

TAB 3
Eyewitness Statements

a. General Guidance. All nominations for PMD for valor or non-combat heroism must be supported by eyewitness testimony.

(1) Such nominations must include statements from at least two eyewitnesses, but may include more. For MOH nominations, statements must be taken from all available eyewitnesses.

(2) Statements by the individual being nominated cannot form the factual basis for award of a PMD, and will not be included.

(3) The SOA narrative is an amalgam of facts established by the eyewitness statements. The originator of the PMD nomination can be one of the two required eyewitnesses, but if so, he or she must provide a sworn and notarized eyewitness statement separate from the SOA.

(4) The same eyewitness statement may be used to support PMD nominations for multiple individuals provided it clearly specifies the personal observations by the witness of each nominee's heroic actions. This is particularly appropriate and desirable when multiple individuals are being nominated for the same combat action or non-combat lifesaving event. The witnesses should make a single statement covering the totality of their personal observations, rather than multiple fragmentary statements.

b. Specific Requirements for Witness Statements. Each witness statement must:

(1) Be prepared on DA Form 2823, if available. If DA Form 2823 is not available, plain paper may be used instead. The DA Form 2823 can be downloaded at:

<https://armypubs.army.mil/ProductMaps/PubForm/DAForm.aspx>;

(2) It must contain a clear and specific account of the witness' personal observations of the PMD nominee's actions in the witness' own words. It is particularly appropriate and helpful if the witness comments on the factors in paragraph c. and paragraph d. of this tab, depending on which type of event it is;

(3) Be written in the first person voice. This ensures the statement is unambiguous as to what the witness personally observed. Statements such as, "I then saw Sgt. Nominee fire..." are unambiguously the witness' own observations. By contrast, third person statements such as, "LT Maddox fired...", do not clearly indicate whether the witness personally observed that action;

(4) Not contain any hearsay, or any other information later learned by the witness about the PMD nominee's actions from some other source. The statement must be restricted to the personal observations of the nominee's actions by the witness. However, if the witness did not know the identity of the nominee at the time, but later learned this, it is appropriate to include that fact;

(5) Be legible. Handwritten witness statements are acceptable. If the handwriting is not legible, it must be accompanied by a typed transcription. Whenever possible the witness should certify the typewritten version as accurate and complete, and sign it;

(6) Be dated;

(7) Be signed and notarized. If the statement spans more than one page, and plain paper is used vice the DA Form 2823, the bottom of each page must be initialed or signed. Only the signature on the final page need be notarized. The notarization verifies the identity of the person signing the statement; and

(8) Include the witness's current address, phone number, and email.

c. Witness Statements for Valor PMD. It is helpful for witnesses to comment on the following in their statements:

- (1) Date and location of the combat action;
- (2) Terrain and weather conditions;
- (3) Enemy situation as understood by the unit at the time;
- (4) Enemy actions observed by the witness;

(5) Actions by the award nominee personally observed by the witness; and

(6) Degree to which, in the opinion of the witness, the award nominee voluntarily placed his or her life in peril.

d. Witness Statements for Non-Combat Heroism PMD. It is helpful for witnesses to comment on the following in their statements:

(1) The date and time of day;

(2) The precise location of the rescue or attempted rescue;

(3) Terrain and weather conditions, including amount and source of light, force of the wind, and condition and temperature of the water, if applicable;

(4) Specific actions taken by the award nominee as personally observed by the witness;

(5) Degree to which, in the opinion of the witness, the award nominee's life was in peril, and the degree to which the award nominee voluntarily placed himself/herself in peril;

(6) Names or descriptions of any other persons the witness personally observed assisting in the rescue; and

(7) The degree of cooperation on the part of the person(s) being rescued, based on the witness' own observations.