



**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
MAJORITY STAFF ANALYSIS
JULY 30, 2008**

**NEW INFORMATION ABOUT THE ELECTROCUTION
OF STAFF SERGEANT RYAN MASETH**

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EXECUTIVE SUMMARY

The Oversight Committee has been investigating reports that deficient electrical systems have caused a series of electrocutions and fires throughout Iraq, resulting in multiple deaths. In a July 18, 2008, letter to Secretary of Defense Robert Gates, Chairman Waxman described evidence that widespread electrical hazards were a “major challenge” at KBR facilities throughout Iraq and the “primary safety threat, theater wide.” Chairman Waxman also asked about reports of more than 280 fires in the five-month period from August 2006 through January 2007, that may have resulted in two deaths and the destruction of the military’s largest dining facility. Chairman Waxman’s letter raised programmatic questions about the extent of the problem and the apparent lack of an effective response by the Department of Defense.

During the Committee’s inquiry, the Committee has obtained new information about one fatal electrocution: the January 2, 2008, electrocution of Staff Sergeant Ryan D. Maseth, a decorated Army Ranger and Green Beret, who was electrocuted while taking a shower in his living quarters in the Radwaniyah Palace Complex in Baghdad. This staff analysis summarizes the information the Committee has received about Staff Sergeant Maseth’s death.

Staff Sergeant Maseth was one of at least 17 service members or contractors who have been killed by electrocution in Iraq. According to an Army investigation issued on January 26, 2008, Staff Sergeant Maseth was electrocuted when his shower’s water pump overheated, “thereby causing the failure of the breaker switch, capacitor, and internal fuse.” According to the Army investigation, this electrical failure “allowed the electrical current to flow directly from the water pump through the metal pipes and into SSG Maseth.” Army investigators also found problems with the building’s main circuit breaker panel.

A preliminary “interim response” memorandum was provided by the Inspector General of the Department of Defense to the Committee on July 28, 2008. The Inspector General’s memo states that “our review has not found any credible evidence that representatives from KBR were aware of imminent, life-threatening hazards in Legion Security Forces Building #1 at the Radwaniyah Palace Complex prior to SSG Maseth’s electrocution on January 2, 2008.” The memo also stated that “no credible evidence has been uncovered that indicates that DCMA was told” about these hazards.

The Committee has received information that was apparently not available to the Inspector General, either because the Inspector General did not request the information or because it was withheld from the Inspector General. This new information appears to contradict the Inspector General’s assertion that there is “no credible evidence” that KBR and DCMA were aware of electrical hazards in Staff Sergeant Maseth’s building.

The information obtained by the Committee shows that KBR received multiple work orders requests to repair electrical deficiencies in Staff Sergeant Maseth’s building. The Committee has obtained a work order that appears to identify the electrical danger that killed Staff Sergeant Maseth. This work order was filed on July 8, 2007, by Sergeant Justin Hummer. Sergeant Hummer was the previous occupant of the room Staff Sergeant occupied when he was killed. His work order request stated: “Pipes have voltage, get shocked in the shower.”

The Committee has also obtained several other work orders that suggest that KBR employees replaced the water pump the next day, on July 9, 2007. If these documents are accurate, this is the same water pump that Army investigators determined malfunctioned six months later on January 2, 2008, killing Staff Sergeant Maseth.

According to Sergeant Hummer, this was not the only request he made to address the electrical hazards in his shower. In a sworn statement signed on June 6, 2008, Sergeant Hummer stated that he was shocked “4 or 5 times in the shower” between June 2007, when he first moved into the building, and October 2007, when he was replaced by Staff Sergeant Maseth. Sergeant Hummer stated that on at least one occasion, he “had to use a wooden handle to turn off the shower nozzle because the electrical current was so strong.”

After an investigation of Staff Sergeant Maseth’s death, the Defense Contract Management Agency reported to its director on February 25, 2008, that “KBR failed to correct known deficiencies.” In an extensive e-mail chain, top DCMA officials acknowledged that they should have done more to address the electrical deficiencies in Staff Sergeant Maseth’s building. Less than two weeks later, however, DCMA reversed its position and agreed with KBR that the company was not required to perform the repairs.

In February 2007, nearly a year before Staff Sergeant Maseth’s death, KBR conducted an assessment of the electrical systems at Radwaniyah Palace Complex. This inspection found significant electrical deficiencies, including with the building’s main circuit breaker panel. In February and March 2008, after Staff Sergeant Maseth’s death, KBR conducted another assessment of the electrical systems at the Palace Complex. According to DCMA, the “overwhelming majority” of KBR’s findings “were identical to those findings or problems as either alleged or identified in the 10 February 2007 limited inspection.”

