



DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
2200 ARMY PENTAGON
WASHINGTON, DC 20310-2200

2 November 2020

Administrative Law Division

Mr. John Greenewald, Jr.
Email address: john@greenewald.com

Dear Mr. Greenewald:

This letter responds to a Freedom of Information Act (FOIA) request you submitted to the U.S. Army FOIA Office, Fort Belvoir, on October 25, 2018, for all documents related to the death of Private First Class (PFC) LaVena Lynn Johnson. That office forwarded your request to the U.S. Army Crime Records Center (CRC) on December 12, 2018. On January 25, 2019, the CRC forwarded a portion of its report of investigation concerning PFC Johnson, consisting of an Army Regulation 15-6 investigation, to this office for a release determination in our capacity as the Initial Denial Authority for such investigations.

Information is releasable to you and is enclosed. Certain information has been redacted in accordance with the attorney-client privilege of FOIA Exemption 5 (5 U.S.C. § 552(b)(5)). The attorney-client privilege protects internal agency communications such as documents created by attorneys and legal advice from attorneys to clients. Additionally, the investigation contains personal information about third-parties that would constitute a clearly unwarranted invasion of the personal privacy of the individuals concerned if released. Accordingly, some information you requested is exempt from release in accordance with FOIA Exemptions 6, 5 U.S.C. § 552(b)(6).

Withholding this information constitutes a partial denial of your request. This withholding is made on behalf of Lieutenant General Charles N. Pede, The Judge Advocate General. For any further assistance and to discuss any aspect of your FOIA request, you have the right to contact the Army FOIA Public Liaison Officer, Ms. Alecia Bolling, by email at us.army.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil, or by phone at (571) 515-0306. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: NARA-OGIS, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email at ogis@nara.gov, telephone number (202) 741-5770 (toll free at (877) 684-6448), or by facsimile (202) 741-5769. Otherwise, you may appeal this

determination, within 90 days of the date of this letter, through this office to the Secretary of the Army, ATTN: Office of the General Counsel, Room 3C546, 104 Army Pentagon, Washington, D.C. 20310-0104.

Sincerely,

Nacy J. Alouise
Colonel, U.S. Army
Chief, Administrative Law Division

Enclosure

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



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document clearinghouse in the world. The research efforts here are
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DA 15-6 Investigation on PV2 Lavena Johnson

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DEPARTMENT OF THE ARMY
HEADQUARTERS 4/159TH AVIATION MAINTENANCE BATTALION
LSA ANACONDA, BALAD, IRAQ
APO, AE 09391

AFVH-XF-IO

29 July 2005

MEMORANDUM FOR Commander, 507th Corps Support Group, LSA Anaconda,
Balad, Iraq APO AE 09391

SUBJECT: Report of Investigation on PV2 Lavena Johnson

1. On 20 JUL 2005, the 507th Corps Support Group (Airborne) Commander appointed me to conduct a DA 15-6 investigation into all the facts and circumstances surrounding the death of PV2 Lavena Johnson of Headquarters and Headquarters Detachment, 129th Logistical Task Force

2. Executive Summary.

a. PV2 Johnson was found dead in a tent near DFAC 2 O/A 190130JUL 2005. (b) (6) was working at DFAC 2 when he heard a pop and saw flames coming from the tent. When he went to the tent to investigate, small areas of the tent were on fire and he saw PV2 Johnson lying on the floor with a gunshot wound to the head. She was pronounced dead at the Combat Support Hospital by (b) (6). PV2 Johnson's actual cause of death is undetermined and will not be confirmed until forensics testing is completed. For the purpose of this investigation, references will be made to notes taken from sworn statements collected by CID.

b. Although the cause of death is unconfirmed, circumstances surrounding her death are consistent with suicidal signs as described in DA PAM 600-24. According to PV2 Johnson's friends and coworkers, she was dealing with numerous personal issues and displayed signs of (b) (6).

(b) (6)

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SUBJECT: Report of Investigation on PV2 Lavena Johnson Dated 30 JUL 05

3. Summary.

a. Key individuals and relationship to PV2 Johnson

- (1) (b) (6) 372d Trans Co. Friend
- (2) (b) (6) 372d Trans Co. Friend
- (3) (b) (6) 372d Trans Co. Friend
- (4) (b) (6) 372d Trans Co. Friend/romantic relationship
- (5) (b) (6) ex-boyfriend from Ft Campbell, KY
- (6) (b) (6) HHD, LTF 129. Co worker
- (7) (b) (6) HHD, LTF 129. Company Commander
- (8) (b) (6) HHD, LTF 129. Acting 1SG
- (9) (b) (6) 322 EAMS. Doctor

b. Timeline of Significant Events. Some dates are approximate.

