

July 30, 2008



Expected Release
10:00 a.m.

Gordon S. Heddell
Acting Inspector General Department of Defense
before the
House Oversight and Government Reform Committee
on
"Maintenance of Electrical Systems in Facilities Occupied by
Military and Contractor Personnel in Iraq"

Chairman Waxman, Representative Davis, and distinguished members of this committee, thank you for the opportunity to appear before you this morning and address our efforts regarding the relationship between electrocution deaths and the maintenance of electrical systems in facilities occupied by military, civilian, and contractor personnel in Iraq.

I assure you that we take issues regarding safety very seriously. The men and women engaged in Operation Iraqi Freedom, whether Service members, federal employees, or contractor personnel, deserve an environment that is free from preventable dangers. In response to recent concerns regarding electrocution deaths of several Service members, my office has initiated two complementary reviews that will be combined into a single final report.

The first review is looking into the relevant management, contracting, and maintenance actions prior and subsequent to the death of Staff Sergeant (SSG) Ryan D. Maseth, a U.S. Army Special Forces soldier serving in Iraq who was electrocuted on January 2, 2008, while taking a shower in his quarters. In a letter dated February 19, 2008, Congressman Jason Altmire requested the Secretary of Defense to investigate the possibility that SSG Maseth's death was avoidable and occurred because of poor contract management by the Defense Contract Management Agency. In response to the letter from Congressman Altmire, the Deputy Under Secretary of Defense for Acquisition and Technology, (DUSD (A&T)) requested that my office investigate contracting matters associated with this incident. This review is ongoing. We have provided an interim response to DUSD (A&T), which we have shared with members of this Committee.

We initiated the second review as a proactive measure based upon the request from the DUSD (A&T) and pursuant to our criminal investigative oversight responsibilities. The primary objective of the second review was to evaluate the sufficiency of criminal investigations involving the electrocution deaths of U.S. military or DoD related personnel in Iraq. The review also sought to quantify the number of these criminal investigations and to glean from the investigative case files information concerning the nature of the electrocutions that might be helpful in responding to DoD authorities and to Members of Congress. My testimony focuses on the results of the second review, which is essentially completed.

I. INTRODUCTION AND SUMMARY

We found that Military Criminal Investigative Organizations (MCIOs) investigated the electrocution deaths of 14 military members and one Defense Department foreign national civilian employee since 2003. We determined that

investigations conducted by the U.S. Army Criminal Investigation Command (USACIDC) and the Naval Criminal Investigative Service (NCIS) were thorough, timely, and investigatively sufficient. We also found that these 15 electrocution deaths in Iraq from 2003 through 2008 had no systemic correlation.

It is important to note that all MCIO investigations are criminal investigations conducted for the purpose of determining: (1) the cause and manner of death and (2) whether the death resulted from homicide, suicide, or accidental means. Any further inquiries conducted to answer questions or to collect evidence for the purpose of determining possible negligence relative to management, contracting, or maintenance issues in an accidental death case would be pursued under a separate review by command personnel other than the MCIO investigators. Such reviews include commander-directed inquiries, local or command accident boards, or safety investigations.

II. SCOPE OF THE SECOND REVIEW

During our evaluation we reviewed all investigative case files involving deaths by electrocution in Iraq from 2003 to through 2008. There were four investigations by the NCIS involving the deaths of 4 U.S. Marines, and 11 investigations by USACIDC involving the deaths of 10 U.S. Army soldiers (including SSG Maseth) and one foreign national DoD civilian employee.

After completing research for the second review, we became aware of the electrocution death of a Marine in 2003 that was not investigated by an MCIO. We are presently trying to obtain more information on that case, which involved an electrocution because of contact with power lines. This brings the total number of identified, non-combat electrocutions involving DoD personnel in Iraq to 16 since 2003.

III. OBSERVATIONS

For purposes of clarity and to expound upon the accidental nature of the 15 investigated deaths, we categorized them into three groups: (1) contact with power lines; (2) ungrounded and/or faulty electrical equipment, and (3) working with electrical equipment or attempting to make an electrical repair.

In the first category, eight individuals (four Army soldiers, three Marines, and one foreign national civilian DoD employee) died as a result of contacting power lines. According to information contained in the investigative files, many power lines in Iraq are hard to see especially in low light, carry a high amount of voltage, and have no insulation. In three of the incidents, Service members were on a patrol; one was walking

and two were riding on top of their vehicles when they came into contact with power lines. In other cases: (1) a Service member was working on a rooftop and contacted a power line; (2) a Service member was operating a crane that struck a power line, and (3) two Service members were electrocuted (separate instances) when installing/repairing telephone lines and inadvertently contacting nearby electrical wires. The foreign national DoD civilian employee was electrocuted during the construction of a building in Baghdad when the 20 foot piece of steel tubing he was holding made contact with a power line.

