Veteran D* served as a career US Marine. Several years after discharge he found himself unable to function normally and suffering a variety of symptoms; he made a claim for 100% disability based on Post Traumatic Stress Disorder.

Two specific on duty incidents early in his career contributed to his condition. The veteran worked with a professional researcher to document each of those incidents, which included an aircraft accident and a suicide witnessed by the veteran.

This presentation will cover the steps used to produce evidence supporting Veteran D*’s claim and the successful conclusion of his case.

The identity of Veteran D* has been obscured for privacy.
1: THE AIRCRAFT ACCIDENT

Veteran D* was able to describe the details and exact location of the aircraft accident he had witnessed, but unable to provide the precise date beyond ‘summer between 1982 and 1985’.

Research was begun using an online newspaper archive to determine the date of the crash. The search was filtered for aircraft accidents in California from January 1982 through December 1985. Four articles were located in the Los Angeles Times confirming a crash at the MCAS El Toro base on Saturday, 27 April 1985.

This was the fatal crash which Veteran D* had witnessed up close.
1: THE AIRCRAFT ACCIDENT

The newspaper accounts describe a horrific accident which occurred during an air show warm up flight. After passing over the crowd of spectators the plane crashed onto the base itself, damaging several buildings and destroying a chapel entirely. The wreckage burst into flames, while Veteran D* and other USMC personnel and civilians stood by helplessly.

The news accounts included brief interviews with bystanders and military personnel. The accounts contain graphic detail on the sudden horror of the crash and the aftermath of removing the charred remains of the two fatalities from the wreckage.

A First Lieutenant at the time, Veteran D* was involved with the removal of the bodies and the clean up of the crash site.

The news reports also provided a pool of witnesses who could potentially provide testimony in support of Veteran D*’s case if necessary.
1: THE AIRCRAFT ACCIDENT

Canoga Park Pilot, 55, Dies in Air Show Crash at El Toro Base

By NANCY WILEY and DAVID BYERS, Times Staff Writers

A vintage World War II trainer airplane participating in an air show at El Toro Marine Corps Air Station crashed into an empty chapel at the base Saturday, killing the 55-year-old pilot from Canoga Park and his passenger. No one on the ground was hurt.

According to Marine officials, the single-engine plane, a privately owned AT-6 SNJ, had just taken off and was preparing to fly over the 33rd annual air show when it apparently lost power, snagged a power line, bounced into the street and slid into the chapel.

The pilot was identified as Merrel Richard Gooden, a former Marine pilot who had flown for United and Aloha airlines. The passenger was identified as Robert G. Arrowsmith, 31, a Navy hospital corpsman stationed at El Toro.

Marine spokesman Lt. Peter D. Lessard said Gooden and Arrowsmith were members of the Condor Squadron, a Van Nuys Airport-based group of former fighter pilots that performs on military bases.

Gooden owned the plane, a military trainer used during World War II. Thousands of people who were lined up in their vehicles to enter the base for the annual air show watched as the two-seat aircraft narrowly missed a grassy hill at the facility's northeastern corner.

The plane crashed into the chapel, listed at $12,000, that was built in 1948.

Master Sgt. Jack Michalski said the plane had just taken off and was preparing to fly over the air show's spectator area when it apparently lost power.

"He did a left turn and then went into a spin," Michalski said, "and then went into a spin still. I saw the plane, but the pilot was still spinning."

Cpl. Gordon Reed, the base chaplain, said no one was in the chapel when the plane crashed shortly before 10 a.m.

However, a man delivering flowers was on the church grounds when the plane plunged through the chapel, its engine sputtering through a wall a few feet from the altar, Reed said.

The crash, Gary A. Downey of Downey, was not injured, although he was visibly shaken by the event, according to officials who interviewed him.

"What I am told is that he had just delivered flowers to the chapel, had walked out and had been out

CRASH: Canoga Park Pilot Killed at Air Show

Continued from Page 11
about 15 seconds before the plane crashed," Michalski said. "One very, very lucky person."

The air show had not started at the time of the crash, Michalski said, but the pilot was preparing to fly over the crowd, signifying his arrival.

The Federal Aviation Administration and the National Transportation Safety Board are investigating the cause of the crash.

Parts of the airplane were strewn about the lawn outside the small wood-framed chapel. Damage was estimated at $57,000, a military spokesman said.

Gooden, a floor-covering contractor, was the first to take off among a number of Condor Squadron members who were to participate in the show, Michalski said.

The way-humored Gooden once flew his AT-6 from Van Nuys to London and back by way of Canada, Iceland and Greenland alone and, last year, remarked dryly: "Lindbergh didn't take anybody.

Times staff writers Ray Perez and T.W. McGilvery contributed to this story.
1: THE AIRCRAFT ACCIDENT

2 Die as WWII Plane Crashes Into Chapel at El Toro Air Show

By NANCY WRIGHT and DAVID REYES, Times Staff Writers

A vintage World War II trainer airplane participating in an air show at the El Toro Marine Corps Air Station crashed into an empty chapel at the base Saturday, killing the pilot and passenger. No one on the ground was hurt.

According to Marine officials, the single-engine plane, a privately owned AT-6 SNJ, had just taken off and was preparing to fly over the 38th annual air show when it apparently lost power, stalled a power line, and crashed into the street and then into the chapel.