30 Apr 05: PV2 Johnson met (b) (6) and (b) (6)

31 May 05: PV2 Johnson deployed to Iraq

25 Jun 05: PV2 Johnson met (b) (6)

9 Jul 05: PV2 Johnson's medical appointment with (b) (6). Johnson learns she (b) (6) recommends counseling. PV2 Johnson declines.

16 Jul 05: (b) (6) sends PV2 Johnson an email with recommended medication (b) (6)

18 Jul 05

PV2 Johnson leaves her new Gerber knife, CDs, and a bag of chapstick in (b) (6) room

(b) (6) returns to her room and discovers the items left by PV2 Johnson

PV2 Johnson misses PT appointment with (b) (6)

1800 PV2 Johnson is in (b) (6) room

2115 (b) (6) went to PV2 Johnson's room, but she was not there.

2200 PV2 Johnson seen in (b) (6) room by (b) (6)

2230-2245 PV2 Johnson departs with (b) (6) to go to the PX

2345 (b) (6) walks PV2 Johnson to section A of the housing area.

0000 (b) (6) returns to his room

0120 PV2 Johnson's body found by (b) (6)

c. Circumstances and Individuals Involved.

Problems with ex-boyfriend

(b) (6) and (b) (6) all made statements attesting to the fact that they were aware of PV2 Johnson's problems with (b) (6). Statements

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SUBJECT: Report of Investigation on PV2 Lavena Johnson Dated 30 JUL 05

suggest that PV2 Johnson, met (b) (6) at Ft Campbell and began a relationship. It is believed that (b) (6) broke off the relationship before PV2 Johnson deployed and later would not return her calls. PV2 Johnson told friends that she believed she could change (b) (6) and make the relationship work and that the way they broke up was not right.

Eating habits

(b) (6) stated that she noticed PV2 Johnson had stopped eating except for ice cream. (b) (6) stated that she noticed PV2 Johnson had started eating more ice cream.

Smoking

Through statements made by friends, it is believed that PV2 Johnson was not a smoker. However, (b) (6), (b) (6) and (b) (6) all noticed that PV2 Johnson had started smoking. When (b) (6) asked PV2 Johnson about why she started smoking, PV2 Johnson stated that she smoked because she was going to live life because she may not live that long.

Medical

(b) (6) stated that PV2 Johnson found out one month ago that she (b) (6). (b) (6) knew about PV2 Johnson's (b) (6) and that Johnson had found out a week ago.

Personal items

(b) (6) discovered on 18 July 2005, that PV2 Johnson left a new Gerber knife, CD's and a bag of chapstick in (b) (6) room.

Behavior

PV2 Johnson missed a PT session with (b) (6) on 18 July 2005. He stated it was unlike her to miss a scheduled event. Both (b) (6) and (b) (6) stated PV2 Johnson was a good soldier and hard worker.

PV2 Johnson told (b) (6) that she hated her life and wished she would die. PV2 Johnson later denied that she would ever kill herself.

(b) (6) describes PV2 Johnson as a very positive person.

(b) (6) stated that PV2 Johnson was depressed lately. She started talking about killing herself in a joking sort of way.

PV2 Johnson denied wanting to kill herself to (b) (6)

d. One 5.56mm casing was found in the tent. PV2 Johnson's wound is consistent with the type of wound received when the (b) (6)

(b) (6) Items found in the tent included a charred camelback, can of hairspray, and a charred Bible. PV2 Johnson's body was not burned and the fire was put out when (b) (6) and others dumped sand on it.

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SUBJECT: Report of Investigation on PV2 Lavena Johnson Dated 30 JUL 05

3. Findings.

a. Not all of the facts have been determined to make a solid findings. PV2 Johnson's cause of death will remain undetermined until forensic tests are complete. However, it can be determined from statements that:

- (1) PV2 Johnson showed signs of depression.
- (2) PV2 Johnson talked about killing herself.
- (3) PV2 Johnson displayed some recognized signs of suicidal behavior.

4. Recommendations.

a. That a sensing session be conducted with HHD, LTF 129th and 372d Transportation Company.

b. Pending the outcome of the sensing session, conduct training on recognizing depression and suicide awareness.

