



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st ARMORED DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

REPLY TO
ATTENTION OF

AETV-THH-AL

29 October 2007

MEMORANDUM THRU Staff Judge Advocate, 1st Armored Division, Contingency Operating Base Speicher, Tikrit, Iraq, APO AE 09393

MEMORANDUM FOR Commander, Multi National Division-North, Contingency Operating Base Speicher, Tikrit, Iraq, APO AE 09393

SUBJECT: Legal Review of CERP Battle Damage Payment- (b)(6)

1. Short Answer. I recommend you approve a \$10,000 Battle Damage payment to (b)(6) (b)(6) under the "Condolence Payments and Battle Damage Payments" clause of the MNC-I Commander's Emergency Response Program Standard Operating Procedures, Appendix 2, para. B(1), dated 24 April 2006, because of the magnitude of his loss during Operation Arrowhead Ripper.

2. Background. On 19 June 2007, Coalition Forces (CF) were engaged in combat activities during Operation Arrowhead Ripper. Multiple buildings were targeted and destroyed on that date. There is a reasonable likelihood that the CF strikes caused significant collateral damage to (b)(6) (b)(6) house and two cars. Mr (b)(6) two daughters were also killed, and one son was injured during these operations. Mr (b)(6) is not suspected of engaging in UE activity. Mr (b)(6) submitted a claim for \$100,000 under the Foreign Claims Act. This claim was denied because his losses were the result of combat activity. Mr (b)(6) has already received \$5,000 from 3-1 CAV for the death of each of his daughters (\$2,500 for each daughter). Colonel (b)(3), (b)(6) 3-1 CAV Commander, recommends that a \$10,000 CERP Battle Damage payment be paid to Mr (b)(6) in recognition of the damage to his house and two cars.

3. Discussion.

a. CERP is designed to enable local commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the indigenous population. This project furthers these policies by ensuring that Mr. (b)(6) receives a significant token of CF goodwill in recognition of his loss.

b. Per the MNC-I SOP, Appendix II, paragraph b.(1)(a), the CG, MND-N may approve Condolence Payments up to \$10,000 per incident for extraordinary cases. This is an extraordinary case as Mr. (b)(6) house and two cars were destroyed as a result of collateral damage from CF combat activity. Mr. (b)(6) submitted a claim under the Foreign Claims Act. However, his claim was properly denied because the damage to his house and cars was the result of CF combat

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activity. Therefore, a CERP expenditure, "Battle Damage" payment, is the proper source of funds to recognize his loss.

c. Although there is no English translation of the property deed included in the battle damage packet, the undersigned personally spoke with a MND-N translator on 23 October 2007 who said that the property deed states that Mr.(b)(6) owns the property in question.

(b)(5)

5. The POC for this memorandum is the undersigned at VoIP (b)(2)High or at (b)(3), (b)(6) @1ad.army.smil.mil.

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

CPT, JA
Administrative Law Attorney