The pilot was identified as Meriel Richard Gossman, 55, of Canoga Park, a former Marine pilot who had flown for United and Aloha Airlines. The passenger was identified as Robert G. Arrowsworth, 20, a Navy hospitalman stationed at the base's medical clinic.

Marine spokesman Lt. Peter Delarole said Gossman and Arrowsworth were members of the Condor Squadron, a club of former fighter pilots who perform mock dogfights in the vintage planes at air shows. Gossman owned the plane, a military scout training craft used during World War II.

Thousands of people who were lined up in their vehicles to enter the base for the annual show watched as the two-seater aircraft narrowly missed a gymnast in the facility's northwest corner. The crash ignited a fire that destroyed the white-windowed chapel built in 1945.

Witnesses said they saw the aircraft performing loops and barrel rolls before it plunged out of sight, and assumed the pilot was practicing stunts before the air show.

But Master Sgt. Jack Michalski said the pilot did not do any stunts of any type. He said the plane had just taken

DO NOT ENTER

CRASH: Vintage Plane Goes Down, Killing 2

Continued from Page 1

off about a mile away from the church and was preparing to fly in a show when it lost power, stalled, and crashed into the street and then into the chapel.

The pilot, Robert G. Arrowsworth, 20, was killed in the crash, although his body was not found until the morning of the crash.

Firefighters from the base and neighboring communities were able to control the fire, which destroyed the chapel.

The cause of the crash is under investigation. The plane was a vintage World War II trainer used for training pilots.

2 Die as WWII Plane Crashes Into Chapel at El Toro Air Show

By NANCY WRIGHT and DAVID REYES, Times Staff Writers

A vintage World War II trainer airplane participating in an air show at the El Toro Marine Corps Air Station crashed into an empty chapel at the base Saturday, killing the pilot and passenger. No one on the ground was hurt.

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But Master Sgt. Jack Michalski said the pilot did not do any stunts of any type. He said the plane had just taken
SHOW: Aerial Tribute

Continued from Page 1

“...and that’s why we’re here,” said Barry Pier, of Dana Point, who stood watching with his 4-year-old son, Jason, perched on his shoulders.

Minutes later, all heads turned skyward as the world-famous, bright blue fighter jets took to the sky at speeds of hundreds of miles per hour in their renowned diamond formation, just inches of air separating the gleaming aircraft.

There was no room for error.

But they were not the finale. As throngs of land-bound motorists began the long trudge back to parking lots, the skywriters appeared overhead.
With the accident details now firm, it was necessary to determine whether the accident investigation had been conducted by military or civilian authorities. While the crash occurred on a military base the pilot was a civilian taking part in an air show.

An Aviation Accident/Incident Report was requested from General Microfilm, Inc., which provides reports of accidents involving military aircraft.

Simultaneously a FOIA request was prepared. This was accompanied by an authorization letter from Veteran D* and filed with the National Transportation Safety Board to obtain the civilian report of the accident.
1: THE AIRCRAFT ACCIDENT

GENERAL MICROFILM INC.

ACCIDENT / INCIDENT ORDER FORM

Please Check One or More of the Type of Accident that you are interested in.

☐ Aviation  ☐ Highway  ☐ Marine  ☐ Rail Road  ☐ Pipeline

Supply Whatever Information You May Have.

Accident Date 04/27/1985  Location City & State: MAS El Toro, California

Registration No.  N  NTSB ID No.  LAX85FA228

Other Identifying Information: Crash of an AT-6 SNJ

Any Part or All of The Following Items May Be Available Now, or May Become Available In The Future, Check The Items You Are Interested In And You Will Be Notified What is Available Now and We Will Notify You When Other Items Become Available or If Any Revision Becomes Available.

The Preliminary Report Becomes Available in About 10 Days From The Accident Date, The Factual Report is Usually Available in Seven Months and The Probable Cause in About 13 Months from The Date of The Accident. These are Averages And Are Not To Be Counted On. We Will Track All Items That Become Available And Notify You As Items Become Available If You Check The All Items Box.

☐ All Items

☐ Preliminary Report  ☐ Factual Report  ☐ Probable Cause Report

☐ Photographs (8x10)  ☐ Certified (Blue Ribbon)  ☐ All Supporting Documents

☐ Audio (Tapes)  ☐ Video (VHS) Tapes  ☐ Expedite Service (48 Hour)

☐ Fax Invoice  ☐ Email Invoice To

List All Other Items / Information Here:

Preliminary Aircraft Accident Report and List of Passengers concerning the crash of an AT-6 SNJ on 27 April 1985 at El Toro Marine Corps Air Station during an Air Show.

Billing Information:  GMI Account No.: 
REQUEST UNDER THE FREEDOM OF INFORMATION ACT, 5 U.S.C. § 552 AS AMENDED
BY PUBLIC LAW NO. 110-175, 121 STAT. 2524.
TWENTY (20) BUSINESS DAY RESPONSE RULE IN EFFECT

1 July 2019

National Transportation Safety Board
Attention: FOIA Requester Service Center, CIO-40
490 L'Enfant Plaza, S.W.
Washington, DC 20594-2000

RE: [Redacted] SSN [Redacted] US Marine Corps

Dear Madam or Sir:

Under the Freedom of Information Act, 5 U.S.C. subsection 552, in the interest of the above US Marine Corps Veteran I request the documents in item one (1) from the National Transportation Safety Board concerning the following incident described in item two (2) while serving in the United States Marine Corps on 27 April 1985:

1. All NTSB records releasable under FOIA including but not limited to the Aircraft Accident Report and List of Passengers concerning the crash of an AT-6 SNJ on 27 April 1985 at El Toro Marine Corps Air Station during an Air Show.