The response of KBR and the Defense Department to the second KBR inspection in 2008 was significantly different from the response to the KBR inspection in February 2007. Based on the 2008 inspection, KBR recommended that service members immediately evacuate six buildings because their “electrical conditions ... make them uninhabitable for safety and health reasons.”

A final section of this staff analysis summarizes information received by the Committee on other deaths caused by electrocution in Iraq.

I. BACKGROUND

On January 2, 2008, Staff Sergeant Ryan Maseth was electrocuted while taking a shower in his living quarters at the Legion Security Forces Building (LSFB) of the Radwaniyah Palace Complex in Baghdad. The LSFB is a small building that houses three soldiers.

According to Cheryl Harris, Staff Sergeant Maseth's mother, the Army "initially told her that her son had taken an electrical appliance into the shower."¹ She stated that the Army later told her that "investigators had found electrical wires hanging down around the shower."²

Documents produced to the Committee show that the Defense Department determined quickly that Staff Sergeant Maseth was electrocuted as a result of faulty wiring. The Army Criminal Investigative Division began its investigation on January 3, 2008, the day after Staff Sergeant Maseth's was killed.

On January 26, 2008, the Army's Special Operations Task Force – Central, which is based at the Palace Complex, issued a report detailing the results of its investigation. This investigation is also known as an Army Regulation 15-6 Investigation. The report stated that one cause of Staff Sergeant Maseth's death was a defective pump that supplied water to his shower. The report stated:

It appears that the water pump engine overheated, thereby causing the failure of the breaker switch, capacitor, and internal fuse which melted the wire insulation and the electrical wire inside the motor compartment. This allowed the electrical current to flow directly from the water pump through the metal pipes and into SSG Maseth.³

The Army report also discussed problems with the building's main circuit breaker panel. The report explained how one KBR electrician on site was unable to turn off one of the breaker switches in the panel. The Army report stated:

When Mr. Husic opened the circuit breaker panel to turn the power to the LSFB back on at the main breaker he noticed a black, sticky, tar-like substance. Mr. Husic also noticed that one of the breakers was not functioning properly due to being stuck in place by the tar. When Mr. Husic attempted to switch off this breaker he could not due to the tar.⁴

¹ *Despite Alert, Flawed Wiring Still Kills G.I.'s*, New York Times (May 4, 2008).

² *Id.*

³ U.S. Army, Special Operations Task Force – Central, Radwaniyah Palace Complex, *Memorandum: Informal Army Regulation (AR) 15-6 Investigation of SSG Ryan D. Maseth's Death* (Jan. 26, 2008).

⁴ *Id.*

As part of the Army's investigation, special agents also interviewed Paul W. Hardin, KBR's Chief of Services for the Palace Complex.⁵ According to his statement, Mr. Hardin, who is also an electrician by trade, accompanied Mr. Husic on his inspection of Staff Sergeant Maseth's building. When Mr. Hardin was asked about the condition of the building's circuit breaker, he had the following exchange:

Q: When the pump shorted, should the circuit breaker have tripped?

A: Yes, if the building was wired correctly.

Q: Why didn't the circuit breaker trip?

A: The breaker box had tar drip into it and it got in the way with the breaker and stopped it from tripping.⁶

The Committee also obtained a detailed summary of the investigation that Army investigators wrote on January 14, 2008. According to this summary, a special agent inspecting the scene observed that "the main electrical disconnect had been bypassed by the means of connecting all the wires to the top of the breaker thus bypassing the power cutoff to the LSF#1."⁷

The Defense Department Inspector General has also investigated Staff Sergeant Maseth's death. On July 28, 2008, the Inspector General issued an "interim response" memorandum that reviewed contracting actions related to Staff Sergeant Maseth's death. This interim memo confirmed that Staff Sergeant Maseth "was electrocuted when the ungrounded water pump on the roof of LSF#1 failed and electrified the water distribution pipes." The interim memo added that the "circuit breaker also failed in this case."⁸

In its interim report, the Inspector General stated:

As of the date of this memorandum, our review has not found any credible evidence that representatives from KBR were aware of imminent, life-threatening hazards in Legion Security Forces Building #1 at the Radwaniyah Palace Complex prior to SSG Maseth's electrocution on January 2, 2008. Furthermore, as of the date of this memorandum, no credible [sic] evidence has been uncovered that indicates that DCMA was told of any

⁵ *Sworn Statement of Paul W. Hardin, Chief of Services, Radwaniyah Palace Complex KBR, Inc.* (Jan. 8, 2008).

⁶ *Id.*

⁷ Special Agent R. Jason Huggins, Criminal Investigative Division, U.S. Army, *Agent's Investigative Report* (Jan. 14, 2008).

