

b)(3)(b)(6)



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



APVG-ZZB-HHC

06 April 2007

MEMORANDUM FOR Commanding Officer 3rd BCT, 25th Infantry Division, FOB Warrior, Kirkuk Iraq

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

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

2. Description of the Event: AT 031453APR07, (b)(2)High reported receiving 3xIDF while they were located at (b)(2)High Only 1xPOI of impact was confirmed at grid (b)(2)High where there was 1xLN KIA and 2xLN WIA who were inside a tent when the round impacted. The KIA was a (b)(6) year old female (b)(6) and the 2xWIA were (b)(6) year old (b)(6) who had shrapnel wounds to the left leg, back and right leg and (b)(6) year old (b)(6) who received multiple shrapnel wounds. At 1600, IP arrived at FOB McHenry with both LN WIA and their father. The 2xLN WIA were both priority and MEDEVAC to Fob Warrior. (b)(2)High left PB Millett to look for a possible POO south of PB Millett but was unable to locate any evidence of a firing point. Crater analysis conducted at the POI found it was an (b)(2)High

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 (b)(6)	\$2500	1	\$2500
Grand Total				\$2500

4. The POC for this action is SFC (b)(3), (b)(6) (b)(3), (b)(6), (b)(2)High (b)(3), (b)(6)
MAJ, IN
Commanding

I recommend approval/disapproval of this payment. (b)(3), (b)(6)
CPT, USA
CJA

I approve/disapprove this Condolence Payment. (b)(3), (b)(6) CT XO
(3)(b) MAJ, FA
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

4 May 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of [redacted (b)(6)] 07-I14-T219

1. Claimants name and address: [redacted (b)(6)] [redacted (b)(2)High] Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 3 April 2007 in Haweja, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 6 April 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 personal injuries.
5. Facts:
 - a. [redacted (b)(6)] claims that on 3 April 2007, due to a indirect fire attack, their tent was hit by a rocket causing personal injuries and one death.
 - b. There was a story boards 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.

APVG-ZZO-JA

SUBJECT: Claim of [REDACTED] (b)(6) 07-I14-T219

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.

[REDACTED] (b)(3), (b)(6)

CPT, JA

Foreign Claims Commissioner