2. On the 27 April 1984 before 10:00 am PDT the above veteran witnessed the AT-6 occupied by two individuals crash into the Air Station Chapel. The pilot, Merrel Richard Gossman and a passenger, Robert G. Arrowsmith both received fatal injuries.

3. I understand that the NTSB will redact some data and personal information under the Privacy Act of 1974.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Sincerely,

[Redacted]

Knoxville, Tennessee 37923-3112
Authorization Letter

National Transportation Safety Board
Attention: FOIA Requester Service Center, CIO-40
490 L'Enfant Plaza, S.W.
Washington, DC 20594-2000

Re: [Redacted] SSN: [Redacted] USMC

To whom it may concern:

I, [Redacted], of [Redacted], USA, have retained the services of [Redacted], a military research company, to act as my "AUTHORIZED REPRESENTATIVE" to research my military service record. The National Archives and Records Administration, 700 Pennsylvania Avenue, Washington DC 20408 has registered [Redacted] and his company as an independent researcher for hire.

[Redacted] has informed me that military service records and some related documents are available from US Government Agencies at no charge to the veteran. In that case, professional researchers for hire do not charge for those documents but can charge reasonable fees for their research expertise, completing forms, and creating documents. They are also entitled to reimbursement for expenses.

I authorize the National Personnel Records Center, the United States Marine Corps, The Department of the Navy or, any other Government of records related to my service, to release the following to [Redacted] and [Redacted]. These include but are not limited to copies of any investigative reports, casualty reports, or any other documents related to my service to in the United States Marine Corps to substantiate my claim for disability with the US Department of Veterans Affairs.

Sincerely,

[Redacted]

[Redacted] 4/12/19 2019
Date
General Microfilm, Inc, quickly advised that no military report had been filed. The actual investigating authority proved to be the civilian NTSB.

This illustrates the value of proactively requesting records held by different repositories. The only item needed to complete this portion of Veteran D’s claim was the accident report.

Rather than waiting for confirmation of a military report to file for civilian NTSB records, the FOIA request was already in progress, saving valuable time for Veteran D*.

The NTSB report provides every technical detail of the accident, including the exact time and location.
1: THE AIRCRAFT ACCIDENT

National Transportation Safety Board
Aviation Accident Data Summary

Location: EL TORO MCAS, CA  Accident Number: LAX85FA228
Date & Time: 04/27/1985, 0938 PST  Registration: N2860G
Aircraft: NORTH AMERICAN SNU-6  Injuries: 2 Fatal
Flight Conducted Under: Part 91: General Aviation - Personal

Analysis
THE PLT INITIATED A NORMAL TAKEOFF & CLIMB UNTIL THE ACFT WAS OVER THE
DEPARTURE END OF THE RWY AT ABOUT 150 FT AGL WITH THE LANDING GEAR & FLAPS
RETRACTED. THE ACFT THEN ROLLED RAPIDLY INTO A STEEP LEFT BANK, TURNED ABOUT
180 DEG & CLIMBED TO APRX 250 FT AGL AS THE ACFT ROLLED TO A WINGS LEVEL
ATTITUDE, THE NOSE WAS SLIGHTLY ABOVE THE HORIZON. THE ACFT REMAINED IN THAT
POSITION MOMENTARILY, THEN QUICKLY ROLLED INTO A STEEP LEFT BANK. AFTER
ABOUT ANOTHER 30 DEG OF HEADING CHANGE, THE ACFT ROLLED OVER-THE-TOP INTO A
RIGHT SPIN. REPORTEDLY, THE SPIN WAS STOPPED AFTER ABOUT 3 TURNS, BUT BEFORE
RECOVERY, THE ACFT STRUCK THE GROUND IN A NOSE DOWN, RIGHT WING DOWN
ATTITUDE. AFTER INITIAL IMPACT, THE ACFT CONTINUED INTO A CHAPEL BUILDING &
BURNED. NO PREIMPACT PART FAILURE OR MALFUNCTION WAS FOUND. THE PLT
POSSESSED A WAIVER TO FLY WITH AN AMPUTATED LEG. THE ACFT WAS MODIFIED SO
THAT HE HAD FULL CONTROL OF THE RUDDER WITH 1 LEG.