⁸ Donald M. Horstman, Deputy Inspector General for Policy and Oversight, Department of Defense, *Memorandum for Deputy Under Secretary of Defense for Acquisition and Technology, Interim Response – Review of Contracting Actions Relating to the Electrocution Death of Staff Sergeant (SSG) Ryan D. Maseth, U.S. Army* (July 28, 2008).

imminent, life-threatening electrical hazards in Legion Security Forces Building #1 at the Radwaniyah Palace Complex prior to SSG Maseth's electrocution on January 2, 2008.⁹

The interim memo by the Inspector General was provided to the Committee on July 28, 2008. On July 29, Committee staff asked officials in the Inspector General's office whether they had reviewed work orders placed by occupants of Staff Sergeant Maseth's building or sworn statements they had signed since Staff Sergeant Maseth was electrocuted.¹⁰ They responded that they believed they did not have these documents.¹¹

II. PENTAGON AND KBR KNOWLEDGE OF ELECTRICAL DEFICIENCIES

Documents provided to the Committee indicate that both KBR and the Defense Department learned of electrical deficiencies in Sergeant Maseth's building prior to his electrocution and that KBR may have installed the water pump that malfunctioned and caused Staff Sergeant Maseth's death.

During the months before Staff Sergeant Maseth's death, KBR was repeatedly tasked with repairing electrical hazards in Staff Sergeant Maseth's building. The Committee has obtained a copy of one work order that appears to have complained of the electrical danger that killed Staff Sergeant Maseth. The document, labeled "Work Order/Service Order Form," was filed on July 8, 2007, by Sergeant Justin Hummer. According to Sergeant Hummer, he occupied the same room before Staff Sergeant Maseth moved into the room in October 2007.¹²

The work order submitted by Sergeant Hummer on July 8, 2007, stated: "Pipes have voltage, get shocked in the shower."¹³ The work order indicated that it was assigned to KBR's electricity department, and this request for repairs subsequently appeared on a spreadsheet log of work orders submitted to KBR.¹⁴ The work order included a time stamp of 1:30 p.m.¹⁵

⁹ *Id.*

¹⁰ E-mail from Staff, House Committee on Oversight and Government Reform, to Staff, Office of Communications and Congressional Liaison, Office of Inspector General, Department of Defense (July 29, 2008).

¹¹ E-mail from Staff, Office of Communications and Congressional Liaison, Office of Inspector General, Department of Defense, to Staff, House Committee on Oversight and Government Reform (July 29, 2008).

¹² Declaration of Sergeant First Class Justin Hummer (June 6, 2008).

¹³ Kellogg Brown and Root, *Work Order/Service Order Form: LSF – Pipes have voltage, get shocked in shower* (Work Order No.: 1208111) (July 8, 2007).

¹⁴ Spreadsheet of KBR Work Orders (HOCR Request of March 19, 2008 — 8th Production 288).

¹⁵ Kellogg Brown and Root, *Work Order/Service Order Form: LSF – Pipes have voltage, get shocked in shower* (Work Order No. 1208111) (July 8, 2007).

A second KBR work order form suggests that a KBR electrician came to Staff Sergeant Maseth's building later that day and determined that a plumber was needed. In this form, also dated July 8, 2007, the KBR electrician wrote: "Found problem to be a faulty pressure switch on east side of building. Plumber needs to repair."¹⁶ Based on the work order, it appears the electrician was in Staff Sergeant Maseth's building from 4:30 p.m. to 5:00 p.m.¹⁷

A third work order form issued the next morning, July 9, 2007, indicates that this complaint was assigned to a KBR plumber. The original complaint, "LSF – Pipes have voltage, get shocked in shower," was given a new work order number at approximately 5:00 a.m.¹⁸ This new work order is also registered in the log of work orders submitted to DCMA for correction.¹⁹

A fourth work order form, also from July 9, 2007, suggests that three KBR employees spent a total of nine hours replacing the water pump.²⁰ This work order form states that the three KBR employees began work at 8:00 a.m. and finished at 11:00 a.m. In the description of the task, the work order form states: "Replace pressure switch & water pump."²¹ The list of materials used included one water pump and various other equipment.²² This document was signed by Sergeant Justin Hummer on July 9, 2007.²³

If these documents are accurate, it appears that KBR plumbers installed the water pump on July 9, 2007, that serviced Sergeant Maseth's shower. Army investigators concluded on January 26, 2008, six months later, that "the water pump engine overheated, thereby causing the failure of the breaker switch, capacitor, and internal fuse which melted the wire insulation and the electrical wire inside the motor compartment."²⁴

These documents appear to contradict statements by KBR officials. For example, in prepared testimony for today's hearing, Thomas Bruni, the Theater Engineering and Construction Manager for KBR in Baghdad, stated: "Though we cannot be certain who installed

¹⁶ Kellogg Brown and Root, *Work Order Form: LSF – Pipes have voltage* (Work Order No. 1208111) (July 8, 2007).

