

Pages 1 through 14 redacted for the following reasons:

nonresponsive



DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH BRIGADE COMBAT TEAM
1ST CAVALRY DIVISION
COB ADDER, IRAQ APO AE 09331

REPLY TO
ATTENTION OF:

AFYB-UA-CDR

11 July 2008

MEMORANDUM FOR Civil Affairs Officer, 4th BCT, 1st CD, Tallil, Iraq

SUBJECT: Approval of Condolence Payment, 4BCT001

1. Your recommendation for condolence payment is approved in the amount of \$2500.00 to the family of (b)(6) for the incident that occurred on 10 July 2008 in Nasiriya, Iraq.

2. This payment is gratuitous and is not an admission of liability by 4th Brigade, 1st Cavalry Division or the U.S. Army. This payment is an expression of goodwill.

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

COL, IN
Commanding

CENTCOM 004589



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH BRIGADE COMBAT TEAM
1ST CAVALRY DIVISION
COB ADDER, IRAQ APO AE 09331

AFYB-IN-JA

11 July 2008

MEMORANDUM FOR Commander, 4th Brigade Combat Team, 1st Cavalry Division, Multi-National Division-Center, COB Adder, Iraq APO AE 09331

SUBJECT: Legal Review of Condolence Payment for Death of (b)(6)

1. LEGAL REVIEW. I have reviewed facts surrounding the Commander's intent to use Commanders Emergency Response Program (CERP) funds to pay a condolence payment to (b)(6) next of kin. The request is legally sufficient and complies with the requirements of CERP expenditures.

2. BACKGROUND. On 10 July 2008, Task Force 17, Coalition Forces, was involved in a military related mission. (b)(6) was not the target of the military mission. A Task Force 17 Soldier shot and killed (b)(6) See the attached unclassified storyboard for additional information.

3. LEGAL ANALYSIS.

a. CERP condolence payments can be paid to express sympathy and to provide urgently needed humanitarian relief to individual Iraqis. A CERP condolence payment is not an acknowledgement of any moral or legal responsibility for a person's death, injury, or damaged property. CERP condolence payments are symbolic gestures and are not paid to compensate someone for a loss.

b. The facts of this incident do not merit payment under the Foreign Claims Act.

c. In accordance with the Multi-National Division-Center delegation of CERP approval authority memorandum, dated 12 June 2008, BCT Commanders have the authority to approve CERP condolence payments up to \$2,500.00. The BCT Commander is the appropriate approval authority to make this \$2,500.00 CERP condolence payment.

4. Point of Contact for this memorandum is the undersigned at (b)(3)(b)(6), (b)(2)High

(b)(2)High or SVOIP at (b)(2)High

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

MAJ, JA
Brigade Judge Advocate

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH BRIGADE COMBAT TEAM
1ST CAVALRY DIVISION
COB ADDER, IRAQ APO AE 09331

REPLY TO
ATTENTION OF:

AFYB-IN-JA

27 July 2008

MEMORANDUM FOR Commander, 4th Brigade Combat Team, 1st Cavalry Division, Multi-National Division-Center, COB Adder, Iraq APO AE 09331

SUBJECT: Legal Review of Condolence Payment to (b)(6) for the Death of Mr. (b)(6) (brother) and Mrs. (b)(6) (sister-in-law); for the Injuries to (b)(6) (nephew) and (b)(6) (b)(6) nephew) and for Damages to Mr. (b)(6) Vehicle

1. LEGAL REVIEW. I have reviewed facts surrounding the Commander's intent to use Commanders Emergency Response Program (CERP) funds to pay a condolence payments and a battle damage payment to (b)(6). The request is legally sufficient and complies with the requirements of CERP expenditures.

2. BACKGROUND. On 23 September 2005, (b)(6) (b)(6) (b)(6) were in their (b)(6) driving on the Karbala-Baghdad Highway towards Musayeb. Their vehicle was approaching a check point at the same time a U.S. convoy was approaching. Mr. (b)(6) veered off of the road to let the convoy pass, swerved back onto the road and continued driving toward the check point. It appears Mr. (b)(6) did not notice there was at least one (1) additional military vehicle in the convoy and may have entered into the flow of traffic in front of that one (1) vehicle. Then, the military vehicle in front of Mr. (b)(6) vehicle opened fire. Mr. (b)(6) was killed; Mrs. (b)(6) was killed; (b)(6) had wounds to his left thigh, left shin, and right shin; (b)(6) had wounds to his right lower leg and a tibia/fibula fracture; and the vehicle sustained substantial damage. The children were treated for their injuries at the Ibn Sina Hospital/86th Combat Support Hospital, Baghdad, Iraq.

3. LEGAL ANALYSIS.

a. CERP condolence payments can be paid to express sympathy and to provide urgently needed humanitarian relief to individual Iraqis. A CERP condolence payment is not an acknowledgement of any moral or legal responsibility for a person's death, injury, or damaged property. CERP condolence payments are symbolic gestures and are not paid to compensate someone for a loss.

b. The facts of this incident do not merit payment under the Foreign Claims Act.

AFYB-IN-JA

SUBJECT: Legal Review of Condolence Payment to (b)(6) for the
Death of Mr. (b)(6) (brother) and Mrs. (b)(6) (sister-in-law); for
the Injuries to (b)(6) (nephew) and (b)(6)
(b)(6) (nephew) and for Damages to Mr. (b)(6); Vehicle

c. In accordance with the Multi-National Division-Center delegation of CERP approval authority memorandum, dated 12 June 2008, BCT Commanders have the authority to approve CERP condolence payments up to \$2,500.00. The BCT Commander is the appropriate approval authority to make a \$2,500.00 CERP condolence payment per death, a \$1,000.00 CERP condolence payment per injured child, and a \$500.00 CERP battle damage payment for the vehicle.

4. Point of Contact for this memorandum is the undersigned at (b)(3), b(6)
(b)(2)High or SVOIP at (b)(2)High

(b)(3), b(6)

MAJ, JA
Brigade Judge Advocate

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