Probable Cause
The National Transportation Safety Board determines the probable cause(s) of this accident to be:

Findings

Occurrence #1: LOSS OF CONTROL - IN FLIGHT
Phase of Operation: TAKEOFF - INITIAL CLimb

Findings:
1. (F) IN-FLIGHT PLANNING/DECISION - IMPROPER - PILOT IN COMMAND
2. MANEUVER - INITIATED - PILOT IN COMMAND
3. (C) AIRSPEED - NOT MAINTAINED - PILOT IN COMMAND
4. (C) STALL/SPIN - INADVERTENT - PILOT IN COMMAND

Occurrence #2: IN FLIGHT COLLISION WITH TERRAIN/WATER
Phase of Operation: DESCENT - UNCONTROLLED

Page 1 of 3
# 1: THE AIRCRAFT ACCIDENT

## Pilot Information

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## Aircraft and Owner/Operator Information

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## Meteorological Information and Flight Plan

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## Airport Information

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1: THE AIRCRAFT ACCIDENT

National Transportation Safety Board
Aviation Accident Final Report

Location: EL TORO MCAS, CA
Accident Number: LAX85FA228
Date & Time: 04/27/1985, 0938 PST
Registration: N2860G
Aircraft: NORTH AMERICAN SII-6
Aircraft Damage: Destroyed
Defining Event: Injuries: 2 Fatal
Flight Conducted Under: Part 91: General Aviation - Personal

Analysis


Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be:
1: THE AIRCRAFT ACCIDENT

Findings

Occurrence #1: LOSS OF CONTROL - IN FLIGHT
Phase of Operation: TAKEOFF - INITIAL CLimb

Findings
1. (F) IN-FLIGHT PLANNING/DECISION - IMPROPER - PILOT IN COMMAND
2. MANEUVER - INITIATED - PILOT IN COMMAND
3. (C) AIRSPEED - NOT MAINTAINED - PILOT IN COMMAND
4. (C) STALL/SPIN - INADVERTENT - PILOT IN COMMAND

----------

Occurrence #2: IN FLIGHT COLLISION WITH TERRAIN/WATER
Phase of Operation: DESCENT - UNCONTROLLED
# 1: THE AIRCRAFT ACCIDENT

## Factual Information

### Pilot Information

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</thead>
<tbody>
<tr>
<td>Airport Elevation:</td>
<td>333 ft</td>
<td>Runway Surface Condition:</td>
<td>Dry</td>
</tr>
<tr>
<td>Runway Used:</td>
<td>34L</td>
<td>IFR Approach:</td>
<td>None</td>
</tr>
<tr>
<td>Runway Length/Width:</td>
<td>6110 ft / 250 ft</td>
<td>VFR Approach/Landing:</td>
<td>None</td>
</tr>
</tbody>
</table>

### Wreckage and Impact Information

<table>
<thead>
<tr>
<th>Crew Injuries:</th>
<th>1 Fatal</th>
<th>Aircraft: Damage:</th>
<th>Destroyed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger Injuries:</td>
<td>1 Fatal</td>
<td>Aircraft: Fire:</td>
<td>On-Ground</td>
</tr>
<tr>
<td>Ground Injuries:</td>
<td>N/A</td>
<td>Aircraft: Explosion:</td>
<td>None</td>
</tr>
<tr>
<td>Total Injuries:</td>
<td>2 Fatal</td>
<td>Latitude, Longitude:</td>
<td></td>
</tr>
</tbody>
</table>

### Administrative Information

| Investigator In Charge (IC): | UNKNOWN CRAWFORD | Adopted Date: | |
|-----------------------------|-------------------|---------------||
| Additional Participating Persons: | JAMES D BALDWIN; LONG BEACH, CA | Publish Date: | |
| Investigation Docket: | NTSB accident and incident docket serve as permanent archival information for the NTSB's investigations. Dockets released prior to June 1, 2009 are publicly available from the NTSB's Record Management Division at pubinfo@ntsb.gov, or at 800-877-6799. Dockets released after this date are available at http://dms.ntsb.gov/pdbms/. | |
1: THE AIRCRAFT ACCIDENT

The National Transportation Safety Board (NTSB), established in 1967, is an independent federal agency mandated by Congress through the Independent Safety Board Act of 1974 to investigate transportation accidents, determine the probable causes of the accidents, issue safety recommendations, study transportation safety issues, and evaluate the safety effectiveness of government agencies involved in transportation. The NTSB makes public its actions and decisions through accident reports, safety studies, special investigation reports, safety recommendations, and statistical reviews.

The Independent Safety Board Act, as codified at 49 U.S.C. Section 1154(b), precludes the admission into evidence or use of any part of an NTSB report related to an incident or accident in a civil action for damages resulting from a matter mentioned in the report.
Veteran D* was among those present when a USMC Lance Corporal entered the Armory building at MCAS El Toro base, greeted his fellow Marines by asking if they ‘wanted to see something they’d never seen’ and then shot himself in the head with his duty rifle, causing death.

Again, the veteran could only provide a window of time for the incident rather than the exact day. He could not remember the name of the Lance Corporal; he remembered only one possible name that began with a ‘B’.

This was the only information available at the start of research.
2: THE SUICIDE

The first objective in obtaining documentation for Veteran D*’s claim was to verify the details of the suicide casualty as they were described.

The online NARA Access to Archival Databases (AAD) was used to identify possibilities. Search filters were set to restrict the returns to those who fit the known qualifications:

- Service Branch: USMC
- Casualty Country: USA
- Casualty State: California
- Incident/Death Date: 01/01/1982 – 12/31/1985
- Gender: Male
- Rank: Corporal-Lance Corporal
- Casualty Reason: Gunshot Wound
This resulted in 9 possible cases that fit Veteran D*'s description. There were 3 names which began with ‘B’; since Veteran D* was unsure of where that name fit in the story the decision was made to investigate all 9 incidents on record which matched the known parameters.

