult to remember, please do your best to identify the grenade that Sergeant Peralta absorbed the blast with. If you cannot identify the grenade from this lineup, please draw a representation of the grenade in the blank:

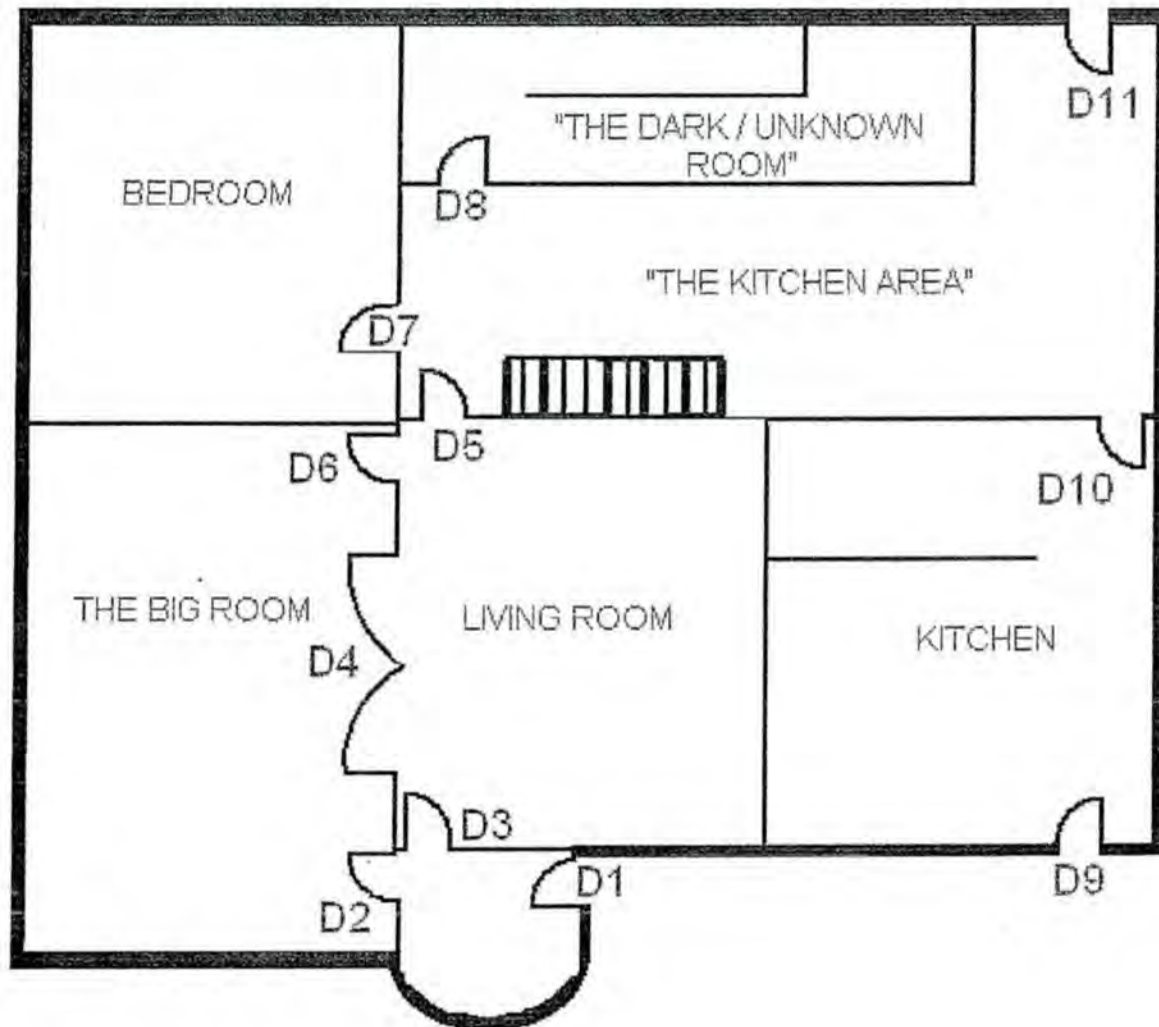


Attachment (E)
to Enclosure (cc)

- BLOCK 407
- HALTED DUE TO DARKNESS
- BOUNCED AROUND
- 2D SQUAD STARTED
- 5TH OR 6TH HOUSE, CONTACT APP 0930-0940
- 2ND HOUSE FROM WEST END
- (b)(6), (b)(7)(c) SQD LDR
- PREPPED W/ MG AND AT-4 (2ND DECK) ~~AFTER FALL HIS~~
- (b)(6), (b)(7)(c) TELLS (b)(6), (b)(7)(c)
- HELMET MISSING LARGE PIECE
- 3D SQUAD CLEARS AROUND, KILLED 2 CONF IN HOUSE BACKSIDE
- 1ST AND 3D CORDON
- OUT BACK DOOR, HOUSE TO EAST



Composite Floor Plan



Name: Rafael (NMI) Peralta
Rate or rank at time of action: Sergeant/E-5
Organization: 1st Platoon, Company A, Battalion Landing Team 1/3,
Regimental Combat Team 7, 1st Marine Division
Next of Kin: (b)(6), (b)(7)(c)
Person who assisted: N/A

Conditions Under Which Act Performed

Location: Hey Al Askari District, Al Fallujah, Al Anbar Province,
Iraq, UTM 38S MGRS LB 889 918
Date: 15 November 2004
Terrain: Urban Residential
Weather: Sunny, Clear Skies, 70 degrees

Enemy condition: Insurgent groups occupying vacant buildings throughout the city operating primarily in 4-8 man cells. Insurgent tactics varied from actively seeking out and engaging coalition forces to remaining dormant inside buildings until coalition forces entered the building. When contact was forced by coalition forces, insurgents generally fought from fortified positions inside houses, using automatic weapons and grenades and attempted to flee after inflicting casualties on the first coalition forces to enter the building. Insurgents were supplied via weapons and food caches pre-positioned throughout the city.

Friendly condition: Battalion Landing Team (BLT) 1/3 attacked in zone during the initial assault on Fallujah from 8 thru 10 November. Upon reaching its limit of advance, BLT 1/3 established company sectors and conducted search and attack operations throughout its tactical area of responsibility (TAOR). Operating independently, each company of BLT 1/3 came into contact with insurgent forces on a daily basis to include the day of 15 November 2004. BLT 1/3 also began psychological operations on 11 November 2004 to encourage insurgents to surrender; these operations were conducted in conjunction with humanitarian aid operations at the Mujahareen and Al Haydra Mosques.

Narrative Description of Gallant Conduct

Sergeant Rafael (NMI) Peralta is enthusiastically recommended for the Medal of Honor for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Platoon Guide, 1st Platoon, Company A, Battalion Landing Team 1/3, Regimental Combat Team 7(-)(Reinforced), 1st Marine Division(-)(Reinforced) in action against Anti-Coalition Forces in the City of Fallujah, Iraq, 15 November 2004, during Operation Phantom Fury/Al Fajr.

At approximately 0830, Sergeant Peralta was conducting search and attack operations with 2d Squad, 1st Platoon. The squad was clearing their seventh house of the day. Sergeant Peralta was augmenting 2d Squad because they were short personnel due to recently sustained casualties. Sergeant Peralta was positioned in the center of the squad between the first and second fire teams as they prepared to enter the house.

The squad met no resistance during their initial entry into the house and cleared the front rooms without incident. The door to the back rooms of the house was closed. The squad staged for entry into the back rooms with Sergeant Peralta positioned behind the point man. As the point man pushed open the door, the squad immediately came under a heavy volume of close-range automatic weapons fire from multiple insurgents located in the back rooms. The squad instantaneously returned fire, wounding one of the insurgents. As the squad sought cover, Sergeant Peralta was shot in the head as he attempted to maneuver out of the line of fire. Sergeant Peralta fell to the ground, still attempting to speak, though his words were unintelligible.

After the initial exchange of gunfire, the insurgents broke contact, throwing a fragmentation grenade towards the Marines as the insurgents fled the building. The grenade bounced off the side of a couch and came to rest approximately one foot away from Sergeant Peralta's head. The grenade lay between Sergeant Peralta and other members of the squad. Though mortally wounded, Sergeant Peralta, without hesitation, reached out and scooped the grenade under him and used his body to bear the brunt of the explosion, shielding other Marines of the squad who were only feet away. The grenade exploded underneath Sergeant Peralta with his body absorbing most of the blast. Other members of the squad near by received only minor shrapnel wounds from the explosion.

Sergeant Peralta was immediately medevaced via amphibious assault vehicle but succumbed to his wounds and was pronounced dead at 0915, 15 November 2004 while en route to Bravo Surgical Company.

Sergeant Peralta's gallant leadership, bravery and unwavering dedication to duty and to his fellow Marines distinguish his conduct as above and beyond the call of duty. Sergeant Peralta's willingness to make the ultimate sacrifice to preserve the lives of his comrades reflected great credit upon him and was in keeping with the highest traditions of the Marines Corps and the United States Naval Service. For his actions he is worthy of being decorated with the Medal of Honor.

Page 214 redacted for the following reason:

(b)(5)

Natonski MajGen Richard F

m: (b)(6), (b)(7)(c)
:: Friday, June 17, 2005 9:22 AM
Natonski MaiGen Richard F
cc: (b)(6), (b)(7)(c)
Subject: Transcript from Prayer Breakfast

Transcript provided as ordered, Sir.

Very Respectfully,

(b)(6), (b)(7)(c)

President Attends National Hispanic Prayer Breakfast

Andrew W. Mellon Auditorium
Washington, D.C.

8:28 A.M. EDT

THE PRESIDENT: Gracias, y siéntese. (Laughter.) Thank you for the warm welcome. It's an honor to be here at the National Hispanic Prayer Breakfast. Thanks for inviting me back. I understand this, like you understand this: America is founded on los valores de fe y familia. (Applause.) These are the values at the heart of the Hispanic American community. These are the values that enrich our nation. And I am grateful.

Our good works and reverence bring compassion to our country, and more importantly, honor to the Almighty. This morning we come together to pray, to pray for God's help as we serve our fellow citizens. Danny, thank you very much for the invitation and the introduction. I'm proud to be with a lot of the faith leaders from around our country. I saw my friend Luis Cortés. It's good to see you again, Luis. I want to thank John von Seggern, who is the Chairman of the Prayer Breakfast.

I want to thank the members of the Congress who are here -- Nancy Pelosi, Chris Cannon, Hilda Solis, Rahm Emanuel, Luis Fortuno. I want to thank you all for serving our country, and thank you for setting aside politics to come and honor the Almighty through prayer.

It's good to see my old buddy, former member of the Cabinet, Ridge. Tom Ridge is with us. Good to see Hector Barreto. He runs the SBA. Go ahead and pray, and then get back to work. (Applause.) It's good to see Don Powell, Gaddi -- who runs the FDIC, by the way -- Gaddi Vasquez is the Director of the Peace Corps.

And finally, I want to pay homage to the First Lady of Panama. I want to welcome you here, Madam First Lady. Thank you for coming. (Applause.) We're really glad you're here. Your husband is kind of like me; we both married well. (Laughter.)

We come from many faiths. In America, every religion is welcome. That's the great thing about our country: every faith is important. In America, people of faith have no corner on compassion, but people of faith need compassion to be true to the call to "Ame al projimo como a sí mismo," love your neighbor like you'd like to be loved yourself. That's a universal call.

Hispanic Americans, a love of neighbor is more than a gospel command -- it's a way of life. We see the love of neighbor in the strong commitment of Hispanic Americans to family and the culture of life. For Hispanic Americans, families are a source of joy and the foundation of a hopeful society. We're working to support and defend the sanctity of marriage and to ensure that the most vulnerable Americans are welcomed in life and

protected in love. (Applause.)

We see the love of neighbor in the tireless efforts of Hispanic American faith-based and community organizations that work daily to bring hope to harsh places. In Boston, the León de Judá Congregation mentors inner-city teens so they have a chance to realize the great dreams of America. In St. Louis, Acción Social Comunitaria helps immigrants and their children adapt to American life. In the archdiocese of Miami, Catholic Charities ministers to people with HIV/AIDS; inner-city Philadelphia, Cortés runs a fantastic program to help lift the spirits of every single child. (Applause.)

Many in the Hispanic community understand that by serving the least of -- nuestros hermanos y hermanas -- that we're serving a cause greater than ourselves. And by doing so, we're helping all citizens have an opportunity to realize their dreams here in America.

Finally, we see the love of neighbor in tens of thousands of Hispanics who serve America and the cause of freedom. One of these was an immigrant from Mexico named Rafael Peralta. The day after Rafael got his green card, he enlisted in the Marine Corps. Think about that. While serving in Iraq, this good sergeant wrote a letter to his younger brother. He said, "Be proud of being an American. Our father came to this country, became a citizen because it was the right place for our family to be." Shortly after writing that letter, Sergeant Peralta used his own body to cover a grenade an enemy soldier had rolled into a roomful of Marines.

This prayer breakfast, we remember the sacrifices of honorable and good folks like Sergeant Peralta, who have shown their love of neighbor by giving their life for freedom.

Hispanic Americans answer the call to service willingly, because you understand that freedom is a divine gift that carries with it serious responsibilities. And as you go about the work of repairing broken lives and bringing love into the pockets of hopelessness and despair, be strong, because you're sustained by prayer. Through prayer (applause.)

One of the most powerful aspects of being the President is to know that millions of people pray for me and Laura. People that I'll never have a chance -- (applause.) Think about a country where millions of people of all faiths, people whom I'll never have a chance to look face-to-face with and say, thank you, take time to pray. It really is the strength of America, isn't it? Through prayer we ask that our hearts be aligned with God's. Through prayer we ask that we may be given the strength to do what's right and to help those in need.

I want to thank you for the fine tradition you continue here today. This is an important tradition to continue right here in the heart of the nation's capital. I want to thank you for what you do for our nation. Que dios les bendiga, and may God continue to bless our country. Thank you very much. (Applause.)

END 8:36 A.M. EDT

Binder B

Additional Investigation
for the
Medal of Honor
recommendation
for
Sergeant
Rafael Peralta, USMC

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6. Medical Specialist Opinions.....	TAB F
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8. Sworn Telephonic Interview.....	TAB H
9. Review of Insurgent Engagement.....	TAB I



Congressional Medal of Honor

Recommendation

Supporting Documentation

Sergeant

Rafael Peralta

8 August 2005



UNITED STATES CENTRAL COMMAND
OFFICE OF THE COMMANDER
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

CCJ1

MEMORANDUM FOR Commandant of the Marine Corps, Headquarters United States Marine Corps, ATTN: Military Awards Branch, 3280 Russell Road, Quantico, Virginia 22134-5103

SUBJECT: Posthumous Medal of Honor Recommendation, Case of Sergeant Rafael Peralta,
(b)(6), (b)(7)(c) 0311 USMC

1. I recommend posthumous award of the Medal of Honor to Sergeant Rafael Peralta, USMC, for his conspicuous gallantry above and beyond the call of duty against the enemies of our nation in Fallujah, Iraq, on 15 November 2004.
2. After careful review of the documentation, it is clear Sergeant Peralta's personal bravery, unwavering dedication to duty and to his fellow Marines, distinguished him in combat far beyond the call of duty. Though no one can know his thoughts at that decisive moment, his actions speak volumes. There can be no doubt that he consciously acted to contain the blast and protect his fellow squad members without regard for his own safety or risk of harm. In doing so, he saved the lives of his comrades.
3. I strongly concur with LtGen Sattler and MajGen Natonski that this deed earned the award of the Medal of Honor.
4. The point of contact for this action is (b)(6), (b)(7)(c)


JOHN P. ABIZAID
General, USA

6 Encls

1. CDR, USMARCENT Memo 12 Sept 05
2. 1st Marine Division Memo 9 Aug 05
3. 1st Battalion 3d Marine Division Memo 8 Jul 05
4. 1st Marine Division (Rein), Memo 3 Mar 05
5. OPNAV 1650/3
6. Citation

US CENTRAL COMMAND ACTION PROCESSING FORM

TO: CDR		CLASSIFICATION: UNCLASSIFIED		ACTION NUMBER 20060113-024			
FROM: J, DCS, COS, DCDR			FILE NAME:		ORIG SUSPENSE		
SUBJECT: Posthumous Medal of Honor (MOH) Recommendation, case of Sergeant Rafael Peralta, (b)(6), (b)(7)(c) /0331, USMC				ACTION		SJS SUSPENSE	
				APPROVAL			
				x SIGNATURE		STAFF SUSPENSE	
				INFORMATION			
ACTION SUMMARY:							
1. PURPOSE. To obtain CDR's endorsement of a MOH for Sgt Rafael Peralta, USMC (Tab A).							
2. DISCUSSION.							
<p>a. On 15 November 2004, Sgt Rafael Peralta and his team were conducting a house-to-house search for insurgents in Fallujah, Iraq. Upon encountering enemy personnel hidden in one of the homes, Sgt Peralta received a gunshot wound to the back of the head and fell to the ground. The enemy then delivered a grenade into the room occupied by Sgt Peralta and his team, threatening the lives of his fellow Marines. Prior to the grenade's detonation, it came to rest near Sgt Peralta's head. Sgt Peralta scooped the grenade with his hand and secured it under his chest. The grenade detonated killing Sgt Peralta, while inflicting only minor injuries to some of his fellow Marines.</p> <p>b. For his actions, Sgt Peralta's battalion commander has posthumously nominated him for the MOH (Binder A, Tab A). The package has been endorsed by each step of the member's Chain of Command and has been forwarded to CDRUSCENTCOM for endorsement to the Department of the Navy via the Commandant of the Marine Corps.</p> <p>c. The MOH nomination (Binders A and B) has twice been considered by the Commanding General, I Marine Expeditionary Force, LtGen Sattler. Initial concerns involving a pathologist's opinion on Sgt Peralta's ability to voluntarily move following the gunshot wound to the head have been answered during the subsequent re-investigation (Binder B). In the reinvestigation, three highly credentialed neurosurgeons refuted the original pathologist's opinion. Additionally, there is detailed eyewitness testimony and physical evidence to support this position.</p> <p>d. Per SECNAV Instruction 1650.1G, Section 3, paragraph 230.1.b.(2), "There must be no margin of doubt or possibility of error in awarding this honor. To justify the decoration, the individual's service must clearly be rendered conspicuous above his or her comrades by an act so outstanding that it clearly distinguishes his or her gallantry beyond the call of duty from lesser forms of bravery; and it must be the type of deed which if not done would not subject the individual to any justified criticism. The deed must be without detriment to the mission of the command or to the command..."</p> <p>e. The staff review of the entire nomination package (Binders A and B) has determined that Sgt. Peralta's actions meet the criteria of the MOH. Sgt Peralta did conspicuously distinguish himself by gallantry & intrepidity at the risk of his life above & beyond the call of duty.</p>							
COORDINATION/APPROVAL							
OFFICE	ACTION	NAME & DATE	EXT	OFFICE	ACTION	NAME & DATE	EXT
	COORD	(b)(6), (b)(7)(c)		CDR	SIGN		
				DCDR	COORD		
				CoS	COORD	MG Austin 11/2/06	
ACTION OFFICER:							
DATE PREPARED:		CLASSIFICATION: UNCLASSIFIED		CLASSIFIED BY: DECLASSIFY ON:			

3. RECOMMENDATION. CDR favorably endorse the MOH recommendation for Sergeant Peralta. Once the endorsement is approved, the recommendation letter will be coordinated through SJS for signature.

//Signed//

(b)(6), (b)(7)(c)

Director, Manpower and Personnel



UNITED STATES MARINE CORPS

1ST MARINE DIVISION (REIN), FMF
BOX 555380
CAMP PENDLETON, CALIFORNIA 92055-5380

IN REPLY REFER TO:

1650

1

9 Aug 05

FIRST ENDORSEMENT on CO, 1stBn, 3d Mar ltr 1650 adj of 8 Jul 05

From: Commanding General, 1st Marine Division (Rein)
To: Secretary of the Navy
Via: (1) Commanding General, I Marine Expeditionary Force
(2) Commander, Marine Forces, U. S. Central Command
(3) Commander, U. S. Central Command
(4) Commandant of the Marine Corps

Subj: SUPPORTING DOCUMENTATION; MEDAL OF HONOR (POSTHUMOUS) RECOMMENDATION
IN THE CASE OF SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) /0311 USMC

Ref: (a) MOH Award Recommendation Package Dated 2 Jan 05

1. On the day after he received his Green Card, Sergeant Peralta, a native of Mexico, joined the United States Marine Corps. He was proud to live in America and serve our country. In November 2004 in Fallujah, Iraq, Sergeant Peralta above and beyond the call of duty, made the ultimate sacrifice to save the lives of his fellow Marines. It is with great pride and honor that I enthusiastically recommend Sergeant Peralta for our nation's highest award, the Congressional Medal of Honor.

2. The original submission of Sergeant Peralta's Medal of Honor was returned from I Marine Expeditionary Force over their concerns of a pathologist's opinion that stated Sergeant Peralta could not have executed any meaningful physical motions based on the injuries from a gunshot wound to the head. When the Medal of Honor recommendation was returned I instructed the Battalion Commander, (b)(6), (b)(7)(c) to conduct a detailed and comprehensive review of the investigation. (b)(6), (b)(7)(c) who was assigned to Sergeant Peralta's Battalion when this heroic action took place, conducted a review during June 2005. This package is being resubmitted based on re-interviews and sworn statements from eyewitnesses as well as new statements from three neurosurgeons with outstanding credentials who have given their medical opinion. These doctors opine that Sergeant Peralta could have scooped the grenade under his body despite his head wound. However, regardless of the medical opinions rendered after the fact there is sufficient eyewitness testimony and physical evidence (grenade fuze lodged in Sergeant Peralta's flak jacket) to support this award recommendation. After reviewing the evidence submitted and the testimony of competent professional medical officers, I believe beyond a shadow of doubt that Sergeant Peralta made a conscious decision to scoop the grenade under his body to protect his fellow Marines. He made the ultimate sacrifice to his country and fellow Marines.

3. I stand by my original endorsement and with great humility recommend Sergeant Peralta be awarded the Congressional Medal of Honor for the actions in which he lost his life.

R. F. NATONSKI



UNITED STATES MARINE CORPS

I MARINE EXPEDITIONARY FORCE, FMF
BOX 555300
CAMP PENDLETON, CA 92055-5300

IN REPLY REFER TO:
1600
CG
12 Sep 05

SECOND AND THIRD ENDORSEMENTS on CO, 1stBn, 3d Mar ltr 1650
adj of 8 Jul 05

From: Commanding General, I Marine Expeditionary Force,
Camp Pendleton and Commander, U.S. Marine Forces,
Central Command
To: Secretary of the Navy
Via: (1) Commander, U.S. Central Command
(2) Commandant of the Marine Corps
Subj: SUPPORTING DOCUMENTATION; MEDAL OF HONOR (POSTHUMOUS)
RECOMMENDATION IN THE CASE OF SERGEANT RAFAEL PERALTA
(b)(6), (b)(7)(c) /0311 USMC

1. It should be noted that I hold both positions as
Commanding General, I Marine Expeditionary Force and
Commander, U.S. Marine Forces, Central Command; therefore, I
am endorsing this document under both titles.

2. I initially spent 20 plus hours going through this
investigation in great detail back in May 2005. I returned
it to the 1st Marine Division Commanding General with a
number of questions/points requiring clarification before I
could unhesitantly recommend Sergeant Peralta for the Medal
of Honor. My questions have been answered. I have just
completed a third complete read of the entire award
recommendation to include all statements and have reviewed
all enclosures. Without hesitation and without doubt, I
recommend Sergeant Rafael Peralta for our Nation's highest
award, the Medal of Honor.

Y/R *John F. Sattler*
J. F. SATTLER



UNITED STATES MARINE CORPS

1ST BATTALION, 3D MARINES
3D MARINE DIVISION (-)(REIN)
MCBH KANEHOE BAY, HAWAII 96863

IN REPLY REFER TO:

1650

adj

8 Jul 05

From: Commanding Officer, 1st Battalion, 3d Marines

To: Commanding General, 1st Marine Division

Subj: SUPPORTING DOCUMENTATION; MEDAL OF HONOR (POSTHUMOUS) RECOMMENDATION
IN THE CASE OF SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) '0311 USMC

Ref: (a) MOH award recommendation package dtd 2 Jan 05

Encl: (1) Executive summary from (b)(6), (b)(7)(c)
(2) (b)(6), (b)(7)(c) Memorandum Endorsement on Sgt Peralta's MOH
package of 21 Apr 05
(3) Medical specialist opinions ISO Sergeant Peralta's MOH nomination
(4) Engagement movement summary graphic
(5) Sworn Telephonic Interview of (b)(6), (b)(7)(c) of 23 Jun 05
(To be included as Enclosure (23) to the original investigation)
(6) Review of Insurgent Engagement involving Sgt Rafael Peralta-
Additional Inquiry of 23 Jun 05

1. I have thoroughly reviewed the references, enclosures and all available information pertaining to the Medal of Honor (MOH) recommendation in the case of Sergeant Rafael Peralta. I submit the following additional material with my most enthusiastic recommendation that Sergeant Rafael Peralta receive the Medal of Honor.

2. Enclosures (1) through (3) are submitted for official documentation into the award recommendation of the MOH for Sergeant Peralta. Enclosure (1) is an executive summary by (b)(6), (b)(7)(c) the original investigating officer, considering new information presented in enclosures (2) and (3) and after a comprehensive review of all facts relevant to this case. Enclosure (2) is (b)(6), (b)(7)(c) memorandum endorsement on the autopsy conducted by (b)(6), (b)(7)(c) USA, Armed Forces Institute of Pathology (AFIP). This autopsy and memorandum call into question Sergeant Peralta's ability to consciously scoop a grenade to his body after having received a mortal gunshot wound to the head. Enclosure (3) is a summary of medical specialist opinions from medical officers with the Naval Medical Center, San Diego, CA supporting Sergeant Peralta's ability to pull an enemy grenade under him after receiving a mortal gunshot wound to the head. Enclosure (4) is a composite graphic which reconstructs the sequence of events and positioning of personnel within the engagement house on 15 November 2004. Enclosure (5) is a sworn telephonic interview with (b)(6), (b)(7)(c) In this interview (b)(6), (b)(7)(c) describes the location of the grenade blast depression as directly underneath Sergeant Peralta's left pectoral as observed when he and two other Marines removed Sergeant Peralta's body from the engagement house. Enclosure (6) is (b)(6), (b)(7)(c) additional statement based on (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) sworn statement.

4. This recommendation was returned to my command based on a medical opinion stating that Sergeant Peralta could not have made a conscious decision to scoop an enemy grenade underneath him given the nature of his wounds when he fell on 15 November 2004. Since that time, medical professionals with credentials similar to (b)(6), (b)(7)(c) have refuted this conclusion. An additional sworn statement from (b)(6), (b)(7)(c) (who carried Sergeant

Subj: SUPPORTING DOCUMENTATION; MEDAL OF HONOR (POSTHUMOUS) RECOMMENDATION
IN THE CASE OF SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) '0311 USMC

Peralta's body from the engagement house) attests that the grenade blast depression was indeed underneath Sergeant Peralta's left pectoral. After first hand examination of Sergeant Peralta's flak jacket, an explosive ordnance disposal expert found the fuse to the grenade located in the front flap of the flak jacket. He concluded that based on the location of the fuse and the grenade's relative lack of explosive material, the only way the fuse could have penetrated the front of the flak jacket is if it exploded underneath Sergeant Peralta. In (b)(6), (b)(7)(c) memorandum endorsement, he states that "Some type of explosion occurred on the left side of Sergeant Peralta's flak jacket". Four sworn eyewitness statements attest to Sergeant Peralta scooping the grenade to his body with his right arm. In his executive summary, (b)(6), (b)(7)(c) makes a clear argument that based on all witness testimony and physical evidence, the only conclusion that can be reached is that Sergeant Peralta pulled an enemy grenade underneath his body.

5. I submit this additional material with complete confidence that Sergeant Rafael Peralta made a conscious and heroic decision to pull an enemy grenade under his body to protect his fellow Marines.

6. Point of contact on this issue is (b)(6), (b)(7)(c) at
(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

21 Apr 2005

From: (b)(6), (b)(7)(c)
To: BGen Hejlik
Via: (b)(6), (b)(7)(c)

Subj: MEMORANDUM ENDORSEMENT ON SERGEANT PERALTA'S MEDAL OF HONOR PACKAGE

- Encl: (1) Armed Forces Institute of Pathology Final Autopsy Report dtd 20 Dec 2004
(2) E-mail of (b)(6), (b)(7)(c) USA, Regional Medical Examiner, Armed Forces Medical Examiner System, Dept of Pathology (medical examiner who performed the autopsy on Sgt Peralta, to (b)(6), (b)(7)(c) I MEF AC/S G-1, of 20 Apr 2005.
(3) (b)(6), (b)(7)(c) Review of Sergeant Peralta's Medal of Honor Package dated 16 Apr 05

1. Per my request (b)(6), (b)(7)(c) MD, USA, Regional Medical Examiner, (medical examiner who performed the autopsy on Sgt Peralta), provided Enclosures (1) and (2). The original Sgt Peralta MOH package contained an undated Preliminary Autopsy Report and the Battalion Landing Team Surgeon's (b)(6), (b)(7)(c) General Medical Officer who is not a certified medical examiner, pathologist, or neurologist) interpretation of the findings contained in the undated Preliminary Autopsy Report, which was based on his examination of Sgt Peralta's body at the Battalion Aid Station 30 minutes after his injury, his examination of Sgt Peralta's flack jacket, and witness accounts contained in the Investigation Officer's review.

2. Per Encl (2), (b)(6), (b)(7)(c) disagrees with (b)(6), (b)(7)(c) opinion that "it is conceivable that Sgt Peralta had intact cognitive and motor function for 30 seconds or more after his brain injury...his frontal lobes were not affected by the bullet path, meaning his ability to perform higher functioning tasks such as recognizing a situation and willfully responding was intact...it is possible and likely that some of his hearing was intact in the 30 seconds following his injury." (b)(6), (b)(7)(c) states: "The head gunshot wound would have been immediately incapacitating and nearly instantly fatal. He could not have executed any meaningful motions."

3. Per Encl (2), (b)(6), (b)(7)(c) disagrees with the testimony of the witnesses who stated that Sgt Peralta scooped the hand grenade to his body, hugged the grenade to his body, or tucked the grenade under his shoulder/under him. According to (b)(6), (b)(7)(c) "he (Sgt Peralta) had no significant internal injuries from blunt force trauma of the thorax and abdomen, which virtually rules out a grenade explosion beneath his body. Even with body armor, a military grenade would cause blunt force trauma, and there was none." (b)(6), (b)(7)(c) goes on to state: "The shrapnel injury pattern is consistent with an explosion at about the knee or thigh height, and a few feet to the left of the left knee-thigh, and slightly in front of it."

4. Based on the statements of (b)(6), (b)(7)(c) above, the inconsistencies contained in Encl (3), and my complete review of the entire package, I believe that due to the fog of war (first time the team had encountered insurgents and a fire fight in a house clearing operation), what the witnesses thought they saw (Sgt Peralta scooping/grabbing for a grenade) was in reality Sgt Peralta's involuntary muscle spasms caused by a fatal gun shot wound to the head. However, I can't explain or guess how Sgt Peralta's flack jacket could have sustained the damage it did (some type of explosion occurred on the left breast portion of his flack jacket).

5. It is my recommendation that no award be presented at this time, unless we can refute what (b)(6), (b)(7)(c) has stated above.

(b)(6), (b)(7)(c)

ENCLOSURE (2)

Pages 228 through 229 redacted for the following reasons:

(b)(6), (b)(7)(C), not a USMC record.

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, April 20, 2005 2:10 PM
To: (b)(6), (b)(7)(C)
Subject: RE: SGT PERALTA'S PRELIMINARY AUTOPSY REPORT SSN (b)(6)

Greetings (b)(6), (b)(7)(C) The main points we discussed are:

(b)(5)

(b)(6), (b)(7)(C)

-Contact info below

-----Original Message-----

From: (b)(6), (b)(7)(C)
Sent: Tuesday, April 19, 2005 6:17 PM
To: (b)(6), (b)(7)(C)
Subject: RE: SGT PERALTA'S PRELIMINARY AUTOPSY REPORT SSN (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Thanks again for giving me your insights - you have a fascinating job. I sure would appreciate if you could put some of your answers/comments down on an e-mail so I don't screw up what you said.