¹⁷ *Id.*

¹⁸ Kellogg Brown and Root, *Work Order/Service Order Form: LSF – Pipes have voltage, get shocked in shower* (Work Order No. 1208997) (July 9, 2007).

¹⁹ Spreadsheet of KBR Work Orders (HOCR Request of March 19, 2008 – 8th Production 289).

²⁰ Kellogg Brown and Root, *Work Order Form: LSF – Busted Pressure Switch* (Work Order No. 1208997) (July 9, 2007).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ U.S. Army, Special Operations Task Force – Central, Radwanayah Palace Complex, *Memorandum: Informal Army Regulation (AR) 15-6 Investigation of SSG Ryan D. Maseth's Death* (Jan. 26, 2008).

the water pump, we do know that KBR did not do so, and that it was most likely Iraqi-installed.”²⁵

According to Sergeant Hummer, this was not the only request he made to address the electrical hazards in this shower. In a sworn statement signed on June 6, 2008, Sergeant Hummer stated that he was shocked “4 or 5 times in the shower” between June 2007, when he first moved into the building, and October 2007, when he was replaced by Staff Sergeant Maseth.²⁶ Sergeant Hummer stated that on at least one occasion, he “had to use a wooden handle to turn off the shower nozzle because the electrical current was so strong.”²⁷

These complaints from Sergeant Hummer followed an electrical inspection that KBR performed five months earlier as part of its bid to conduct maintenance of the Palace Complex. As part of this process, KBR inspected Staff Sergeant Maseth’s building and issued a report on February 10, 2006. This “limited technical inspection” report did not state whether the company inspected the water pump that served Staff Sergeant Maseth’s shower and later failed. The inspection report did identify specific defects, however, with the building’s main distribution panel. The inspection report stated:

Radwaniyah Palace D9 Main Distribution Panel 100AMP

Deficiency: Panel is missing cable glands for termination, panel are not grounded, No dead man front or panels cover.²⁸

In the inspection report, KBR rated this deficiency with a condition code of “B5.” According to the inspection report, this code indicates that the main distribution panel was “serviceable – used, fair (w/qualifications).” This rating was the second lowest (11 of 12) of KBR’s “serviceable” ratings.²⁹ The inspection report included no recommendation to address this deficiency.

The 2007 inspection report of Staff Sergeant Maseth’s building also detailed many other electrical deficiencies. For example, the inspection report identified 21 electrical outlets with “exposed wire jumped from outlet to outlet” and 14 light fixtures with “incorrect wiring” that were “being used as a junction box.” The inspection report also identified deficiencies with the wires running to the “secondary feeder wire circuits.” According to the inspection report, these wires were “not sized properly for the main breakers,” had “incorrect thermal coating,” and had

²⁵ Testimony of Thomas Bruni, Theater Engineer and Construction Manager, KBR, Inc. *Hearing on Deficient Electrical Systems at U.S. Facilities in Iraq*, House Committee on Oversight and Government Reform (July 30, 2008).

²⁶ Declaration of Sergeant First Class Justin Hummer (June 6, 2008).

²⁷ *Id.*

²⁸ Kellogg Brown and Root Services – ISG/V CORPS BAGHDAD, *Technical Inspection: Radwaniyah Palace D9 LSF Office* (Feb. 10, 2007).

²⁹ *Id.*

“no separate ground supplied to ground panel.”³⁰ As with the deficiencies with the main distribution panel, no repair recommendations were included in KBR’s inspection report.

The “Deputy Mayor” of the Palace Complex requested a copy of KBR’s February 2007 electrical inspection reports on October 30, 2007.³¹ The following month, KBR was asked to perform a series of fire inspections of the Palace Complex buildings. In total, KBR found that approximately 97 out of the 126 buildings had serious electrical problems.³² Although KBR’s fire inspection of Staff Sergeant Maseth’s building noted a number of fire risks, including “frayed” and “improper wiring,” it does not appear that KBR recommended corrective action.³³ Staff Sergeant Maseth, who had moved into the building only weeks before, was asked to sign KBR’s inspection report on November 19, 2007, in place of the previously designated fire marshal.³⁴

III. RESPONSIBILITY FOR ADDRESSING ELECTRICAL DEFICIENCIES

When KBR conducted its electrical inspection of Staff Sergeant Maseth’s building on February 10, 2007, it was in the process of negotiating a contract with the military to perform maintenance at the Palace Complex.