**2: THE SUICIDE**

<table>
<thead>
<tr>
<th>PERSON TYPE</th>
<th>NAME</th>
<th>MEMBER NAME</th>
<th>MEMBER SERVICE CODE</th>
<th>MEMBER RANK OR RATE</th>
<th>PG</th>
<th>MEMBER OCCUPATION CODE</th>
<th>MEMBER OCCUPATION NAME</th>
<th>MEMBER BIRTHDATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTIVE - REGULAR</td>
<td>OLSEN</td>
<td>Marine Corps</td>
<td>LANCE CORP E1-E4</td>
<td>151</td>
<td>ADMINISTRATIVE C</td>
<td>3531</td>
<td>MOTOR VEHICLE O</td>
<td>1960</td>
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<td>ACTIVE - REGULAR</td>
<td>SCOTT</td>
<td>Marine Corps</td>
<td>LANCE CORP E1-E4</td>
<td>3331</td>
<td>1962</td>
<td></td>
<td></td>
<td></td>
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<td>ACTIVE - REGULAR</td>
<td>BRAND</td>
<td>Marine Corps</td>
<td>LANCE CORP E1-E4</td>
<td>6094</td>
<td>AIRCRAFT INTERME</td>
<td>1963</td>
<td></td>
<td></td>
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<tr>
<td>ACTIVE - REGULAR</td>
<td>SALDANA</td>
<td>Marine Corps</td>
<td>LANCE CORP E1-E4</td>
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<td>RIFLEMAN</td>
<td>1961</td>
<td></td>
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<td>ACTIVE - REGULAR</td>
<td>SHIROTA</td>
<td>Marine Corps</td>
<td>LANCE CORP E1-E4</td>
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<td>MILITARY POLICE</td>
<td>1957</td>
<td></td>
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<tr>
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<td>BITTINGER</td>
<td>Marine Corps</td>
<td>LANCE CORP E1-E4</td>
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<td>M60A1 TANK CREW</td>
<td>1964</td>
<td></td>
<td></td>
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<tr>
<td>ACTIVE - REGULAR</td>
<td>BELL</td>
<td>Marine Corps</td>
<td>CORPORAL E1-E4</td>
<td>1341</td>
<td>ENGINEER EQUIPM</td>
<td>1959</td>
<td></td>
<td></td>
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<tr>
<td>ACTIVE - REGULAR</td>
<td>CULVER</td>
<td>Marine Corps</td>
<td>CORPORAL E1-E4</td>
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<td>LANDING SUPPORT</td>
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<tr>
<td>ACTIVE - REGULAR</td>
<td>AMENY</td>
<td>Marine Corps</td>
<td>CORPORAL E1-E4</td>
<td>6541</td>
<td>AVIATION ORDNAN</td>
<td>1961</td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GENDER</th>
<th>RACE</th>
<th>CASUALTY STATE OR PROVINCE</th>
<th>PROCESS DATE</th>
<th>INCIDENT OR DEATH DATE</th>
<th>YEAR OF DEATH</th>
<th>CASUALTY TYPE</th>
<th>CASUALTY CATEGORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>WHITE</td>
<td>CALIFORNIA</td>
<td>3/16/1984</td>
<td>2/22/1984</td>
<td>1984</td>
<td>DECEASED</td>
<td>SELF-INFLICTED</td>
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<tr>
<td>Male</td>
<td>WHITE</td>
<td>CALIFORNIA</td>
<td>8/24/1984</td>
<td>6/10/1984</td>
<td>1984</td>
<td>DECEASED</td>
<td>SELF-INFLICTED</td>
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<tr>
<td>Male</td>
<td>ASIAN</td>
<td>CALIFORNIA</td>
<td>3/16/1984</td>
<td>2/28/1984</td>
<td>1984</td>
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<td>SELF-INFLICTED</td>
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<tr>
<td>Male</td>
<td>WHITE</td>
<td>CALIFORNIA</td>
<td>10/17/1984</td>
<td>9/22/1984</td>
<td>1984</td>
<td>DECEASED</td>
<td>SELF-INFLICTED</td>
</tr>
</tbody>
</table>
The next step was to compare each of the 9 records against the California death records by county. An incident at MCAS El Toro would be found in the records of Orange County, California, where the base was located.

With this step, the list was narrowed further to four possible cases.

From the original list, the names Olsen, Brand, Saldana, and Bittinger were the four best possibilities with which to proceed.
With four names and a date range, a FOIA request was filed with Naval Headquarters, Marine HQ for investigation records of on base suicides at MCAS El Toro.

The initial FOIA request was returned due to the broad parameters. The name of the casualty, his unit, and the exact date of the incident would need to be provided.

Further research would be needed to determine which of the four possible names matched the incident witnessed by Veteran D*.
2: THE SUICIDE

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2020 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

5720
ARSF-MP
August 30, 2019

SENT VIA FOIAONLINE TO:

[Redacted]
KNOXVILLE, TN 37923

Dear [Redacted]:

SUBJECT: YOUR FREEDOM INFORMATION ACT (FOIA) REQUEST FILE NUMBER DON-USMC-2019-010330

This acknowledges receipt of your May 5, 2016, FOIA request for records of a suicide committed at Marine Corps Air Station El Toro, California between January 1, 1983, and December 31, 1984. Your request is being controlled under file number DON-USMC-2019-010330.

