



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 2ND BATTALION 27TH INFANTRY
 3RD BRIGADE, 25TH INFANTRY DIVISION
 FOB MCHENRY, HAWIJA, IRAQ
 APO, AE 09338

NF Claims 096



APVG-ZZB-HHC

09 August 2007

MEMORANDUM FOR Commanding Officer 3RD BCT, 25TH Infantry Division, FOB Warrior, Kirkuk Iraq

SUBJECT: Request for money from the 2-27 CERF Commander's Condolence Fund

1. The purpose of this memorandum is to request a Condolence Payment be made to (b)(6) in order to express sympathy for the death of his son (b)(6)

2. Description of the Event: At 081110AUG07, FOB McHenry reported four rounds of IDF (b)(2)High (b)(2)High FOB McHenry (b)(2)High LCMR acquisition placed the POO (b)(2)High At 1111, FOB McHenry conducted counter fire (b)(2)High wounding 4 LNs and 1 LN KIA (4wounded were medevac to Kirkuk). At 1230, QRF conducted PBA and crater analysis. NFTR.

3. List the specific items or services requested in the table below:

Item #	Item to be purchased or service rendered	Unit Price	Quantity	Total
1	Death of his son	\$2500	1	\$2500
Grand Total				\$2500

4. The POC for this action is ILT (b)(3)(b)(6) VOIP (b)(2)High, SIPP (b)(3)(b)(6)

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

LTC, IN
 Commanding

I recommend ~~approval~~ / disapproval of this payment.

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

CPT, USA
 CIA

I ~~approve~~ / disapprove this Condolence Payment.

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

MAJ, IN
 BDE XO



DEPARTMENT OF THE ARMY
3rd Infantry Brigade Combat Team Command Judge Advocate
3rd Infantry Brigade Combat Team
FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

15 August 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) , 07-I14-T358

1. Claimants name and address: (b)(6) Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 8 August 2007 in Hawija, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 9 August 2007.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for death of a local national.
5. Facts:
 - a. (b)(6) claims that on 8 August 2007, his son, (b)(6) was killed as a result of mortar rounds fired by CF.
 - b. There was a story board included in the submitted claim.
 - c. The incident was able to be verified by the unit responsible.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident has to occur outside of the United States and be from either non-combat activities of the U.S. Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

CENTCOM 008184

APVG-ZZO-JA

SUBJECT: Claim of

(b)(6)

07-I14-T358

b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$2,500.00 is denied.

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

CPT, JA
Foreign Claims Commissioner