In the second category, four Army soldiers were electrocuted as a result of ungrounded and/or faulty electrical equipment. Specifically, two soldiers died while taking a shower. The first occurred in 2004 when a water heater shorted out with an ungrounded electric system and non functioning circuit breakers. The second was SSG Maseth, whose death in the shower occurred in 2008 when the building water pump shorted out within an ungrounded electric system and non functioning circuit breakers. Another soldier died while cleaning vehicles using an electric power washer. The ungrounded washer was improperly wired to an inadequately grounded generator. The fourth soldier died while swimming in a base pool with other soldiers. The deceased touched a metal pipe used to direct water from a pump into the pool. The pump motor had shorted out and was not properly grounded. One other swimmer was shocked, but not seriously injured.

In the third category, three Service members were attempting to repair faulty equipment when they were electrocuted. Two Service members died trying to repair generators and another died trying to repair an air conditioning unit.

We determined that the 15 investigations conducted by USACIDC and NCIS were thorough, timely, and investigatively sufficient. In all of the investigations, multiple witnesses were interviewed, and their accounts were consistent. Medical personnel who were often the first responders and rendered aid were interviewed and their statements were consistent with those of the actual witnesses. Evidence was taken in some cases, but not in most because the circumstances didn't point to the failure of single pieces of equipment or fixtures. Initial notifications to USACIDC and NCIS were consistently timely, normally within a few hours.

In addition, each of the investigations included an Armed Forces Institute of Pathology (AFIP) autopsy, and the AFIP report was included in the file. Autopsy reports were consistent with the witness statements and the Reports of Investigation (ROIs). All of the reports contained death scene photographs (in every case the deceased had been removed due to life saving efforts) and autopsy photos were attached to the case file either on disk or as paper copies. Some of the ROIs had commander directed inquiry reports attached, while others only referred to a commander directed inquiry or an accident report, which was not appended to the report. The circumstances

of these fatal incidents, combined with the physical injuries of the deceased and number of witnesses made the accidental nature of these cases obvious. The investigative work was thorough and, in some cases, involved numerous agents working as a team to collect as much information as quickly as possible.

IV. CONCLUSIONS

We concluded that:

- the death investigations conducted by USACIDC and NCIS were thorough, timely, and investigatively sufficient;
- these deaths in Iraq from 2003 through 2008 had no correlation, and occurred due to a variety of circumstances; and
- from the investigations reviewed, it was apparent that Iraq's electrical infrastructure is dangerous due to neglect, a failure to upgrade electrical systems that are not properly grounded, and the use of old and substandard electrical equipment.

V. ONGOING REVIEW

On February 19, 2008, Representative Jason Altmire wrote Secretary Gates to request “further investigation into the death of SSG Ryan D. Maseth, who was electrocuted while showering on January 2, 2008 at Radwaniyah Palace Complex, Baghdad, Iraq.

SSG Maseth was assigned to the Special Operations Task Force - Central, 5th Special Forces Group, Radwaniyah Palace Complex (RPC), Iraq. He lived in a Legion Support Forces Building (LSFB) which is located in the northeast corner of the RPC. The LSFB is a single story structure used as individual government living quarters for soldiers. The building had seven rooms, one of which was a separate laundry room. None of the soldiers in this building had a roommate.

By memorandum dated February 26, 2008, the DUSD (A&T), requested that my office “conduct a formal investigation into contracting matters related to the cause” of the electrocution death of SSG Ryan D. Maseth.

My office began a preliminary review and started to gather documentation in early April of 2008. On May 12, 2008 we announced a review of contracting actions relating to the electrocution death of SSG Ryan Maseth. The overall objective is to review the relevant management, contracting, and maintenance actions prior and subsequent to the electrocution death of SSG Ryan Maseth on January 2, 2008. Specifically, we are:

- determining management decisions preceding the event in question,
- assessing contracting procedures for facility support to the Radwaniyah Palace Complex, and
- identifying criteria for and reviewing the execution of facility inspections and maintenance.

This review is still ongoing; upon completion we will issue our final report to the Department and Congress. Earlier this week we provided interim findings, which are designated “For Official Use Only”, to the Department and to this Committee. We will continue to inform the Department regarding any issues identified during the review to enable a quick response to our concerns.

VI. CLOSING

In closing, I assure you, my office takes the safety of our men and women serving in Iraq and elsewhere very seriously. We will also keep you informed of the progress of our work associated with the death of Staff Sgt. Ryan D. Maseth. I and everyone at the Office of the Inspector General extend our sympathies to families and friends of the individuals involved in these tragic deaths.