In order to conduct a reasonable search, we will need more information. In this case, the victim's military unit must be provided so that a search of the unit records may be conducted by the Manpower Management Records and Performance Branch, who maintain such records. Without this data, your request is 'unperfected' and a search for the records you are seeking will not be possible. For the foregoing reason, we will hold your request in abeyance for 30 calendar days from the date of this letter. Within that time, please provide additional information regarding the requested records so that your request may be 'perfected'.

We note that you requested expedited processing. Before we can approve such a request, we would have to determine that there was a compelling need for the information, and it is the requester's burden to demonstrate this. "Compelling need" can mean either that (1) failure to obtain the records could reasonably be expected to pose an imminent threat to an individual's life or safety, or (2) the information is "urgently needed" and its value will be lost if not disseminated quickly. The basis you provided does not demonstrate the kind of compelling need required for us to place your request ahead of all the others that are pending. We must, therefore, deny your request for expedited processing.

If you consider this to be an adverse determination, you may submit an appeal directly within FOIAonline. To do this, you would log in to your account, retrieve your original request, and then click on the "Create New" tab in the left-hand column and select "Appeal". The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a statement indicating why you believe it should be granted. We recommend that your appeal and its envelope both bear the notation, "Freedom of Information Act Appeal".
The Individual Deceased Personnel File (IDPF) for each of the four Orange County casualty cases were obtained from the National Archives and reviewed for details.

2: THE SUICIDE
2: THE SUICIDE

The IDPF of one of the four possible candidates contained information which precisely matched the statement of Veteran D*. The casualty was Lance Corporal John Olson.

The cause of death was a self-inflicted gunshot wound at the Station Armory at MCAS El Toro on 19 February 1985.
2: THE SUICIDE

Important to note, this IDPF file also confirmed a Naval JAG investigation.

The next step was to file a new and more focused FOIA request containing all of the information learned from the IDPF file.

The request was sent directly to the Naval Criminal Investigative Service (NCIS) due to a FOIA rule change enacted while further casualty research was in progress. This would move the request into the system faster than a repeat request to Naval HQ.
2: THE SUICIDE


6 December 2019

Naval Criminal Investigative Service
Attn: Records Management Branch (Code 11C1)
27130 Telegraph Road
Quantico, VA 22134

RE: OLSEN, John, Thomas  SSN [REDACTED] US Marine Corps

Dear Midam or Sir:

Under the Freedom of Information Act, 5 U.S.C. subsection 552, in the interest of the former US Marine [REDACTED], I request copies of all investigative reports and witness statements with appropriate redactions under the Privacy Act of 1974 concerning the incident described below. The incident occurred during his service in the United States Marine Corps while assigned to MWHS-3 3DMAW MCAS El Toro, California on 19 February 1985.

I am researching the suicide by firearm that occurred on Tuesday 19 February 1985 at 1445 hours in the Station Armory, MCAS El Toro, California. The incident involved the following individuals:

1. Lance Corporal OLSEN, John Thomas  Victim
2. Lieutenant [REDACTED]  Witness

My client, the above referenced US Marine Veteran, was in the Station Armory when the victim committed suicide with his duty weapon by shooting himself in the head.

NCIS, CID, and the MP investigated the incident. My client is seeking assistance from the VA. The VA requires my client to produce the reports concerning the incident to sustain his claim.
This detailed request received a quick response. The case file was identified immediately. However, due to privacy requirements the material would require extensive redaction. A window of 16 to 18 weeks was estimated for the redaction work to be completed.

Veteran D*’s case did not meet the criteria for expedited processing, but a case summary document was offered on a fast track. The decision was made to wait for the full case file to be supplied, as this would offer the best opportunity to provide all available information for Veteran D*’s claim.
2: THE SUICIDE

DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253

5720 2020-002559
SER00LTF/19U2339
December 10, 2019

Dear Mr. [Redacted]:

This responds to your December 6, 2019, Freedom of Information Act (FOIA) request seeking information pertaining to an investigation into the death of LCpl John T. Olsen, USMC. We received your request on December 6, 2019.

A search of our collective databases located one 1985 investigation responsive to your request. We are unable to provide you a final release at this time. We have placed your request in our routine queue, which is managed on a first-in, first-out basis. At this time, we anticipate providing all releasable information in approximately 16 to 18 weeks.

Alternatively, you may wish to narrow the scope of your request in order to qualify for faster processing in our sample queue. For example, some requesters are satisfied with release of the closing report to an investigation, which provides a summary and results. If you choose to narrow your request, please contact us immediately. Your full request can remain in our regular queue if you desire.

You have the right to seek dispute resolution services. You may contact the Department of the Navy’s FOIA public liaison, Mr. [Redacted], at [Redacted] or [Redacted] or the Office of Government Information Services (https://ogiarchives.gov/).

If you have any questions regarding this matter, please contact us at [email protected] or (571) 305-9092.

Sincerely,

[Redacted]
Assistant Counsel
Head, Government Information Sharing Unit

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2: THE SUICIDE

The FOIA request was processed in roughly four weeks. Once the redaction work started, certain sections of the file fell under privacy rules and were removed entirely. On the rest of the material, the redactions proceeded quickly.

Over half the file was redacted. No appeal was necessary, as the released material corroborated Veteran D*’s statements.