S/F

(b)(6), (b)(7)(C)

-----Original Message-----

From: (b)(6), (b)(7)(C)
Sent: Tuesday, April 19, 2005 9:47

ENCLOSURE (2)

Encl (2)

16 Apr 2005

Subj: SERGEANT PERALTA'S MEDAL OF HONOR PACKAGE REVIEW

1. Testimony differs slightly as to which arm Sergeant Peralta used (4 witnesses said Sergeant Peralta used his right arm and 1 said left). Additionally, 3 witnesses statements changed during the course of the investigation. Their original statements dated 15 Nov 04 don't specify which arm Sgt Peralta used to scoop up the hand grenade, however, their later statements specifically address which arm was used. One witness stated: "I saw his right arm move up toward his head and **almost scoop** the grenade in toward his body" and later in the same paragraph the witness states **he did scoop** up the hand grenade. Testimony also differs regarding which way Sergeant Peralta's head was facing when he was struck down by insurgents and was lying face down on his stomach prior to the grenade exploding (2 witnesses said his head was facing to the right, 2 witnesses said his head was facing to the left, and 1 witness said his head was at the 1130 position).
2. There are differences among the statements as to the number of people in the house, where they were located, and in what order. Another difference was whether or not Sergeant Peralta still had his Kevlar helmet on his head after the explosion. Two Marines testify that each of them was the one to pick up the Kevlar off the floor as Sergeant Peralta was being recovered from the house. However, the Marine who actually pulled Sgt Peralta out of the house himself stated the Kevlar was still on the Sergeant. A search of the supply section has revealed that the Kevlar was lost, destroyed or replaced and the weapon has since been cleaned and reissued. Neither was initially available for viewing.
3. The IO states that Sergeant Peralta's entire left side of his face was macerated, "indicating that the right side of his face must have been against the floor and shielded." Enclosure (8), Record of Identification Processing Anatomical Chart, contained in the IO's Review dated 1 Jan 05, shows wounds to both sides of Sgt Peralta's face, left arm and leg and back of right hand. Additionally, the autopsy report states that there were: "Too-numerous to count superficial fragment wounds (lacerations, abrasions, contusions) of the face, pelvic region and genatalia, and extremities." After reviewing the Record of Identification Processing Anatomical Chart and the autopsy report I cannot determine nor come to the conclusion that Sergeant Peralta's head was facing to the right. (b)(6), (b)(7)(c) EOD Tech who examined Sgt Peralta's flack jacket, stated: "The flack showed little blast damage with minor fragmentation damage located mostly on the left front portion...the fragment pattern on the front left portion of Sgt Peralta's flack jacket indicated the grenade was directly underneath Sgt Peralta's left side and was shielded by something (possibly his arm) on the right side." (b)(6), (b)(7)(c) statement/findings are consistent with the findings/injuries contained in the above reports.
4. (b)(6), (b)(7)(c) MD, BLT 1/3 Surgeon, said it is **possible and most likely** that Sgt Peralta did not suffer instantaneous death or immobilization. Instead, he had visual impairment, but not total blindness, progressing to primarily left-sided motor dysfunction. **It is possible** that he could willfully move his body in the seconds following the eventually fatal brain injury. (b)(6), (b)(7)(c) is not a certified medical examiner, pathologist, or neurologist. His statement is his interpretation of a formal autopsy results, "a translation into more easily understandable vernacular, and an informed assimilation of medical findings and possible action by the deceased."
5. Finally, the circumstances surrounding how Sergeant Peralta could have received a gunshot wound to the back of his head when he was engaged with insurgents who were directly in front of him was not addressed in the IO's review nor any of the endorsements.

ENCLOSURE (2)

(b)(6), (b)(7)(c)

Encl (3)

<u>Witness</u>	Saw Sgt P face down on stomach	Saw Sgt P scoop grenade to himself with right arm	Saw Sgt P scoop grenade to himself with left arm	Saw Sgt P reach for grenade or pull to himself (doesn't mention which arm)	Said Sgt P's head was facing to the right (left cheek on the deck)	Said Sgt P's head was facing to the left (right cheek on the deck)	Saw or heard a grenade explode	Didn't see or hear a grenade explode	Saw damage to Sgt P's face
(b)(6), (b)(7)(c)	X	X			X		X		
	X	X						X	
						X	X		X
	X							X	
	X				X				
			X	note 1 X		X	X		
	X	X		note 2 X			X		
									X
	X	note 3 X		X X		X	X		
							X		

Note 1 – Enclosure (37) Transposed Statement of (b)(6), (b)(7)(c) dated 15 Nov 04 contained in CG 1stMarDiv's 2nd Endorsement dated 3 Mar 05 doesn't mention which arm Sgt Peralta used, however, (b)(6), (b)(7)(c) telephonic statement to the IO contained in Enclosure (16) of the IO's Review dated 1 Jan 05 states that Sgt Peralta used his left arm to scoop up the grenade.

Note 2 – Enclosure (25) Transposed Statement of (b)(6), (b)(7)(c) dated 15 Nov 04 contained in CG 1stMarDiv's 2nd Endorsement dated 3 Mar 05 doesn't mention which arm Sgt Peralta used, however, (b)(6), (b)(7)(c) sworn statement contained in Enclosure (10) of the IO's Review dated 1 Jan 05 states in great detail how Sgt Peralta used his right arm to scoop up the grenade.

Note 3 – Enclosure (27) Transposed Statement of (b)(6), (b)(7)(c) dated 15 Nov 04 contained in CG 1stMarDiv's 2nd Endorsement dated 3 Mar 05 doesn't mention which arm Sgt Peralta used, however, (b)(6), (b)(7)(c) telephonic statement to the IO contained in Enclosure (17) of the IO's Review dated 1 Jan 05 states that Sgt Peralta used his right arm to scoop the grenade up under his body.

ENCLOSURE (2)

1 June 2005

From: Surgeon
To: CG
Via: G-1

Subj: MEDICAL SPECIALIST OPINIONS ISO SGT PERALTA MOH
NOMINATION

Encl: (1) [REDACTED]
(2) (b)(6), (b)(7)(C)
(3) [REDACTED]

1. Sir, on 25 May 2005 I met with two senior neurosurgeons [REDACTED] (b)(6), (b)(7)(C) and one senior neurologist [REDACTED] (b)(6), (b)(7)(C) at Naval Medical Center San Diego. Together we reviewed the first-hand witnesses' observations and the autopsy findings in the case of Sgt Peralta. This was done in order to obtain their opinions regarding the medical plausibility of Sgt Peralta's actions as described in the witness statements.

2. Each of the specialists felt that it was possible that Sgt Peralta acted as the witnesses described. Their statements are enclosures 1-3.

[REDACTED]
(b)(6), (b)(7)(c)

ENCLOSURE (3)

MEMORANDUM

30 May 05

From: (b)(6), (b)(7)(C)

To : 1st MARDIV Surgeon

Subj: Battle Injury Medical Opinion

1. Credentials: MEDICAL

CAPTAIN USN MEDICAL CORPS 26 yrs Active Service

(b)(6), (b)(7)(C)

Board Certified Staff Neurosurgeon NMCSO
Combat Casualty Care Course Instructor Fort Sam Houston
Course Director Advanced Trauma Life Support NMCSO

OPERATIONAL

UDT/SEAL Class #48 Subspecialty Ordinance (kitchen demolition)
Air Force Pilot B52, T38 Pilot Instructor Trainer, 560th Asst Squadron
Operations Officer, 12th Air Force Headquarters Air Training Command
Randolph Air Force Base Texas

RELEVANT EDUCATION & PROFESSIONAL EXPERIENCE

Aeronautical Engineer F-14 Analysis Center NARF Norfolk
Combat Casualty Care Course (6A-C4)
Combat Casualty Management, Echelon III Course (6A-C4A(III))
Strategic Medical Readiness & Contingency Course (SMRCC)
Landing Force Medical Staff Planning
Advanced Officer Leadership Course
Marine Corps Command & Staff Course
Naval War College Joint Maritime Operation
T-AH 19 Mercy
MAP Echelon II

2. Documents : REVIEWED

AFIP FINAL AUTOPSY REPORT #ME04-927 pgs 2 of 2

E-mail 20 APR 05 Fm : (b)(6), (b)(7)(c) pg 1 of 1

ENCLOSURE (3)

Subj: Battle Injury Medical Opinion

2. Documents :

MOH package review 16 APR 05 pgs 2 of 2

3. Opinion: **Sergeant Peralta was capable of stuffing a grenade/explosive device with either upper extremity.**

4. Wound Injury Analysis:

After reviewing the FINAL AUTOPSY DIAGNOSES listed in #ME04-927, it is clear that Sergeant Peralta's head, body and extremities were sufficiently intact to be conscious and capable of stuffing a grenade with either upper extremity. The penetrating injuries described as blast fragments to the left face and skull, penetrating fragment trajectory from the left occipital lobe to the right temporal parietal lobes and penetrating lacerating fragment to the right occipital lobe are not sufficient for full visual loss, total incapacitation or fatal respiratory arrest. The left face and skull fragments did not penetrate the brain. There is no report for embedded bone fragments along the brain trajectory path. There is no report on the steel penetrator tip dimensions, weight, additional fragments or retained foreign bodies. There is no report for significant subarachnoid hemorrhage, epidural, subdural, or intraventricular hematoma, basilar skull fracture, tympanic membrane rupture, auditory ossicular chain injury, mass, shift, hydrocephalus, basal cistern encroachment, uncus herniation, tonsil herniation or tentorial notching. There is no report for vascular injury to the common carotid, internal carotid, external carotid, middle cerebral, anterior cerebral, circle of willis, vertebral, posterior inferior cerebellar, anterior inferior cerebellar, superior cerebellar, basilar, posterior cerebral arteries. There is no report for vascular injury to the superior sagittal sinus, inferior sagittal sinus, straight sinus, transverse sinus, cavernous sinus, superior petrosal sinus, inferior petrosal sinus, occipital sinus, sigmoid sinus, superior anastomotic vein of Trolard, inferior anastomotic vein of Labbe, Vein of Galen. There is no report of injury to the frontal lobes specifically Broadman Areas 4,6,8,44(Broca). There is no report for injury to the left temporal lobe-Broadman Areas 39,40,41,43- auditory, association including Wernicke's area, left parietal lobe, ventricles, caudate, basal ganglia, thalamus, hypothalamus, pituitary, optic chiasm, orbital fissures, corpus callosum, brainstem, cerebellum, cranial nerves, corticobulbar tract, vestibulospinal tract, rubrospinal tract, corticospinal tract, red nucleus, spinal cord, brachial plexus, peripheral nerves. There is no reported injury to: airway, head disarticulation, extremity disarticulation, bone muscle avulsion, lung, heart, great vessel injury, thorax, hemothorax, pneumothorax, diaphragmatic rupture, abdominal organ damage, abdominal hematoma, retroperitoneal hematoma, long bone fracture, spine fracture, pelvic fracture, burn or powder burn injuries. The report confirms no confounding variables to physiologic function such as drugs or alcohol-none present.

With no reported injuries as listed above, Sergeant Peralta was not shot at close range, had a patent airway, could ventilate, perfuse oxygenated blood to his brain and was not in hemorrhagic shock. He

ENCLOSURE (3)

Subj: Battle Injury Medical Opinion

4. Wound Injury Analysis (con't):

could readily be conscious, have situational awareness, judgment, decision making, emotion, memory, vision, visual /verbal/auditory association, hearing, rapid eye movement, rapid head turn, and execute purposeful coordinated motor activity of all four extremities. **He was capable of making a conscious decision and had the physical ability to stuff a grenade/explosive device with either upper extremity.**

5. Ballistic Analysis:

There are three theories used in ballistic studies, Momentum ($M = \text{mass times velocity}$), Power ($P = \text{mass times velocity cubed}$) and Kinetic Energy ($KE = \text{one half the mass times velocity squared}$). Most ballistic studies use KE to quantify wounding potential. A perforating brain injury would be a missile/bullet/fragment (projectile) which creates an entrance and exit wound in which the intracranial transfer of wounding KE would be the difference between the entering and exiting KEs = $KE(in) \text{ minus } KE(out)$. In the case of a penetrating injury the projectile would be retained and the KE (out) would equal zero. A bullet has a aerodynamic design to minimize drag and maximize velocity and distance. A fragment can be a portion of a bullet which results from a ricochet or collision with another object or structure and will loose KE exponentially over distance. The steepness of the curve for energy loss will depend upon the drag forces. The drag would depend upon the fragment velocity, density of medium (bone, brain, Kevlar), cross sectional area of the projectile which would then determine the depth of penetration. Additional ballistic considerations are muzzle velocity, rifling, trajectory, yaw, precession and nutation. The trajectory is the forward motion of the center of mass of a projectile. Yaw is the side to side motion along the longitudinal axis of the projectile analogous to an automobile fish tailing.

The damage from a projectile to the head and brain results from shock waves, laceration, crushing and cavitation. Low velocity projectiles crush and lacerate brain tissue. Most of the damage is done to the tissue in direct contact or pushed aside by the projectile. The permanent cavity along the trajectory path is determined by the velocity, mass of the projectile, cross sectional area of the projectile and yaw or tumble. The temporary cavity is small compared to a high velocity projectile. The major difference with the high velocity projectile is a cone shaped pressure wave which transfers KE to the brain tissue ahead of the trajectory path and radially or ninety degrees in all directions from the trajectory path.

In the plane at the level on the skull of Sergeant Peralta's left occipital penetrating entrance wound the nominal inner table dimensions of the calvarium are front to back (anterior to posterior) 16cm by 14cm side to side (transverse). The occipital lobe is the smallest brain lobe. The approximate rounded tetrahedral/pyramidal shape enlarges to 4-4.5 cm anteriorly and 0.75-1.5 cm at the occipital pole. The maximum height is at the anterior medial portion of the occipital lobe approximately 4-5cm which tapers

ENCLOSURE (3)

Subj: Battle Injury Medical Opinion

5. Ballistic Analysis (con*t):

posteriorly on the medial side down to approximately 0.5-1.5 cm. Based on the reported entrance wound it is estimated that the steel tip projectile's vertical angle was between 20-40 degrees and had an estimated anterior posterior angle between 10-30 degrees in order to avoid damage to the structures listed in #4 and embed in the right temporoparietal lobe. The trajectory path is estimated at 8-10 cm.

The reported steel penetrator tip is part of a projectile and has lost KE. The fragmentation mechanism to create this projectile is unknown. During a close quarter fire fight in a building structure ricochet fragmentation is quite possible as well as impact fragmentation when the skull was penetrated. Material failure of a poor quality bullet is another less likely explanation. Regardless, Sergeant Peralta sustained a low velocity penetrating projectile injury to the brain. The early transfer of KE in the ME04-927 findings are: an atypical tangential bone gutter penetration, macerated left occipital lobe quickly transitioning to a permanent track coming to rest a short distance in the right temporoparietal lobe.

6. Contact at (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

ENCLOSURE (3)



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Dr. Cynthia Boyd, Psychologist
Cynthia Cessante, Psychologist
Cynthia Cessante, Case Manager
Cynthia Mack, Program Manager
Maren Cullen, Research Associate
Elizabeth Ziegler, Psychometrist

MEMORANDUM

6320
006400
27 May 2005

From:
To:

Subj: NEUROLOGICAL OPINION ICO
SGT RAFAEL PERALTA USMC, SSN 20, (b)(6), (b)(7)(c)

I am a Board Certified Neurologist with 34 years of clinical experience, Ph.D. in Neurochemistry, Naval Flight Surgeon with considerable operational experience both as Department Head of Internal Medicine and Neurology at NAMI as well as Director of Medical Services at NAMI, Senior Medical Officer on the JOHN F KENNEDY (CVN-67), and Senior Medical Officer for the United States Naval Academy. While in private practice I served as an independent Medical Examiner for Workers Compensation as well as Expert Witness for numerous forensic cases over a period of ten years.

I have reviewed the autopsy report and documents containing opinions and observations of what occurred during the firefight and fatal injuries sustained by SGT Peralta while in Fulluja Iraq, November 2004.

According to the autopsy report, he sustained a penetrating injury to the brain, which entered the left occipital scalp and skull; transversed the left occipital pole then entered the right temporoparietal brain where a steel penetrating tip came to rest. There was subarachnoid hemorrhaging of the left occipital lobe, lacerations of the right occipital, parietal and temporal lobes. No mention is made of any injuries to the brain stem, frontal lobes, motor cortex, internal capsule, and carotid or vertebrobasilar arteries.

ENCLOSURE (3)

**NEUROLOGICAL OPINION ICO SGT RAFAEL PERALTA USMC,
SSN 20. (b)(6), (b)(7)(c)**

Understanding that the penetrating injury was of relatively low velocity (no exit wound and steel penetrating tip within the brain), and that there was no damage to the brain stem, frontal lobes or motor pathways or blood supply to these regions, it is quite possible, indeed likely that SGT Peralta was not immediately incapacitated by the brain injury and could well have carried out an intentional motor act such as that described by the witnesses on the scene. Namely, intentional scooping of a grenade with either his right or left arm, pulling it beneath his body.

Please contact my office at (b)(6), (b)(7)(c) if you have any questions or concerns.

(b)(6), (b)(7)(c)



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<p>CAPT John P. Grossmith, MC, USN Chairman / Staff Neurosurgeon</p> <p>Vacant Vice-Chairman</p> <p>Barbara Snow CIV, Clerical Assistant (OA)</p> <p>Anna Martin CIV, Case Manager</p> <p>Maxine Smith CIV, Medical Support Asst (OA)</p> <p>LCDR Janet R. Keais, MC, USNR Division Officer</p> <p>HMC Rosalynn Bendtsen, USN LCPO / Customer Service Rep</p> <p>HM2 Richie Secody, USN LPO / Customer Service Rep</p> <p>HM3 Katherine Aeschlimann, USN Supply Petty Officer</p>	<p>27 May 2005</p> <p>To: [REDACTED]</p> <p>FM: (b)(6), (b)(7)(C)</p> <p>RE: Sergeant Raphael Peralta 20/ (b)(6), (b)(7)(c)</p> <ol style="list-style-type: none">1. I reviewed the data provided regarding Sergeant Peralta's unfortunate death while in combat in Iraq. This data included his autopsy report and descriptions of witnesses.2. My professional qualifications to evaluate this case include both neurosurgical and naval experience. Specifically, I graduated from the U.S. Naval Academy with a B.S. in Mathematics and completed 2 years of a mechanical engineering degree and have a solid foundation in physics and mechanics. My operational experience includes my Naval Academy experience and a two year general medical officer tour with the Seabee unit, Naval Support Force Antarctica. My neurosurgical training includes residency at Washington University in Saint Louis and an additional one year fellowship in cerebrovascular and skull base surgery at Barrow Neurological Institute in Phoenix, AZ giving me extensive knowledge of cranial injuries and complex cranial anatomy. I have been a Naval Neurosurgeon for three years serving as the head of the division of neurosurgery at Naval Medical Center San Diego for two years and have managed a number of patients with ballistic injuries from OIF.3. The witnesses report that Sergeant Peralta made an effort to pull a live grenade on the ground towards his body with an upper extremity shortly after being injured by a bullet or fragment to the back of his head. The grenade discharged and Sergeant Peralta died. The medical examiner stated that Sergeant Peralta could not have had the cognitive function to perform the act of reaching for a grenade following his initial injury.
<p><i>Division of Neurology</i> CDR Terry S. Peery, MC, USNR Head, Neurology Division</p> <p>Staff: CAPT E. W. Hopkins, MC, USNR CAPT D. M. E. Llewellyn, MC, USN CDR J. M. Apides, MC, USNR Dr. Stephen L. Stecker, CIV</p>	
<p><i>Division of Neurosurgery</i> CDR John E. Wanebo, MC, USNR Head, Neurosurgery Division</p> <p>Staff: CDR W. M. Gluf, MC, USN LCDR C. T. Sebastian, MC, USNR</p> <p>Physician Assistants: Mr. Patrick Kearney, CIV Ms. Tistia Gaston, CIV</p>	
<p><i>Division of Psychiatry & Rehab</i> LCDR Janet R. Keais, MC, USNR Head, Psychiatry & Rehab Division</p> <p>Staff: CDR J. T. Neff, MC, USN</p>	
<p><i>DVBIC</i> Dr. Angela Drake, Neuropsychologist Dr. Sharon Nichols, Neuropsychologist Dr. Cynthia Boyd, Psychologist Dr. Lynne Cessante, Psychologist San Yoder, Case Manager Landa Mack, Program Manager Karen Cullen, Research Associate Elizabeth Ziegler, Psychometrist</p>	

ENCLOSURE (3)



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Linda Mack, Program Manager
Karen Cullen, Research Associate
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4. My professional opinion as a Staff Neurosurgeon is that Sergeant Peralta may very possibly have been able to do the action reported. Specifically, Sergeant Peralta sustained a gunshot wound to his left occiput, which had a tangential direction and had a bullet fragment passing from his left occipital pole passing into his right temporal-parietal region. There were some lacerations of the left occipital lobe and right occipital, temporal and parietal lobes but no evidence of brainstem destruction or major cavitation effects. There was some subarachnoid blood over the right cerebellum and occipital poles but no report of large hemorrhage or areas of infarction. The autopsy also notes significant multiple small fragments and lacerations to the face and body consistent with the grenade discharge. These data leave me to belief that it is likely that the bullet may have stuck another object prior to hitting Sergeant Peralta given the lack of major devastation known with military rounds. It traveled from left occipital lobe to the right temporal-parietal region, behind the brainstem. Frontal executive function and arm function would be preserved. Occipital lobes could be well enough preserved for vision.

5. In conclusion, based on the evidence presented, it is very possible that Sergeant Peralta could have reached for the grenade after his initial gunshot wound.

(b)(6), (b)(7)(c)

ENCLOSURE (3)

Sgt Peralta

BLT 1/3

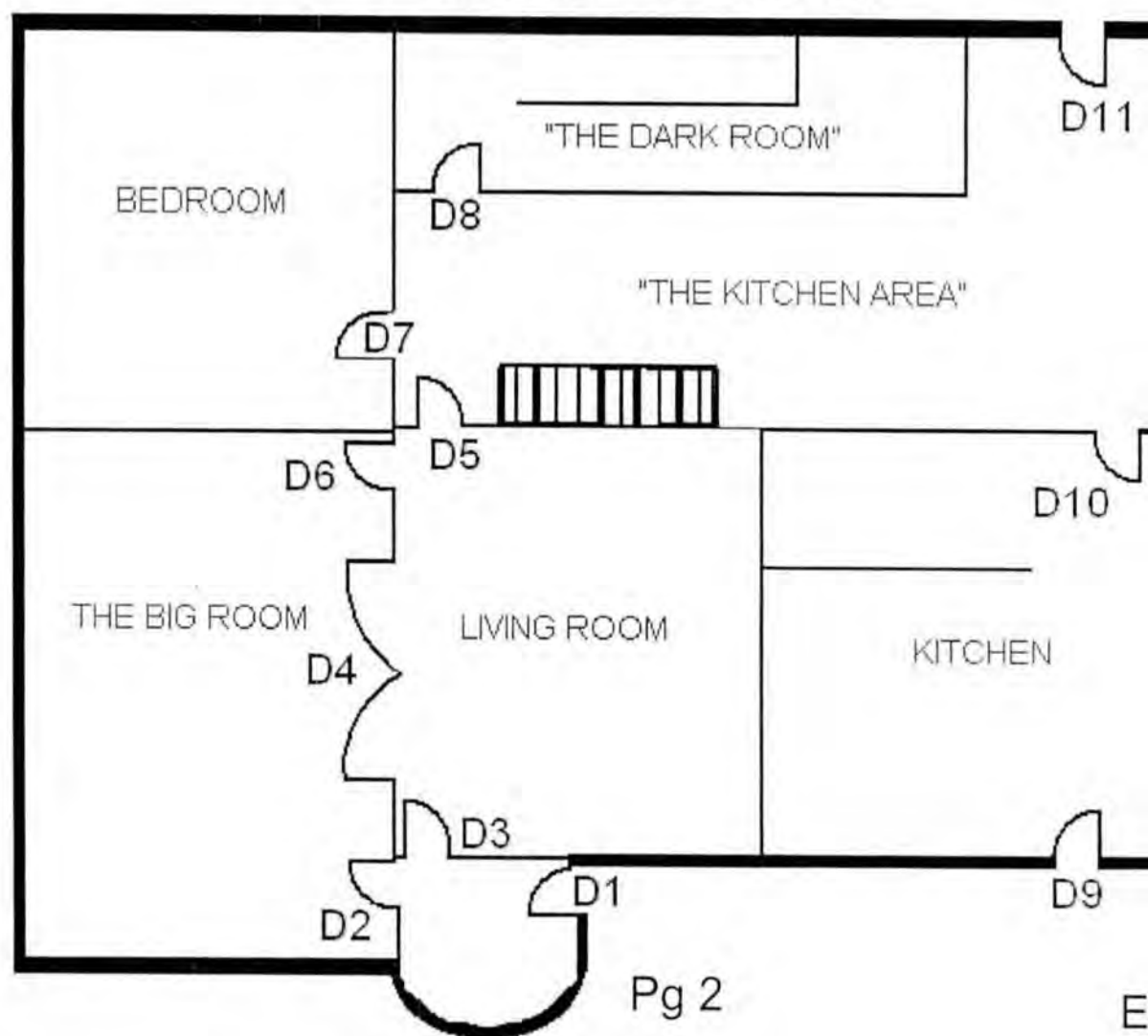
Award Recommendation

Actions of 2d Squad at Contact House
15 November 2004

ENCLOSURE (4)

ENCLOSURE (4)

Contact House Composite Floor Plan



Pg 2

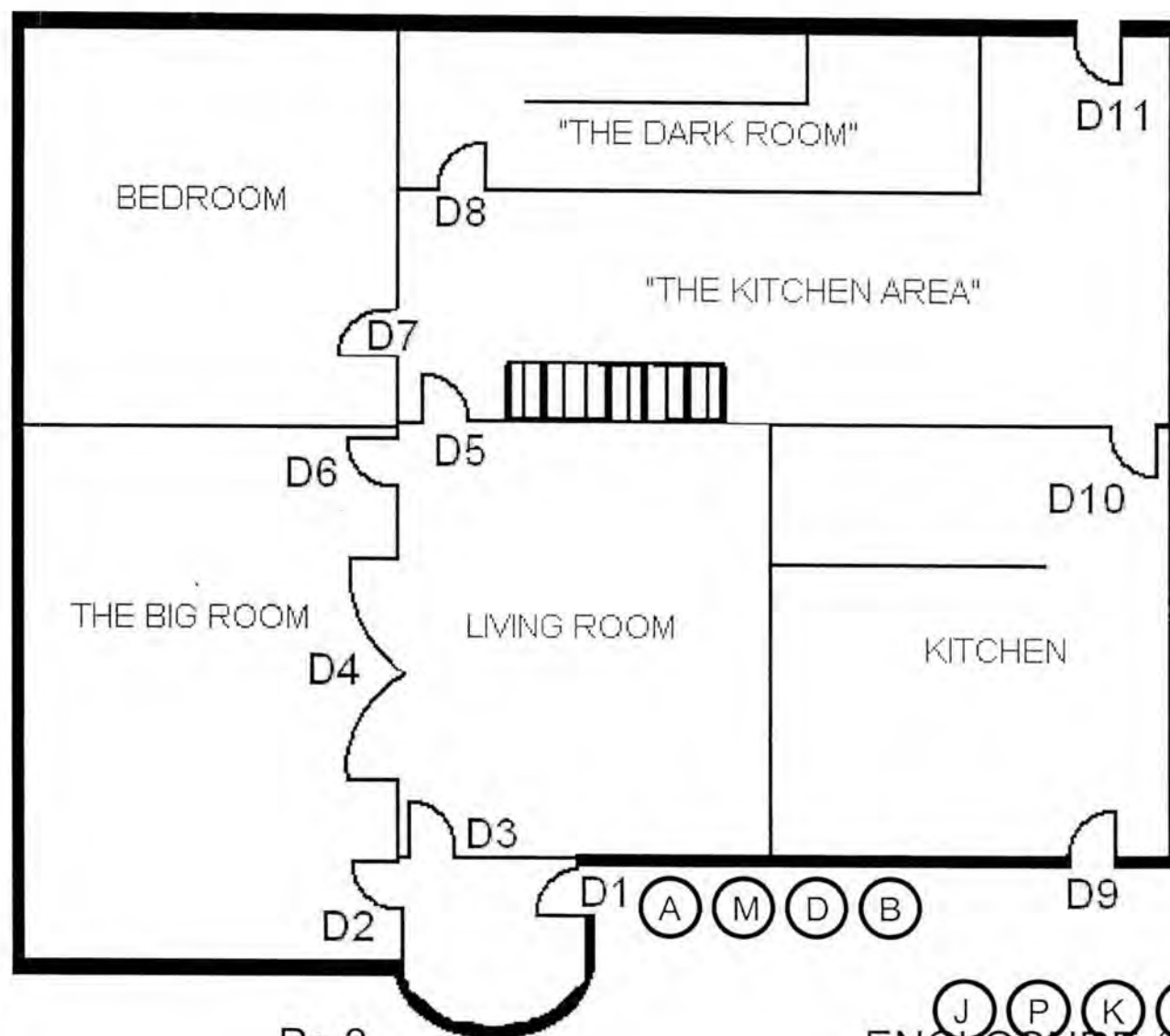
ENCLOSURE (4)

ENCLOSURE (4)

Stack Outside House

3

(A)
 (M)
 (D)
 (B)
 (J)
 (P) Sgt Peralta
 (K)
 (R)
 (I) Insurgent



(b)(6), (b)(7)(c) Sgt Peralta,

(b)(6), (b)(7)(c)

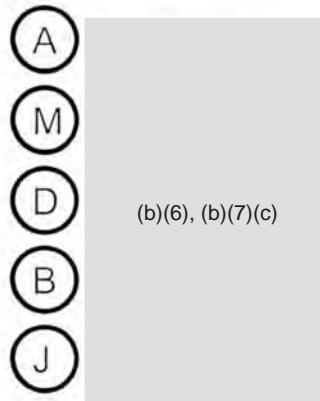
stacked away from the lead fireteam initially.

ENCLOSURE (4)

Pg 3

(J)
 (P)
 (K)
 (R)
 ENCLOSURE (4)

Gaining Entry



Sgt Peralta



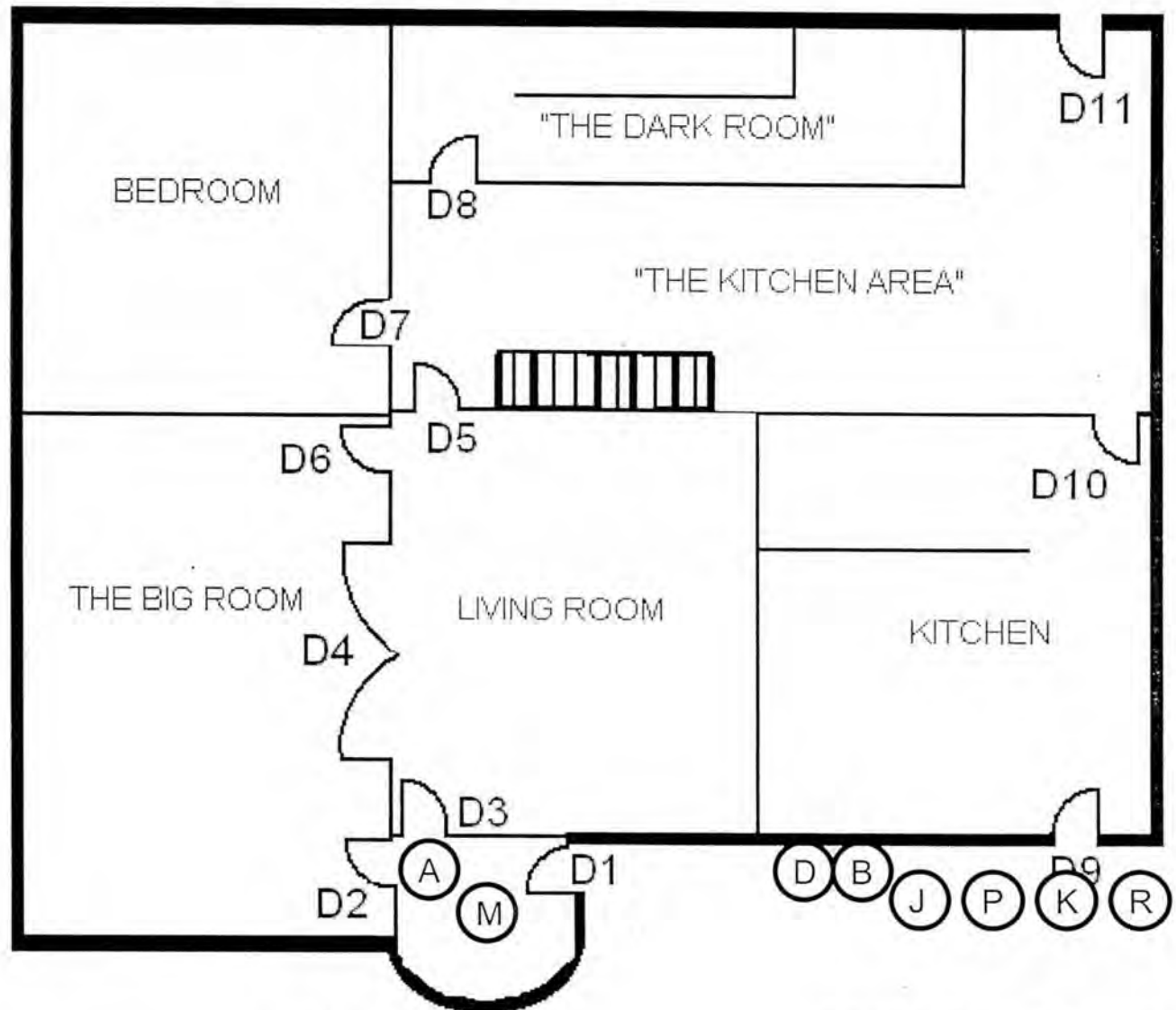
I Insurgent

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) move into
Entrance Room

-Find D2 locked

-Move to D3



Pg 4

ENCLOSURE (4)

