



REPLY TO
ATTENTION OF:

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

FICI-JA-C

30 July 2008

MEMORANDUM FOR RECORD

SUBJECT: Claim of (b)(6) 08-I08-T034

1. Facts: Claimant states that at 1100 on 9 September 2006 her son, (b)(6) (b)(6) was driving towards the market when a US convoy, approaching the wrong way on the street, ran into his vehicle. He was killed immediately. The claimant did not file a claim until now because she had left Iraq and fled to Kuwait to avoid the security situation in Baghdad. She has now returned and learned that she could file a claim. The claimant seeks \$30,000 in compensation for the death of her son.

2. Opinion: This claim is compensable under the Foreign Claims Act and the claim was timely filed. The convoy was not moving to or from combat at the time of the accident and the accident was not combat-related. Therefore the combat exclusion of the FCA does not apply and the claim can be compensated as noncombat activity involving the maneuvering of tactical vehicles. Although there was no sigact available for the incident, given the timeframe of the claim this is not surprising. Absence of a sigact is not dispositive. The claim card presented aligns with the facts and there is no reason to believe that the claim card is a forgery. The unit that issued the claims card has already redeployed. The facts as presented are entirely believable and there are no indicators of fraud.

3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action: The claim is granted in the amount of \$30,000.

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

CPT, JA
Foreign Claims Commission I08

CENTCOM 003042

SUBJECT: Claim of

(b)(6)

08-I08-T034

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

Foreign Claims Commission I08

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

Foreign Claims Commission I08 (alternate)