The case file provided a clear description of the events of the casualty, including details Veteran D* had provided to the VA in his claim.
DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253

5720 2020-002539
SER06LJF/20200007
January 9, 2020

[Redacted]

Dear Mr. [Redacted]:

This letter further responds to your December 6, 2019, Freedom of Information Act (FOIA) request seeking information pertaining to an investigation into the death of Lance Corporal John T. Olsen, USMC. Please be advised that your client [Redacted] was not mentioned in this investigation.

We have recently obtained and completed the processing of the Naval Criminal Investigative Service investigative file. Our review of the file reveals that it contains personal identifiers (such as names and social security numbers) of third parties, the release of which would constitute an unwarranted invasion of personal privacy. Accordingly, we must partially deny your request and retract (withhold) this information pursuant to the FOIA provisions 5 U.S.C. § 552(b)(6) and (b)(7)(C).

All releasable information is provided to you at enclosure (1), along with an explanation of the various exceptions of the FOIA.

As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 90 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the notation "FOIA Appeal." Please include a copy of your original request and this partial denial letter with your appeal.

If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA Public Liaison, at [Email redacted] or Government Information Sharing Unit (https://egis.archives.gov).

Sincerely,

[Redacted]
Assistant Counsel
Head, Government Information Sharing Unit

Enclosures: 1. Exemption sheet
2. Documents
2: THE SUICIDE

Explanation of the Nine FOIA Exemptions

The following is a list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b):

(l)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy.
   This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that is has been properly classified in accordance with the substantive and procedural requirements of an executive order.

   This exemption exempts from mandatory disclosure records “related solely to the internal personnel rules and practices of an agency.” Courts have interpreted the exemption to encompass two distinct categories of information:
   (a) Internal matters of a relatively trivial nature – sometimes referred to as “low2” information; and

(l)(3) EXEMPTION – Information Specifically Exempted by Other Statutes.
   This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.” The new Exemption 3 statute prohibits agencies from releasing under the FOIA proposals, “unless that proposal” is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal.

(l)(4) EXEMPTION – Trade Secrets Commercial or Financial Information.
   This exemption protects “trade secrets and commercial or financial information obtained from a person (this is) privileged or confidential.” This exemption is intended to protect the interest of both the government and submitter of information.

(l)(5) EXEMPTION – Privileged Interagency or Intr-Agency Memoranda or Letters.
   This exemption protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party... in litigation with the agency.” As such, it has been construed to “exempt those documents, and only those documents, normally privileged in the civil discovery context.”

(l)(6) EXEMPTION – Personal Information Affecting an Individual’s Privacy.
   This exemption permits the government to withhold all information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

   As amended, this exemption protect from disclosure “records or information compiled for law enforcement purposes.”
2: THE SUICIDE

EXEMPTION 7(A) Records of information that could reasonably be expected to interfere with enforcement proceedings. This exemption authorizes the withholding of “records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information... could reasonably be expected to interfere with enforcement proceedings.”

EXEMPTION 7(B) Disclosure which would deprive a person of a fair trial or an impartial adjudication. Records that would prevent prejudicial pretrial publicity that could impair a proceeding, protect “records of information compiled for law enforcement purposes (the disclosure of which) would deprive a person of the right to a fair trial or an impartial adjudication.”

EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for “records or information compiled for law enforcement purposes (which) could reasonably be expected to disclose the identity of a confidential source — including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis — and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.”

EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which “would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

EXEMPTION 7(F) Physical Safety to Protect a wide Range of individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that “would... endanger the life or physical safety of law enforcement personnel.” The amended exemption provides protection to “any individual when disclosure of information about him or her “could reasonably be expected to endanger (his/her) life or physical safety.”

This exemption covers matters that are “contained in or related to examinations, operating, or condition reported prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

(b)(9) EXEMPTION – Geographical and Geophysical Information Concerning Wells. This exemption covers “geological and geophysical information and data, including maps concerning wells.”
2: THE SUICIDE

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NAVAL CRIMINAL INVESTIGATIVE SERVICES
RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

Name: OLSEN JOHN THOMAS
AKA:

Social Security Number: (b)(6), (b)(7)(C)
Context: S

Case Number: 1056714754 Dossier: 1154731

DCI INDEX CODE: G = 25 YEARS
RECORD SERIES #: 5580/4A(1)(A)
Date Closed: 19850429

RECORD SERIES (FILE PLAN)
- File Series: NCIS Criminal Investigation - Case File
- NCIS Criminal Investigation - Criminal Investigative Reports

Imaged by IMC

COMMENTS

☑ Polygraph Examination Conducted
☑ Finger Prints Submitted to Code 2483
☑ Sexual Offender Registry Completed
☑ Final Disposition Report to FBI

DISCLOSURE/ACCOUNTABILITY STATEMENT: If this investigation is disseminated outside NCIS, complete NCIS Form 888/19/80, and ensure it is retained in the case file.

I certify that this document has been reviewed and is complete.