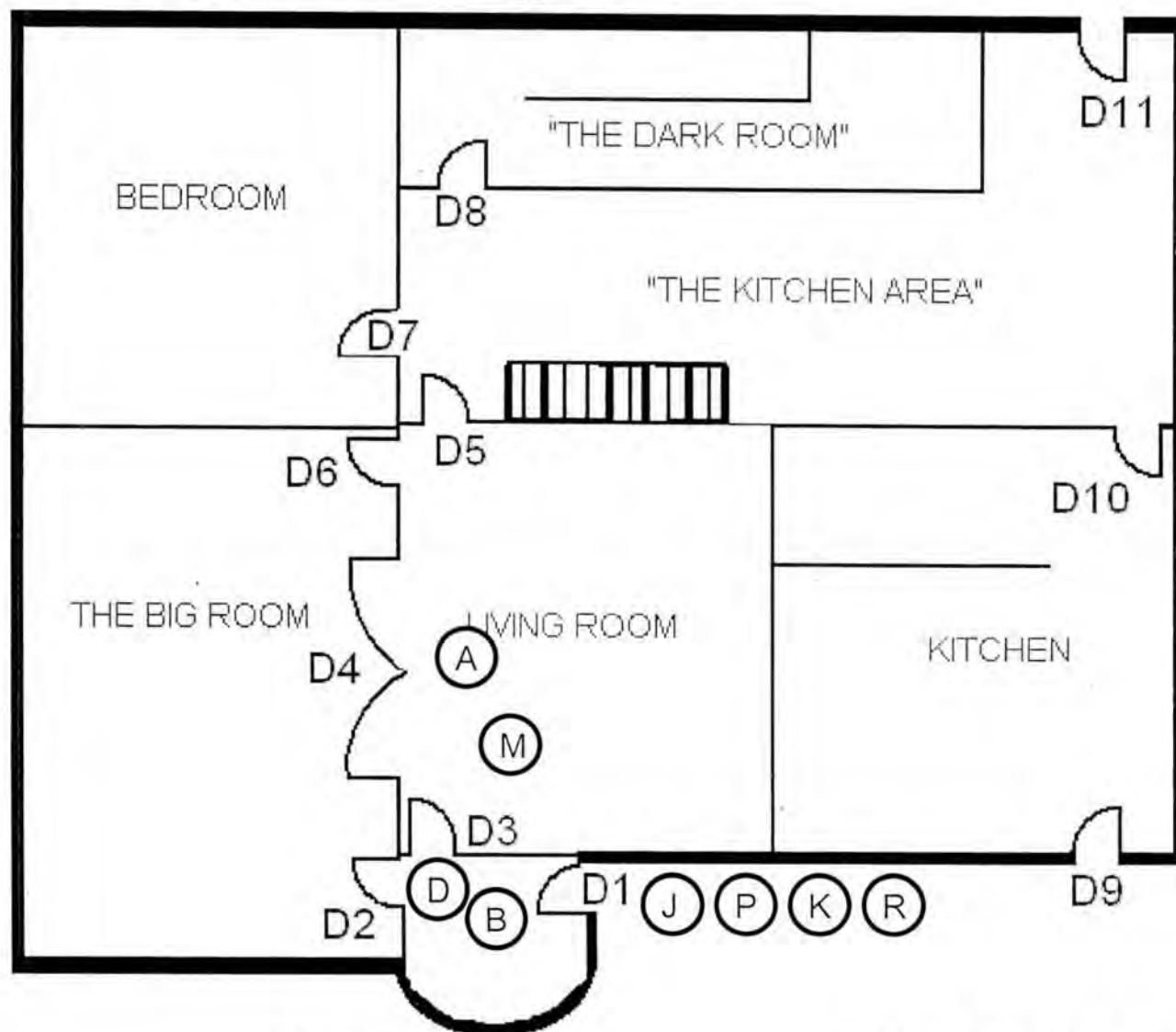
ENCLOSURE (4)

Clearing Living Room

5

(A)
 (M)
 (D) (b)(6), (b)(7)(c)
 (B)
 (J)
 (P) Sgt Peralta
 (K)
 (R) (b)(6), (b)(7)(c)
 (I) Insurgent

(b)(6), (b)(7)(c) move
 into Living Room
 -Remainder of team enters
 building.
 -2nd stack moves into position



Clearing Big Room

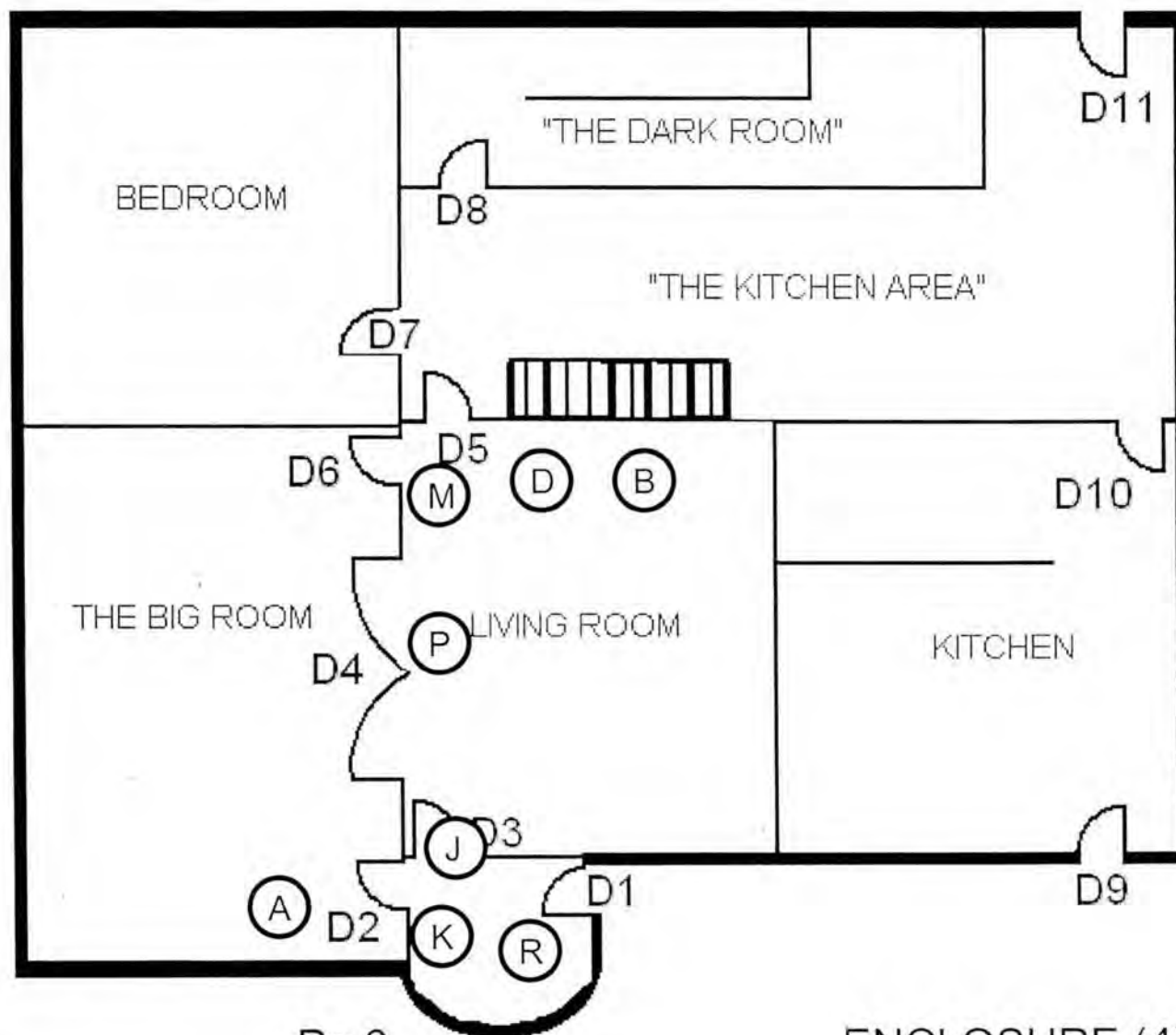


(b)(6), (b)(7)(c) enters and clears the Big Room through D4

(b)(6), (b)(7)(c) moves to cover D5 & D6

(b)(6), (b)(7)(c) move to stack next to D5

-Remaining personnel move into entrance room and start moving into living room



Pg 6

ENCLOSURE (4)

ENCLOSURE (4)

Moving into Living Room

7

A
M
D
B
J
P
K
R

(b)(6), (b)(7)(c)

Sgt Peralta

(b)(6), (b)(7)(c)

Insurgent

(b)(6), (b)(7)(c) remains in Big Room

-Sgt Peralta moves behind (b)(6), (b)(7)(c)

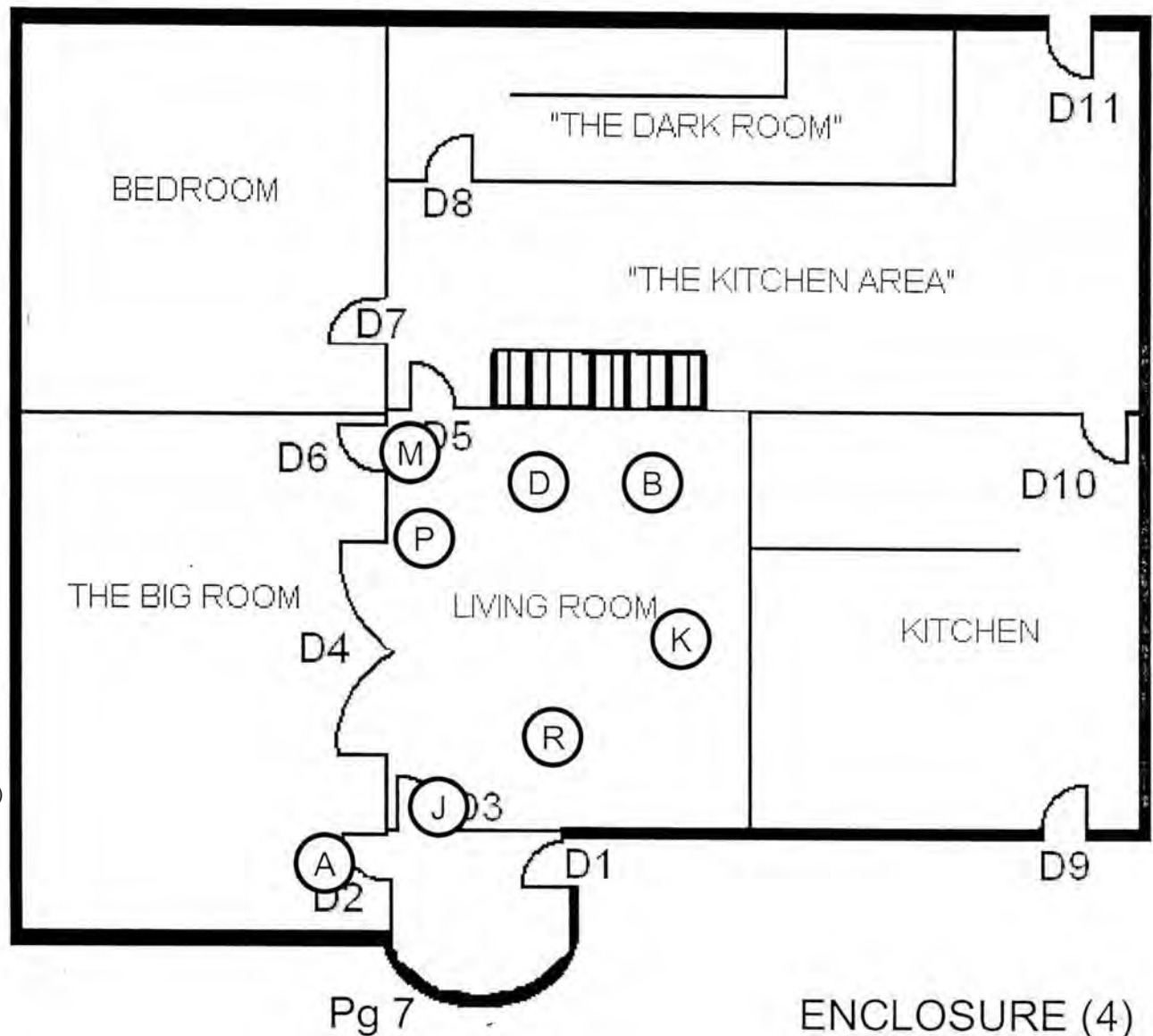
(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) stack to the right of D5

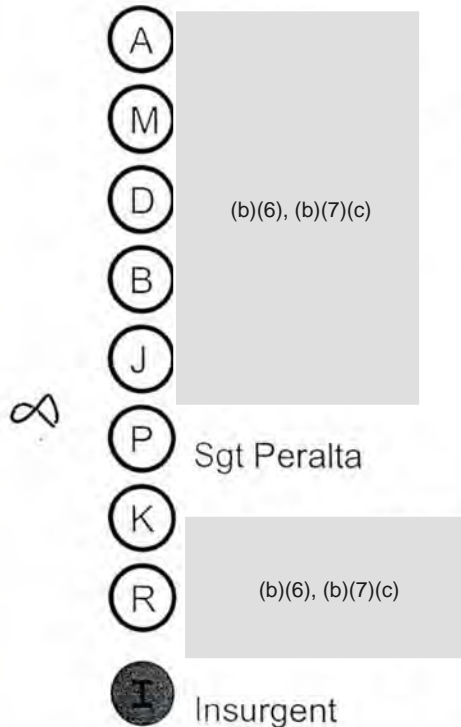
(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) move into living room

ENCLOSURE (4)

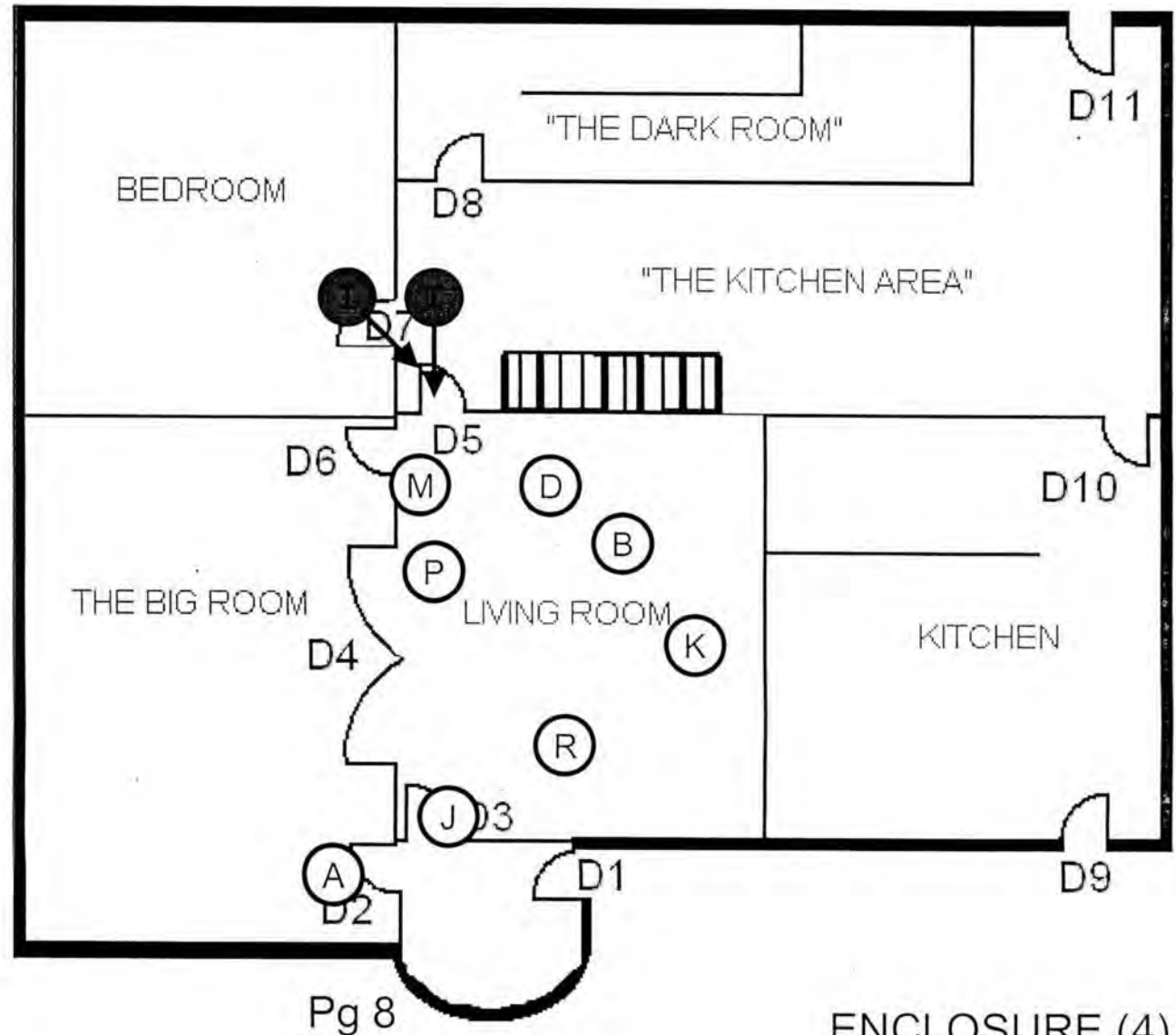


Engagement Begins



(b)(6), (b)(7)(c) opens D5

-Insurgents immediately open fire from Bedroom and Kitchen Area



ENCLOSURE (4)

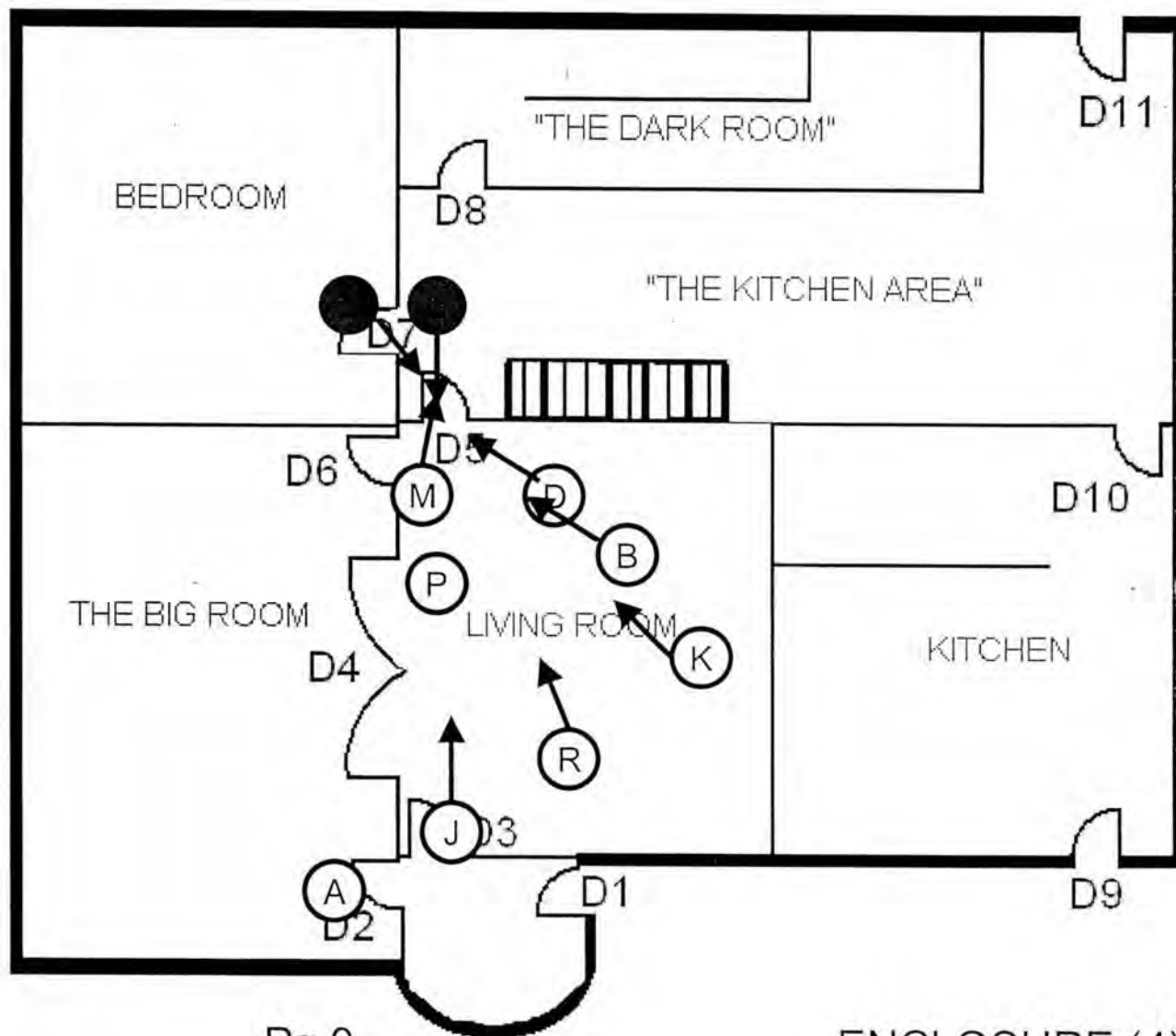
ENCLOSURE (4)

The Fire Fight

6

A
 M
 D (b)(6), (b)(7)(c)
 B
 J
 P Sgt Peralta
 K (b)(6), (b)(7)(c)
 R
 I Insurgent

(b)(6), (b)(7)(c)
 (b)(6), (b)(7)(c) (firing over
 (b)(6), (b)(7)(c) shoulder)
 return fire



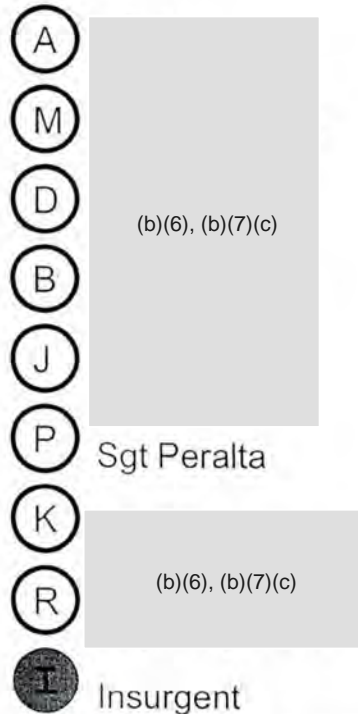
Pg 9

ENCLOSURE (4)

ENCLOSURE (4)

Sgt Peralta Hit

10

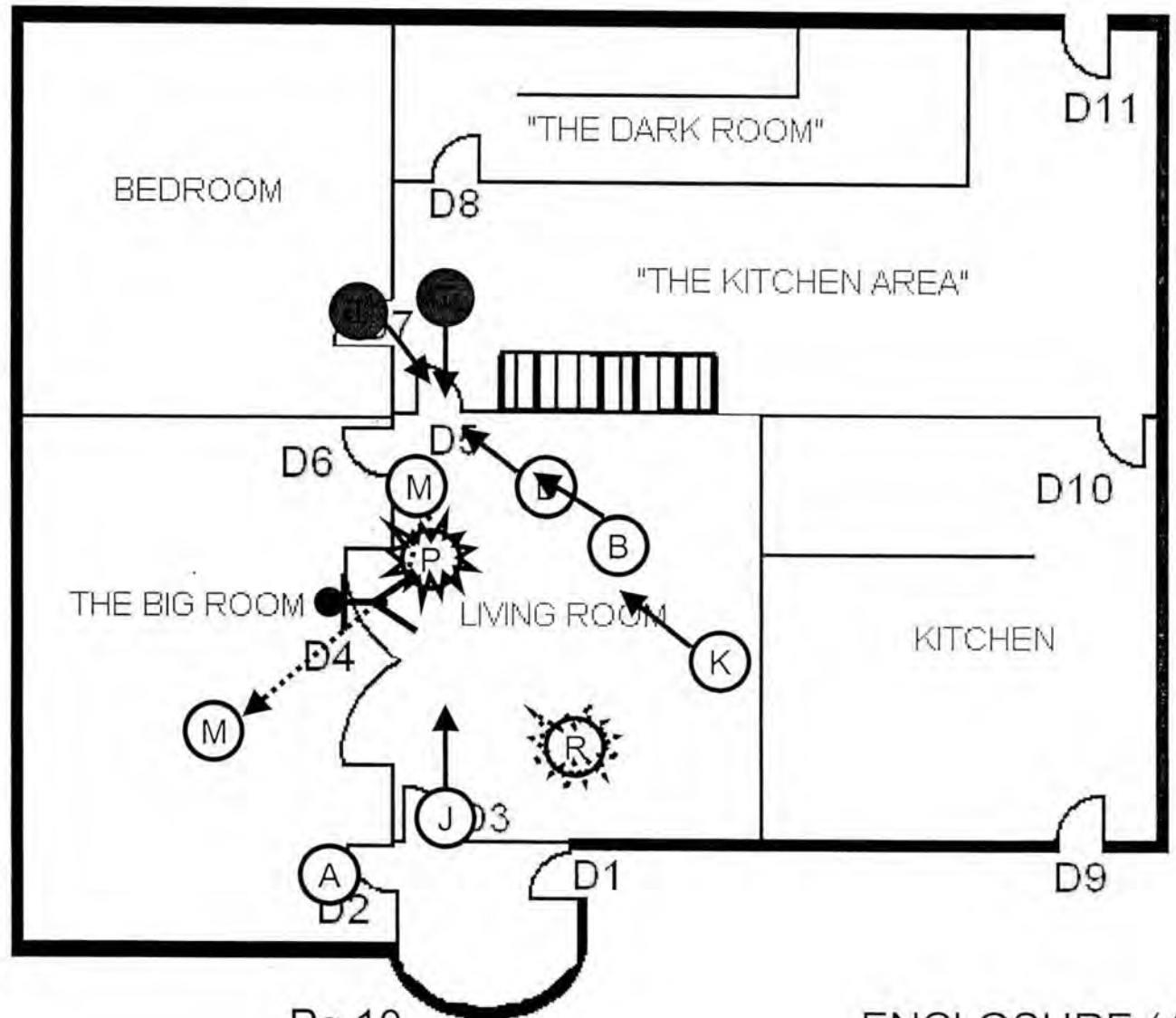


-Sgt Peralta is shot, rotates counter-clockwise and falls onto his stomach in the middle of D4

(b)(6), (b)(7)(c) rotates clockwise and moves out of the line of fire into the Big Room

(b)(6), (b)(7)(c) is shot in forearm

-Other Marines continue to engage



Pg 10

ENCLOSURE (4)

ENCLOSURE (4)

Insurgents Cease Firing

11

A
M
D
B
J
P
K
R
I

(b)(6), (b)(7)(c)

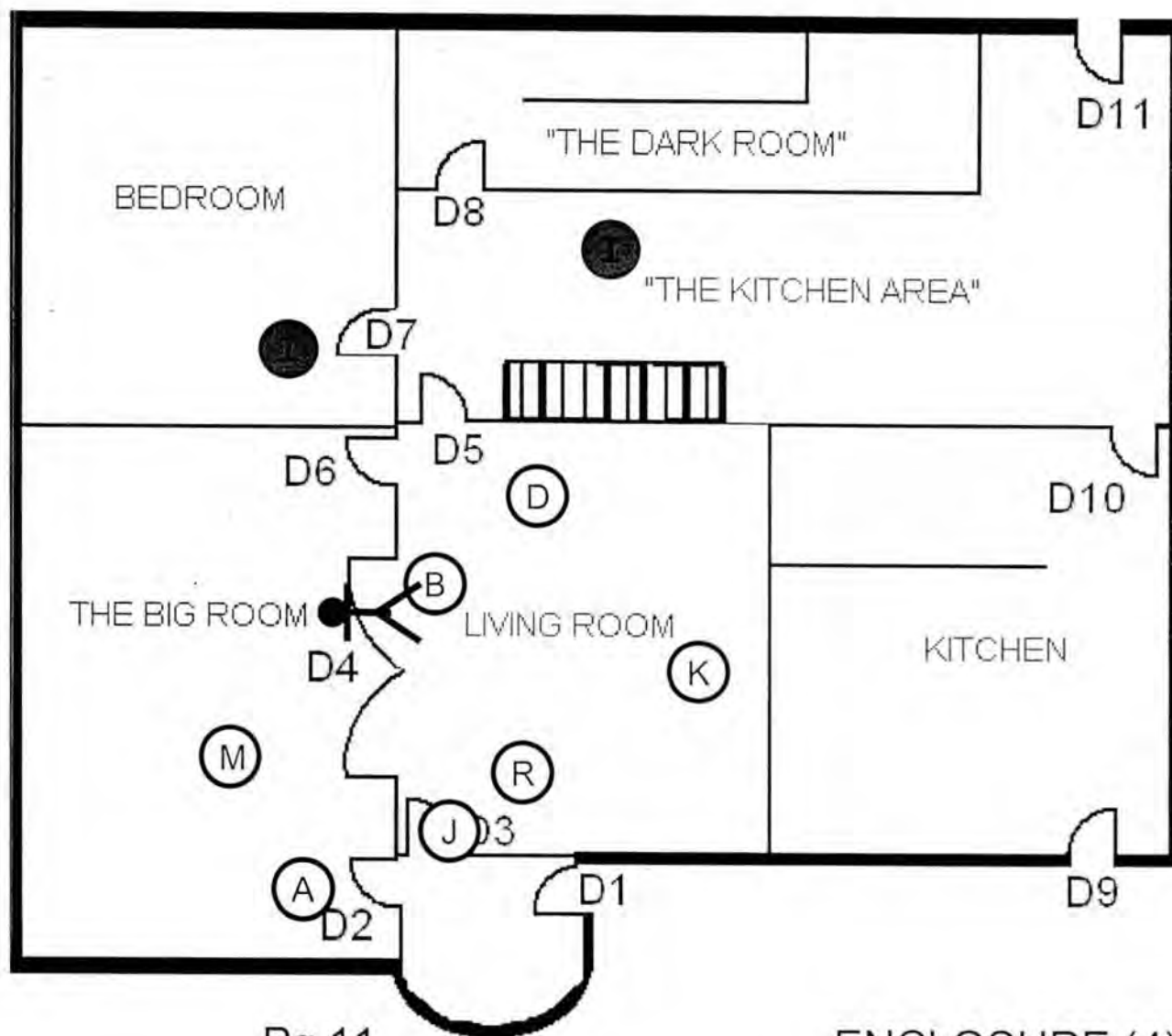
Sgt Peralta

(b)(6), (b)(7)(c)

Insurgent

-Insurgents cease firing

(b)(6), (b)(7)(c) moves to assist Sgt Peralta



Pg 11

ENCLOSURE (4)

ENCLOSURE (4)

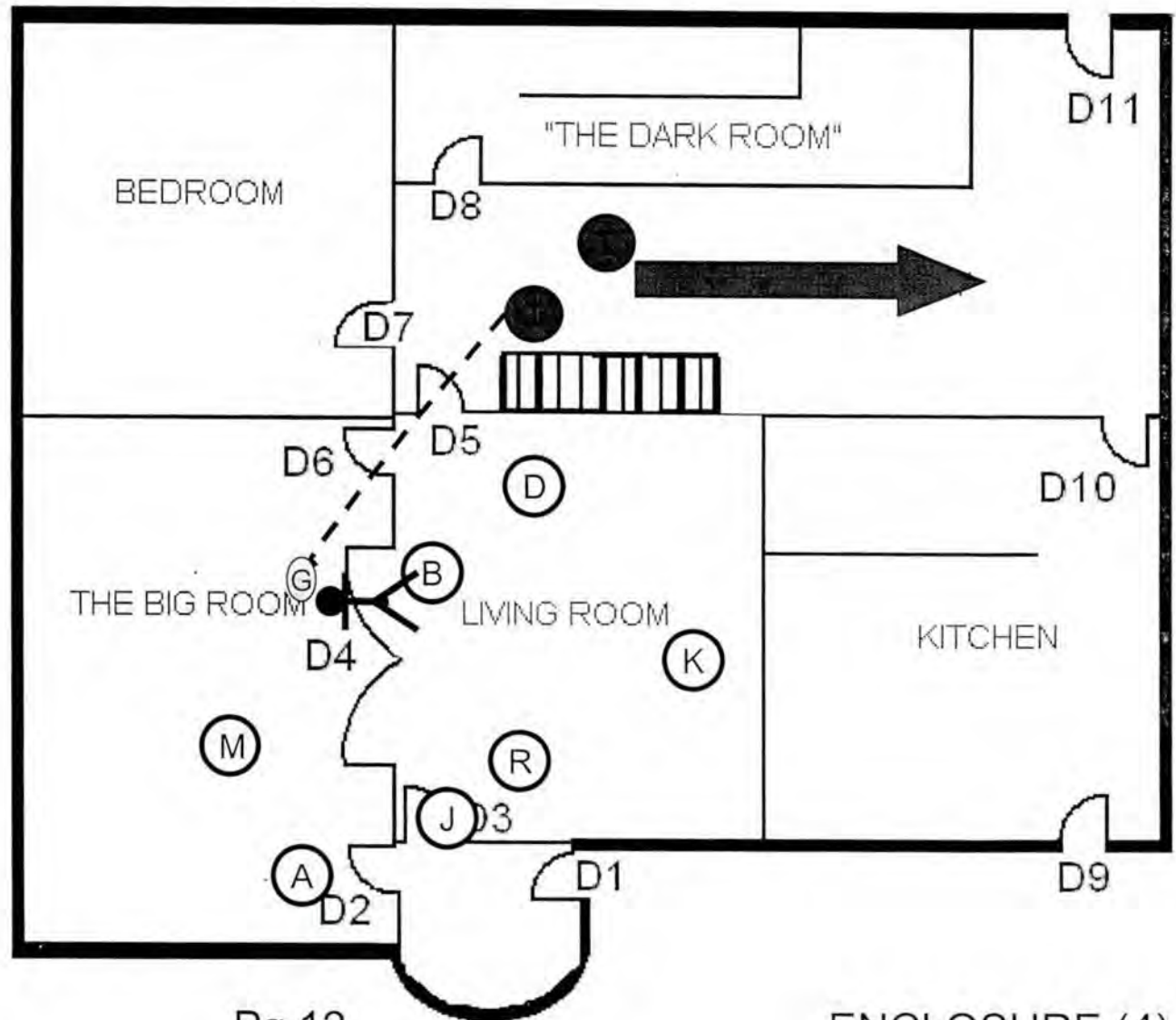
Insurgents Flee

12

(A)
 (M)
 (D) (b)(6), (b)(7)(c)
 (B)
 (J)
 (P) Sgt Peralta
 (K)
 (R) (b)(6), (b)(7)(c)
 (I) Insurgent
 (G) Grenade

-Insurgents flee

- As they move through the kitchen they toss a grenade through D5 & D6, landing near Sgt Peralta on his right side



Pg 12

ENCLOSURE (4)

ENCLOSURE (4)

"Grenade"

13

- "Grenade" is shouted

- Sgt Peralta sees and scoops
grenade from his right side to
under the left side of his body