On February 19, 2007, just over one week after KBR conducted its inspection of Staff Sergeant Maseth’s building, the company submitted a cost estimate of approximately \$3.2 million for work to be done at the Palace Complex.³⁵ The proposal indicated that the period of performance would be from February 24 to August 31, 2007.³⁶ It appears that this contract was subsequently extended through January 2008, when Staff Sergeant Maseth was killed.³⁷

KBR’s estimate of \$3.2 million for six months included the costs of nine employees to perform work at all 126 buildings in the Palace Complex. These employees included one “HV

³⁰ *Id.*

³¹ Memorandum from Sergeant Daniel C. Wilson, SOTF Central Deputy Mayor, to Combined Joint Special Operations Task Force, Forward Operating Base 51 (Oct. 30, 2007).

³² KBR, Inc., *Fire Inspection Reports* (KBR-E-COGR-0007010-KBR-E-COGR-0008571).

³³ KBR, Inc., *Building – Fire Risk Management Survey* (Nov. 19, 2007).

³⁴ *Id.*

³⁵ KBR, Inc., *LOGCAP PPR 07-139-D9-005 O&M on 126 Buildings, Roads, Grounds and City Services* (Feb. 23, 2007).

³⁶ *Id.*

³⁷ *See, e.g.* Defense Contract Management Agency, *Memorandum for Contract Administrator: ACL KBR-08-139X-D9-1001* (Dec. 6, 2007) (referencing Contract DAAA09-02-D-007 Task Order 139 Extension (POP 09/01/2007-02/29/2008)).

(heating ventilation) Electrician” and one “HV Electrician Foreman,” who would both work 84 hours per week, according to the proposal.³⁸

KBR’s cost estimate included a number of assumptions. Under one of these assumptions, KBR appeared to include in its estimate the cost of repairing defects it identified a week earlier in the inspection of Staff Sergeant Maseth’s building. Assumption 16 of the proposal stated: “KBR has included the cost of known repairs required at the time of the estimate.”³⁹ The cost estimate also stated: “KBR assumes the building systems to be in good condition and upon discovery of defective systems (Electrical, Mechanical, or Structural) repairs will be made only at the direction of an ACL [Administrative Change Letter].”⁴⁰

After Staff Sergeant Maseth was killed, the Director of DCMA, Keith Ernst, was advised that KBR failed to make the repairs to Staff Sergeant Maseth’s building identified in its 2007 inspection. On February 25, 2008, Kirk Vollmecke, the Commander of DCMA in Iraq, sent a memo to DCMA Director Ernst. In this memo, Mr. Vollmecke reviewed the results of Staff Sergeant Maseth’s death and warned that KBR failed to abide by the terms of its contract. He stated:

These results indicate KBR failed to correct known deficiencies budgeted for in their estimate under Assumption 16 and approved by the PCO [Project Contracting Officer] on 23 February 2007.⁴¹

In an extensive e-mail chain later that day, DCMA Director Ernst questioned top DCMA officials about what the agency knew prior to Staff Sergeant Maseth’s death. He began the conversation by asking:

My conclusion from reading this indicates no one knew the severity of the problem. I assume this was never reported by the COR [Contracting Officer’s Representative]?⁴²

In response, Colonel Vollmecke replied that same day, stating:

³⁸ KBR, Inc., *LOGCAP PPR 07-139-D9-005 O&M on 126 Buildings, Roads, Grounds and City Services* (Feb. 23, 2007).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, *Memorandum for Director, DCMA: Response to Representative Altmire’s Congressional Inquiry of 19 February 2008* (Feb. 25, 2008).

⁴² E-mail from Keith Ernst, DCMA Director, to Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan and Captain David Graff (USN), Commander, DCMA-International, *et al.* (Feb. 25, 2008).

In February 2007, DCMA was aware of some electrical problems with RPC buildings. No one knew the extent of the severity of the electrical site problems. No COR was appointed nor did the unit's mayor cell report the problems to our knowledge.⁴³

Captain David Graff, Commander of DCMA-International, followed up on this e-mail by asking the group several questions following each line of Colonel Vollmecke's response.⁴⁴ His e-mail stated:

"In February 2007, DCMA was aware of some electrical problems with RPC buildings."

What did we know?
How did we know it?
What did we do about? Documentation?

"No one knew the extent of the severity of the electrical site problems."

Should we have?
How would we have known?
Why not?

"No COR was appointed nor did the unit's mayor cell report the problems to our knowledge."