DATE ___________________________ SIGNATURE ___________________________

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2: THE SUICIDE

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U.S. NAVAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (PENDING) 05 MAR 85

DEATH CONTROL: 19FEB85-11ET-0406-7MA

S/CLOSEN, JOHN THOMAS/LCPL USMC (DECEASED)

29OCT60/QUEENS, NY

DUSTA: MWHS-3, 3RDMAW, MCAS EL TORO, CA

REQUESTED BY/CO, MWHS-3, 3RDMAW/19FEB85/01079

MADE AT/11ET/EL TORO, CA SPECIAL AGENT

SYNOPSIS

1. Investigation was initiated after Subject apparently suffered a self inflicted gun shot wound to the head. Subject was transported to Western Medical Center, where he was pronounced dead at 1525, 19 Feb 85. Crime scene examination revealed that Subject had been shot with a M16A1 rifle. Preliminary interviews of witnesses disclosed that Subject apparently checked out his assigned rifle, inserted one live round, and shot himself under the chin after gaining the attention of a nearby Marine. Additional interviews disclosed that Subject had recently threatened suicide to other witnesses. Preliminary findings by the Orange County Coroner’s Office revealed that Subject died as a result of a laceration of the brain from a gun shot wound and that the incident was deemed to be a suicide. Review of Subject’s Service and Medical Records revealed recent disciplinary and psychiatric problems with Subject. Investigation is pending interviews of additional witnesses and receipt of the Orange County Coroner’s Office Reports.

BACKGROUND

2. On 19 Feb 85, CID, MCAS El Toro, CA, notified Reporting Agent that Subject had suffered an apparently self inflicted gun shot wound to the head and had been transported, via helicopter, to Western Medical Center, Orange County, CA.

MEDICAL TREATMENT OF SUBJECT

3. On 19 Feb 85, emergency medical treatment was administered to Subject at the crime scene, Station Armory, Building 744, MCAS El Toro, CA, by members of the MCAS El Toro Fire Department, MCAS El Toro Dispensary, and Paramedics assigned to the Orange County Fire Department. Subject was transported to Western Medical Center, Orange County, CA, where he was treated further in the Western Medical Center Trauma Unit. Subject was pronounced dead at 1525, 19 Feb 85, by A copy of Western Medical Center’s Treatment Report was obtained and is appended as Atch (1). Photographs of Subject, taken at Western Medical Center by, are appended as Atchs (2) thru (5). Subject’s clothes were seized as evidence and were subsequently placed in the NISRA El Toro Evidence Custody System under Log #661-85. Subject’s wallet and contents, watch, and body, were retained by the Orange County Coroner’s Office, Orange County, CA.

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PAGE 1

WARNING

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AUTHORIZATION FROM THE NAVAL INVESTIGATIVE SERVICE
photographer. The U.S. Navy Investigative Service

6. On 19 Feb 85, MHS, MCAS El Toro, CA, was orally interviewed and provided the following information: While (N) (D) was sitting at a table in the west corner of the room cleaning his rifle, Subject approached and sat opposite with his back towards the south west wall. Subject engaged in a conversation and stated words to the effect of, "Do you want to see something you have never seen in your life before?" then he heard a loud shot and Subject was thrown toward the south west wall. (O) (O) stated that he did not see the rifle under Subject's chin; however, the shot could only have been fired by Subject. (O) (O) was re-interviewed on 22 Feb 85 by Reporting Agent and provided Atch (21), his sworn statement, relating the information concerning this incident. (REPORTING AGENT)

7. On 19 Feb 85, VMFA-314, MAG-11, 3RDMAW, was orally interviewed and provided the following information: While standing in the Station Armory (O), (O) looked toward the west corner of the room and saw Subject holding a M16 rifle in his hands. The muzzle of the rifle was pointed towards Subject's head, and thought that was not a safe way to look down the barrel of the rifle. Then heard a loud shot and saw something fly into the air. (O) (O) saw Subject fall backward, and remembered an unidentified Sargeant telling everyone to stay back. (O) (O)

8. On 19 Feb 85, VMFP-3, MAG-11, 3RDMAW, was interviewed orally and provided the following information: While cleaning his weapon at a table near the north east wall of the room, he heard a shot and turned toward the west corner of the room. He saw Subject falling against the south west wall and ran to render aid. (O) (O) checked Subject for a pulse, cleared everyone away, and attempted CPR with positive results. Subject was re-interviewed by Reporting Agent on 22 Feb 85, and provided Atch (22), his sworn statement concerning this incident. (REPORTING AGENT)

9. On 19 Feb 85, MWHS-3, 3RDMAW MCAS El Toro, CA, was orally interviewed and provided the following information: At approximately 1430, 19 Feb 85, while working in the MWHS-3 Armory, he was approached by Subject, who asked to check out his assigned rifle for monthly cleaning. Subject produced a valid Armed Forces ID Card and a Weapons Custody Card. (O) (O) issued Subject's weapon to him after telling him that it was not required to be cleaned that date. (O) (O) stated that the weapon was cleaned and did not contain any rounds at that time. Subject appeared to be acting normally and gave no indication that he intended to shoot himself with the weapon. After issuing the weapon, (O) (O) excised the MWHS-3 Armory and began talking to some people in the large outer room. (O) (O) then heard a shot and looked toward the west corner of the room. Later learned that Subject had apparently shot himself in the head.
The information obtained during the research of this case fully supported Veteran D*’s claim of 100% disability due to PTSD stemming from witnessing two horrific incidents at MCAS El Toro in 1985.

The horror of the airplane crash was well documented by news accounts and the crash investigation report.

The circumstances surrounding the suicide casualty matched his memory in every particular. Due to redactions the ‘B’ name remained unidentifiable, but the words uttered prior to the gunshot were recorded exactly.

Veteran D* was awarded full disability.