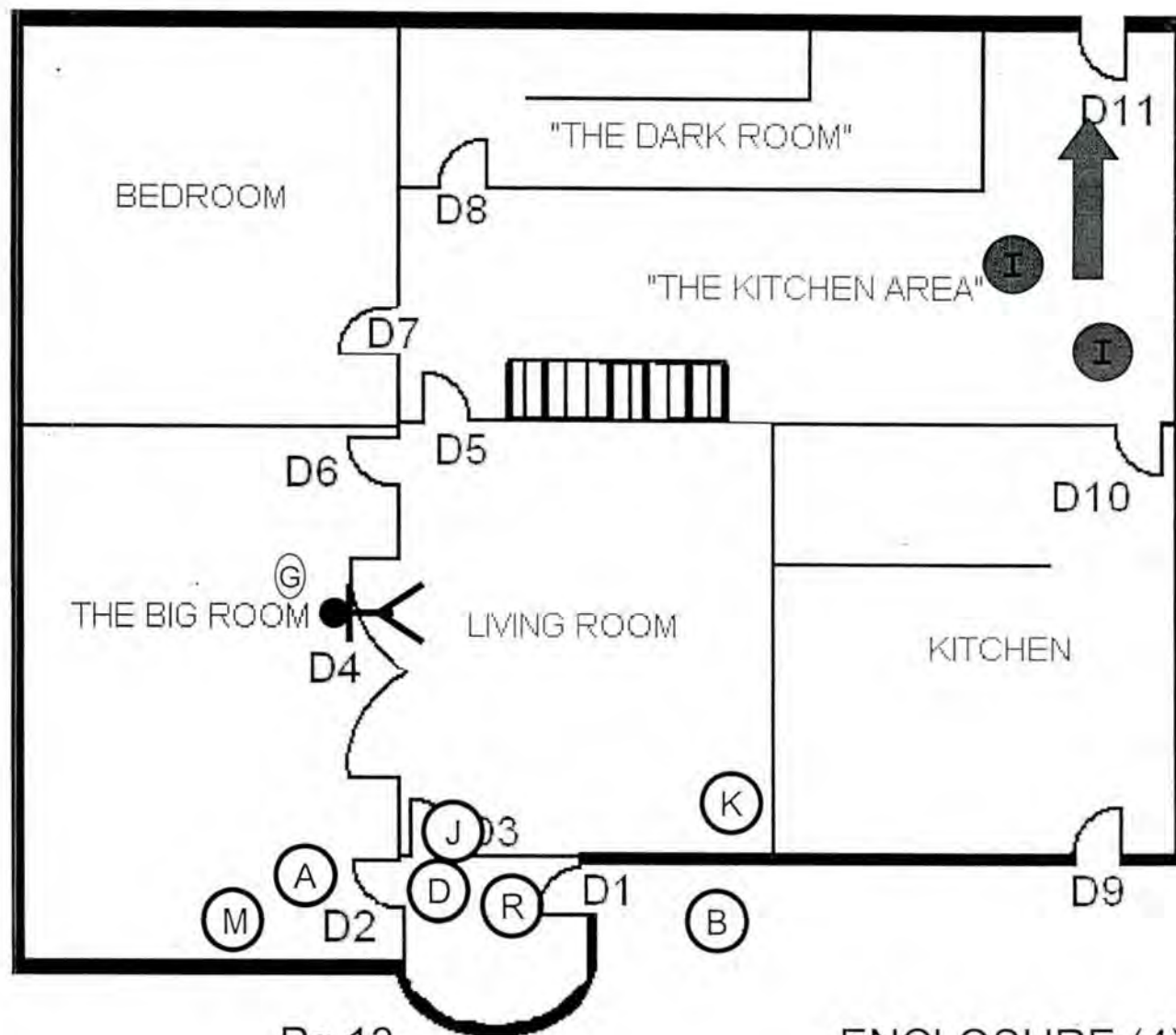
(b)(6), (b)(7)(c) sees the grenade and
runs out of the room

(b)(6), (b)(7)(c) rotates and drops to
the floor seeking cover

(b)(6), (b)(7)(c) run
out of room

(b)(6), (b)(7)(c) have no
place to run; seek cover in Big
Room

(b)(6), (b)(7)(c) seeks cover in
back of Living Room



Pg 13

ENCLOSURE (4)

ENCLOSURE (4)

Explosion / Retrograde

14

A
 M
 D
 B
 J
 P
 K
 R
 I

(b)(6), (b)(7)(c)

Sgt Peralta

(b)(6), (b)(7)(c)

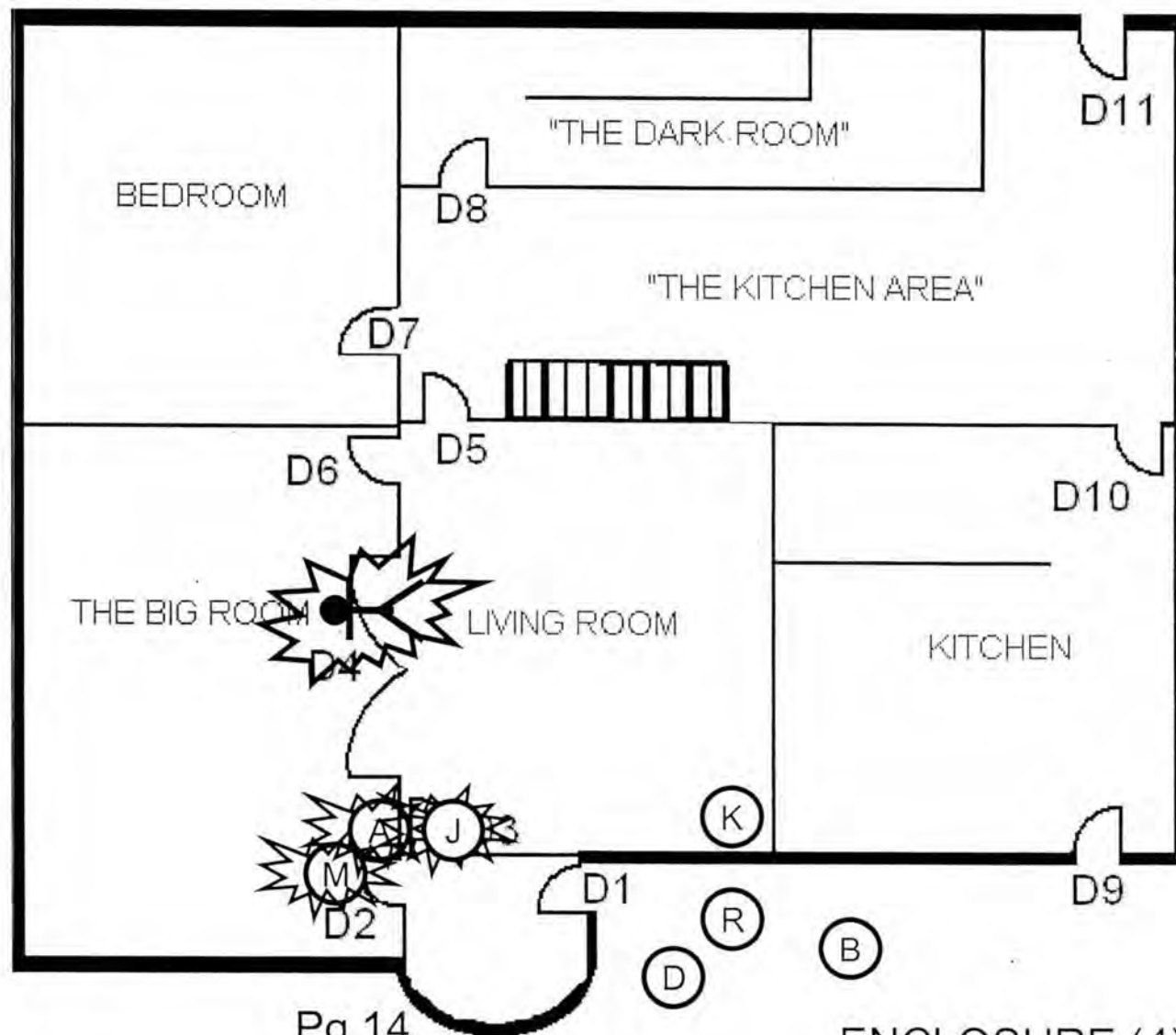
Insurgent

-Grenade explodes under left side of Sgt Peralta

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) receive shrapnel wounds

(b)(6), (b)(7)(c) orders everyone out to regroup before they finish clearing the house



Pg 14

ENCLOSURE (4)

ENCLOSURE (4)

Supplemental Sworn Statement of (b)(6), (b)(7)(c) USMC of June 23,
2005 to REVIEW OF INSURGENT ENGAGEMENT ON 15 NOVEMBER 2004
INVOLVING SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) 0311 USMC Invs (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) dtd 1 Jan 05

I, (b)(6), (b)(7)(c) USMC, being advised by the Investigating Officer,
(b)(6), (b)(7)(c) that I am still under oath, provide the following Supplementary
Statement regarding the above-captioned investigation.

On June 23, 2005, (b)(6), (b)(7)(c) telephoned me at my cellular phone number (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) for purposes of re-interviewing me on the events of 15 November 2004. I am
presently (b)(6), (b)(7)(c)

After the firefight of 15 November 2004 which is the subject of this investigation and
resulted in the death of Sergeant Rafael Peralta, USMC, I and other Marines re-entered
the house. I noticed (b)(6), (b)(7)(c) USMC was attempting to lift
Sergeant Peralta by his feet. I told (b)(6), (b)(7)(c) to stop so we could get additional
Marines to help.

Myself, (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c) USMC then
went to Sergeant Peralta to lift him. I grabbed Sergeant Peralta by both of his feet and to
the best of my recollection, (b)(6), (b)(7)(c) grabbed his left arm and (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) grabbed his right arm. We lifted him face down. As we were lifting him I noticed
a shallow, rubbed hole in the floor which appeared to me to have been made by the
grenade's explosion. The hole was under Sergeant Peralta's left side, and based on how
we were holding him when I first noticed it, the hole seemed to be under Sergeant
Peralta's upper left, around the left pectoral muscle. Because we carried Sergeant Peralta
face down in this fashion, I did not have an opportunity to note the condition of his flak
jacket at the time.

The "shallow, rubbed depression" is the same hole I identified to the Investigating
Officer when we subsequently returned to the house to survey and photograph the site.

I swear the foregoing testimony is the truth, the whole truth and nothing but the truth, so
help me God. Telephonically sworn to this 23rd day of June, 2005 at (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Corporal, U.S. Marine Corps

Sworn to telephonically before me on June 23, 2005

(b)(6), (b)(7)(c)

Investigating Officer

ENCLOSURE (5)



UNITED STATES MARINE CORPS

1ST BATTALION, 3D MARINES
3D MARINE DIVISION (-)(REIN)
MCBH KANEOHE BAY, HAWAII 96863

IN REPLY REFER TO:

1650

ST (b)(6), (b)(7)(c)

23 Jun 05

From: Investigating Officer, (b)(6), (b)(7)(c)
To: Commanding Officer, 1st Battalion, 3d Marines
Subj: REVIEW OF INSURGENT ENGAGEMENT ON 15 NOVEMBER 2004 INVOLVING SERGEANT
RAFAEL PERALTA (b)(6), (b)(7)(c) /0311 USMC - ADDITIONAL INQUIRY
Ref: (a) SECNAVINST 1650.1G
Encl: (23) Supplemental Sworn Statement of (b)(6), (b)(7)(c)
USMC of June 23, 2005 to REVIEW OF INSURGENT ENGAGEMENT ON 15
NOVEMBER 2004 INVOLVING SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) /0311
USMC Invs of (b)(6), (b)(7)(c) dtd 1 Jan 05

1. In compliance with the reference and in furtherance of my investigatory duties under the subject investigation, I telephonically re-interviewed (b)(6), (b)(7)(c) USMC, at his home in (b)(6), (b)(7)(c) on June 23, 2005.

2. I contacted (b)(6), (b)(7)(c) at his cellular telephone number of (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) based on my previous interactions with SNM, his voice and some threshold personal identification interrogatories, I am satisfied that the person to whom I spoke was in fact (b)(6), (b)(7)(c) USMC, being the same (b)(6), (b)(7)(c) who previously provided two written statements in this investigation, previously attached as Enclosures (1) and (10).

3. The substance of the June 23, 2005 interview was typed by myself during the course of the interview. I then forwarded the statement by facsimile to (b)(6), (b)(7)(c) at (b)(6), (b)(7)(c). He reviewed it for accuracy, signed it under oath and return faxed it to me. This statement is attached as Enclosure (23).

4. Based on the substance of Enclosure (23), I make the additional findings:

41. That (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) along with other Marines, re-entered the house where Sergeant Peralta lay after the firefight ended. [Encl (23)]

42. That (b)(6), (b)(7)(c) was the first to attempt to move Sergeant Peralta, grabbing him by his feet by himself. [Encl (23)]

43. That (b)(6), (b)(7)(c) told (b)(6), (b)(7)(c) to stop so they could get additional Marines to help move Sergeant Peralta. [Encl (23)]

44. That (b)(6), (b)(7)(c) then began to lift Sergeant Peralta, from the feet, right arm and left arm respectively. [Encl (23)]

ENCLOSURE (6)

Subj: REVIEW OF INSURGENT ENGAGEMENT ON 15 NOVEMBER 2004 INVOLVING SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) '0311 USMC - ADDITIONAL INQUIRY

45. That in the process of lifting Sergeant Peralta to remove him from the house, (b)(6), (b)(7)(c) noted a shallow, rubbled depression in the floor under Sergeant Peralta's left side [Encls (22D), (23)].

46. That based on how the Marines were holding Sergeant Peralta, the grenade hole appeared to (b)(6), (b)(7)(c) when viewed from Sergeant Peralta's feet to have been under Sergeant Peralta's left pectoral muscle. [Encl (23)]

47. That the shallow, rubbled depression in the floor was previously identified by (b)(6), (b)(7)(c) to the Investigating Officer when the two were among those who returned to the scene of the firefight to survey and photograph it in December 2004. [Encls (22), (23)]

48. That (b)(6), (b)(7)(c) review of both the blast pattern on Sergeant Peralta's flank and the photographs of the rubbled depression revealed the depression to have been consistent with and therefore caused by the explosion of an "Iraqi Grenade, Model Unknown." [Encls (20), (22), (23)]

5. Based on the foregoing findings, I add the following opinions:

13. The Iraqi Grenade, Model Unknown, which exploded in the insurgent house on 15 November 2004 created the shallow, rubbled depression in the floor under Sergeant Peralta's left flank which was found at the time Marines lifted him for removal from the house. [Findings (41)-(48)]

14. The act of (b)(6), (b)(7)(c) attempting to lift Sergeant Peralta by his feet possibly altered the perceived location of the grenade hole in relation to Sergeant Peralta from being lower left to being upper left, but left nevertheless, when subsequently viewed by (b)(6), (b)(7)(c) from the position of Sergeant Peralta's feet. [Finding (42)]

6. I have no changes to my recommendation in this investigation. Point of contact is (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

H.P. WHITE LABORATORY, INC.

3114 Scarboro Road
Street, Maryland 21154-1822
Telephone: (410) 838-6550
Facsimile: (410) 838-2802
email: info@hpwhite.com
www.hpwhite.com



29 July 2005
(HPWLI 9693-10A)

Battelle Memorial Institute
24 Center Street
Suite 103
Stafford, Virginia 22556

Attention: (b)(6), (b)(7)(c)

Gentlemen:

In accordance with the general provisions of Battelle Memorial Institute Purchase Order Number 189591 and your memo of 26 July 2005, H.P. White Laboratory, Inc. conducted an examination of a fragment which you provided on 28 July 2005.

The fragment was in a sealed, plastic container identified as evidence (No. ME-04-927) in the death of an U.S. Marine while on duty in Iraq.

The purpose of our examination was to identify, if possible, the caliber and type of bullet which produced the fragment. Enclosed please find Table I with the results of our examination of the contents of the container.

The fragment was examined microscopically and photographed and compared to known exemplars.

The plastic container was resealed and returned to you via Federal Express, Signature Service, tracking number (b)(6), (b)(7)(c)

Should you have any questions regarding this matter, or if we may be of any further service, please do not hesitate to contact us.

Sincerely,

H.P. WHITE LABORATORY, INC.

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Enclosures

Battelle Memorial Institute
Attention: (b)(6), (b)(7)(c)
(HPWLI 9693-10A)
29 July 2005
Page 2

CONTAINER
Evidence No. ME-04-927

	Evidence	Exemplar
Contents:	One Fragment	Steel Core from 5.56x45mm, M855
Description, General:	Cylindrical w/truncated cone tip	Cylindrical w/truncated cone tipz
Weight (Gr):	10.1	10.4
Length (In.):	0.3185	0.3165
Major Dia. (In.)	0.1805	0.1815
Tip Dia. (In.)	0.0980	0.0960
Color:	Silver (corroded)	Silver
Metallic:	Yes	Yes
Magnetic:	Yes	Yes
Most likely source: Steel Core of 5.56x45mm, M855, Bullet.		

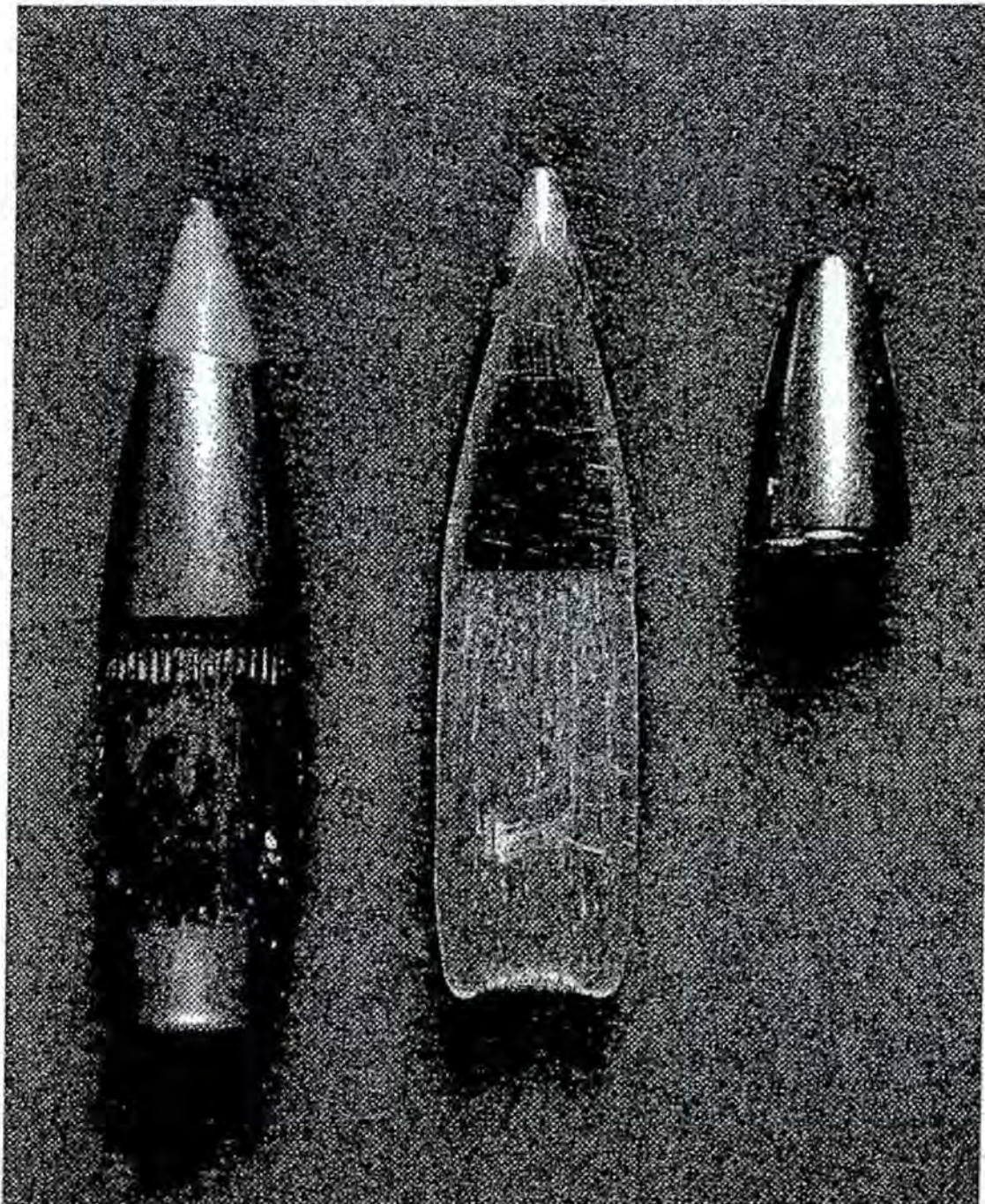


Figure 1. Exemplar 5.56 x 45mm M855 Ball round.

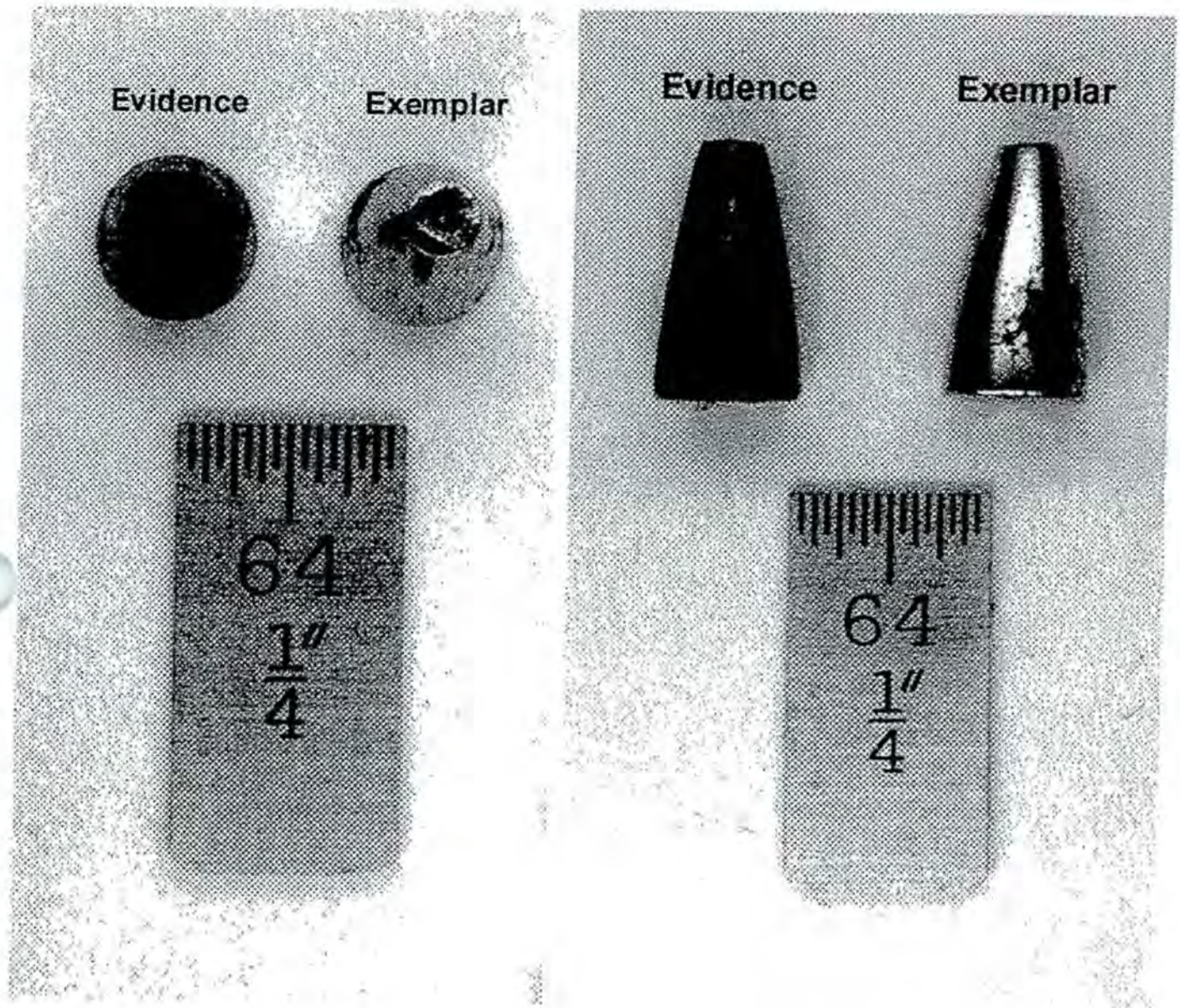


Figure 2. Tip and side view of core from 5.56 x 45mm M855 Ball round.

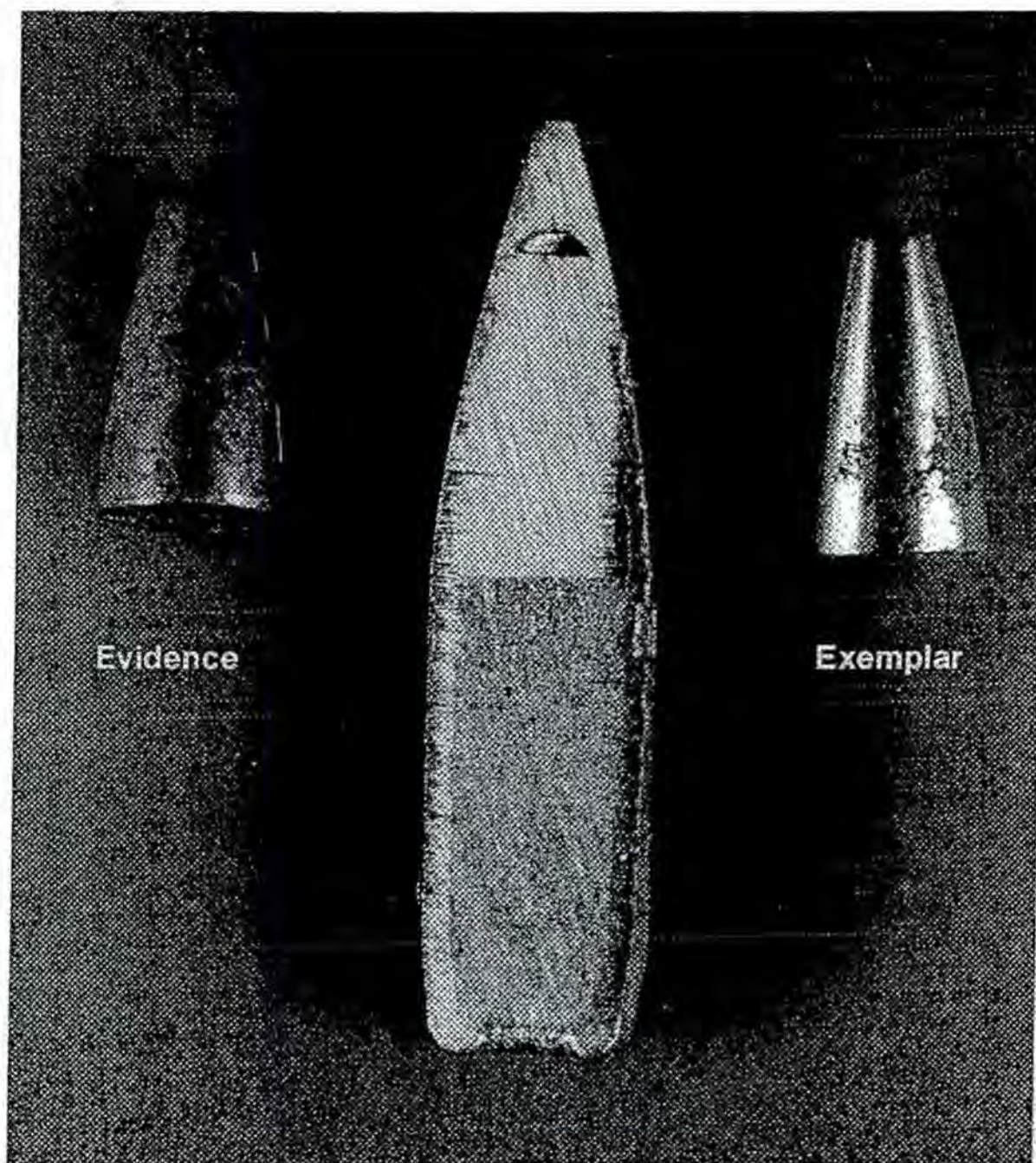


Figure 3. 5.56 x 45mm M855 Ball round with evidence and exemplar cores.

Binder C

Investigation of
Friendly Fire Incident
on 15 November 2004
Sergeant Rafael,
Peralta USMC

CCJA

MEMORANDUM FOR DEPUTY COMMANDER

(b)(5)

Attorney Work Product

Pages 266 through 268 redacted for the following reasons:

(b)(6), (b)(7)(C), and (b)(5), attorney work product



UNITED STATES MARINE CORPS

I MARINE EXPEDITIONARY FORCE
U. S. MARINE CORPS FORCES, PACIFIC
BOX 555300
CAMP PENDLETON, CALIFORNIA 92055-5300

IN REPLY REFER TO:
5830
SJA

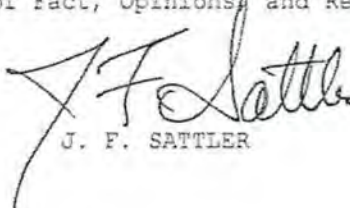
DEC 05 2005

SECOND AND THIRD ENDORSEMENT on (b)(6), (b)(7)(c) Command Investigation of 17 Nov 05

From: Commanding General, I Marine Expeditionary Force, Camp Pendleton, and
Commander, U. S. Marine Forces, Central Command
To: Commander, United States Central Command

Subj: COMMAND INVESTIGATION REGARDING THE SOURCE OF THE BALLISTIC FRAGMENT
RECOVERED FROM SERGEANT RAFAEL PERALTA (b)(6), (b)(7)(c) '0311 USMC (DECEASED)

1. Readdressed and forwarded.
2. My heart felt condolences go out to the family and friends of Sergeant Peralta. Sergeant Peralta's heroism and personal sacrifice will inspire future generations of Marines. Our Corps and Country mourns his loss, but is grateful for his service.
3. Finding of Fact # 2 is modified by adding the additional sentence:
"However, it is common knowledge that the 1st Marine Division lost several M-16 rifles and associated 5.56mm ammunition during intense combat engagements in Fallujah within days prior to Sergeant Peralta's death."
4. Opinion # 4 is modified to read, "References (c) and (d) contain complete, thorough, and factually accurate documentation supporting the award recommendation contained therein, and that Sergeant Peralta's selfless and heroic actions are worthy of the Medal of Honor." [Findings of Fact 10, 11, and 12].
5. I recommend that the Findings of Fact, Opinions, and Recommendations, as modified above, be approved.


J. F. SATTLER

Copy to:
SJA, I MEF
SJA, MarCent



UNITED STATES MARINE CORPS

1ST MARINE DIVISION (REIN)
BOX 535380
CAMP PENDLETON, CALIFORNIA 92055-5380

IN REPLY REFER TO:
5830

5830
DEC 1 2005

FIRST ENDORSEMENT on (b)(6), (b)(7)(c) Command Investigation of 17 Nov 05

From: Commanding General, 1st Marine Division (Rein)
To: Commanding General, I Marine Expeditionary Force

Subj: COMMAND INVESTIGATION REGARDING THE SOURCE OF THE BALLISTIC FRAGMENT
RECOVERED FROM SGT RAFAEL PERALTA (b)(6), (b)(7)(c) '0311 USMC (DECEASED)

Ref: (f) DOD Instruction 6055.7

1. Readdressed and forwarded.
2. I recommend that the findings of fact, opinions, and recommendations of the Investigating Officer be approved.
3. Based on the findings and recommendations of the Investigating Officer, there is a good probability that Sergeant Peralta may have been hit by friendly fire. As such, in accordance with reference (e), this investigation is forwarded for appropriate action. Further, I believe that Sergeant Peralta's actions do support a recommendation for the Medal of Honor.
4. I recommend no further investigation.


R. F. NATONSKI

Copy to:

(b)(6), (b)(7)(c)
File

UNITED STATES MARINE CORPS
FORWARD (WEST)
4TH MARINE DIVISION (REIN), MFR
BOX 555381
CAMP PENDLETON, CALIFORNIA 92055-5381

17 Nov 05

From: (b)(6), (b)(7)(c)
To: Commanding General, 1st Marine Division (REIN)
Subj: COMMAND INVESTIGATION REGARDING THE SOURCE OF THE BALLISTIC
FRAGMENT RECOVERED FROM SGT. RAFAEL PERALTA (b)(6), (b)(7)(c) 0311,
USMC (DECEASED)
Ref: (a) JAGMAN
(b) H.P. White Laboratory, Inc. Ltr HPWL1 9693-10A
(c) (b)(6), (b)(7)(c) Ltr 1650 SJA (b)(6), (b)(7)(c) Jan 05
(d) CG's Endorsement of 9 Aug 05
(e) Preliminary Inquiry 5800 SJA of 28 Oct 05
Encl: (1) Appointing order
(2) H.P. White Laboratory, Inc. Ltr
(3) (b)(6), (b)(7)(c) Ltr 1650 of 1 Jan 05
(4) Supporting Documentation Ltr of 8 Jul 05 (and endorsements)
(5) Statement of
(6) Statement of
(7) Statement of
(8) Statement of
(9) Statement of (b)(6), (b)(7)(c)
(10) Statement of
(11) Statement of
(12) Statement of

Preliminary Statement

1. This investigation was directed by the Commanding General, 1st Marine Division, in order to (1) inquire to the facts and circumstances surrounding the source of a ballistic fragment recovered from the body of Sgt. Rafael Peralta and (2) assess and evaluate the completeness of the Reference (c) and (d) documentation supporting the award recommendation contained therein.

2. I have reviewed the references and their enclosures and all available information concerning the engagement against anti-coalition forces on 15 November 2004, in Fallujah, Iraq which led to the death of Sgt. Rafael Peralta, USMC.