Should we have pressed for?
Did we ask for one?
If not why not?
What is the driving reqmt(s) to request assignment for a COR?⁴⁵

Later that evening, Colonel Vollmecke responded to the group, inserting his own answers after each of Captain Graff's questions. The result was the following e-mail, with emphasis added to reflect Colonel Vollmecke's responses:

"In February 2007, DCMA was aware of some electrical problems with RPC buildings."

What did we know?
Answer: An ACO had possession of limited technical records in the ACO file.

⁴³ E-mail from Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, to Keith Ernst, DCMA Director, *et al.* (Feb. 25, 2008)

⁴⁴ E-Mail from Captain David Graff (USN), Commander, DCMA-International, to Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, *et al.* (Feb. 25, 2008).

⁴⁵ *Id.*

How did we know it?

Answer: We have not determined when the records were placed in the share drive file (pre or post death). We are currently evaluating. We believe the mislabeled 2006 (actually 2007) inspection records pre-existed in the ACO files.

What did we do about? Documentation?

Answer: there are no known documented actions with the technical records.

“No one knew the extent of the severity of the electrical site problems.”

Should we have?

Answer: Yes.

How would we have known?

Answer: Through KBR’s technical inspections.

Why not?

Answer: Because the inspections were limited and never reviewed by a qualified Government employee.

“No COR was appointed nor did the unit’s mayor cell report the problems to our knowledge.”

Should we have pressed for?

Answer: Yes.

Did we ask for one?

Answer: Unknown. Since I have been the commander, we have been pressing for one.

If not why not?

What is the driving reqmt(s) to request assignment for a COR?

Answer: Subject matter expertise and unit’s willingness to assign as an “additional duty.”⁴⁶

KBR officials have argued that their cost estimate of \$3.2 million did not include the costs of repairing the known defects identified in its February 10, 2007, inspection of Staff Sergeant Maseth’s building. According to KBR, the company had submitted a previous estimate

⁴⁶ E-mail from Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, to Captain David Graff (USN), Commander, DCMA-International, *et al.* (Feb. 25, 2008).

that would have included these costs. As KBR stated: “Our original estimate to complete all repairs to include bringing the buildings to a safe level was higher than the agreed \$3.2M.”⁴⁷

On March 6, 2008, less than two weeks after DCMA concluded that KBR should have repaired Staff Sergeant Maseth’s building, DCMA reversed its position and agreed with KBR’s interpretation that its contract did not require the company to make repairs identified in its 2007 inspection report. In another memo for Director Ernst, Colonel Vollmecke now stated:

The “limited technical inspection” on 10 February 2007 was qualified, and it did not meet the statement of work requirements of the LOGCAP III contract KBR accepted the facilities/property under the stated assumption in its 23 February 2007 Project Planning Estimate (PPE) that the “buildings are up to the quality standards of LOGCAP.”⁴⁸

IV. ONGOING ELECTRICAL HAZARDS AT PALACE COMPLEX

After Staff Sergeant Maseth was killed in January 2008, DCMA directed KBR to perform a complete technical inspection of all the buildings on the Radwaniyah Palace Complex. The full inspection found nearly all of the same problems and deficiencies that had been reported one year previously, including widespread problems with the two specific electrical deficiencies that contributed to Staff Sergeant Maseth’s death: defective water pumps and electrical circuit boards.

KBR has not provided to the Committee a copy of its full electrical inspections for the Palace Complex. On February 25, 2008, however, a DCMA memo explained that the deficiencies identified by KBR in 2008 were virtually identical to the deficiencies the company had identified in 2007. The memo stated:

The overwhelming majority of these findings in the Legion Security Force area were identical to those findings or problems as either alleged or identified in the 10 February 2007 limited inspection.⁴⁹

The Committee did not receive any recommendations made by KBR as a result of its 2007 inspection. Following the 2008 inspection, however, KBR recommended the immediate evacuation of six buildings and the gradual renovation of several others. In a letter to the Commander of DCMA in Iraq on March 20, 2008, KBR stated:

⁴⁷ KBR, Inc., *Memorandum: Request for Information (#6) – Clarification of Assumptions* (Feb. 24, 2008).

⁴⁸ Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, *Memorandum for Commander, 11th MP BN (CID): CID MFR Inconsistencies and Factual Misrepresentations* (Mar. 6, 2008).

⁴⁹ Colonel Kirk Vollmecke, Commander, DCMA-Iraq/Afghanistan, Defense Contract Management Agency, *Memorandum for Director, DCMA: Response to Representative Altmire’s Congressional Inquiry of 19 February 2008* (Feb. 25, 2008).

