



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 25TH INFANTRY DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

REPLY TO
ATTENTION OF

APVG-SJA-AL

12 February 2007

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

SUBJECT: Legal Review of Request for CERP Battle Damage Payment to (b)(6)

1. I have reviewed 3-82 ABN's request for a CERP expenditure 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.

2. Background: (b)(6) and his brother, now deceased, used a commercial truck in (b)(6). The truck was destroyed in an Escalation of Force incident on 17 December 2006. (b)(6) brother, who was driving the truck, was killed. A condolence payment of \$2,500 for his death has been approved. (b)(6) truck was destroyed by gunfire from (b)(2)High gun while traveling on (b)(2)High on 17 December 2007. This allegation is confirmed by 1/D/3-8 CAV, which recovered and photographed the destroyed vehicle (attachment 1).

3. Discussion: Per the MNC-I SOP, the CG, MND-N may approve battle damage payments (b)(2)High (b)(2)High (b)(6) originally asked for \$15,000 to replace the truck. However, market research indicates that a commercial truck of a similar type ((b)(6) Mercedes-Benz standard cab truck) had a value of approximately \$7,500. The 3/82 Commander wishes to assist (b)(6) in replacing his commercial vehicle so he can continue (b)(6). Combined with the condolence payment for the death of his brother, (b)(6) will receive a total of \$10,000. As proposed, I find no legal objections to funding the request from 3-82 ABN.

4. Recommendation: (b)(5) (b)(6)
This memorandum is the undersigned at VoIP (b)(2)High or email (b)(3)(b)(6)
(b)(3)(b)(6), (b)(2)High

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

Administrative Law Attorney

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