Subj: COMMAND INVESTIGATION REGARDING THE SOURCE OF THE BALLISTIC
FRAGMENT RECOVERED FROM SGT. RAFAEL PERALTA (b)(6), (b)(7)(c)0311, USMC
(DECEASED)

3. The only difficulty encountered in this investigation was making contact with two of the witnesses to the firefight. (b)(6), (b)(7)(c) both reached their end of active service in the Marine Corps. Attempts were made to contact both of these individuals at their last known telephone numbers without success. Although (b)(6), (b)(7)(c) participated in the firefight, his statement provides no relevant information as to whether Sgt. Peralta reached for the grenade and/or placed it under his flak jacket. Similarly, (b)(6), (b)(7)(c) statements provide no relevant information on this issue. However, interviewing (b)(6), (b)(7)(c) could give him an opportunity to address the issue of whether he or another member of the squad may have accidentally shot Sgt. Peralta. Additionally, interviewing both of these individuals could possibly provide information as to whether they heard if members of their squad were pressured to exaggerate Sgt. Peralta's actions. However, in light of the evidence already gathered concerning the two main issues that are the subject of this investigation, it is doubtful that (b)(6), (b)(7)(c) would provide any new evidence that would alter the opinions or recommendations contained in this investigation. Therefore, it is not recommended that the investigation be kept open in order to make further attempts at locating these two individuals.

4. (b)(6), (b)(7)(c) from the office of the Staff Judge Advocate were consulted during the course of this investigation.

Findings of Fact

1. The ballistic fragment removed from Sgt. Peralta's body is consistent with a 5.56 mm bullet. [Enclosure (2)].
2. There is no evidence that the AIF individuals whom the Marines encountered possessed NATO ammunition or weapons. Furthermore, there is no evidence that the cache discovered in the house included such ammunition or weapons. [Enclosures (3) and (4)].
3. Seven Marines were in the living room of the contact house at the time they began receiving fire from insurgents. Most of them returned fire. [Enclosures (3) and (4)].
4. Five out of the seven Marines that returned fire were to the right or behind Sgt. Peralta. These Marines were (b)(6), (b)(7)(c) (b)(6), (b)(7)(c) [Enclosures (3) and (4)].
5. (b)(6), (b)(7)(c) was a member of 1st Squad, 1st Platoon, Alpha Company BLT 1/3 at the time of the engagement. He responded to 2nd Squad's radio call for assistance and upon arrival at the "contact house", approximately 1 1/2 minutes later found (b)(6), (b)(7)(c) walking around outside. (b)(6), (b)(7)(c) and told (b)(6), (b)(7)(c) that he had accidentally shot Sgt. Peralta. [Enclosure (5)].

Subj: COMMAND INVESTIGATION REGARDING THE SOURCE OF THE BALLISTIC
FRAGMENT RECOVERED FROM SGT. RAFAEL PERALTA (b)(6), (b)(7)(c) 0311, USMC
(DECEASED)

6. (b)(6), (b)(7)(c) was a member of 2nd Squad, 1st Platoon, Alpha Company BLT 1/3 at the time of the engagement. In January 2005, (b)(6), (b)(7)(c) told him that he could have possibly hit Sgt. Peralta with friendly crossfire during the firefight. [Enclosure (6)].

7. The bullet that wounded Sgt. Peralta entered the left occipital scalp and skull. The occipital region of the skull is the back of the skull. [Enclosure (4)].

8. The Armed Forces Institute of Pathology lists the cause of death as "gunshot and ballistic injuries of the head." The term "ballistic injuries of the head" refers to shrapnel from an exploding grenade. [Enclosure (4)].

9. It is (b)(6), (b)(7)(c) impression that (b)(6), (b)(7)(c) pressured some of the Marines to say that Sgt. Peralta jumped on the grenade. [Enclosure (5)].

10. (b)(6), (b)(7)(c) denies that he pressured any of the Marines to state that Sgt. Peralta "jumped on the grenade", scoop up the grenade and place it under his vest, or otherwise exaggerate Sgt. Peralta's actions. [Enclosure (7)].

11. There is nothing to corroborate (b)(6), (b)(7)(c) assertion that (b)(6), (b)(7)(c) was putting pressure on some of the Marines to say that Sgt. Peralta's actions were more valorous than they really were. [Enclosures (6), (7), (8), (9), (10), (11) and (12)].

12. (b)(6), (b)(7)(c) continue to attest to the truth and accuracy of the statements they provided in References (c) and (d). [Enclosures (6), (8), (9), (10), (11) and (12)].

Opinions

1. Sufficient evidence exists to support a finding that Sgt. Peralta was probably shot by "friendly fire". [Findings of Fact 1, 2, 3, 4, 5, 6, and 7].

2. The cause of Sgt. Peralta's death was (a) a penetrating gunshot wound to the head and (b) ballistic injuries of the head from a grenade explosion [Findings of Fact 1 and 8].

3. The statements of the Marines involved in the firefight on November 15, 2004 contained in References (c) and (d) are truthful. Specifically, the Marines involved in the firefight gave an honest account of their perception of Sgt. Peralta's actions. They were not pressured to exaggerate his valor in the hope that Sgt. Peralta would ultimately be awarded the Medal of Honor. [Findings of Fact 10, 11 and 12].

4. References (c) and (d) contain complete and thorough documentation supporting the award

Subj: COMMAND INVESTIGATION REGARDING THE SOURCE OF THE BALLISTIC
FRAGMENT RECOVERED FROM SGT. RAFAEL PERALTA (b)(6), (b)(7)(c)311, USMC
(DECEASED)

recommendation contained therein. [Findings of Fact 10, 11 and 12].

Recommendations

1. That no further investigation be conducted into the facts and circumstances surrounding the source of the ballistic fragment retrieved from the body of Sgt. Peralta.
2. That no further investigation be conducted to assess and evaluate the completeness of the Reference (c) and (d) documentation supporting the award recommendation contained therein.

(b)(6), (b)(7)(c)

Investigating Officer

Jun 7, 1999 8:10PM

No. 7932 P. 4



UNITED STATES MARINE CORPS
1ST MARINE DIVISION (REIN)
BOX 565350
CAMP PENDLETON, CA 92055-5350

ON REPLY REFER TO
5830
SJA
NOV 03 2005

From: Commanding General, 1st Marine Division (Rein)
To: (b)(6), (b)(7)(c)

Subj: COMMAND INVESTIGATION REGARDING THE SOURCE OF THE BALLISTIC
FRAGMENT RECOVERED FROM SERGEANT RAFAEL PERALTA
(b)(6), (b)(7)(c) 0311 USMC (DECEASED)

Ref: (a) JAGMAN
(b) H.P. White Laboratory, Inc. ltr HPWL1 9693-10A of 29 Jul 05
(ballistic examination and evaluation)
(c) ltr 1650 SJA (b)(6), (b)(7)(c) 1 Jan 05
(d) (b)(6), (b)(7)(c) ltr 1650 1 of 9 Aug 05
(e) Preliminary Inquiry 5800 SJA of 28 Oct 05

1. Pursuant to Chapter II of reference (a) you are appointed to inquire into the facts and circumstances surrounding the source of a ballistic fragment recovered from the body of Sergeant Rafael Peralta. References (b), (c) and (d) pertain. You are also directed to assess and evaluate the completeness of the reference (c) and (d) documentation supporting the award recommendation contained therein. Reference (a) provides additional information pertinent to your investigation. Upon receipt of this appointment letter, this investigation will become your primary duty.

2. Report your findings of fact, opinions and recommendations in letter format by 17 November 2005, unless an extension of time is granted. If you have not previously done so, read chapter II of reference (a) in its entirety before beginning your investigation.

3. You may seek counsel and advice from the Division SJA during the course of your investigation.

R. F. NATONSKI

H.P. WHITE LABORATORY, INC.

3114 Scarboro Road
Street, Maryland 21154-1822
Telephone: (410) 838-6550
Facsimile: (410) 838-2802
email: info@hpwhite.com
www.hpwhite.com



29 July 2005
(HPWLI 9693-10A)

Battelle Memorial Institute
24 Center Street
Suite 103
Stafford, Virginia 22556

Attention: (b)(6), (b)(7)(c)

Gentlemen:

In accordance with the general provisions of Battelle Memorial Institute Purchase Order Number 189591 and your memo of 26 July 2005, H.P. White Laboratory, Inc. conducted an examination of a fragment which you provided on 28 July 2005.

The fragment was in a sealed, plastic container identified as evidence (No. ME-04-927) in the death of an U.S. Marine while on duty in Iraq.

The purpose of our examination was to identify, if possible, the caliber and type of bullet which produced the fragment. Enclosed please find Table I with the results of our examination of the contents of the container.

The fragment was examined microscopically and photographed and compared to known exemplars.

The plastic container was resealed and returned to you via Federal Express, Signature Service, tracking number (b)(6), (b)(7)(c)

Should you have any questions regarding this matter, or if we may be of any further service, please do not hesitate to contact us.

Sincerely,

H.P. WHITE LABORATORY, INC.

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Enclosures

Battelle Memorial Institute
Attention: (b)(6), (b)(7)(c)
(HPWLI 9693-10A)
29 July 2005
Page 2

CONTAINER
Evidence No. ME-04-927

	Evidence	Exemplar
Contents:	One Fragment	Steel Core from 5.56x45mm, M855
Description, General:	Cylindrical w/truncated cone tip	Cylindrical w/truncated cone tipz
Weight (Gr):	10.1	10.4
Length (In.):	0.3185	0.3165
Major Dia. (In.)	0.1805	0.1815
Tip Dia. (In.)	0.0980	0.0960
Color:	Silver (corroded)	Silver
Metallic:	Yes	Yes
Magnetic:	Yes	Yes
Most likely source: Steel Core of 5.56x45mm, M855, Bullet.		

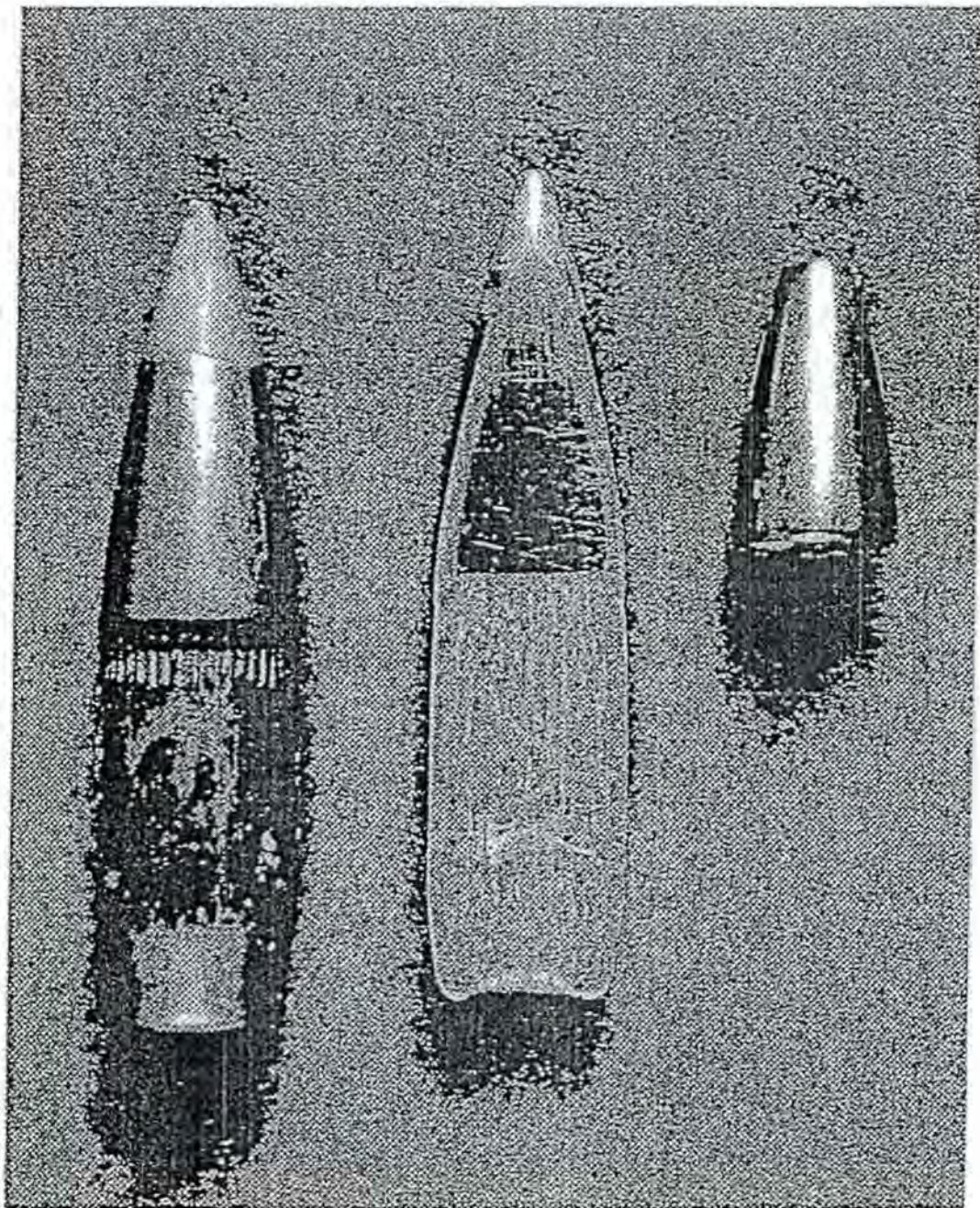


Figure 1. Exemplar 5.56 x 45mm M855 Ball round.

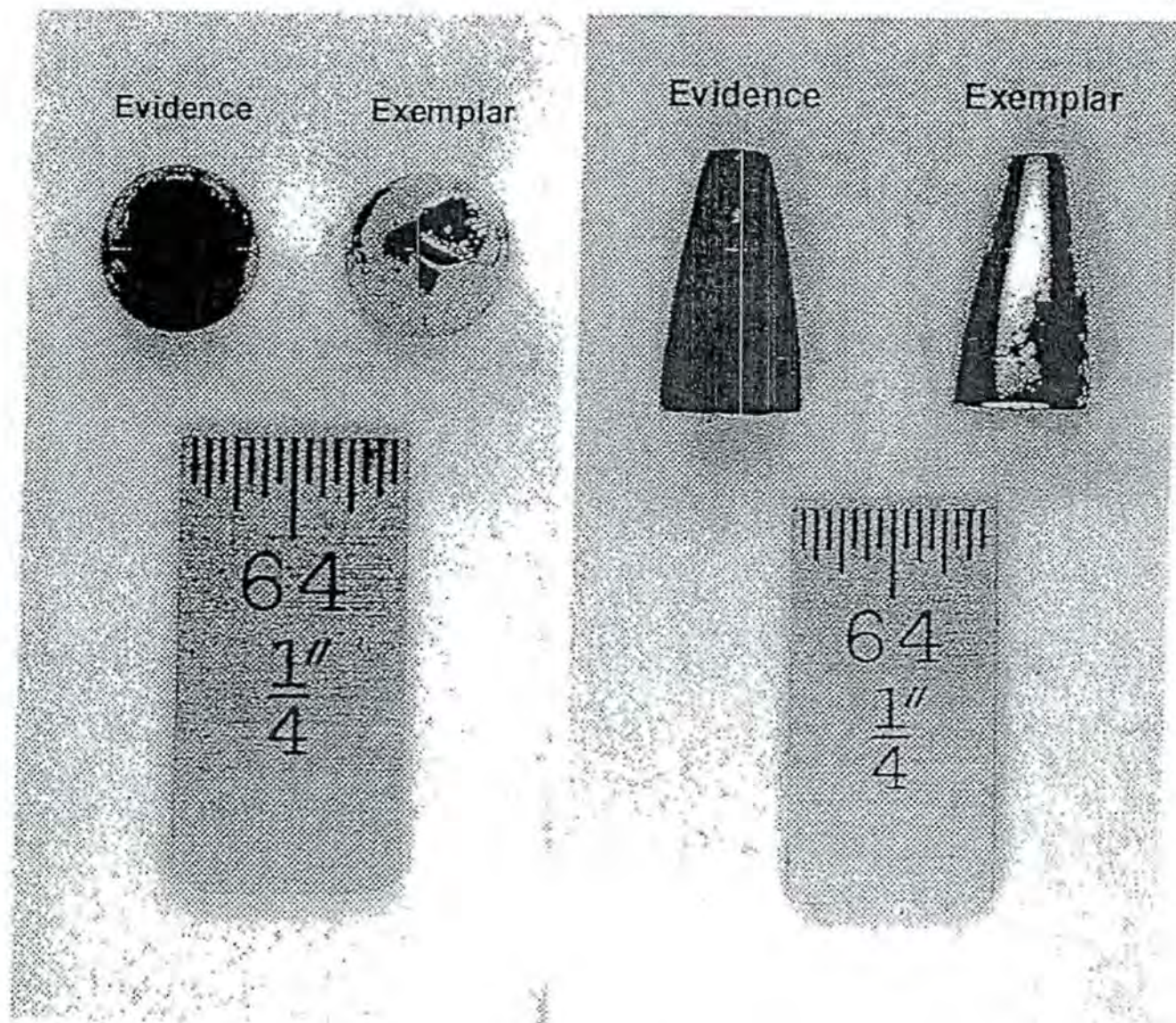


Figure 2. Tip and side view of core from 5.56 x 45mm M855 Ball round.

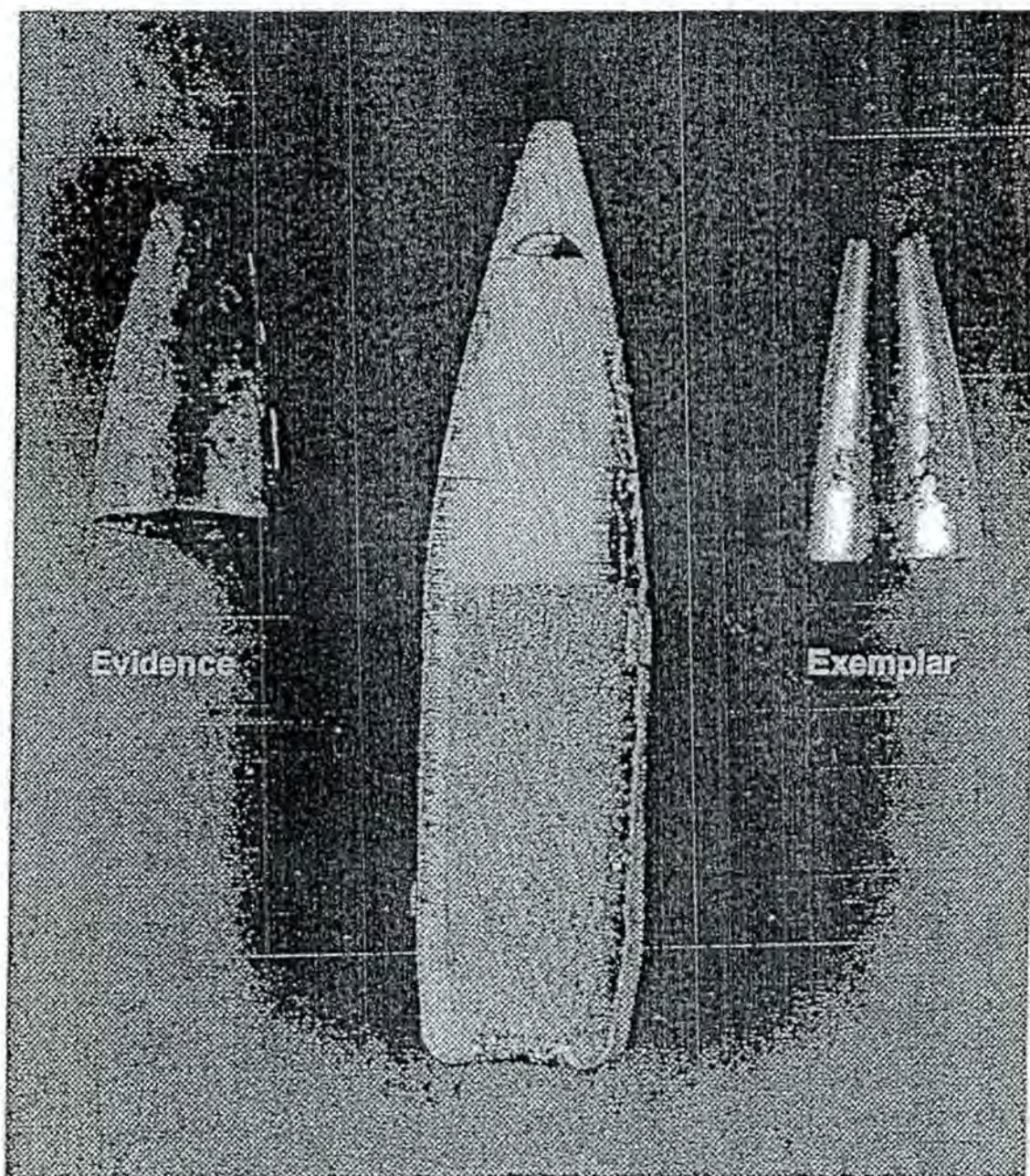


Figure 3. 5.56 x 45mm M855 Ball round with evidence and exemplar cores.

(b)(6), (b)(7)(c)

Nov. 9, 2005

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) When I was running to the house across the street where the rest of the plt. was I saw (b)(6), (b)(7)(c) walking back and forth and he looked at me (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

anything about it. After we went in the house to retrieve the body of Sgt. Peralta, (b)(6), (b)(7)(c) went and tried to gather with all the other Marines to see how we were taking it. (b)(6), (b)(7)(c) later told me while he was crying "damn, I can't believe he's gone, we were talking last night like nothing and now he's gone." A couple of days after everything happened there was an argument to whether or not Sgt. Peralta jumped on the grenade or not. Marines were talking saying that (b)(6), (b)(7)(c) was saying that he will probably receive the medal of honor for doing what he did, what that was that he did I don't exactly know what he was talking about. The word that was going around when we found out we were going to be getting questioned was that (b)(6), (b)(7)(c) was putting pressure on some Marines to say that Sgt. Peralta jumped on the grenade. We found that out who (b)(6), (b)(7)(c) to the hospital there to talk to (b)(6), (b)(7)(c). We knew (b)(6), (b)(7)(c) wouldn't listen to him and would say the truth, but the new Marines were the ones that we weren't sure about. They were more likely to do what he said and follow those orders. To the best of my knowledge (b)(6), (b)(7)(c) was with (b)(6), (b)(7)(c) when they went to go visit (b)(6), (b)(7)(c). It was his sq. that got hit. I don't recall him encouraging the situation on what happened to Peralta because the Marines that were in the house that I asked said they didn't see Sgt. Peralta jump in the grenade, they said they saw him on the floor and they were running out. I really believe that who (b)(6), (b)(7)(c) told me how Sgt. Peralta really died that day and didn't say anything about it because Marines were saying he took the grenade, whether or not it rolled to his body or not. Who (b)(6), (b)(7)(c) did was not on purpose and what he told me was no mistake. If there are 5.56 rounds in the body, there is proof right there. From what I was told the Marines were running out when the grenade was thrown and Peralta was already on the floor. I don't understand how someone shot three times in the face could pull in a grenade knowing what they are doing. I say three because I recall (b)(6), (b)(7)(c) saying that he shot him three times in the face because his weapon was on burst.

I swear or affirm that the foregoing information is true and accurate to the best of my knowledge.
Telephonically, sworn on this 10 day of November 2005.

(b)(6), (b)(7)(c)

Sworn to telephonically before me on November 10, 2005

(b)(6), (b)(7)(c)

Investigating Officer

10/10/2005 15:49

(b)(6), (b)(7)(c)

BONNE BRIDGES

PAGE 02/05

STATEMENT OF (b)(6), (b)(7)(c)

Date: November 10, 2005

Location of Interview: Telephonic

Subject: Engagement involving Sgt. Peralta on 15 Nov 04

I, (b)(6), (b)(7)(c) provide the following sworn statement to (b)(6), (b)(7)(c) who has typed this statement for me, regarding the firefight involving Sgt. Peralta on November 15, 2004, in Fallujah, Iraq. (b)(6), (b)(7)(c) I currently reside in (b)(6), (b)(7)(c)

I have reviewed my prior statement dated November 15, 2004 and again attest to its truth and accuracy.

Sometime in January 2005, I had a conversation with (b)(6), (b)(7)(c). During our discussion, (b)(6), (b)(7)(c) said that he could have possibly hit Sgt. Peralta with friendly crossfire. I should emphasize that (b)(6), (b)(7)(c) only suggested the possibility that Sgt. Peralta may have been killed by friendly fire by (b)(6), (b)(7)(c). I do not recall discussing with any of the other Marines that were in the contact house that day the possibility of Sgt. Peralta being killed by friendly fire.

I never had any conversations with (b)(6), (b)(7)(c) on November 15, 2004 in which (b)(6), (b)(7)(c) did to influence me to recount the incident in a way other than it really occurred. However, it should be noted that I was not in the contact house at the time of the firefight and therefore did not witness Sgt. Peralta's actions.

Finally, I do not recall any other Marine telling me that (b)(6), (b)(7)(c) did to influence their rendition of the firefight by telling them to recount that Sgt. Peralta swept a grenade under his body.

I swear or affirm that the foregoing information is true and accurate to the best of my knowledge. Telephonically sworn on this 10th day of November 2005, in (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Sworn to telephonically before me on November 10, 2005

(b)(6), (b)(7)(c)

Investigating Officer

STATEMENT OF

(b)(6), (b)(7)(c)

Date: November 15, 2005

Location of Interview: Telephonic

Subject: Engagement involving Sgt. Peralta on 15 Nov 04

I, (b)(6), (b)(7)(c) USMC, provide the following sworn statement to (b)(6), (b)(7)(c) who has typed this statement for me, regarding the firefight involving Sgt. Peralta on November 15, 2004, in Fallujah, Iraq. I am currently assigned to (b)(6), (b)(7)(c) (b)(6), (b)(7)(c)

At the time of this incident, I was the (b)(6), (b)(7)(c) for 1st Platoon, Alpha Company BLT 1/3. I held this billet from approximately September 2004 to September 2005.

I was not in the contact house at the time of this incident and was therefore not an eyewitness to those events.

At no point after this incident did I participate in a conversation with any of the Marines who were involved in the firefight in which they raised the possibility that Sgt. Peralta was hit by friendly fire. Specifically, no one ever suggested that (b)(6), (b)(7)(c) may have accidentally shot Sgt. Peralta nor did (b)(6), (b)(7)(c) ever suggest this possibility to me.

Subsequent to the firefight, I did have conversations with (b)(6), (b)(7)(c) who was the Squad Leader, and the other Marines present in the contact house. Based on my conversations with them, it was my impression that Sgt. Peralta's actions were valorous and that he would probably be put in for a posthumous award. I told the Marines that they would need to prepare statements as to what they saw. However, I never pressured them to exaggerate Sgt. Peralta's actions or otherwise make his actions more valorous than they really were. To the contrary, I instructed them to simply relate the facts as they could recall and not to embellish anything.

I swear or affirm that the foregoing information is true and accurate to the best of my knowledge. Telephonically sworn on the 15th day of November 2005 (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Sworn to telephonically before me on November 15, 2005

(b)(6), (b)(7)(c)

Investigating Officer

STATEMENT OF (b)(6), (b)(7)(c)

Date: November 14, 2005

Location of Interview: Telephonic

Subject: Engagement involving Sgt. Peralta on 15 Nov 04

I, (b)(6), (b)(7)(c) provide the following sworn statement to (b)(6), (b)(7)(c) who has typed this statement for me, regarding the firefight involving Sgt. Peralta on November 15, 2004, in Fallujah, Iraq. (b)(6), (b)(7)(c)
2005. I currently reside in (b)(6), (b)(7)(c) I can be reached at (b)(6), (b)(7)(c) My facsimile machine number is (b)(6), (b)(7)(c)

I have reviewed my prior statement dated November 15, 2004 and the summary of my telephone interview dated December 21, 2004 and again attest to their truth and accuracy.

I did not see if Sgt. Peralta was hit by enemy or friendly fire. It should be remembered that I was in "the big room" when Sgt. Peralta was shot. Sgt. Peralta was in the living room at the time he was shot and I therefore did not have the best vantage point of observing whether the insurgents or Marines from our squad shot him.

When I was in the hospital for my injuries (b)(6), (b)(7)(c) did come and visit me. At the time of the firefight, he was our acting Platoon Sergeant. When (b)(6), (b)(7)(c) visited me, he apparently knew that I would be providing more information regarding the firefight. In that regard, he told me to "do what's right" which I interpreted to mean provide a statement that included Sgt. Peralta jumping on or swooping the grenade under his body or otherwise making his actions more valorous than they actually were. However, when I was interviewed by (b)(6), (b)(7)(c) on December 21, 2004, I did not exaggerate Sgt. Peralta's actions.

(b)(6), (b)(7)(c) never told me that he thought he may have accidentally shot Sgt. Peralta or that Sgt. Peralta may have been killed by friendly fire.

I swear or affirm that the foregoing information is true and accurate to the best of my knowledge. Telephonically sworn on the 14th day of November 2005, in (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Sworn to telephonically before me on November 14, 2005

(b)(6), (b)(7)(c)

Investigating Officer

STATEMENT OF (b)(6), (b)(7)(c)

Date: November 15, 2005

Location of Interview: Telephonic

Subject: Engagement involving Sgt. Peralta on 15 Nov 04

I, (b)(6), (b)(7)(c) provide the following sworn statement to (b)(6), (b)(7)(c) who has typed this statement for me, regarding the firefight involving Sgt. Peralta on November 15, 2004, in Fallujah, Iraq. At the time of the firefight, I was (b)(6), (b)(7)(c) Alpha Company, BLT 1/3. I am currently (b)(6), (b)(7)(c) and can be reached at (b)(6), (b)(7)(c)

I have reviewed my prior statements dated November 15, 2004 and December 20, 2004 and again attest to their truth and accuracy.

At no point after this incident did I participate in a conversation with any of the Marines who were involved in the firefight in which they raised the possibility that Sgt. Peralta was hit by friendly fire. Specifically, no one ever suggested that (b)(6), (b)(7)(c) may have accidentally shot Sgt. Peralta nor did (b)(6), (b)(7)(c) ever suggest this to me.

Our Squad was subsequently instructed to prepare statements concerning the firefight. To my knowledge, everyone wrote their own statement and there was no collusion as to what to say concerning Sgt. Peralta's actions. I never pressured anyone to exaggerate Sgt. Peralta's actions or otherwise make his actions more valorous than they really were. I never heard anyone else suggest or instruct members of our Squad to embellish Sgt. Peralta's actions. Similarly, I never heard anyone from our Squad tell me that they had somehow been pressured to embellish their statements. To the contrary, we were simply told to write down the facts as best we could recall.

I swear or affirm that the foregoing information is true and accurate to the best of my knowledge. Telephonically sworn on the 17th day of November 2005, in (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Sworn to telephonically before me on November 17, 2005

(b)(6), (b)(7)(c)

Investigating Officer

STATEMENT OF

(b)(6), (b)(7)(c)

Date: November 14, 2005

Location of Interview: Telephonic

Subject: Engagement involving Sgt. Peralta on 15 Nov 04

I, (b)(6), (b)(7)(c) provide the following sworn statement to (b)(6), (b)(7)(c) who has typed this statement for me, regarding the firefight involving Sgt. Peralta on November 15, 2004, in Fallujah, Iraq. I am assigned to (b)(6), (b)(7)(c). Currently I am (b)(6), (b)(7)(c). (b)(6), (b)(7)(c) I may be contacted at either (b)(6), (b)(7)(c). (b)(6), (b)(7)(c)

I have reviewed my prior statements dated November 15, 2004 and December 19, 2004 and again attest to their truth and accuracy.

I cannot determine whether Sgt. Peralta was shot by enemy or friendly fire. It should be noted that at the time we first encountered fire from the insurgents, I was standing in front of Sgt. Peralta. As I turned around from the doorway leading into the kitchen area, I could see that Sgt. Peralta had already been shot.

At no point after the firefight did (b)(6), (b)(7)(c) ever mention to me that he thought he may have accidentally shot Sgt. Peralta. No one else from our squad that was in the house at the time of the firefight ever mentioned to me that they thought they had accidentally shot Sgt. Peralta.

After the firefight, I was told by (b)(6), (b)(7)(c) that they needed to get a statement concerning what had happened. However, neither they nor anyone else pressured me to recount actions on the part of Sgt. Peralta that he did not do. Specifically, no one ever pressured me into recounting that Sgt. Peralta's actions were more valorous than they actually were. My rendition of Sgt. Peralta's actions contained in my two earlier statements are indeed what I saw and I stand by them.

I swear or affirm that the foregoing information is true and accurate to the best of my knowledge. Telephonically sworn on the 15th day of November 2005, at (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Sworn to telephonically before me on November 15, 2005

(b)(6), (b)(7)(c)

Investigating Officer

STATEMENT OF

(b)(6), (b)(7)(c)

Date: November 16, 2005

Location of Interview: Telephonic

Subject: Engagement involving Sgt. Peralta on 15 Nov 04

I, (b)(6), (b)(7)(c) provide the following sworn statement to (b)(6), (b)(7)(c) who has typed this statement for me, regarding the firefight involving Sgt. Peralta on November 15, 2004, in Fallujah, Iraq. I (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

I can be reached at

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

I have reviewed my prior statement dated December 20, 2004 and again attest to its truth and accuracy.

I did not see if Sgt. Peralta was hit by enemy or friendly fire. It should be remembered that the firefight was immediate and of short duration. I was shot in the right forearm just about the same time that Sgt. Peralta was shot. My focus of attention was on returning fire and not how Sgt. Peralta got shot.

Subsequent to the firefight, I did talk with (b)(6), (b)(7)(c) I knew that he was (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

(b)(6), (b)(7)(c) ever indicated to me that he may have been responsible for accidentally snoring Sgt. Peralta. In fact, the subject of Sgt. Peralta possibly being killed by friendly fire never came up until I was contacted by (b)(6), (b)(7)(c) in October 2005.

No one ever pressured me to embellish Sgt. Peralta's actions during the firefight or somehow make his conduct more valorous than it really was. Specifically, (b)(6), (b)(7)(c) never put such pressure on me. I never heard anyone in our Squad that participated in the firefight tell me that they somehow felt pressured to exaggerate or embellish Sgt. Peralta's actions. Again, having reviewed my prior statement dated December 20, 2004, I continue to believe that it is accurate and truthful.

