



HEADQUARTERS
MULTI-NATIONAL CORPS – IRAQ
BAGHDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

FICI-JA-C

1 July 2008

MEMORANDUM FOR RECORD

SUBJECT: Claim of (b)(6) 06-I04-T012

- Facts: The claimant states that on 26 October 2005 her husband was a passenger in a minivan near Taji. The driver approached a checkpoint and failed to properly follow directions to slow down. As a result the Soldiers at the checkpoint opened fire on the minivan and her husband was fatally shot.
- Opinion: The claim is not compensable under the FCA. The incident was a valid escalation of force and therefore falls under the combat activity exception of the FCA. The claimant timely filed her claim on 8 July 2006. Somehow her claim was lost and she was never adequately notified of the results of her claim, as it was denied in September 2006. However, in 2007 the claimant met with CPT (b)(3), b(6) and was told that her claim had been sent to Taji for a CERP payment. We have no records that this ever happened and I do not believe that the claimant has ever received any form of compensation for the death of her husband. I am forwarding this action memo the Taji Claims Judge Advocate requestin CERP condolence payment be made. The claimant can be contacted at Iraqna (b)(6) and I request that the Taji Claims Judge Advocate contact her for a meeting t ndolence payment. The claimant is also now a single mother faced with caring for (b)(6) daughter and a son (b)(6) . I will pass information on to her regarding NGO support.
- Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
- Action: The claim is denied.

(b)(3)(b)(6)

Foreign Claims Commission I04

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