The electrical conditions in all buildings make them uninhabitable for safety and health reasons. The recommended course of action, if the buildings will continue to be used, is to disconnect the power to the buildings immediately and completely replace the electrical systems.⁵⁰

KBR provided no explanation in this letter as to why the company changed its position on the serviceability of these electrical systems since its inspections in February 2007.

According to slides prepared by DCMA to summarize the KBR's 2008 inspections, KBR identified systemic electrical deficiencies throughout the Palace Complex, including with water pumps and electrical circuit boards, the two electrical defects that Army investigators highlighted as contributing to Staff Sergeant Maseth's electrocution. According to the DCMA summary, KBR concluded:

- "A majority of the electrical systems within the Hard Stand structures are in complete disarray including a lack of grounding system within the distribution network. 95% of the electrical distribution panels are at least 20+ years old and were not maintained properly as well as not installed following any typical standard building code. A majority of the Exterior Electrical Panels, Sub Panels, Main Distribution Panels are in disrepair and require replacement at this time."
- "190 Water Distribution Pumps are on site at this time. Water distribution pumps have been found to be defective or failing due to age of the units. 45 pumps have been replaced over the past 60 days due to malfunction which a majority were due to electrical shorts or age. We have grounded 87 pumps to date and is an ongoing project directed by the Mayor in regards to priority or changed and grounded at the time of failure."⁵¹

As a result of these inspections, the Defense Department recently announced that it had asked KBR to perform full technical inspections of all facilities maintained by KBR throughout Iraq.⁵²

In addition, Defense Department officials recently testified that the Department requested that independent auditors review a sample of facilities inspected by KBR and that the Army Corps of Engineers and Facilities Command provide additional oversight of electrical repair work on the ground.⁵³

⁵⁰ Letter from Michael Mayo, Principal Program Manager, LOGCAP III, Kellogg Brown & Root, to Commander, DCMA-Iraq/Afghanistan (Mar. 20, 2008).

⁵¹ Defense Contract Management Agency, *KBR RPC Brief* (Mar. 17, 2008).

⁵² Senate Foreign Relations Committee, Response of General David H. Petraeus to Questions for the Record, *Hearings on Iraq after the Surge* (Apr. 4, 2008) (response submitted to the Committee on June 25, 2008).

⁵³ Senate Appropriations Committee, Testimony of Defense Department Deputy Secretary Gordon England and Director of Defense Procurement, Acquisition Policy and

V. OTHER DEATHS BY ELECTROCUTION IN IRAQ

Documents and information provided to the Committee indicate that as many as 19 U.S. military and contractor personnel may have died as a result of electrocution or faulty wiring since the beginning of the Iraq war in 2003. This number has continued to increase as more information has been disclosed over the past six months.

Defense Department documents confirm that at least 17 U.S. military and contractor personnel have died as a result of electrocution in Iraq since the beginning of 2003.⁵⁴ Two other deaths are currently under investigation, but are also believed to be a result of electrocution.⁵⁵ Table A lists the 19 confirmed or suspected deaths from electrocution and faulty wiring in Iraq since 2003.

	Service	Rank	Date	Location
1	Army	Private First Class	March 19, 2003	Ba'qubah
2	Marines	Lance Corporal	April 2, 2003	An Nasiriyah
3	Marines	Corporal	August 15, 2003	
4	Army	Captain	September 18, 2003	Ad Dujayl
5	Marines	Civilian	October 3, 2003	
6	Army	Sergeant	December 24, 2003	Kirkuk
7	Army	Specialist	April 17, 2004	U.S. base near Samarra
8	Army	Specialist	May 8, 2004	Mosul
9	Marines	PFC	May 13, 2004	Al Asad
10	Army	Specialist	May 18, 2004	U.S. base near Bayji
11	Navy	Petty Officer 3 rd Class	September 11, 2004	Iskandariyah
12	Marines	Sergeant	January 28, 2005	Al Anbar

Strategic Sourcing Shay Assad, *Hearings on Iraq and Afghan Defense Contract Fraud* (July 23, 2008).

⁵⁴ *Iraqi Freedom Manner of Death – Army Member Electrocutions March 2003 – March 2008* (undated) (reporting 12 deaths); *Executive Summary by Kellogg Brown & Root, Inc. (“KBR”) Regarding Maintenance Services Performed at the Radwaniyah Palace Complex* (May 5, 2008) (reporting 13 deaths); U.S. Marine Corps Center for Lessons Learned, *The Safety Corner* (Aug. 2006) (online at http://safetycenter.navy.mil/bestpractices/tools/downloads/sc_electric_shock.pdf) (reporting 5 deaths); Department of Defense Office of Inspector General, *Interim Response: Review of Contracting Actions Relating to the Electrocution Death of Staff Sergeant (SSG) Ryan D. Maseth, U.S. Army* (July 28, 2008) (reporting 16 deaths).