I swear or affirm that the foregoing information is true and accurate to the best of my knowledge. Telephonically sworn on the 16th day of November 2005, in (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Sworn to telephonically before me on November 16, 2005

(b)(6), (b)(7)(c)

Investigating Officer

18/17/2005 11:20

(b)(6), (b)(7)(c)

BONE BRIDGES

PAGE 02/02

STATEMENT OF

(b)(6), (b)(7)(c)

Date: November 16, 2005

Location of Interview: Telephonic

Subject: Engagement involving Sgt. Peralta on 15 Nov 04

I, (b)(6), (b)(7)(c), USMC, provide the following sworn statement to (b)(6), (b)(7)(c) who has typed this statement for me, regarding the firefight involving Sgt. Peralta on November 15, 2004, in Fallujah, Iraq. I am currently assigned to (b)(6), (b)(7)(c). I can be reached at (b)(6), (b)(7)(c). My resume number is (b)(6), (b)(7)(c).

I have reviewed my prior statement dated November 15, 2004 as well as the summary of my telephonic interview with (b)(6), (b)(7)(c) of December 22, 2004. I again attest to the truth and accuracy of these statements.

It was my impression that Sgt. Peralta was hit by enemy fire. I base this on the fact that he appeared to jerk back after being shot. From my vantage point I could not see that he had been hit by any of the other Marines.

At no point after the firefight did (b)(6), (b)(7)(c) ever mention to me that he thought he may have accidentally shot Sgt. Peralta. No one else from our Squad that was in the house at the time of the firefight ever mentioned to me that they thought they had accidentally shot Sgt. Peralta nor did they ever mention that (b)(6), (b)(7)(c) told them that he may have accidentally shot Sgt. Peralta. In fact, the "friendly fire" issue never came up until I was interviewed by (b)(6), (b)(7)(c) on December 22, 2004.

No one ever pressured me to recount actions on the part of Sgt. Peralta that he did not do. Specifically, no one ever pressured me into recounting that Sgt. Peralta's actions were more valorous than they actually were. My rendition of Sgt. Peralta's actions contained in my two earlier statements are indeed what I saw and I stand by them.

I swear or affirm that the foregoing information is true and accurate to the best of my knowledge. Telephonically sworn on the 17th day of November 2005, at (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

Sworn to telephonically before me on November 17, 2005

(b)(6), (b)(7)(c)

Investigating Officer



THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

12 July 2007

MEMORANDUM FOR SECRETARY OF DEFENSE

SUBJECT: Recommendation for the Medal of Honor

The Commandant of the Marine Corps recommends, and I concur, that you endorse the recommendation for the Medal of Honor (Posthumously) to Sergeant Rafael Peralta, USMC, for his gallantry and intrepidity at the risk of life above and beyond the call of duty during Operation IRAQI FREEDOM. The Chairman of the Joint Chiefs of Staff concurs with the recommendation for award of the Medal of Honor.

This award has been through two complete award review and recommendation cycles at Commandant of the Marine Corps, Chairman of the Joint Chiefs of Staff, and my level. The reason for two such cycles is that on January 25, 2007 the Commandant received a report regarding a friendly fire investigation of the circumstances surrounding Sergeant Peralta's death from Commander, U. S. Central Command. After his own thorough review, and after informing the family of the findings, the Commandant resubmitted the package, again recommending award of the Medal of Honor (posthumously) to Sergeant Peralta, stating that, "While the friendly fire investigation concluded that Sergeant Peralta was most probably struck by an errant round from a fellow Marine's rifle, that conclusion in no way detracts from his extraordinary gallantry in saving the lives of his fellow Marines when he saw the enemy grenade rolling towards him."

After my own thorough review of the resubmission, friendly fire report and all endorsements, I most strongly recommend award of the Medal of Honor (posthumously) to Sergeant Rafael Peralta, USMC.

The entire Medal of Honor recommendation package, and a revised citation and certificate for Sergeant Rafael Peralta are attached for your review, if desired.

A handwritten signature in dark ink, appearing to read "Donald C. Winter", is positioned above the printed name.

Donald C. Winter

Attachments:
As stated



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

ACTION MEMO

FOR: SECRETARY OF THE NAVY

FROM: Assistant Secretary of the Navy (Manpower and Reserve Affairs) *M* 07-03-07

SUBJECT: Second DON Review of Medal of Honor Recommendation (posthumous)
ICO Sergeant Rafael Peralta, USMC

- TAB A is an endorsement memorandum to the Secretary of Defense, for your signature, again recommending approval of the Medal of Honor (posthumously) for Sergeant Rafael Peralta, USMC. You originally endorsed award of the Medal of Honor (MOH) to Sergeant Peralta on 4 October 2006, and forwarded the package to SECDEF (TAB B).
- On 2 February 2007, CMC (HQMC, Military Awards Branch) requested return of the package in view of new information resulting from the conclusion of a friendly fire investigation that reviewed circumstances of Sergeant Peralta's death. CMC received the report on 25 January 2007 from Commander, U.S. Central Command. The investigation was not previously considered during the award review process, and CMC determined the most appropriate action would be to reconsider the award in light of all relevant information (TAB C).
- On 7 February 2007, the Principal Deputy Under Secretary of Defense returned the recommendation package to DON with a request for additional information (TAB D).
- On 6 March, you returned the recommendation package to CMC for appropriate action. (TAB E)
- On 16 April 2007, after reconsidering the entire recommendation package, including the friendly fire report, CMC again endorsed award of the MOH to Sergeant Peralta. CMC stated, "While the friendly fire investigation concluded that Sergeant Peralta was most probably struck by an errant round from a fellow Marine's rifle, that conclusion in no way detracts from his extraordinary gallantry in saving the lives of his fellow Marines when he saw the enemy grenade rolling towards him." (TAB F)

- On 26 May 2007, CJCS again endorsed award of the Medal of Honor to Sergeant Peralta after considering the entire re-submission and all endorsements. (TAB G)
- On 15 June 2007, NDBDM thoroughly reviewed the entire re-submission with all endorsements, including those of CMC and CJCS, and again unanimously recommended award of the MOH. (Attached binder)
- After reviewing the recommendation package, all endorsements and the most recent recommendations of the CMC, CJCS and NDBDM to award the Medal of Honor (posthumously) to Sergeant Peralta, I concur.
- TAB H is a draft endorsement memorandum from the Secretary of Defense to the President.

RECOMMENDATION: Again endorse award of the Medal of Honor (posthumously) to Sergeant Rafael Peralta, USMC, by signing the memorandum for SECDEF at TAB A.

COORDINATION: N/A

Attachments: As stated

Prepared By: (b)(6), (b)(7)(c)

SUBJECT: Posthumous Medal of Honor Recommendation for Sergeant Rafael Peralta,
USMC

CJCS DECISION:

Recommend approval of MOH:



Date 26 May 2007

Recommend downgrade of award:

_____ Date _____

Recommend disapproval of award

_____ Date _____

Comments:



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

26 April 2007

MEMORANDUM FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Posthumous Medal of Honor Recommendation for Sergeant Rafael Peralta, USMC

On 31 May 2006, you reviewed the recommendation package for award of the Medal of Honor (posthumously) to Sergeant Rafael Peralta, USMC, and recommended approval of the Medal of Honor. Subsequent to your review, additional information regarding circumstances surrounding the action became available. Therefore, request you review the enclosed award recommendation package, which includes the additional information and the endorsement of the Commandant of the Marine Corps after his second review. A recommendation form is attached to this memorandum for your signature, as appropriate.

The point of contact regarding this matter is (b)(6), (b)(7)(c)
Navy Department Board of Decorations and Medals, at (b)(6), (b)(7)(c)

(b)(6), (b)(7)(c)

By direction

Enclosures

cc:
NDBDM/077



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
1650
MMMA-2

APR 16 2007

MEMORANDUM FOR SECRETARY OF THE NAVY

Subj: POSTHUMOUS MEDAL OF HONOR RECOMMENDATION, CASE OF
SERGEANT RAFAEL PERALTA, (b)(6), (b)(7)(c) USMC

Encl: (1) Award Recommendation
(2) PDUSD(P&R) memo undated

1. Enclosure (1) is forwarded recommending approval of the Medal of Honor (posthumously) to Sergeant Peralta.

2. As requested in enclosure (2), I have carefully considered the information contained in the friendly fire investigation at Tab C of enclosure (1) in making my endorsement decision. It is unfortunate that this friendly fire investigation was not made available for consideration when the award recommendation was reviewed by my predecessor in April, 2006. However, I am fully confident that the source of the round that mortally wounded Sergeant Peralta has no bearing in determining the merits of this award. While the friendly fire investigation concluded that Sergeant Peralta was most probably struck by an errant round from a fellow Marine's rifle, that conclusion in no way detracts from his extraordinary gallantry in saving the lives of his fellow Marines when he saw the enemy grenade rolling towards him. His actions in sweeping the grenade under his body constituted a selfless act of valor that rises well above and beyond what we normally expect of our Marines. Sergeant Peralta is exceptionally well deserving of our Nation's highest honor.

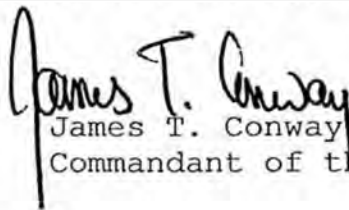
3. The Commanding General, 1st Marine Division, personally informed Sergeant Peralta's mother in December, 2005 that there was a possibility that her son had been killed by friendly fire. Subsequent to the endorsement of the completed friendly fire investigation by Commander, U.S. Central Command, representatives from the 1st Marine Division officially notified the mother of the findings of the investigation on 23 March 2007 and provided her with a copy of the redacted investigation.

4. Enclosure (2) requested an explanation of the timeline for endorsements on the award recommendation. Major General Natonski, Commanding General, 1st Marine Division, initially endorsed the award recommendation on 3 March 2005. Lieutenant

Subj: POSTHUMOUS MEDAL OF HONOR RECOMMENDATION, CASE OF
SERGEANT RAFAEL PERALTA, (b)(6), (b)(7)(c) USMC

General Sattler, Commanding General, I Marine Expeditionary Force and Commander, Marine Forces Central Command, reviewed the recommendation and returned it to Major General Natonski in May 2005 with a request for additional information. Specifically, he requested clarification on the opinion of the pathologist who conducted the autopsy that Sergeant Peralta could not have executed any meaningful physical motions based on the injuries from the gunshot wound to his head. Major General Natonski directed a detailed and comprehensive review of the original award recommendation to answer the questions raised. On 9 August 2005, Major General Natonski endorsed this second investigation which contained additional statements from three neurosurgeons who opined that Sergeant Peralta could have consciously swept the grenade under his body despite the severe head wound. Lieutenant General Sattler reviewed this second investigation and endorsed the award recommendation on 12 September 2005. General Abizaid, Commander, U.S. Forces Central Command, endorsed the award recommendation sometime after 11 February 2006.

5. The point of contact at this Headquarters is (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c)


James T. Conway
Commandant of the Marine Corps



THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

March 6, 2007

MEMORANDUM FOR COMMANDANT OF THE MARINE CORPS

SUBJECT: Return of Medal of Honor Recommendation

In response to your memorandum of February 2, 2007, the recommendation to award the Medal of Honor (posthumously) to Sergeant Rafael Peralta, U.S. Marine Corps, is returned for appropriate action. In review of the recommendation, the Principal Deputy Secretary of Defense (Personnel and Readiness) requested additional information in the attached memorandum.

My point of contact regarding this matter is (b)(6), (b)(7)(c) who can be reached at (b)(6), (b)(7)(c)

Donald C. Winter

Attachments:
As stated

cc:
HQMC (MMMA)
NDBDM/021



OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



PERSONNEL AND
READINESS

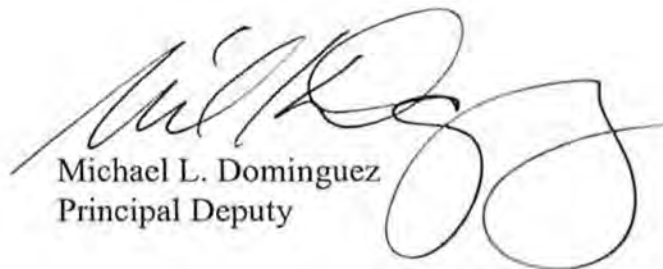
MEMORANDUM FOR THE SECRETARY OF THE NAVY

SUBJECT: Medal of Honor Recommendation

I have thoroughly reviewed your Medal of Honor recommendation for Then-Sergeant Rafael Peralta, USMC. While the valor of actions is clear, we note at Tab I of the recommendation an email dated August 30, 2005, and a Ballistics Report dated July 29, 2005, that indicate Sergeant Peralta may have been struck by a NATO 5.56 mm bullet. In turn, this raises the concern that a friendly fire incident might have occurred. However, the package does not indicate whether an investigation was conducted.

Clarification is needed in regard to the investigation of death, specifically, whether he was wounded by friendly fire, what the outcome of the investigation was, and whether the family was briefed of a possible friendly fire incident. Also, please provide a chronology between the times the Commanding General, 1st Marine Expeditionary Force and the Commanding General, Central Command endorsed the recommendation package.

My staff is ready to assist you in expediting this recommendation. My point of contact is (b)(6), (b)(7)(c)


Michael L. Dominguez
Principal Deputy





OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

PERSONNEL AND
READINESS

ACTION MEMO

February 4, 2007, 3:30 PM

FOR: PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE (P&R)

FROM: William J. Carr, Acting DUSD (MPP)

WJC 2.4.07

SUBJECT: Medal of Honor (MoH) Recommendations for (b)(6), (b)(7)(c)
(b)(6), (b)(7)(c) and Then-Sergeant Rafael Peralta, USMC

- The memoranda at Tabs A and B return Medal of Honor recommendations for (b)(6), (b)(7)(c) and Then-Sergeant Rafael Peralta, USMC to the Secretary of the Navy. We have split the two letters as you asked, and stipulated in Sergeant Peralta's that our concern centers on the possibility of friendly fire, but not valor.
- In the case of (b)(6), (b)(7)(c) we are requesting for clarification on the inconsistency between the endorsements and the witness statement, and any additional information to inform leadership of the basis of the comments made by the senior endorsers.
- In the case of Then-Sergeant Rafael Peralta, USMC, clarification is needed in regard to the investigation of death. Specifically, whether he was wounded by friendly fire, the outcome of investigation, and whether the family was briefed of a possible friendly fire incident. We are also requesting a chronology between the time the Commanding General, 1st Marine Expeditionary Force and the Commanding General, Central Command endorsed the recommendation package.

RECOMMENDATION: PDUSD (P&R) sign the memoranda at Tabs A and B.

COORDINATION: None.

Attachments:
As stated

Prepared by: (b)(6), (b)(7)(c)



Page 299 redacted for the following reason:

(b)(6), (b)(7)(C), (b)(5)



THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

4 October 2006

MEMORANDUM FOR SECRETARY OF DEFENSE

SUBJECT: Recommendation for the Medal of Honor

The Commandant of the Marine Corps recommends, and I concur, that you endorse the recommendation for the Medal of Honor (posthumously) to Sergeant Rafael Peralta, USMC, for his gallantry and intrepidity at the risk of life above and beyond the call of duty during Operation IRAQI FREEDOM. The Chairman of the Joint Chiefs of Staff concurs with the recommendation for award of the Medal of Honor.

The Medal of Honor citation and certificate for Sergeant Rafael Peralta are attached. The file supporting the recommendation is also attached for your review, if desired.

A handwritten signature in black ink, appearing to read "D. Winter", is positioned above the printed name.

Donald C. Winter

Attachments:
As stated

OSD 15779-06



10/5/2006 3:59:40 PM

COMMITTEE ON ARMED SERVICES

COMMITTEE ON
EDUCATION AND THE WORKFORCE

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

CHAIRMAN, SUBCOMMITTEE ON THE COAST
GUARD AND MARITIME TRANSPORTATION



Duncan Hunter
U.S. House of Representatives
50th District, California

October 19, 2017

WASHINGTON, DC OFFICE:
2425 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-5872

DISTRICT OFFICES:
EL CAJON TELEPHONE: (619) 448-5201
TEMECULA TELEPHONE: (951) 695-5108

General Robert B. Neller
Commandant of the Marine Corps
Headquarters, US Marine Corps
3000 Marine Corps, Pentagon
Washington, D.C. 20350-3000

Dear General Neller:

As you might recall, I have been intensely involved in the effort to award the Medal of Honor to Sergeant Rafael Peralta and petitioned multiple Defense Secretaries to review this case. General Neller, I have worked this case personally and I ask for your support in receiving a copy of Sgt Peralta's original Medal of Honor nomination package from Headquarters Marine Corps, Manpower Management Military Awards Branch (MMA).

Thank you for your attention to this important matter. I look forward to your response.

Sincerely,

A handwritten signature in blue ink, reading "Duncan Hunter".

Duncan Hunter
Member of Congress

DISPLAY

PREPARER'S EMAIL ADDRESS: blt13s1omb@1div7mardm.1mardivdm.usmc.m
II

FORWARDING EMAIL ADDRESS:
CARBON COPY EMAIL ADDRESS:
COMMENTS:

FROM ADDRESS: Commanding Officer Battalion Landing Team 1/3 Unit 44010 FPO AP 96607-4010		TO (Awarding Authority) ADDRESS: Commander in Chief	
COMMAND POC: blt13s1omb@1div7mardm.1mardivdm.usmc.mil		PHONE NUMBER: 318-3680-133	
1. SOCIAL SECURITY NUMBER:		2. DESIG/NEC/MOS: 0311	
3. NAME (Last, First, Middle): PERALTA, RAFAEL		15. EST. DATE OF DETACHMENT: N/A <input type="radio"/> RETIREMENT <input type="radio"/> TERMINAL LEAVE <input type="radio"/> TRANSFER <input checked="" type="radio"/> IMPACT AWARD	
4. COMPONENT (USMC, USMCR, etc.): USMC		16. NEW DUTY STATION (Home address if separation anticipated): N/A	
5. GRADE/RATE: SGT		17. UNIT AT TIME OF ACTION/SERVICE: Company A, Battalion Landing Team 1/3, RCT-7, 1st MarDiv	
6. WARFARE DESIGNATOR: N/A		18. DUTY ASSIGNMENT: Platoon Guide	
7. UIC/RUC: 13110		19. PREVIOUS PERSONAL DECORATIONS AND PERIOD RECOGNIZED (exclude Purple Heart and Combat Action Ribbon):	
8. SPECIFIC ACHIEVEMENT (Impact Award): Yes			
10. <input type="checkbox"/> HEROIC <input checked="" type="checkbox"/> HEROIC POSTHUMOUS <input type="checkbox"/> MIA <input type="checkbox"/> MERITORIOUS <input type="checkbox"/> MERITORIOUS POSTHUMOUS			
11. NUMBER OF AWARD OF RECOMMENDED MEDAL: 1		20. PERSONAL AWARDS RECOMMENDED NOT YET APPROVED: None	
12. ACTION DATE/MERITORIOUS PERIOD: 20041115-20041115		21. OTHER PERSONNEL BEING RECOMMENDED FOR SAME ACTION: None	
22. I certify the facts contained in the summary of action are: <input type="checkbox"/> known to me <input checked="" type="checkbox"/> a matter of record			
NAME, GRADE, TITLE OF ORIGINATOR: (b)(6) LtCol, BLT Commander		SIGNATURE: (b)(6) LtCol, Commanding Officer, 1st Battalion, 3rd Marines	
		DATE: 01/04/2005	
23. FORWARDING ENDORSEMENTS BY VIA ADDRESSEE(S). (Attach additional sheets only as necessary)			
VIA COMMAND (to be completed by originator)	REC AWD	COMBAT "V"	SIGNATURE, GRADE
			DATE FWD
1 Commanding Officer, Regimental Combat Team 7	MH	<input type="radio"/> YES <input checked="" type="radio"/> NO	(b)(6) COL, Commanding Officer, 7th Marines Regiment
2 Commanding General, 1st Marine Division	MH	<input type="radio"/> YES <input checked="" type="radio"/> NO	Richard Natonski MajGen, CG, 1st Marine Division
3 Commanding General, I Marine Expeditionary Force	MH	NO	John J. Battler LtGen, CG, I MEF
24. TO BE COMPLETED BY AWARDING AUTHORITY			
DISPOSITION OF BASIC RECOMMENDATION	COMBAT "V"	EXTRAORDINARY HEROISM RECOMMENDED	SIGNATURE, GRADE, TITLE
			DATE
NX			09/15/2008

<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SECNAV APPROVED
---	--	-----------------

NAVMC 11533 (EF)

Document History

1/24/06 2:33:14 PM - John F Sattler - LtGen, CG, I MEF - No Comments
 10/31/05 4:01:36 PM - (b)(6) ADMIN CHIEF, 1ST BATTALION 11TH MARINES - Currently Forwarded to CENTCOM for review.
 3/16/05 1:42:39 PM - (b)(6) Awards Chief, I MEF G-1 - Waiting on endorsement from 1STMARDIV CG.
 3/15/05 11:37:17 AM - Richard Natonski - MajGen, CG, 1st Marine Division - No Comments
 3/15/05 11:36:36 AM - Richard Natonski - MajGen, CG, 1st Marine Division - No Comments
 3/15/05 11:34:47 AM - Richard Natonski - MajGen, CG, 1st Marine Division - No Comments
 3/15/05 11:33:57 AM - Richard Natonski - MajGen, CG, 1st Marine Division - Forwarded to MEF for endorsement and processing.
 Capt Simpson
 3/7/05 12:18:49 PM - (b)(6) Awards Clerk, HQ Bat - Rec at 1 MAR DIV G-1 Rear
 3/6/05 12:43:04 PM - (b)(6) AC/S G-1 (Fwd), 1st Mar Div - CG signed hardcopy on 3 March, endorsed as MH.
 Hardcopy being delivered to MEF 7 March. Attached soft copy of CG's endorsement and movement slideshow.
 3/6/05 12:33:14 PM - (b)(6) AC/S G-1 (Fwd), 1st Mar Div - No Comments
 3/3/05 10:45:21 AM - (b)(6) AC/S G-1 (Fwd), 1st Mar Div - No Comments
 3/3/05 10:44:31 AM - (b)(6) AC/S G-1 (Fwd), 1st Mar Div - No Comments
 2/15/05 6:17:57 AM - (b)(6) Commanding Officer, 7th Marines Regiment - hard copy sent 8 Jan 05.
 1/4/05 2:42:59 AM - (b)(6) Commanding Officer, 1st Battalion, 3rd Marines - Hard copy of 1650 and investigative report submitted to RCT-7 on 20050103.
 1/4/05 2:27:26 AM - (b)(6) Acting Bn Cmdr, 1st Bn, 3d Mar - No Comments
 1/3/05 12:07:35 PM - (b)(6) Awards Clerk, 1st Bn, 3d MarDiv - No Comments

Mail History

1/24/06 2:33:14 PM - John F Sattler Sent to: - cc'd:
 10/31/05 4:01:36 PM - (b)(6) Sent to: comusmarcentawardsomb@marcent.usmc.mil - cc'd:
 3/16/05 1:42:39 PM - (b)(6) Sent to: - cc'd:
 3/15/05 11:37:17 AM - Richard Natonski Sent to: imefawards@i-mef.usmc.mil - cc'd: schrothm@i-mef.usmc.mil
 3/15/05 11:36:36 AM - Richard Natonski Sent to: imefawards@i-mef.usmc.mil - cc'd:
 3/15/05 11:34:47 AM - Richard Natonski Sent to: - cc'd:
 3/15/05 11:33:57 AM - Richard Natonski Sent to: - cc'd:
 3/7/05 12:18:49 PM - (b)(6) Sent to: - cc'd:
 3/6/05 12:43:04 PM - (b)(6) Sent to: cgawards@1mardiv.usmc.mil - cc'd: (b)(6) @1mardiv.usmc.mil
 3/6/05 12:33:14 PM - (b)(6) Sent to: - cc'd:
 3/3/05 10:45:21 AM - (b)(6) Sent to: - cc'd: (b)(6) @1mardivdm.usmc.mil
 3/3/05 10:44:31 AM - (b)(6) Sent to: - cc'd:
 2/15/05 6:17:57 AM - (b)(6) Sent to: cgawardsfwd@1mardivdm.usmc.mil - cc'd:
 1/4/05 2:42:59 AM - (b)(6) Sent to: avilab@1div7mardm.1mardivdm.usmc.mil - cc'd:
 bh13xo@1div7mardm.1mardivdm.usmc.mil
 1/4/05 2:27:26 AM - (b)(6) Sent to: - cc'd:
 1/3/05 12:07:35 PM - (b)(6) Sent to: - cc'd:

Summary of Action:

Name: Rafael (NMI) Peralta
 Rate or rank at time of action: Sergeant/E-5
 Organization: 1st Platoon, Company A, Battalion Landing Team 1/3, Regimental Combat Team 7, 1st Marine Division
 Next of Kin: (b)(6)
 Person who assisted: N/A

Conditions Under Which Act Performed

Location: Hey Al Askari District, Al Fallujah, Al Anbar Province, Iraq, UTM 38S MGRS LB 889 918
 Date: 15 November 2004
 Terrain: Urban Residential
 Weather: Sunny, Clear Skies, 70 degrees

Enemy condition: Insurgent groups occupying vacant buildings throughout the city operating primarily in 4-8 man cells. Insurgent tactics varied from actively seeking out and engaging coalition forces to remaining dormant inside buildings until coalition forces entered the building. When contact was forced by coalition forces, insurgents generally fought from fortified

positions inside houses, using automatic weapons and grenades and attempted to flee after inflicting casualties on the first coalition forces to enter the building. Insurgents were supplied via weapons and food caches pre-positioned throughout the city.

Friendly condition: Battalion Landing Team (BLT) 1/3 attacked in zone during the initial assault on Fallujah from 8 thru 10 November. Upon reaching its limit of advance, BLT 1/3 established company sectors and conducted search and attack operations throughout its tactical area of responsibility (TAOR). Operating independently, each company of BLT 1/3 came into contact with insurgent forces on a daily basis to include the day of 15 November 2004. BLT 1/3 also began psychological operations on 11 November 2004 to encourage insurgents to surrender; these operations were conducted in conjunction with humanitarian aid operations at the Mujahareen and Al Haydra Mosques.

Narrative Description of Gallant Conduct

Sergeant Rafael (NMI) Peralta is enthusiastically recommended for the Medal of Honor for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Platoon Guide, 1st Platoon, Company A, Battalion Landing Team 1/3, Regimental Combat Team 7(-) (Reinforced), 1st Marine Division(-) (Reinforced) in action against Anti-Coalition Forces in the City of Fallujah, Iraq, 15 November 2004, during Operation Phantom Fury/Al Fajr.

At approximately 0830, Sergeant Peralta was conducting search and attack operations with 2d Squad, 1st Platoon. The squad was clearing their seventh house of the day. Sergeant Peralta was augmenting 2d Squad because they were short personnel due to recently sustained casualties. Sergeant Peralta was positioned in the center of the squad between the first and second fire teams as they prepared to enter the house.

The squad met no resistance during their initial entry into the house and cleared the front rooms without incident. The door to the back rooms of the house was closed. The squad staged for entry into the back rooms with Sergeant Peralta positioned behind the point man. As the point man pushed open the door, the squad immediately came under a heavy volume of close-range automatic weapons fire from multiple insurgents located in the back rooms. The squad instantaneously returned fire, wounding one of the insurgents. As the squad sought cover, Sergeant Peralta was shot in the head as he attempted to maneuver out of the line of fire. Sergeant Peralta fell to the ground, still attempting to speak, though his words were unintelligible.

After the initial exchange of gunfire, the insurgents broke contact, throwing a fragmentation grenade towards the Marines as the insurgents fled the building. The grenade bounced off the side of a couch and came to rest approximately one foot away from Sergeant Peralta's head. The grenade lay between Sergeant Peralta and other members of the squad. Though mortally wounded, Sergeant Peralta, with out hesitation, reached out and scooped the grenade under him and used his body to bear the brunt of the explosion, shielding other Marines of the squad who were only feet away. The grenade exploded underneath Sergeant Peralta with his body absorbing most of the blast. Other members of the squad near by received only minor shrapnel wounds from the explosion.

Sergeant Peralta was immediately medevaced via amphibious assault vehicle but succumbed to his wounds and was pronounced dead at 0915, 15 November 2004 while en route to Bravo Surgical Company.

Sergeant Peralta's gallant leadership, bravery and unwavering dedication to duty and to his fellow Marines distinguish his conduct as above and beyond

the call of duty. Sergeant Peralta's willingness to make the ultimate sacrifice to preserve the lives of his comrades reflected great credit upon him and was in keeping with the highest traditions of the Marines Corps and the United States Naval Service. For his actions he is worthy of being decorated with the Medal of Honor.

Citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Platoon Guide with 1st Platoon, Company A, Battalion Landing Team 1/3, Regimental Combat Team 7, 1st Marine Division in action against Anti-Coalition Forces in the City of Fallujah, Iraq on 15 November 2004 in support of Operation AL FAJR. During search and attack operations, Sergeant Peralta volunteered to augment an under strength squad as it cleared block407 house by house. While clearing the seventh house of the day, the point man opened a door to a back room and immediately came under intense, close-range automatic weapons fire from multiple insurgents. The squad returned fire, wounding one insurgent. While attempting to maneuver out of the line of fire, Sergeant Peralta was shot in the head and fell wounded, but still conscious. After the initial exchange of gunfire, the insurgents broke contact, throwing a fragmentation grenade as they fled the building. The grenade came to rest a foot from Sergeant Peralta's head and lay between him and other members of the squad. Without hesitation and with complete disregard for his own personal safety, Sergeant Peralta reached out and pulled the grenade under his body, absorbing the brunt of the blast and shielding fellow Marines only feet away. Sergeant Peralta never regained consciousness and succumbed to his wounds moments later. By his undaunted courage, intrepid fighting spirit, and unwavering devotion to duty in the face of certain death, Sergeant Peralta saved his comrades from further injury or possible death thereby reflecting great credit upon him and upholding the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

New

09/19/2008



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
5730
OLAC-5G
26 Jul 11

The Honorable Jeanne Shaheen
United States Senator
340 Central Avenue, Suite 205
Dover, NH 03820

Attention: Max Giella

Dear Senator Shaheen:

Thank you for your letter of June 29, 2011, to the Assistant Secretary of Defense for Legislative Affairs, on behalf of (b)(6) regarding the Medal of Honor (MOH) recommendation for the late Sergeant Rafael Peralta, U.S. Marine Corps. I have been asked to respond on behalf of the Marine Corps.

I appreciate your interest in this matter and understand (b)(6) concern that Sergeant Peralta's MOH award recommendation be given fair consideration. The Department of Defense went to significant lengths to ensure the MOH recommendation for Sergeant Peralta received thorough and complete consideration, just as they do every MOH nomination. Unfortunately, the internal review could not reconcile the contradictory evidence contained in the MOH recommendation. Therefore, the Secretary of Defense took the unprecedented step of soliciting the counsel of five independent experts.

The independent experts included a former Multi-National Corps Iraq Commanding General, a MOH recipient, a neurosurgeon, and two pathologists. These reviewers were provided access to all available information regarding the MOH recommendation, including detailed medical reports and autopsy photographs. The reviewers interviewed numerous subject matter experts, participated in a re-creation of the event, and inspected the available evidence.

The five independent reviewers each individually concluded that the evidence did not meet the exacting standard necessary to support the awarding of the MOH. After careful consideration, the Secretary of Defense concurred with this conclusion. Further, given the thoroughness of the evaluation already conducted, the Secretary of Defense does not believe further review is appropriate.

Again, thank you for your concern. Sergeant Peralta was courageous and dedicated; he continues to serve as an inspiration for all Marines. We will always be grateful for his heroism.

Very respectfully,

(b)(6)

Lead Congressional Liaison
Office of Legislative Affairs
Correspondence

JUN. 29. 2011 12:11PM

SHAHEEN DOVER

NO. 7186 P. 1

340 Central Avenue Suite 206
Dover, NH 03820
p. (603) 750-3004
t. (603) 750-4046
max.giella@shaheen.senate.gov

**Office of Senator
Jeanne Shaheen**

Fax

To: DoD Cong. Affairs

From: Max Giella

Fax:

(b)(6)

Pages: 3 (including cover)

Phone:

Date: June 29th, 2011

Re:

cct

Urgent

x For Review

Please Comment

Please Reply

Please Recycle

This correspondence (including attachments) is privileged and confidential. If you are not the intended recipient, please delete it without further distribution, notify the sender that you have received the facsimile in error, and disregard contents herein.

■ Comments:

See attached. Thank you!

JUN. 29. 2011 12:11PM

SHAHEEN DOVER

NO. 7186 P. 2

JEANNE SHAHEEN
NEW HAMPSHIRE

SUITE 501-502
HART BUILDING
WASHINGTON, DC 20516
(202) 224-2941

United States Senate

WASHINGTON, DC 20510

June 29, 2011

Ms. Elizabeth King
Assistant Secretary for Defense for Legislative Affairs
U.S. Department Of Defense
1300 Defense Pentagon
Washington, DC 20301-1300

Dear Elizabeth,

I have been contacted by my constituent (b)(6) regarding the important issue he is experiencing with the Department of Defense.

I have enclosed Mr. Miller's inquiry for reference purposes. I believe you will find the letter self explanatory.

I would appreciate any assistance you are able to offer (b)(6). Please respond directly to (b)(6) and send a copy of your response to Max Giella in my Dover state office at 340 Central Avenue Suite 205, Dover, NH, 03820.

Thank you for your attention to this matter.

Sincerely,

Jeanne Shaheen
United States Senator

Enclosure

2011 JUL 13 AM 9:58

RECEIVED A.M.

OSD 08303-11



Senator Shaheen,

During the battle of Fallujah, Iraq, 25 yr old Marine Sgt Rafael Peralta, though suffering from a gunshot wound to the head, dove on an enemy grenade and gave his life to protect nearby fellow marines. Both the Commandant of the Marine Corps and the Secretary of the Navy recommended he be posthumously awarded the Congressional Medal of Honor, yet he was not- and instead awarded the Navy Cross. Would you look into this?