5. The POC for this memorandum is the undersigned at 529-7223.

(b) (6)

MAJ, OD
Investigating Officer



DEPARTMENT OF THE ARMY
Headquarters, 507th Corps Support Group (Airborne)
LSA Anaconda, Iraq APO AE 09391

AFVH-XH-CDR

20 July 2005

MEMORANDUM FOR (b) (6) 4/159th Aviation Regiment, 507th Corps Support Group
(Airborne), LSA Anaconda, Iraq 09391

SUBJECT: Appointment to Conduct an AR 15-6 Investigation

1. You are appointed to serve as an investigation officer pursuant to AR 15-6, Para 2-1. You are to conduct an investigation into all the facts and circumstances surrounding the death of PV2 Johnson, Lavena, Headquarters and Headquarters Detachment, 129th Logistics Task Force, on 30 July 2005. See CID to review their initial investigation and obtain authorization to begin your investigation.
2. Your investigation will use the informal procedures under the provisions of AR 15-6, Chapters 3 and 4. All witness statements will be sworn when possible, and you will obtain Privacy Act Statements from all witnesses who complete a written statement. If circumstances preclude obtaining a sworn statement, you will summarize the witness' statement in a Memorandum for Record and swear to the accuracy of your summary. If in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31, UCMJ, or the 5th Amendment, as appropriate. Record your rights advisement and the person's election of rights on DA Form 3881. (Privacy Act Statements are required when the report of the proceedings will be filed in a record system where the report can be obtained by referring to the name or other personal identifier of the witness.)
3. Prior to initiation of this investigation, you should schedule a briefing with (b) (6) an Administrative Law Attorney at (318) 829-1547. After you believe you have gathered all relevant evidence and develop your findings, you should schedule another appointment in order to address the legal issues of the case in order to formulate your recommendation(s).
4. Make specific findings and recommendations. Cite the statements that support your findings. If there is conflicting evidence, say who you believe it to be and why. Submit the original copy of DA Form 1574, with the statements you received tabbed and indexed, to me no later than 3 August 2005. If you need more time I must personally approve an extension. This duty takes priority over all other duties.

(b) (6)