⁵⁵ *Id.*; Briefing by Staff, Department of Defense Office of Inspector General, for Staff, House Armed Services Committee and House Oversight and Government Reform Committee (July 22, 2008).

13	Contractor	N/A	June 19, 2005	Camp Fallujah
14	Army	Sergeant	September 7, 2005	Al Taqqadum
15	Army	Specialist	April 12, 2007	Baghdad
16	Army	Sergeant	June 23, 2007	Baghdad
17	Army	Staff Sergeant	January 2, 2008	Baghdad
18	Contractor	N/A	February 24, 2008	Baghdad
19	Army	Sergeant	July 5, 2008	Tallil

Defense Department documents indicate that at least six of the deaths listed above were due to improperly installed or maintained electrical devices. In addition to Staff Sergeant Ryan Maseth, the other five individuals were:

- **Corporal Marcos Nolasco:** According to Army investigators, Corporal Nolasco was killed on May 18, 2004, in the shower at Forward Operating Base (FOB) Summerall. Investigators concluded that he was killed when an ungrounded water heater shorted, electrocuting him. Investigators reported that the base had repeatedly requested KBR’s assistance in inspecting and repairing the shower facility, but that the only KBR electrician on site was unavailable. Although the shower facility was closed after some soldiers reported receiving shocks, other soldiers were unaware of the hazard and continued to use the facility. According to investigators, there was no urgency to repair the problem because “most of the FOB shower facilities were experiencing the same situation.” Investigators concluded that the “absence of an expert electrician to supervise proper electrical wiring of the building was a contributing factor” in the death of Corporal Nolasco. Investigators also found that the chain of command failed to protect soldiers from using the shower.⁵⁶
- **Specialist Chase Whitham:** Army investigators concluded that Specialist Whitham was killed on May 8, 2004, when a pool motor shorted out and electrocuted him in the pool while he was swimming. According to the investigative report, the pool motor was improperly grounded, and at least one other soldier was injured.⁵⁷ A memorandum from the Multi-National Corps-Iraq concluded that Specialist Whitham’s death “indicates that unit leadership did not supervise the pool” and requested additional information about “who inspected and approved the pool for use.”⁵⁸
- **Petty Officer 3rd Class David Cedergren:** According to the Defense Department Inspector General, Petty Officer Cedergren died on September 11, 2004, after being

⁵⁶ *U.S. Army Accident Report (Corporal Marcos Nolasco).*

⁵⁷ *U.S. Army Abbreviated Ground Accident Report (Specialist Chase Whitham).*

⁵⁸ Multi National Corps-Iraq, *Memorandum: Electrocutions – Fatality Memo 04-13* (May 22, 2004).

found unconscious in a shower stall. The Navy recently opened an investigation into his death as an accidental electrocution.⁵⁹

- **Sergeant Christopher Lee Everett:** Army investigators concluded that Sergeant Everett was killed on September 7, 2005, when the power washer he was using to clean a vehicle at the motor pool shorted, electrocuting him. Investigators found that the washer was ungrounded and had several electrical problems, including what one electrician described as “redneck wiring.”⁶⁰ Investigators reported that there had been reports of shocks and wiring problems made to the base operations contractor prior to Sergeant Everett’s death.⁶¹ The documents provided to the Committee identify the base operations contractor with responsibility for power maintenance as KBR.⁶²
- **Sohan Singh:** According to Navy investigators, Mr. Singh, a contractor for KBR, was killed on July 19, 2005, when the air conditioner in his living unit shorted. Investigators reported that the window air conditioner unit had been improperly installed by the other occupants, who were also contractors for KBR. Inspectors also reported that when electricians tested the grounding of the living quarters, they found that there were “113 volts to earth.”⁶³

⁵⁹ Briefing by Staff, Department of Defense Office of Inspector General, to Staff, House Armed Services Committee and House Oversight and Government Reform Committee (July 22, 2008).

⁶⁰ *U.S. Army Accident Report (Sergeant Christopher Lee Everett)*.

⁶¹ *Id.*

⁶² *Memorandum for Mark Ingle, Kellogg Brown and Root Services (KBR), Al Asad, Iraq: ACO Change Letter (ACL) – ACL#05-89-BA-001* (June 18, 2005) (authorizing KBR to establish zone power grids and associated generator operations and maintenance at Camp Al Taqqadum from June 2005 through April 2006).

⁶³ U.S. Naval Criminal Investigative Service, *Report of Investigation (Sohan Singh)* (Oct. 23, 2005).