(b)(6)





DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
5730
OLAC-5G
15 Mar 11

The Honorable Patrick J. Tiberi
Member, United States House
of Representatives
3000 Corporate Exchange Drive
Columbus, OH 43231

Attention: Lucas P. Crumley

Dear Congressman Tiberi:

Thank you for your letter of July 30, 2010, to the Chief, Legislative Affairs, on behalf of (b)(6) regarding the Medal of Honor (MOH) recommendation for the late Sergeant Rafael Peralta, U.S. Marine Corps. I have been asked to respond on behalf to the Marine Corps. I also regret the extended delay in replying to your correspondence.

I appreciate your interest in this matter and understand (b)(6) concern that Sergeant Peralta's MOH award recommendation be given fair consideration. The Department of Defense went to significant lengths to ensure the MOH recommendation for Sergeant Peralta received thorough and complete consideration, just as they do every MOH nomination. Unfortunately, the internal review could not reconcile the contradictory evidence contained in the MOH recommendation. Therefore, the Secretary of Defense took the unprecedented step of soliciting the counsel of five independent experts.

The independent experts included a former Multi-National Corps Iraq Commanding General, a MOH recipient, a neurosurgeon, and two pathologists. These reviewers were provided access to all available information regarding the MOH recommendation, including detailed medical reports and autopsy photographs. The reviewers interviewed numerous subject matter experts, participated in a re-creation of the event, and inspected the available evidence.

The five independent reviewers each individually concluded that the evidence did not meet the exacting standard necessary to support the awarding of the MOH. After careful consideration, the Secretary of Defense concurred with this conclusion.

5730
OLAC-5G
15 Mar 11

Further, given the thoroughness of the evaluation already conducted, the Secretary of Defense does not believe further review is appropriate.

Again, thank you for your concern. Sergeant Peralta was courageous and dedicated; he continues to serve as an inspiration for all Marines. We will always be grateful for his heroism.

Very respectfully,

(b)(6)

A rectangular grey box redacting the signature of the official.

Head, Office of Legislative Affairs
Correspondence

PATRICK J. TIBERI

12TH DISTRICT, OHIO

**COMMITTEE ON
WAYS AND MEANS**

RANKING MEMBER, SUBCOMMITTEE ON
SELECT REVENUE MEASURES

SUBCOMMITTEE ON SOCIAL SECURITY

SUBCOMMITTEE ON
INCOME SECURITY AND FAMILY SUPPORT



**Congress of the United States
House of Representatives
Washington, DC 20515-3512**

July 30, 2010

COLUMBUS OFFICE:

3000 CORPORATE EXCHANGE DRIVE
SUITE 310
COLUMBUS, OH 43231
PHONE: (614) 523-2555
FAX: (614) 818-0587

WASHINGTON OFFICE:

113 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3512
PHONE: (202) 225-5355
FAX: (202) 225-4523
www.house.gov/tiberi

Rear Admiral Barry M. Costello
Chief of Legislative Affairs
1300 Navy Pentagon
Washington, D.C. 20350-1300

VIA FACSIMILE: (703) 614.7089

Dear Rear Admiral Costello:

The attached communication concerns a problem my constituent is experiencing with the United States Navy.

Please investigate the statements contained therein and forward me the necessary information for reply. Please address your reply to my district office at 3000 Corporate Exchange Dr, Columbus, Ohio 43231.

If you have any further questions, please contact Jason Dominguez in my district office at (614) 523-2555. Thank you for your time and attention to this matter, and I look forward to your reply.

Sincerely,

Patrick J. Tiberi
Representative to Congress

PJT/jd
Enclosure



Dominguez, Jason

From: (b)(6)
Sent: Wednesday, July 21, 2010 9:57 AM
To: Dominguez, Jason
Subject: Sgt. Rafael Peralta

Good Morning Jason,

Sgt. Rafael Peralta was killed in Fallujah, Iraq in November of 2004. He was nominated and denied the Medal of Honor. All aspects of his death point to the fact that he is deserving of this high honor for his action in saving the lives of his team.

He received posthumously the Navy Cross rather than the Medal of Honor because of conflicting medical analysis about whether he consciously pulled the grenade toward him or whether it was an automatic reflex of somebody already dead. I find this story a travesty of justice for this soldier and his family.

Would you please have someone look into this matter ASAP.

Sincerely,

(b)(6)

7/29/2010

(b)(6)

From: Hummell, Jon (Brownback) [Jon_Hummell@brownback.senate.gov]
Sent: Tuesday, February 08, 2005 10:49 AM
To: (b)(6)
Subject: RE: Peralta

(b)(6)

Ok, thank you. You can close out the inquiry. ✓

Jon Hummell
State Aide, Military & Veterans Affairs
785-233-2503

-----Original Message-----

From: (b)(6)
Sent: Tuesday, February 08, 2005 5:55 AM
To: Hummell, Jon (Brownback)
Subject: RE: Peralta

Good morning Jon -

We have been told that the personal awards process can take anywhere
from 18
- 36 months.

-----Original Message-----

From: Hummell, Jon (Brownback) [mailto:Jon_Hummell@brownback.senate.gov]
Sent: Monday, February 07, 2005 3:24 PM
To: (b)(6)
Subject: RE: Peralta

(b)(6)

Thank you for the information. We understand why you would not want to
comment on a specific award. Can you give us any guidance as to the
timeline normally involved with this process?

Jon Hummell
State Aide, Military & Veterans Affairs
785-233-2503

-----Original Message-----

From: (b)(6)
Sent: Saturday, February 05, 2005 10:39 AM
To: Hummell, Jon (Brownback)
Subject: Re: Peralta

Good morning Jon -

I want to acknowledge receipt of your phone call regarding the late
Sergeant
Rafael Peralta, U.S. Marine Corps.

Unfortunately, the details of award recommendations cannot be released
until
such time that the awards process is completed. I did want to share

that

Sergeant Peralta's command recognized his extraordinary actions and submitted a personal award recommendation on his behalf. However, I cannot provide comments on any specific award under consideration.

I do thank you for your interest on behalf of Sergeant Peralta. If I can be of any further assistance, let me know.

(b)(6)

Office of Legislative Affairs/Correspondence
Headquarters, U.S. Marine Corps
Pentagon 4C553
Washington, DC 20380

Comm: (b)(6)

DSN: (b)(6)

Fax:

(b)(6)



Sam Brownback

United States Senator / Kansas

Fax

TO: USMC

FAX NUMBER: _____

FROM: _____ Denise Coatney
 ✓ _____ Jon Hummell
 _____ Niomi Burget
 _____ Jill Casten

PHONE NUMBER: (785) 233-2503

FAX NUMBER: (785) 233-2616

NUMBER OF PAGES INCLUDING COVER: 4

Message: _____

31 JAN 2005

SAM BROWNBACK
KANSAS

(202) 224-8521 PHONE
(202) 228-1265 FAX

COMMITTEES:
APPROPRIATIONS
COMMERCE, SCIENCE,
AND TRANSPORTATION
FOREIGN RELATIONS
JOINT ECONOMIC

United States Senate
WASHINGTON, DC 20510-1604

January 28, 2005

Col. Ben Cassidy
Marine Senate Liaison
182 Russell Building
Washington, DC 20510

Dear Col. Cassidy:

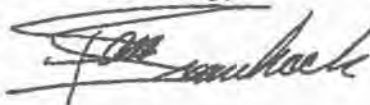
I have been contacted by a constituent of mine (b)(6) regarding an article that he recently read describing the heroic actions of USMC SGT Rafael Peralta.

Please find attached a copy of the article.

It appears that SGT Peralta's actions on November 15, 2004 would warrant one of our country's highest military decorations. Therefore, I would like to know whether or not he is being considered for the Medal of Honor.

Please advise Jon Hummell in my Topeka office. Thank you for your service to our Nation.

Sincerely,



Sam Brownback
United States Senator

SB:jh

Message

Page 1 of 2

Hummell, Jon (Brownback)

From: Burget, Niomi (Brownback)
Sent: Thursday, January 27, 2005 4:06 PM
To: Hummell, Jon (Brownback)
Cc: Clark, Bryan (Brownback)
Subject: FW: Medal of Honor recommendation

Jon, this one sounds like one that you would handle...thanks.

-----Original Message-----

From: Clark, Bryan (Brownback)
Sent: Thursday, January 27, 2005 4:03 PM
To: Burget, Niomi (Brownback)
Subject: Medal of Honor recommendation

Thanks Niomi!

(b)(6)



Incoming Message:

The below is an article about a US Marine deserving of the Medal of Honor. You should see it as part of your duty to ensure he receives this. (b)(6)



January 11, 2005, 7:30 a.m.
Sgt. Rafael Peralta, American Hero
Everyone should know his name.

You probably don't know Rafael Peralta's name. If we lived in a country that more fully celebrated the heroics of its men in uniform, you would. He was a sergeant in Company A, 1st Battalion, 3rd Marine Regiment for Operation Dawn, the November offensive to retake the Iraqi city of Fallujah, which had become a haven for terrorists. What he did on the day of Nov. 15 was an awe-inspiring act of selfless sacrifice and faithfulness to his fellow Marines.

The only way we can honor Sgt. Peralta's heroism is to tell his story and remember his name. What follows is mostly drawn from the reporting of Marine combat correspondent Lance Cpl. T.J. Kaemmerer, who witnessed the events on that day.

Sgt. Peralta, 25, was a Mexican American. He joined the Marines the day after he got his green card and earned his citizenship while in uniform. He was fiercely loyal to the ethos of the Corps. While in Kuwait, waiting to go into Iraq, he had his camouflage uniform sent out to be pressed. He constantly looked for opportunities to help his Marine brothers, which is why he ended up where he was on Nov. 15. A week into the battle for Fallujah, the Marines were still doing the deadly work of clearing the city, house by house. As a platoon scout, Peralta didn't have to go out with the assault team that day. He volunteered to go.

According to Kaemmerer, the Marines entered a house and kicked in the doors of two rooms that proved empty. But there was another closed door to an adjoining room. It was unlocked, and Peralta, in the lead, opened it. He

was immediately hit with AK-47 fire in his face and upper torso by three insurgents. He fell out of the way into one of the cleared rooms to give his fellow Marines a clear shot at the enemy. During the firefight, a yellow fragmentation grenade flew out of the room, landing near Peralta and several fellow Marines. The uninjured Marines tried to scatter out of the way, two of them trying to escape the room, but were blocked by a locked door. At that point, barely alive, Peralta grabbed the grenade and cradled it to his body.

His body took most of the blast. One Marine was seriously injured, but the rest sustained only minor shrapnel wounds. Cpl. Brannon Dyer told a reporter from the Army Times, "He saved half my fire team."

Kaemmerer compares Peralta's sacrifice to that of past Marine Medal of Honor winners Pfc. James LaBelle and Lance Cpl. Richard Anderson. LaBelle dove on a Japanese grenade to save two fellow Marines during the battle of Iwo Jima. Although he had just been wounded twice, Anderson rolled over an enemy grenade to save a fellow Marine during a 1969 battle in Vietnam.

Peralta's sacrifice should be a legend in the making. But somehow heroism doesn't get the same traction in our media environment as being a victim or villain, categories that encompass the truly famous Jessica Lynch and Lynndie England respectively. Peralta's story has been covered in military publications, a smattering of papers including the Seattle Times and the San Diego Union-Tribune, ABC News, and some military blogs. But the Washington Post and the New York Times only mentioned Peralta's name in their lists of the dead. Scandalously, the "heroism" of Spc. Thomas Wilson - the national guardsman who asked a tough question of Secretary of Defense Don Rumsfeld that had been planted with him by a reporter - has been more celebrated in the press than that of Peralta.

Kaemmerer recounts how later on the night of Nov. 15, a friend approached him and said: "You're still here; don't forget that. Tell your kids, your grandkids, what Sgt. Peralta did for you and the other Marines today." Don't forget. Good advice for all of us.

- Rich Lowry is author of *Legacy: Paying the Price for the Clinton Years*.

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Bryan C. Clark
Staff Assistant
US Senator Sam Brownback
303 Hart Senate Office Building
Washington, DC 20510
Phone (202) 224-6521
Fax (202) 228-1265



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
5730
OLAC-5G
27 Dec 07

The Honorable Richard G. Lugar
United States Senate
Washington, DC 20510

Attention: Darlee McCollum

Dear Senator Lugar:

Thank you for your inquiry of December 5, 2007, to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, (b)(6) has concerns that there is a lack of Medal of Honor recipients from the conflicts in Iraq and Afghanistan. I am responding for Assistant Secretary Wilkie.

With respect to awarding the Medal of Honor during OEF/OIF, in December 2006, the Director of our Personnel Management Division addressed the House Armed Services Committee on this very issue. The Marine Corps understands that the standards for the Medal of Honor are exceptionally stringent, with no margin of doubt or possibility of error in awarding this honor. To justify the Medal of Honor, Marines or Sailors' actions must clearly be rendered conspicuous above their comrades by an act so outstanding that it clearly distinguishes gallantry beyond the call of duty from lesser forms of bravery.

Some Navy Cross Citations from the Global War on Terror (GWOT) depict heroic actions similar to citations from previous conflicts for the Medal of Honor; however, it should be noted that the citations only give a short depiction of the actions that earned the Marine or Sailor the award. The entire chain of command reviews a more detailed narrative summary of action and a minimum of two eyewitness statements in determining the appropriate award. This summary of action and the eyewitness statements expound on the circumstances and events leading up to the heroic action and enable the commanders to determine whether the bravery displayed rises to the level of the Medal of Honor.

The process by which commanders consider award recommendations is a time tested and thorough system that relies heavily on their experience and judgment when applying the criteria and standards set forth in the Navy and Marine Corps Awards Manual, in the most fair and appropriate manner possible. At each level, the commanders can recommend a higher award.

The Military Awards System by its nature is a very challenging process that requires commanders to distinguish between varying levels of heroism and achievement in combat in order to recommend the appropriate level of award. The Marine Corps does not use a "cookie cutter approach" in that there is no established set of criteria or actions that will always result in one specific type of award. Each individual combat action is different and occurs under different

5730
OLAC-5G
27 Dec 07

circumstances. We task our commanders to consider all aspects of the action performed by the Marine or Sailor in comparison to the actions of others in their command or theater of operations to determine the most appropriate level of award. This time tested process maintains the consistency and integrity of all awards.

Mr. Mansfield specifically mentions the late Sergeant Rafael Peralta, U.S. Marine Corps, in his correspondence to your office. I want to assure you that I, too, share your pride in Sergeant Peralta and recognize the ultimate sacrifice he made for his fellow Marines and our Country. His service reflected the highest ideals of our core values of honor, courage, and commitment. Sergeant Peralta was courageous and dedicated; and he continues to serve as an inspiration for all Marines. While the details of award recommendations cannot be released until such time that the awards process is completed, I did want to share that Sergeant Peralta's command recognized his extraordinary actions and submitted a personal award recommendation on his behalf.

Again, thank you for your concern, and I hope this information is helpful. If I can be of any further assistance, please let me know.

Very respectfully,

(b)(6)

Head, Office of Legislative Affairs
Correspondence

RICHARD G. LUGAR
U.S. SENATOR
200 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
202-224-2914
senator_lugar@lugar.senate.gov
http://lugar.senate.gov

COMMITTEES
FOREIGN RELATIONS, BANKING
AGRICULTURE, NUTRITION, AND FORESTRY

United States Senate

WASHINGTON, DC 20510-1401

December 5, 2007

The Honorable Robert Wilkie
Assistant Secretary of Defense
U.S. Department of Defense
1300 Defense Pentagon
Washington, D.C. 20301

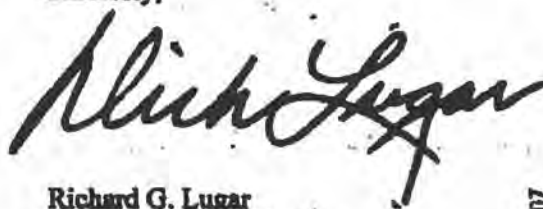
Dear Secretary Wilkie:

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

Your findings and views, in duplicate form, along with the return of the enclosure, will be greatly appreciated. Please direct your reply to the attention of Darlee McCollum of my Washington office.

Thank you for your thoughtful attention.

Sincerely,



Richard G. Lugar
United States Senator

RGL/cgd
Enclosure

2007 DEC 17 PM 4:25

OFFICE OF THE
SECRETARY OF THE
NAVY

OSD 19427-97

12/17/2007 10:05:28 AM

Lugar, Senator (Lugar)

From: (b)(6)
Sent: Tuesday, November 27, 2007 9:54 PM
To: Lugar, Senator (Lugar)
Subject: Recognition of service members

07 NOV 28 AM 11:18

Senator,

I am writing regarding a seemingly lack of Medal of Honor recipients from the conflicts in Iraq and Afghanistan. In particular Marine Sgt. Rafael Peralta, this young man cradled in a grenade after being likely already fatally wounded to protect the Marines in his squad. In doing this knowing it would certainly be his last act on this earth. Actions like these embody the dedication of men in combat to each other and the willingness of a leader to care for his men regardless of the situation they are asked to be in. Though, I know these conflicts are unpopular with many but, I hate to see it when people confuse the actions of those doing what is asked of them over the issues they have with those doing the asking. These young men deserve the recognition of a grateful nation for their actions and serve as a model for Marines and soldiers alike to strive for in the future. No one can attempt to say or really imagine what they would do in that type of situation but men like this have done it and sacrificed all for the man next to them. Not all men need to die to have done something of uncommon valor in the face of combat worthy of this award. I truly believe the process to award our nation's highest honor has become to far out of reach for the men and woman who serve. The amount of posthumous awards has gone up sharply over the years and this I do not believe this was the intent of the award to have to die in order to be considered for such an award. I really think the review process needs to be reviewed to ensure eligible acts are given real consideration.

Thank you

(b)(6)

Get easy, one-click access to your favorites. [Make Yahoo! your homepage.](#)

11/28/2007

SECNAV

DCN: 2007UCONGRESSIONAL-005772b

Congressional Tasker

Status: Open

[Print]

Subject	LUGAR-SECNAV (OSD) - CONSTITUENT CONCERNED ABOUT LACK OF MEDAL OF HONOR RECIPIENTS FROM WARD IN IRAQ AND AFGHANISTAN
Type:	Congressional-Constituent
External DCN:	OSD/19427-07
Serial #:	
SSIC:	
Keywords:	SGT RAFAEL PERALTA; OIF; OEF; MOH
Correspondent:	(b)(6)
Notification to:	
Legislative ...	
Division:	Senate
Committee:	N/A
Member:	RICHARD G. LUGAR
Case Worker:	DARLEE MCCOLLUM (DC OFFICE)
Dates ...	
Document:	05-Dec-2007
Received:	17-Dec-2007
Tasker Created:	17-Dec-2007 15:51
Original Due:	03-Jan-2008
Interim:	
Tasker Due:	03-Jan-2008
Deliverables ...	
Action Products:	Letter-Reply Direct
For Signature By:	CMC OR DIRECTED
Signed By:	

Attachments

Tasker Package:	OSD 19427-07.pdf
Final Response:	
Working Documents:	

Status and Comments

Status:

Workflow

Workflow Due Dates:	No
Tasking Authority summarized to:	AASN
Action Office summarized to:	CMC

Assigned

Done

Tasking Authority

☐ [SECNAV Congressionals Front Office](#)

Chop

Parallel Chop

Action Office

☐ [CMC Front Office](#)

Coordination Office

Information Only

[OLA Front Office](#)[SECNAV Office of Program Appraisal Front Office](#)[DNS ExecSec](#)

DEC 18 2007

OPA ... SES Jon Ferko
SECNAV FO .. (b)(6)

Access Control

Restricted: No

Status and Comment History

17 Dec 2007 .. (b)(6) Task recieved. MCATS ID # is 2007-12-10013

Change History

(17 Dec 2007 15:59) ... (b)(6)

Tasker Package added: OSD 19427-07.pdf, , -----

(17 Dec 2007 15:59) .. (b)(6)

Document Created

Congressional

SECRETARY OF DEFENSE CORRESPONDENCE ROUTING SLIP

Action Agency: SECRETARY OF THE NAVY

Action Required: REPLY DIRECT (Forward copy of reply to CCD, Room 3C843)

Coordinate With: LA

References:

Remarks:

Document Type: INCOMING

Special Instructions:

Suspense Date: January 7 2008

Routing Date: December 13 2007

CONTROL #: OSD 19427-07

INFORMATION DISTRIBUTION

OFFICE

UNDER SECRETARY OF DEFENSE FOR PERSONNEL & READINESS
ASSISTANT SECRETARY OF DEFENSE (LEGISLATIVE AFFAIRS)

OSD 19427-07





DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO
5730

OLAC-5G

16 JAN 2008

(b)(6)

The Honorable Darlene Hooley
Member, United States House
of Representatives
Suite 101
315 Mission Street, Southwest
Salem, OR 97302

Attention: Michele McAleer

Dear Congresswoman Hooley:

This responds further to your letter of October 16, 2006, concerning the late Sergeant Rafael Peralta, U.S. Marine Corps, and the status of his award recommendation. I regret the delay in replying to your correspondence.

Thank you for your concern on behalf of Sergeant Peralta and his family. As you are aware, the details of his award recommendation cannot be released until such time that the awards process is completed. Although I cannot provide comments on any specific award under consideration, I can tell you that the recommendation is still being appropriately reviewed.

Additionally, since the President of the United States, in the name of Congress, awards the Medal of Honor, premature public disclosure of any information concerning recommendations, processing and approval, or disapproval actions is a potential source of embarrassment to those recommended and the United States Government. Also, in the case of approved recommendations, it could diminish the impact of ceremonies at which the presentation is made.

Again, thank you for your concern in this matter. Sergeant Peralta was courageous and dedicated; he continues to serve as an inspiration for all Marines. We will always be grateful for his heroism.

Very respectfully,

(b)(6)

Lieutenant Colonel, U.S. Marine Corps
Deputy Legislative Assistant to the Commandant

DARLENE HOOLEY
5th DISTRICT, OREGON

COMMITTEES:

COMMITTEE ON FINANCIAL SERVICES
SUBCOMMITTEE ON CAPITAL MARKETS,
INSURANCE AND
GOVERNMENT SPONSORED ENTERPRISES
SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
AND CONSUMER CREDIT

COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

COMMITTEE ON SCIENCE

SUBCOMMITTEE ON RESEARCH, RANKING MEMBER



Congress of the United States
House of Representatives
Washington, D.C. 20515-3705

CONGRESSIONAL OFFICES:

☐ 2430 RAYBURN BUILDING
WASHINGTON, D.C. 20515
(202) 225-5711
(202) 225-5699 fax

☒ 315 MISSION ST., SUITE 101
SALEM, OREGON 97302
(503) 588-9100
(503) 588-5517 fax

☐ 2157H WILLAMETTE DRIVE
WEST Linn, OREGON 97068
(503) 327-1324
(503) 557-1951 fax

WWW.HOUSE.GOV/HOOLEY
TOLL FREE: 1 888 4-HOOLEY

October 16, 2006

(b)(6)

U.S.M.C. Liaison Officer
Department of the Navy
B-324 Rayburn House Office Building
US House of Representatives
Washington, DC 20515
Via Facsimile

Dear (b)(6)

Enclosed is correspondence from (b)(6) one of my constituents (SSN

(b)(6)

According to (b)(6) is requesting the status of award requests for three United States Marines who were nominated for the Medal of Honor. The Marines in question are: Corporal Jason Dunham, Sgt Rafael Peralta, Lance Corporal Christopher S. Adelsperger.

Please give (b)(6) request full and fair consideration consistent with applicable laws and regulations. I would appreciate it if you would please direct all correspondence to Michele McAleer in my Salem district office at (503) 588-2468.

Thank you for your prompt attention and cooperation in this matter.

Sincerely,

DARLENE HOOLEY
Member of Congress

DH: mm

RECEIVED OCT 17 2006 1630 (b)(6)

CONGRESSWOMAN DARLENE HOOLEY
CONSTITUENT SERVICE FORM

Thank you for contacting me about the problem you are having with a federal agency. I will be happy to assist in any way that I can. Please print all information.

Name: (b)(6)

Address: (b)(6)

City, State, Zip: (b)(6)

(b)(6)

Phone: (home) (b)(6)

(work) N/A (other)

Social Security Number: (b)(6) Date of

Birth: (b)(6)

Name of Agency: Claim Number:

Brief Description of Problem: Desirc to aquire to the status of the nomination of the Medal of Honor for the following three (3) Marines

Cpl Jason Dunham Sgt Rafeal Peralta Lance Corporal Christopher S. Adlesperger

It has been over 2 years since Cpl Dunham was killed and nominated. That time period is unacceptable. It has been almost 2 years since Sgt Peralta was nominated. I have attempted to inquire as to the status of these awards from some time now and have been unsuccessful in my attempts. In regards to LCpl Christopher Adlesperger, I have called the unit he was assigned to (1st MEU) at Camp Pendleton and discussed the way to secure the details of the reason for the nomination of Adlesperger to be considered for the Medal of Honor and was referred to a Naval Lt Carnes who is a PAO at Camp Pendleton. He emailed me back later that day to inform me that Headquarters Marine Corps does not release any information regarding the awards until the award is awarded. I question that lack of information due to the fact that the Los Angeles Times had an article

published by one of their staff reporters by the name of Joe Perry that had all the details of the nomination. He had to get it from somewhere in the government. I don't want to use the article on my web page without permission from the LA Times which is too much personal detail for what I need. They would want me to use the complete article and that would not fit into my content of the web page. Also if one would read some of the citations of awards that have been given to past Marines that have received the MOH, by going to one of my web pages at www.marinemedals.com they would realize that in Dunham and Peralta's case, throwing yourself on a grenade to save the lives of other Marines, has always resulted in the Marine being awarded the Medal of Honor.

We as Marines and Americans, need to know that our heroes that have knowingly sacrificed their lives to save others be recognized in a timely and expedited manner.

The internet web page that the three Marines noted above is located at www.godsmarines.com

I hereby request the assistance of the Office of Congresswoman Darlene Hooley to resolve the matter described above. I authorize Congresswoman Darlene Hooley and her staff to receive any information that they might need to provide this assistance.

The information I have provided to Congresswoman Darlene Hooley is true and accurate to the best of my knowledge and belief. The assistance I have requested from Congresswoman Darlene Hooley's office is in no way an attempt to evade or violate any federal, state, or local law.

Your Signature: (b)(6)

Date: 10/13/2006

Please include copies (do not send originals) of any documents or relevant materials you think Congresswoman Hooley should have pertaining to this matter. Mail or fax to Congresswoman Hooley's District Office in Salem or West Linn. Thank you for this opportunity to serve you in Congress.

Congresswoman Darlene Hooley
ATTN: Michele McAleer
315 Mission Street Suite 101 * Salem, Oregon 97302
(503) 588-2468



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:
5730
OLAC-5G
OCT 20 2006

The Honorable Bob Filner
U.S. House of Representatives
Washington, DC 20515

Attention: Thaddeus Hoffmeister

Dear Congressman Filner:

This responds further to your inquiry of September 15, 2006, concerning the late Sergeant Rafael Peralta, U.S. Marine Corps, and the status of his award recommendation.

Thank you for your continued concern on behalf of Sergeant Peralta and his family. As you are aware, the details of his award recommendation cannot be released until such time that the awards process is completed. Although I cannot provide comments on any specific award under consideration, I can tell you that the recommendation is still being appropriately reviewed.

Additionally, since the President of the United States, in the name of Congress, awards the Medal of Honor, premature public disclosure of any information concerning recommendations, processing and approval, or disapproval actions is a potential source of embarrassment to those recommended and the United States Government. Also, in the case of approved recommendations, it could diminish the impact of ceremonies at which the presentation is made.

Again, thank you for your concern in this matter. Sergeant Peralta was courageous and dedicated; he continues to serve as an inspiration for all Marines. We will always be grateful for his heroism.

Very respectfully,

(b)(6)

Colonel, U.S. Marine Corps
Deputy Legislative Assistant to the Commandant

CONGRESSMAN BOB FILNER

1ST DISTRICT, CALIFORNIA

2428 Rayburn House Office Building
Washington, DC 20515
(202) 225-8045 Phone
(202) 225-9073 Fax



333 F Street, Suite A
Chula Vista, CA 91910
(619) 422-5963 Phone
(619) 422-7290 Fax

☐ 1101 Airport Road, Suite D
Imperial, CA 92251
(760) 355-8800 Phone
(760) 355-8802 Fax

<http://www.house.gov/filner>

Fax Cover Sheet

Date: _____ Time: _____

To: Gen Hagee Fax: 703.697.7246

Phone: _____

From: Thaddeus Hoffmeister

Number of Pages (including cover sheet): 2

Message: Sir, my boss would like an update
on this letter

(b)(6)

From: Bamberger Col Mark H
Sent: Tuesday, September 26, 2006 2:18 PM
To: (b)(6)
Cc:
Subject: CONGRINT Rep Filner (Award Nominee Sgt Peralta's

Ladies and Gents,

Received fax letter asking for status of Sgt Peralta's award nomination. Ref, Rep Filner letter dated 8 December 2004. OLAC for action.

Semper Fi,

(b)(6)



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO
5730
OLAC-5G

09 JUN 2005

The Honorable Christopher Shays
U.S. House of Representatives
1126 Longworth House Office Building
Washington, DC 20515

Attention: Jordan Press

Dear Congressman Shays:

Thank you for your letter (reference #1147351) of April 4, 2005, to the Acting Assistant Secretary of Defense for Legislative Affairs, concerning the late Sergeant Rafael Peralta, U.S. Marine Corps, and his actions on November 15, 2004, as referred to by your constituent,

(b)(6)

I am responding on behalf of Secretary Stanley.

Your interest in this matter is appreciated. While the details of award recommendations cannot be released until such time that the awards process is completed, I did want to share that Sergeant Peralta's command recognized his extraordinary actions and submitted a personal award recommendation on his behalf.

I want to assure you that we share your pride in Sergeant Peralta and recognize the ultimate sacrifice he made for his fellow Marines and our Country. His service reflected the highest ideals of our core values of honor, courage, and commitment. Sergeant Peralta was courageous and dedicated and his conduct continues to serve as an inspiration for all Marines.

Again, thank you for your interest in this matter. If I can be of any further assistance, please let me know.

Very Respectfully,

(b)(6)

Major, U.S. Marine Corps
Office of Legislative Affairs



CONGRESS OF THE UNITED STATES

April 4, 2005

The Honorable Daniel Stanley
Acting Assistant Secretary of Defense for Legislative Affairs
Department of Defense
1300 Defense Pentagon
Washington, DC 20301-1300

Dear Mr. Stanley:

Enclosed is correspondence from a resident of (b)(6) who contacted my office expressing support for awarding a Medal of Honor to U.S. Marine Sergeant Raphael Peralta who died while serving in Operation Iraqi Freedom. According to some accounts reported in the press, Sgt. Peralta was severely wounded when he cradled a live grenade and saved the lives of many men in his unit.

While I am confident the Department of the Navy takes seriously the awarding of medals to soldiers wounded in battle, I would appreciate your review of the enclosed correspondence and any assistance you can provide.

Congressman
Christopher Shays
Fourth District Connecticut

Please direct your reply to:

Offices:

10 Middle Street, 11th Floor
Bridgeport, CT 06604-4223

Government Center
888 Washington Boulevard
Stamford, CT 06901-2927

1126 Longworth Building
Washington, DC 20515-0704

Telephones:

BRIDGEPORT: 579-3870
NORWALK: 866-6469
RIEGELFIELD: 438-5953
SHELTON: 402-0426
STAMFORD: 357-8277
WASHINGTON, DC: 202/225-5541

E-mail:

cp.shays@mail.house.gov


Internet:

www.house.gov/shays

Congressman Christopher Shays
Attention: Jordan Press
Reference #1147351
1126 Longworth House Office Building
Washington, DC 20515

Thank you for your time and attention to this matter.

Since my


Christopher Shays
Member of Congress

OSD 10090-05

Natonski, Dave

From: Web forms [webforms@www6a.house.gov]
Sent: Wednesday, December 08, 2004 8:05 AM
To: Shays, Rep
Subject: E-Mail

Name (b)(6)

Address1: (b)(6)

Address2:

City, State Zip: (b)(6)

E-mail Address: (b)(6)

Comments: As a veteran I feel quite strongly that the actions of U.S. Marine Sgt. Raphael Peralta in combat in Falluja are deserving of the Medal of Honor. I would ask that do whatever is in your power to ensure that his axctions are investigated bt the Marine Corps, and that if determined to merit consideration for the Medal of Honor that you support this. Thank You.

SECNAV

DCN: 2005USECNAV_C-000462f

Sta


Subject: SHAYS-SUPPORT FOR AWARDING THE MEDAL OF HONOR TO SGT RAPHAEL PERALTA

Type: Congressional-Constituent

Tasker Package

Originator: (b)(6)

Tasking Authority: SECNAV_C
(Entered By)

 [Incoming .pdf \(122 KB\)](#)

Due Date: 06/13/2005

Final Response

Document Date: 04/04/2005

Received Date: 05/31/2005

Interim Date:

External DCN: OSD/10090-05

Key Words: (b)(6)

Member: SHAYS

Division: House

Committee: N/A

Case Worker:

Action Office: CMC

**Duplicate Tasker
Check**

UnRestricted Tasker

Action Products: Letter-Reply Direct

Working Area (drafts, referen

Coordination Status
(manually updated)

Assignment and Status

**Discussion Thread (Amplification, Comments,
Questions)**

[Enter C

. . RE: SHAYS-SUPPORT FOR AWARDING THE MEDAL OF HONOR TO SGT RAPHAEL PERALTA - C2 E
Kenneth J Nixon, 05/31/2005 07:42:27 AM

Staffer: Mr. Jordan Press, contacted in regards to receipt of this correspondence. (O) (202) 225-5
(P) (202) 225-6622 JBN NIXON

Assignments and Chop Chain


Routing

Lead: CMC Front Office

Coordination:

Information: OLA Front Office
SECNAV_C_AASN Front Office
SECNAV_C Front Office

Chop Chain

 CMC Front Office .

