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## Electrocution Deaths in Iraq

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According to a 2009 report by the Department of Defense Inspector General<sup>[1]</sup>, eighteen U.S. soldiers and contractors died in **Iraq** as a result of **electrocution**. The circumstances surrounding these incidents vary considerably, and include nine **deaths** in which soldiers inadvertently contacted power lines.

Media reports have wrongly alleged that KBR's electrical work was connected to some or all of these eighteen **electrocution deaths**. Below is a summary of the actual facts and government findings, which establish that **KBR** had no involvement or connection with seventeen out of the eighteen incidents.

**KBR** is a defendant in ongoing litigation regarding the eighteenth incident, the accidental **electrocution** of Staff Sergeant Ryan Maseth. As **KBR** has explained in its court filings, and as summarized below, the key allegations against **KBR** in the litigation are contradicted by the facts and conclusions of multiple government investigations. All of the information provided below regarding the Maseth incident has been previously stated by **KBR** in its legal filings with the Western District of Pennsylvania and the U.S. Court of Appeals for the Third Circuit. **KBR** invites anyone seeking more information and details regarding this lawsuit or KBR's electrical services to review its publicly available court filings.<sup>[2]</sup>

### General Allegation Regarding KBR's Electrical Work in Iraq

**Allegations:** KBR's electrical work in **Iraq** "caused" or has been "linked" to 18 electrocutions.<sup>[3]</sup>

**Fact:** This allegation has been proven false by multiple government investigations.

A report by the Department of Defense Inspector General ("IG Report") definitively found that **KBR** had no involvement in fifteen of the seventeen electrocutions (not including the incident involving Staff Sergeant Maseth, addressed separately below). The IG Report indicated that investigations were ongoing for two incidents, but facts not cited in the report establish that **KBR** had no involvement in these two incidents. A summary of the IG Report's findings regarding these seventeen incidents is below:

- Nine incidents were "accidental **deaths**" of soldiers who inadvertently contacted power lines. (p. 3)<sup>[4]</sup>
- For six incidents involving facilities or equipment, the report found that **KBR** had no involvement:
  - Specialist Marvin A. Campo-Siles: "manner of death was listed as 'accident.'" (pp. 5-6)

- Specialist Chase R. Whitham: "No apparent **KBR** involvement." (p. 29)
- Private First Class Brian K. Cutter: "**KBR** not involved." (p. 29)
- Specialist Marcos O. Nolasco/5]: "**KBR** not involved." (p. 29)
- Civilian Contractor Sohan Singh: "accident resulted from human error." (pp. 20-21)
- Sergeant Michael J. Montpetit: "this **electrocution** was a tragic accident." (p. 27)
- For the remaining two incidents, involving Staff Sergeant Christopher Everett and Hospital Corpsman Third Class David Cedergren, the IG Report did not suggest any involvement by **KBR**, but noted that investigations were ongoing.
  - Staff Sergeant Christopher Everett
    - Staff Sergeant Everett was electrocuted while using a power washer that was connected to an electrical generator. The IG Report found that "a military member without electrical or generator training connected the power washer to the generator," and "[a] military maintenance supervisor told the same generator repair team member (who had no formal training in electricity or generator repair) to ground the generator." (p. 23)
    - A prior report by the Army did not implicate **KBR** in any way and stated that another contractor, unrelated to **KBR**, performed maintenance on the generator involved.
    - Lawsuits that were filed against **KBR** relating to Staff Sergeant Everett were dismissed with prejudice, voluntarily, by agreement with the plaintiffs. A "with prejudice" dismissal is a final resolution that forever bars plaintiffs from suing **KBR** on these claims.
  - Hospital Corpsman Third Class David Cedergren
    - Hospital Corpsman Third Class Cedergren was electrocuted in a shower facility. The IG Report found: "Original Government investigations did not establish responsibility for erecting, wiring, or maintaining the outdoor wooden shower facility." The report does not suggest **KBR** performed any of these tasks. (pp. 18-19)
    - The incident occurred on September 11, 2004 at Camp Iskandariyah. Contractual records establish that **KBR** did not perform any services at Camp Iskandariyah until 2006.

## Allegations Relating to Staff Sergeant Maseth

**Allegations:** **KBR** improperly installed the electrical wiring in Staff Sergeant Maseth's building.

**Fact:** The building was constructed and wired by Iraqis without a grounding system.

Like most Iraqi buildings, Staff Sergeant Maseth's building was originally constructed and wired by Iraqis without a grounding system. The wiring was embedded in concrete and lacked the capacity for proper grounding. After the invasion, the Army contracted with local Iraqis to refurbish the building, but again no grounding system was installed. Specifically, the Iraqi contractors who refurbished the building did not ground the electrical panel in the building and did not use or connect ground wires running from the panel to the electrical outlets and devices in the building. As a result the electrical outlets and devices in the building lacked the capacity for proper grounding. The military was aware that the building lacked a grounding system, but accepted the work and decided to house soldiers in it. (pp. 5-6, 20, 54)/6]

**Allegations:** **KBR** did not notify the military that Staff Sergeant Maseth's building lacked grounding.

**Fact:** **KBR** documented the building's lack of grounding in a report provided to the military long before Staff Sergeant Maseth's death. The military was aware that preexisting Iraqi buildings were not built to Western

codes and uniformly lacked grounding.