COL, OD
Commanding

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st CORPS SUPPORT COMMAND (AIRBORNE)
LSA ANACONDA, IRAQ
APO AE 09391

REPLY TO
ATTENTION OF

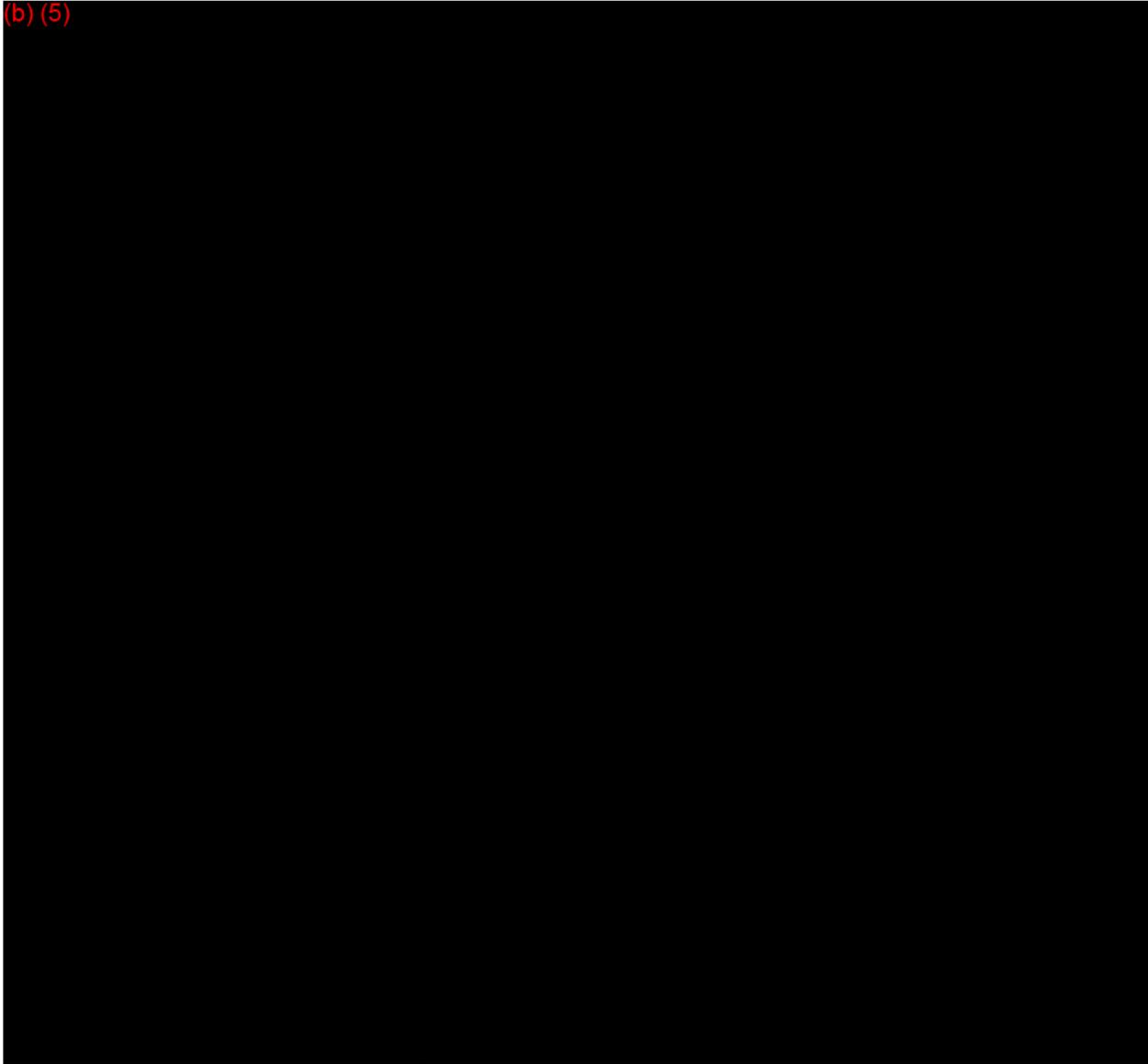
AFVH-JA-AL

31 July 2005

MEMORANDUM FOR Commander, 507th Corps Support Group (Airborne), LSA Anaconda,
Iraq, APO, AE 09391

SUBJECT: Legal Review for AR 15-6 Investigation, re: Alleged Suicide, PV2 Lavena Johnson,
HHD, 129th Logistical Task Force (LTF), 19 July 05

(b) (5)



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AFVH-JA-AL

SUBJECT: Legal Review for AR 15-6 Investigation, re: Alleged Suicide, PV2 Lavena Johnson, HHD, 129th Logistical Task Force (LTF), 19 July 05

4. Point of Contact is the undersigned at (b) (6) or DSN 318-829-1145.

FOR THE STAFF JUDGE ADVOCATE:

// original signed //

(b) (6)

CPT, JA
Chief, Administrative Law

DA Article 15-6 Investigation Timeline

(b) (6) Investigating Officer

20 July

Notified by email by (b) (6) that I would be assigned investigating officer

21 July

Received signed orders from legal

22 July

Met with (b) (6), legal assistance. Met with (b) (6) to request clearance to begin investigation. (b) (6) stated she would prefer me to wait until CID was further along in the investigation. Reported this to (b) (6) and (b) (6). (b) (6) recommending waiting 4 days and checking back with CID.

Met with (b) (6) at CID. Will work ICW CID on the investigation and be allowed access to interviews and information.

25 July

Reviewed and took notes from witness statements at CID. Was told by (b) (6) that I could take notes from the statements, but that I could not have a copy of them.

26 July

Prepared interview plan. Contacted (b) (6) and asked for appt to review the plan.

Met with (b) (6) to review plan. Approval given to conduct interviews with LTF 129 soldiers. (b) (6) to accompany me on interviews.

Coordinated for interviews with (b) (6), LTF 129 XO. Will interview at 0930 29 July 05.

28 July

Received email from (b) (6) stating that I would be able to complete my findings with information gathered from CID interviews. Additional interviews with LTF 129 soldiers were not necessary.

29 July

Cancelled interviews with LTF 129 soldiers.

Completed recommendations and findings.

Assigned as the Line of Duty Investigating Officer for this case.

30 July

Reviewed DA 15-6 findings and recommendations with (b) (6) Legal Assistance.

AFVH-XF

30 July 2005

Memorandum for Record

SUBJECT: Witness Statements

1. Due to the nature of the ongoing investigation, I was not provided copies of sworn statements taken by CID. I was allowed to review and take notes from the statements. After consultation with (b) (6), 507th CSG (A) Legal, I determined it was not necessary to conduct further interviews with PV2 Johnson's friends and co-workers.
2. I certify that all evidence presented in this investigation is based on sworn statements provided to CID. Those statements remain in the custody of CID.

(b) (6)

MAJ, OD
Investigating Officer

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by (b) (6) Commander, 507th Corps Support Group, LSA Anaconda Iraq, APO AE 09391
(Appointing authority)

on 20 July 2005 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at LSA Anaconda, Iraq at 0900
(Place) (Time)
on 22 July 2005 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and
(Date) ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1600 on 26 July 2005
(Time) (Date)
and completed findings and recommendations at 1500 on 30 July 2005
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ¹	NA ²
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			X
	c. Other correspondence with respondent or counsel, if any?	X		
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	X		
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1 Explain all negative answers on an attached sheet.
2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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

FOOTNOTES: 1 Explain all negative answers on an attached sheet.
2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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

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

See attached memorandum for findings.

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

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

See attached memorandum for recommendations.

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SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

_____	_____ (b) (6)
(Recorder)	(Investigating Officer) (President)
_____	_____
(Member)	(Member)
_____	_____
(Member)	(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

_____	_____
(Member)	(Member)

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

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)