Tasker History:

SECRETARY OF DEFENSE CORRESPONDENCE ACTION REPORT

This form must be completed and forwarded to the Correspondence Control Division (CCD), WHS Room 3A948. Suspense Desk: (703) 697-9287 FAX Number: (703) 695-1219 Email: suspense_desk@osd.pentagon.mil

Action Agency

SN

Suspense Date

6/17/2005

1. ACTION TAKEN (Check one)

- ☐ a. ACTION HAS BEEN COMPLETED (Copy attached)
- ☐ b. REQUEST EXTENSION OF SUSPENSE DATE TO (Justify below)
- ☐ c. INTERIM REPLY HAS BEEN SENT (Copy attached) EXTEND SUSPENSE TO (Justify below)
- ☐ d. REQUEST CANCELLATION (Justify below)
- ☐ e. REQUEST TRANSFER TO (Justify below /include POC Name & Phone Number)
- ☐ f. REQUEST DOWNGRADE TO (Justify below)

2. JUSTIFICATION

3. REPORTING AGENCY

a. ACTION AGENCY

SN

e. APPROVING AUTHORITY

(Service Secretary/Under Secretary/ASD/Military/Executive Assistant Level)

Signature

Date Signed

b. NAME OF ACTION OFFICER

c. TELEPHONE NO.

5. ACTION TAKEN

(For EXSEC/ Correspondence Control Division Use Only)

a. EXT

☐

Approved

☐

Disapproved

b. CANX

☐

Approved

☐

Disapproved

c. DWNGRD

☐

Approved

☐

Disapproved

d. TRANSFER

☐

Approved

☐

Disapproved

e. OTHER (Specify)

Signature

Date Signed

4. CCD CONTROL #

OSD 10090-05

SD FORM 391, JAN 2000

Congressional

SECRETARY OF DEFENSE CORRESPONDENCE ROUTING SLIP

Action Agency: **SECRETARY OF THE NAVY**

Action Required: **REPLY DIRECT** (Forward copy of reply to CCD, Room 3A948)

Coordinate With: **LA**

References:

Remarks:

Document Type: **INCOMING**

Special Instructions

Suspense Date: **June/17/2005**

Routing Date: **May/26/2005**

OSD CONTROL #: **OSD 10090-05**

INFORMATION DISTRIBUTION

OFFICE

UNDER SEC FOR PERSONNEL & READINESS

ASD (Legislative Affairs)

SECFILES FULL RECORD DETAIL

Print Date: 5/26/2005

DOCUMENT TYPE: INCOMING
OSD CONTROL OSD 10090-05 DOC 4/4/2005 ATTACHMENT: DOR 5/26/2005 SIGNATURE CASE:
FROM MOC SHAYS, C TO LA
SUBJECT SUPPORT FOR AWARDING THE MEDAL OF HONOR TO U.S. MARINE SERGEANT RAPHAEL PERALTA
KEYWORDS (b)(6)
COMMENTS
FN SEC U OCN
REFERENCE DOCUMENTS
STATUS CODE DECISION DECISION DATE PRIORITY ACTION REPORT:
AGENCY SN ACTION ASSIGNED RD SUSPENSE DOC SUSPENSE:
SUSPENSE COMPLETE ACD COORDINATION LA
PAGES 1 ENCLOSURES 1
SUSPENSE STATUS PACKAGE VIEW:
INCOMING

CREATED BY: (b)(6)

DISTRIBUTION: OFFICE COPIES
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DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO
5730
OLAC-5G

22 MAR 2005

The Honorable Bill Nelson
United States Senator
225 East Robinson Street, Suite 410
Orlando, FL 32801

Attention: Jeff Scarpiello

Dear Senator Nelson:

Thank you for your letter of March 16, 2005, concerning the late Sergeant Rafael Peralta, U.S. Marine Corps, and his actions on November 15, 2004, as referred to by your constituent, (b)(6)
(b)(6)

Your interest in this matter is appreciated. While the details of award recommendations cannot be released until such time that the awards process is completed, I did want to share that Sergeant Peralta's command recognized his extraordinary actions and submitted a personal award recommendation on his behalf.

I want to assure you that I, too, share your pride in Sergeant Peralta and recognize the ultimate sacrifice he made for his fellow Marines and our Country. His service reflected the highest ideals of our core values of honor, courage, and commitment. Sergeant Peralta was courageous and dedicated; and he continues to serve as an inspiration for all Marines.

Again, thank you for your interest in this matter. If I can be of any further assistance, please let me know.

Very Respectfully,

(b)(6)

Lieutenant Colonel
U.S. Marine Corps
Office of Legislative Affairs

BILL NELSON
FLORIDA

United States Senate
WASHINGTON, DC 20510-0905



TELECOPIER COVER SHEET

Date: 3/16/05
To: USMC Congressional Liaison Office
Fax: (703) 614-4172
From: Jeff Scarpiello Fax Number: (407) 872-7165

Number of pages (including cover sheet): 3

Comments

RE

(b)(6)

Regards,

(b)(6)

Jeff

Should you have any questions, please contact Jeff Scarpiello

16 MAR 2005



United States Senate

WASHINGTON, DC 20510-0905

BILL NELSON
FLORIDA

March 16, 2005

MajGen Tony L. Corwin, USMC
Legislative Assistant to the Commandant of the Marine Corps
Department of the Navy
Headquarters United States Marine Corps
3000 Marine Corps Pentagon
Washington, District of Columbia 20350-3000

RE: (b)(6)

Dear General Corwin:

Please find enclosed correspondence I received from one of my constituents. It involves an important matter under the jurisdiction of your agency. Your timely review and response to the issues raised would be greatly appreciated.

Please send your correspondence directly to my staff assistant, Jeff Scarpiello, at the address below. I look forward to a response at your earliest convenience and thank you in advance for your assistance with this matter.

Sincerely,

Bill Nelson

BN/jjs

Enclosure



Casework Tracking Sheet

Tracking # 16132-OR

Constituent

Peralta, Rafael

Phone: (b)(6)

Email:

ID/SSN:

c/o (b)(6)

(b)(6)

Promoted From Correspondence

Agency

(b)(6)

Department of the Navy

Key Players

(b)(6)

Constituent

703-614-5772 (inquiries)

Details

Case Type: Casework

Assigned To:

Jeff Scarpiello

Category: Military (All, Coast Guard, Merchant Marine, DOD Active Duty) - Awards and Decorations

Date Received: 03/08/2005

Status:

Open

Received Via:

Web

Casework Description: (b)(6) is writing in behalf of Sgt. Rafael Peralta (b)(6) claims that he should receive the Medal of Honor.

Branch: Marines

Web Mail Message

Senator Nelson:

a short time ago, while reading Letters to The Editor in The Orlando Sentinel, I came across one of particular interest to me. It talked about a marine who fell on a grenade and saved the lives of the rest of his squad. Today I received an e-mail from an old friend that contained a dissertation by Oliver North detailing the events that took place on that day. What I find most shocking is the fact that I never read or saw anything about the incident in magazines or on tv. Evidently the big media didn't find this heroic deed newsworthy. I write this letter in order to urge that you and your colleagues in Congress don't make the same oversight and that you will recommend that Sgt. Rafael Peralta, 1st Bn., 3rd Marine Regt. be recommended for The Congressional Medal of Honor, posthumously, for actions above and beyond the call of duty. He made the ultimate sacrifice so his squad members could live. This is also one way that Congress can show their pride in and appreciation for the sacrifices that our Armed Forces are willing to make every day of their service lives.

Thank you

(b)(6)

History

Casework Information

Route History:



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO
5730
OLAC-5G

89 FEB 2005

The Honorable Mark Foley
Member, U.S. House of Representatives
4440 PGA Boulevard, Suite 406
Palm Beach Gardens, FL 33410

Attention: Steve Martino

Dear Congressman Foley:

Thank you for your letter of February 10, 2005, to the Assistant Secretary of Defense for Legislative Affairs, concerning the late Sergeant Rafael Peralta, U.S. Marine Corps, and his actions on November 15, 2004, as referred to by your constituent, (b)(6)

(b)(6) I am responding for Secretary Stanley.

Your interest in this matter is appreciated. While the details of award recommendations cannot be released until such time that the awards process is completed, I did want to share that Sergeant Peralta's command recognized his extraordinary actions and submitted a personal award recommendation on his behalf.

I want to assure you that I, too, share your pride in Sergeant Peralta and recognize the ultimate sacrifice he made for his fellow Marines and our Country. His service reflected the highest ideals of our core values of honor, courage, and commitment. Sergeant Peralta was courageous and dedicated; and he continues to serve as an inspiration for all Marines.

Again, thank you for your interest in this matter. If I can be of any further assistance, please let me know.

Very Respectfully,

(b)(6)

Lieutenant Colonel
U.S. Marine Corps
Office of Legislative Affairs

SECNAV

SwIntOfficeWeb ActiveX control failed to load! Some functions on the form might not work properly.
Please check browser security settings.

DCN: 2005USECNAV_C-000119a

Sta

Subject: FOLEY-CONCERNED ABOUT ANY MEDALS OR AWARDS FOR ACTIONS IN FALLUJAH

Type: Congressional-Constituent

Tasker Package

Originator: (b)(6)

Tasking Authority: SECNAV_C
(Entered By)

Final Response

Due Date: 03/01/2005

Document Date: 02/10/2005

Received Date: 02/15/2005

Interim Date:

External DCN: OSD/03045-05

Key Words: (b)(6)

Member: FOLEY

Division: House

Committee: N/A

Case Worker:

Action Office: CMC

**Duplicate Tasker
Check**

UnRestricted Tasker

Action Products: Letter-Reply Direct

Coordination Status
(manually updated)

t and Status

**Discussion Thread (Amplification, Com
Questions)**

[Enter C

RE: FOLEY-CONCERNED ABOUT ANY MEDALS OR AWARDS FOR ACTIONS IN FALLUJAH - C2 E6 K
J Nixon, 02/15/2005 08:45:50 AM

Staffer: Mr. Steve Martino, contacted in regards to receipt of this correspondence. (O) (561) 627-
101 621 621 621 621 621

Assignments and Chop Chain

Routing

Chop Chain

Lead: CMC Front Office

Coordination:

☒ CMC Front Office .

Information: OLA Front Office
SECNAV_C AASN Front Office
SECNAV_C Front Office

SECNAV

10 FEB 2005

Congressional

SECRETARY OF DEFENSE CORRESPONDENCE ROUTING SLIP

Action Agency: SECRETARY OF THE NAVY
Action Required: REPLY DIRECT (Forward copy of reply to CCD, Room 3A948)
Coordinate With: LA
References:
Remarks:
Document Type: INCOMING
Special Instructions

Suspense Date: March/7/2005

Routing Date: February/11/2005

OSD CONTROL #: OSD 03045-05

INFORMATION DISTRIBUTION

OFFICE

ASD (Legislative Affairs)

SECRETARY OF DEFENSE CORRESPONDENCE ACTION REPORT

This form must be completed and forwarded to the Correspondence Control Division - (CCD), WHS Room 3A948 Suspense Desk: (703) 697-9287 FAX Number (703) 695-1219 Email: suspense_desk@osd.pentagon.mil

Action Agency

SN

Suspense Date

3/7/2005

1. ACTION TAKEN (Check one)

- ☐ a. ACTION HAS BEEN COMPLETED (Copy attached)
- ☐ b. REQUEST EXTENSION OF SUSPENSE DATE TO (Justify below)
- ☐ c. INTERIM REPLY HAS BEEN SENT (Copy attached) EXTEND SUSPENSE TO (Justify below)
- ☐ d. REQUEST CANCELLATION (Justify below)
- ☐ e. REQUEST TRANSFER TO (Justify below /include POC Name & Phone Number)
- ☐ f. REQUEST DOWNGRADE TO (Justify below)

2. JUSTIFICATION

3. REPORTING AGENCY

a. ACTION AGENCY

SN

e. APPROVING AUTHORITY

(Service Secretary/Under Secretary/ASD/Military/Executive Assistant Level)

b. NAME OF ACTION OFFICER

Signature

Date Signed

c. TELEPHONE NO

5. ACTION TAKEN

(For EXSEC/ Correspondence Control Division Use Only)

d. DATE

a. EXT

☐

Approved

☐

Disapproved

b. CANX

☐

Approved

☐

Disapproved

c. DWNGRD

☐

Approved

☐

Disapproved

d. TRANSFER

☐

Approved

☐

Disapproved

e. OTHER (Specify)

Signature

Date Signed

4. CCD CONTROL #

OSD 03045-05

MARK FOLEY
18TH DISTRICT FLORIDA
DEPUTY MAJORITY WHIP
WAYS AND MEANS
COMMITTEE
SELECT REVENUES SUBCOMMITTEE
OVERSIGHT SUBCOMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515

104 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3516
(202) 225-5792
FAX: (202) 225-3132

E-MAIL: www.house.gov/foley/mail.htm
WEBSITE: <http://www.house.gov/foley>

February 10, 2005

The Honorable Powell A. Moore
Assistant Secretary of Defense-Legislative
Department of Defense
1300 Defense Pentagon
Washington, DC 20301-1300

Dear Mr. Moore:

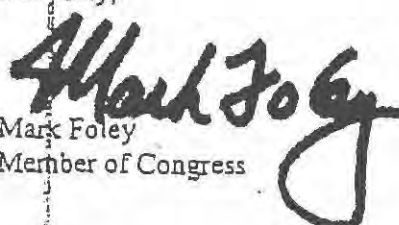
I am writing on behalf of my constituent, (b)(6)

According to (b)(6) is trying to determine if Sgt. Rafael Peralta is entitled to any medals or awards as a result of his actions in the battle of Fallujah.

Would you please be so kind as to review the enclosed materials and inform me of your findings? Please respond to Steve Martino of my Palm Beach Gardens office.

Thank you for your assistance in this matter.

Sincerely,


Mark Foley
Member of Congress

MF:sam

PALM BEACH COUNTY:
4440 PGA BOULEVARD, SUITE 406
PALM BEACH GARDENS, FL 33410
(561) 627-6122
FAX: (561) 625-4749

SAINT LUCIE COUNTY:
COUNTY ANNEX BUILDING
250 NW COUNTRY CLUB DRIVE
PORT SAINT LUCIE, FL 34989
(772) 578-3181
FAX: (772) 571-0681

CHARLOTTE COUNTY:
18500 MURDOCK CIRCLE, SUITE 536
PORT CHARLOTTE, FL 33548
(941) 627-3100
FAX: (941) 627-3101

HIGHLANDS COUNTY:
SEBRING CITY HALL
(By Appointment Only)
(863) 471-1813

OSD 03045-05

OFFICE OF THE
SECRETARY OF THE
NAVY

2005 FEB 14 AM 9:23

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Page 1 of 2

View f:\emailobj\200501\1\129224238.txt

From: Web forms <webforms@www6a.house.gov>
Date: 1/29/2005 10:35:03 PM
To: iraf116@mail.house.gov
Subject: Website Email From Carl Grilliot -

Mr. Foley

I am writing you to inquire whether you are aware of the sacrifice made by a Marine Sergeant during Operation Al Fajr in Fallujah during November of 2004.

Sgt. Rafael Peralta, A Co. 1/3, was mortally wounded during a firefight inside a house on 11/15/04. While laying on the ground with severe wounds to his face, a grenade was tossed into the room that he and his fellow Marines were occupying. Sgt. Peralta hugged the grenade to his body, smothering the explosion and saving the lives of his fellow Marines at the cost of his own.

Mr. Foley, I ask that you please look into what, if any, medals Sgt. Peralta has been recommended for. In the opinion of this Marine infantryman, Sgt. Peralta is deserving of nothing less than the Medal of Honor for his actions that day.

I only write to you because I have seen no mention of Sgt. Peralta since a brief article in the USA Today and an article on the USMC website dated 12/02/04 by LCpl T. J. Kaemmerer. The American people need to know that men such as Sgt. Peralta still serve our country, and Sgt. Peralta deserves the honors he has so richly earned.

Thank you in advance for any attention you offer this matter.

Sincerely Yours:

(b)(6)

== Original Formatted Message Starts Here ==

Date: 01/29/2005, 22:06
X-URL: http://www.house.gov/foley/mail.ht
Browser: Mozilla/4.0 (compatible; MSIE 6.0; Windows 98; iebar
X-Remote-Host: 64.136.26.228
<APP>SCCMAIL

(b)(6)

<AFFL> </AFFL>
<ISSUE> </ISSUE>

<MSG> Mr. Foley

I am writing you to inquire whether you are aware of the sacrifice made by a Marine Sergeant during Operation Al Fajr in Fallujah during November of 2004.

Sgt. Rafael Peralta, A Co. 1/3, was mortally wounded during a firefight inside a house on 11/15/04. While laying on the ground with severe wounds to his face, a grenade was tossed into the room that he and his fellow Marines were occupying. Sgt. Peralta hugged the grenade to his body, smothering the explosion and saving the lives of his fellow Marines at the cost of his own.

Mr. Foley, I ask that you please look into what, if any, medals Sgt. Peralta has been recommended for. In the opinion of this Marine

http://f116:800/tc.asp/view_webmail.asp?object_id=f%3A%5Cemailobj%5C200501%5C1%5C1... 02/07/2005

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Page 2 of 2

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Thank you in advance for any attention you offer this matter.

Sincerely Yours:

(b)(6)

</MSG>

</APP>

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DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO
5730

OLAC-5G

25 JAN 2005

The Honorable John Cornyn
United States Senator
Occidental Tower
5005 LBJ Freeway, Suite 1150
Dallas, TX 75244

Attention: Marissa Johannes

Dear Senator Cornyn:

Thank you for your inquiry of January 8, 2005, concerning the late Sergeant Rafael Peralta, U.S. Marine Corps, and his actions on November 15, 2004, as referred to by your constituent, (b)(6)

(b)(6)

Your interest in this matter is appreciated. While the details of award recommendations cannot be released until such time that the awards process is completed, I did want to share that Sergeant Peralta's command recognized his extraordinary actions and submitted a personal award recommendation on his behalf.

I want to assure you that I, too, share your pride in Sergeant Peralta and recognize the ultimate sacrifice he made for his fellow Marines and our Country. His service reflected the highest ideals of our core values of honor, courage, and commitment. Sergeant Peralta was courageous and dedicated; and he continues to serve as an inspiration for all Marines.

Senator Elizabeth Dole and Congressman Bob Filner have also expressed interest in this case.

Again, thank you for your interest in this matter. If I can be of any further assistance, please let me know.

Very Respectfully,

(b)(6)

Colonel, U.S. Marine Corps
Deputy Assistant to the Commandant of the Marine Corps



FAX TRANSMISSION

OFFICE OF SENATOR JOHN CORNYN

Occidental Tower
5005 LBJ Freeway, Suite 1150
Dallas, Texas 75244
Telephone: 972-239-1310
Fax: 972-239-2110

To: U.S. Marine Corps - HQ

Date: January 10¹⁰, 2005

From: Marissa Johannes

Pages to Follow: 3

Re: Sgt Rafael Peralta

COMMENTS:

Thank you!

JOHN CORNYN

TEXAS

United States Senate

WASHINGTON, DC 20510-4305

January 8, 2005

Headquarters, United States Marine Corps
Office of Legislative Affairs/Correspondence
3000 Marine Corps Pentagon (4C553)
Washington, D.C. 20350-3000

My constituent has sent the enclosed communication. A response which addresses his/her concerns would be appreciated.

Please send your response to the following address:

Office of Senator John Cornyn
Occidental Tower
5005 LBJ Freeway, Suite 1150,
Dallas, Texas 75244-6199

ATTN: Marissa Johannes
(972) 392-9293
(972) 239-2110 (Fax)

E-mail: Marissa_Johannes@cornyn.senate.gov

Enclosure

Constituent

(b)(6)

Phone:
Email:

(b)(6)

Web Mail Message

Dear Senator,

My name is (b)(6) and I am a constituent of yours from (b)(6) and I would like you to pursue a military incident that is very important to me. On November 15 of this month, A 25 year old marine named Rafael Peralta was killed in Fallujah, Iraq. To make the story as brief as possible, Corporal Peralta and his fellow marines were cornered in a building in Fallujah and jihadists threw a grenade in the close proximity of the marines. Without hesitation, Corporal Peralta grabbed the grenade and cradled it to his own chest in order to protect his fellow marines. Corporal Peralta was killed instantly and saved the lives of his fellow marines. I think this action goes well above and beyond the call of duty and I also think that this marine deserves serious consideration for the Medal of Honor. I would like your office to pursue this incident further. Corporal Peralta is not a resident of (b)(6) but rather a resident of California. I could be wrong, but I have little confidence in the two senators from California when dealing with military matters so I am asking you to look into the action of this young man. This brave man deserves the Medal of Honor.

(b)(6)

DEC 13 REC'D

(b)(6)



November 29, 2004

Senator John Cornyn
228 Russell Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Cornyn:

ABC's Thanksgiving evening news had the story of California's Marine Sgt Rafael Peralta. In Iraq one day, even though he was wounded, he hugged an enemy grenade to his chest as it exploded. He saved the rest of his squad.

As an ex-Marine (WWII) I was proud even through my tears. I do think the guy deserves the Congressional Medal of Honor. Could you help get it for him?

Sincerely,

(b)(6)





DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO
5730
OLAC-5G

The Honorable Elizabeth Dole
United States Senator
310 New Bern Avenue, Suite 122
Raleigh, NC 27601

Attention: Paula Noble

Dear Senator Dole:

Thank you for your inquiry of January 12, 2005, concerning the late Sergeant Rafael Peralta, U.S. Marine Corps, and his actions on November 15, 2004, as referred to by your constituent, (b)(6)

(b)(6)

Your interest in this matter is appreciated. While the details of award recommendations cannot be released until such time that the awards process is completed, I did want to share that Sergeant Peralta's command recognized his extraordinary actions and submitted a personal award recommendation on his behalf.

I want to assure you that I, too, share your pride in Sergeant Peralta and recognize the ultimate sacrifice he made for his fellow Marines and our Country. His service reflected the highest ideals of our core values of honor, courage, and commitment. Sergeant Peralta was courageous and dedicated; and he continues to serve as an inspiration for all Marines.

Senator John Cornyn and Congressman Bob Filner have also expressed interest in this case.

Again, thank you for your interest in this matter. If I can be of any further assistance, please let me know.

Very Respectfully,

(b)(6)

Colonel, U.S. Marine Corps
Deputy Assistant to the Commandant of the Marine Corps

JAN. 12. 2005 3:28PM

SENATOR DOLE KALEIGH OFFICE

(b)(6)

To: [REDACTED]
From: Paula Noble
(Sen. Dole)

The Honorable Elizabeth Dole
Senator - North Carolina
United States Senate
Senate Russell Building
Room 120
Washington, DC 20510

RE: Sergeant Rafael Peralta, United States Marine Corps

Dear Senator Dole,

During this busy Holiday season, as we hustle and bustle to get everything done in preparation for our religious celebrations and the close of another year, many Americans' thoughts and prayers are with our deployed armed forces personnel. These brave men and women are far from home and loved ones, enduring daily hardships and separation, to keep our beloved country and its citizens safe and free. I know you join millions of your fellow citizens in wishing these heroes and their families' safety and joy during this special time of year - and always.

Recently the news of the brave and selfless sacrifice of Sergeant Rafael Peralta, United States Marine Corps, has "hit the airwaves". Sergeant Peralta, an immigrant from Mexico, so loved his adopted country that he volunteered for military service. Not just volunteered, but choose duty what is arguably the toughest and most dangerous branch of service in our armed forces - the Marines. He then went on to volunteer, repeatedly, for additional hazardous duties while in Iraq, so he could be with his comrades in arms, doing what he could to protect the country he loved so much.

On November 15, 2004, Sergeant Peralta volunteered again for duty he did not have to take. During the recent battle of Fallujah, made up of intense and lethal urban combat situations, Sergeant Peralta accompanied a squad of Marines clearing houses of enemy combatants. At the fourth house that morning, Sergeant Peralta was hit in the head and chest with multiple small arms fire at close range from enemy combatants.

As Sergeant Peralta lay wounded, and perhaps dying, on the floor of the house his fellow Marines were trying to clear, an enemy combatant rolled a grenade into the room. In the tight confines of that space, with no shelter from the impending blast and no quick escape, his fellow squad members were looking at almost certain death. That is when Sergeant Rafael Peralta, with one last act in a string of many heroic actions, grabbed the live grenade and cradled it to his body, where it exploded and killed him. However, his actions - and death - saved his squad.

If there ever was a man who deserves the Congressional Medal of Honor, Sergeant Rafael Peralta is indeed that man. His selfless act saved his friends and fellow Marines, and is a shining example of all that is good and honorable in our finest – those who serve in the United States Armed Forces protecting our freedom and extending peace to the troubled areas of the world.

Please take it upon yourself to lead the effort to award Sergeant Rafael Peralta, posthumously, the Congressional Medal of Honor. He is a hero. He died an American.

Sincerely,

(b)(6)





DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:
5730
OLAC-5G

65 JAN 2005

The Honorable Bob Filner
U.S. House of Representatives
2428 Rayburn House Office Building
Washington, DC 20515

Attention: Tony Buckles

Dear Congressman Filner:

Thank you for your letter of December 8, 2004, to the Commandant of the Marine Corps, concerning the late Sergeant Rafael Peralta, U.S. Marine Corps, and his actions on November 15, 2004. I am responding on behalf of General Hagee. I also regret the delay in responding to your correspondence.

Your interest in this matter is appreciated. While the details of award recommendations cannot be released until such time that the awards process is completed, I did want to share that Sergeant Peralta's command recognized his extraordinary actions and submitted a personal award recommendation on his behalf.

I want to assure you that I, too, share your pride in Sergeant Peralta and recognize the ultimate sacrifice he made for his fellow Marines and our Country. His service reflected the highest ideals of our core values of honor, courage, and commitment. Sergeant Peralta was courageous and dedicated; and he continues to serve as an inspiration for all Marines.

Senators John Cornyn and Elizabeth Dole have also expressed interest in this case.

Again, thank you for your interest in this matter. If I can be of any further assistance, please let me know.

Very Respectfully,

(b)(6)

Colonel, U.S. Marine Corps
Deputy Assistant to the Commandant of the Marine Corps

BOB FILNER
51ST DISTRICT, CALIFORNIA

2428 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL: (202) 225-8045
FAX: (202) 225-9073

333 F STREET, SUITE A
CHULA VISTA, CALIFORNIA 91910
TEL: (619) 422-5963
FAX: (619) 422-7290

1101 AIRPORT ROAD, SUITE D
IMPERIAL, CALIFORNIA 92251
TEL: (760) 355-8800
FAX: (760) 355-8802



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

December 8, 2004

TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE

SUBCOMMITTEES
COAST GUARD AND MARITIME TRANSPORTATION
RANKING MEMBER

RAILROADS
AVIATION

VETERANS' AFFAIRS COMMITTEE

SUBCOMMITTEE
VETERANS' HEALTH

website: www.house.gov/filner

General Michael W. Hagee
Commandant of the Marine Corps
Headquarters MC, 2 Navy Annex
Washington, D.C. 20380

Dear General Hagee:

During recent combat operations on the 15th of November in Fallouga, Iraq, Sergeant Rafael Peralta, a constituent of mine, lost his life while protecting members of his unit from a grenade blast. A news account of Sergeant Peralta's efforts to save his fellow Marines is attached.

In recognition of Sergeant Peralta's heroic efforts, it is my understanding that his chain of command has recommended him for the Congressional Medal of Honor. I fully support this initiative and offer my services to assist in the recommendation being duly considered, and approved.

Sergeant Peralta's selfless performance of duty was indeed extraordinary and in keeping with the greatest traditions and warrior spirit of the few, the proud, the brave, the United States Marine Corps.

I would ask that every effort be made to monitor the submission of the recommendation for award of the Congressional Medal of Honor by Sergeant Peralta's chain of command and that it be processed in a timely fashion.

Sergeant Peralta's courageous sacrifice is truly deserving of this nation's highest award.

Please keep me informed on the progress in obtaining the recognition this young Marine so justly deserves.

Sincerely,

BOB FILNER
Member of Congress

BF/tb
2179056
Enclosure



<http://www.latimes.com/news/local/la-me-marine6dec06.1,219594.story>

A Hero's Courageous Sacrifice

Marine Sgt. Rafael Peralta saved the lives of five others in his unit by smothering the blast of a grenade in Iraq.

By Tony Perry and Richard Marosi
Times Staff Writer

December 6, 2004

SAN DIEGO — Sgt. Rafael Peralta is dead, but the story of his sacrifice to save fellow Marines will live long in Marine Corps lore.

In the fierce battle for the Iraqi town of Fallouja, Peralta, with gunshot wounds to his head and body, reached out and grabbed a grenade hurled by an insurgent, cradling it to his body to save others from the blast.

The explosion in the back room of a house injured one Marine, but four others managed to scramble to safety.

Peralta, 25, an immigrant from Mexico who enlisted the day he got his green card work permit, was declared dead en route to a field hospital.

"If he hadn't done what he did, a lot of us wouldn't be seeing our families again," said Lance Cpl. Travis J. Kaemmerer, who witnessed the blast.

Garry Morrison, the father of Lance Cpl. Adam Morrison, had trouble keeping his voice from breaking when he spoke of Peralta.

"He saved the life of my son and every Marine in that room," Morrison said in a phone call from Seattle. "I just know one thing: God has a special place in heaven for Sgt. Peralta."

Similar gratitude was expressed by family members of other Marines in Peralta's unit who were close to the blast. The unit was Alpha Company, 1st Battalion, 3rd Marine Regiment, 3rd Marine Division.

"The Bible says it all: 'No greater love hath no man than to give his life for another,' " Becky Dyer, the wife of Cpl. Brannon Dyer, said in a phone call from Honolulu.

"My husband and I both feel that way," she said. "That's how the whole company feels about Sgt. Peralta."

In a modest home in a blue-collar neighborhood, the Peralta family feels pride but also grief, anger and confusion.

Rafael Peralta was the oldest son: strong, a weightlifter and athlete, head of the family since his father died in a workplace accident three years ago. He loved the Marine Corps.

He joined in 2000 and recently had reenlisted. While in the Marines, he became a U.S. citizen. The only decorations on his bedroom walls are a copy of the U.S. Constitution, the Bill of Rights and a picture of his boot camp graduation.

As Peralta waited last month to begin the assault on the insurgent stronghold of Fallouja, he wrote a letter to his 14-year-old brother, Ricardo.

The letter arrived the day after several Marines and a Navy chaplain came to the Peralta home to notify the family of his death.

"We are going to destroy insurgents," Peralta wrote. "Watch the news.... Be proud of me, bro. I'm going to do something I always wanted to do.

"You should be proud of being an American. Our father came to this country and became a citizen because it was the right place for our family to be. If anything happens to me, just remember I've already lived my life to the fullest."

Peralta had left his mother, Rosa, with similar words. She said he told her, "I want you to be strong and take care of my brother and sisters because I don't know if I'll return."

His mother added, "I'm proud of him, but my heart is sad."

Rafael Peralta had not been assigned to the Nov. 15 attack on Fallouja. Still, he volunteered.

As a scout, assigned to perimeter security, he could have stayed on the periphery. Instead, he took the lead as his platoon stormed a house in search of heavily armed insurgents known to be hiding in the neighborhood.

The house appeared empty. Then Peralta opened a door to a back room, and three insurgents fired their AK-47s. Marines fired back at near point-blank range with M-16 rifles and automatic weapons.

Hit several times in the chest and once in the head, Peralta went down and appeared dead. Insurgents tossed a "yellow, foreign-made, oval-

shaped" grenade toward the Marines.

To the amazement of the other Marines, Peralta, apparently with his last bit of strength, "reached out and pulled the grenade into his body," said Kaemmerer, a combat correspondent from the 1st Force Service Support Group assigned to the battalion.

Peralta's body absorbed most of the deadly fragments from the blast.

"Most of the Marines in the house were in the immediate area of the grenade," Kaemmerer said. "Every one of us is grateful and will never forget the second chance at life Sgt. Peralta gave us."

After the grenade blast, the house caught fire, and Marines repositioned in the street for a second assault.

Within minutes, the three insurgents had been killed by Marines and Peralta's body recovered.

In the hours after the battle, Marines spoke quietly of Peralta's heroism.

"You're still here, don't forget that," Lance Cpl. Richard A. Mason told Kaemmerer. "Tell your kids, your grandkids, what Sgt. Peralta did for you and other Marines today."

Even in their pain, Peralta's family members are not surprised that he decided to lead from the front.

"My brother was very courageous," Ricardo Peralta said. "He wasn't scared of anyone or anything."

Still, his older sister, Icela Donald, 24, wished that her brother had not been so brave.

"It doesn't surprise me that he did something like that," she said. "But it kind of makes me mad. He had a family, and we need him."

Donald, who lives in Florida, came to San Diego to be with Ricardo, their sister Karen and their mother.

The family has been accommodating to the media, but know that soon attention will shift. "People will forget about him," Donald said. "That's when it will hurt the most."

When Peralta's body returned to San Diego for burial, his family members were unable to recognize him. They identified him only by the Marine tattoo on his left shoulder.

Family members kept a two-day vigil next to the casket before burial Nov. 23 at Ft. Rosecrans National Cemetery at Point Loma, Calif.

Ricardo Peralta was the first family member to talk to members of the "casualty notification" team. Despite his youth, he knew instinctively why they had come to his house.

Among family members of Marines, there is no greater fear than seeing an official car pull up at their house, with Marines in dress uniforms.

Ricardo Peralta called his mother to hurry home from her job as a housekeeper at a hospital. Once home, she quickly became distraught and ordered the Marines to leave.

Donald said her mother had only recently begun to recover from the death of her husband and her son's fiancée.

Rosa Peralta's husband, a diesel mechanic, was killed in September 2001 when a truck he was working on rolled and pinned him.

In December 2003, Rafael Peralta's fiancée was killed in a traffic accident in Michoacan, Mexico, where she had gone to attend her mother's funeral.

"God is punishing me, but I don't know why," Rosa Peralta said.

Karen Peralta, 13, knows how she will remember her older brother. "As a hero," she said.

Does his heroism make it easier to accept that he is gone?

"No," she said quietly, her eyes downcast and filling with tears.

If you want other stories on this topic, search the Archives at latimes.com/archives.

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