Before **KBR** began performing limited maintenance at the camp in 2007 under the Logcap contract, **KBR** inspected the buildings and documented lack of grounding and numerous other electrical deficiencies throughout the camp, including lack of grounding at Staff Sergeant Maseth's building. **KBR** provided these inspectional findings to the military on more than one occasion. Despite that, the military decided not to fix the problems identified by **KBR**. (pp. 20-21; 38-39) In addition, more than a year before the

Maseth accident, military personnel provided senior commanders with a briefing that informed them that buildings throughout **Iraq** were not built in accordance with Western safety standards, and in particular did not have grounding. That briefing also informed senior military commanders about the life, health and safety hazards associated with lack of grounding, including **electrocution** of a soldier in a shower and electrical fires. Complaints about electrical shocks in buildings were not uncommon in military bases in **Iraq**. However, the military did not consider the risks of electrical shock as great as other risks that soldiers faced in combat.[7]

**Allegations:** **KBR** failed to install grounding in Staff Sergeant Maseth's building.

**Fact:** As constructed and renovated prior to KBR's involvement, Staff Sergeant Maseth's building lacked a grounding system and, therefore, the lack of grounding could only be corrected by rewiring the entire building. The military did not authorize **KBR** to rewire the building until after accident.

The military authorized **KBR** to provide only limited maintenance at Staff Sergeant Maseth's building. KBR's contract did not authorize upgrading the electrical system to install a grounding system. As the IG Report found, **KBR** was only authorized and responsible for "maintaining facilities in their existing condition." (p. 38) The IG Report found that the contract did not contemplate the type of work needed to correct the lack of grounding and bonding in the building's electrical system. The report concluded: "To completely correct that situation would have required rewiring the entire building; work which was outside the scope of operations and maintenance under LOGCAP III Task Order 139." (p.9)

**Allegations:** The Army found that **KBR** committed "negligent homicide." [8]

**Fact:** The Army directly refuted this assertion. The Army originally concluded that the **electrocution** was an accident. After the investigation was re-opened and completed, the Army confirmed the finding of accident. The final report concluded that the accident was not the result of actions by any single person or entity.

After this allegation was widely reported in the media, an Army spokesman publicly denied it and stated that the investigator involved "may have misspoken." [9] The Army did not complete its investigation until six months later. Ultimately, the Army's investigation found that no single person or entity was responsible for the accident. [10]

[1] The report is available at: <http://www.dodig.mil/pressroom.htm>.

[2] See Harris v. Kellogg Brown & Root Services, Inc., Case No. 2:08-cv-00563 (W.D. Pa.), appeal docketed, No. 09- 2325 (3d Cir. May 7, 2009).

[3] For example, see: Sen. Casey demands action in soldiers' **electrocution deaths**, Mackenzie Carpenter, Pittsburgh Post-Gazette (Jan. 28, 2009) (<http://www.post-gazette.com/pg/09028/944953-84.stm>); Electrical Risks at **Iraq** Bases Are Worse Than Said, James Risen, New York Times (Jul. 18, 2008)

(<http://www.nytimes.com/2008/07/18/world/middleeast/18contractors.html?scp=2&sq=KBR%20electrical&st=cse>); Editorial: **KBR** Does It Again, New York Times (May 23, 2009) ([http://www.nytimes.com/2009/05/24/opinion/24sun3.html?\\_r=1&scp=2&sq=KBR&st=cse](http://www.nytimes.com/2009/05/24/opinion/24sun3.html?_r=1&scp=2&sq=KBR&st=cse)).

[4] The page numbers listed in this section refer to pages in Part II of the IG Report.

[5] The IG Report stated that criminal investigations regarding the **deaths** of Specialist Whitham and Specialist Nolasco were ongoing.

[6] The page numbers listed in this section refer to Part I of the IG Report.

[7] See Declaration of Colonel Douglas R. Satterfield, Mar. 12, 2009 (filed in Western District of Pennsylvania, Case No. Case No. 2:08-cv-00563-NBF, Docket #122, Exhibit E).

[8] For example, see: Army: Negligence caused GI's death, Associated Press, by Kimberly Hefling (Jan. 22, 2009) ([http://www.google.com/hostednews/ap/article/ALeqM5jxXnvR5EoxcupOyu71W\\_9zx6P8NwD95SFVD86](http://www.google.com/hostednews/ap/article/ALeqM5jxXnvR5EoxcupOyu71W_9zx6P8NwD95SFVD86)); Army: Negligence Caused Pittsburgh Soldier's **Electrocution**; Green Beret From Pittsburgh Killed While Showering, ThePittsburghChannel.Com (Jan. 23, 2009) (<http://www.msnbc.msn.com/id/28800321/>); Army Blames Contractor in **Electrocution** of Soldier from Shaler, Associated Press, by Kimberly Hefling (January 23, 2009) (<http://www.post-gazette.com/pg/09023/943876-85.stm>); Senators Press Case Over Soldier's **Electrocution**, Pittsburgh Post-Gazette, by Mackenzie Carpenter (Jan. 27, 2009) (<http://www.post-gazette.com/pg/09027/944817-100.stm>).

[9] Army investigator said Green Beret's death was 'negligent homicide' by **KBR**; But an Army spokesman discounts the correspondence to the family of Staff Sgt. Ryan Maseth, who was electrocuted while taking a shower in **Iraq**, Los Angeles Times, by Peter Spiegel (Jan. 23, 2009) (available at <http://www.latimes.com/news/nationworld/iraq/complete/la-na-kbr23-2009jan23,0,7363161.story>).

[10] See <http://www.defense.gov/releases/release.aspx?releaseid=12876>