

(b) (3)

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

unpaid / payment refused

07-114-T226



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

APVG-ZZO-JA

07 May 07

MEMORANDUM FOR Commander, 3<sup>rd</sup> Infantry Brigade Combat Team, 25<sup>th</sup> Infantry Division, FOB Warrior, Kirkuk, Iraq, APO AE 09338

SUBJECT: 3<sup>rd</sup> IBCT CERP DISCRETIONARY BULK FUND.

1. The purpose of this memorandum is for the use of the 3<sup>rd</sup> IBCT, 25<sup>th</sup> IN DIV CERP Condolence Bulk Fund for a condolence payment to the father of Ms. (b)(6) (b)(6) Mr. (b)(6) (b)(6) claims that on 072110MAY07 While driving north on a side street running parallel with RTB (b)(2)High grid (b)(6) (b)(2)High Mr. (b)(2)High vehicle approached a dismounted patrol and did not identify any CF because, as he stated to the Platoon Leader, he wasn't paying attention. The dismounted patrol followed all the proper escalation of force procedures and, after exhausting all options, fired a single (b)(2)High round at the grille which ricochet and struck the windshield of the local national's vehicle. Ms. (b)(6) (b)(6) was struck in the head by that single round and was rushed to a hospital in the (b)(2)High neighborhood, and died from her wound fifty minutes later. This incident is not a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the damages were incident to combat.

2. Description of how these monies will support the 3<sup>rd</sup> IBCT, 25<sup>th</sup> IN DIV Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 3<sup>rd</sup> IBCT has with the local populace by expressing our regret for the damages.

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

#	Items to be purchased or service rendered	Unit Price	Quantity	Total Price
1	Payment for Condolence Fund	\$2,500.00	1	\$2,500.00
Total:				\$2,500.00

4. The transaction can be completed at one time with one payment.

5. POC for this action is CPT (b)(3), (b)(6) VOIP 242-2624, (b)(3), (b)(6), (b)(2)High (b)(6)

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

This claim is legally sufficient / insufficient

CPT, JA  
Foreign Claims Commissioner

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

I approve/disapprove this purchase.

LTC, IN  
Commanding

OFFICE OF THE COALITION PROVISIONAL AUTHORITY (OCA)  
PROJECT WORKSHEET

**TYPE OF OPCA PROJECT:** Regional Level Quick Impact Fund

**MILITARY UNIT COORDINATING PROJECT:** HHC, 3IBCT, 25<sup>th</sup> IN DIV, Judge Advocate

**MILITARY UNIT CONTACT INFO FOR PROJECT**

**NAME:** CPT (b)(3), (b)(6)

**PHONE:** VOIR 442-2024

**NIPR EMAIL:** (b)(3), (b)(6), (b)(2)High (b)(6)

**NAME THE PROJECT:** Condolence Fund Payment to the father of Ms. (b)(6) (b)(6)

**PROJECT LOCATION:** (b)(2)High Iraq

**PROJECT DESCRIPTION:** Condolence Payment to Mr. (b)(6) (b)(6)

**DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION:** Condolence fund payments are cash payments to heirs of local nationals, or to their family members, who suffer death caused by Coalition Forces in the performance of official duty. US forces make Condolence fund payments, as an expression of sympathy and good will and in the best interest of the US Government.

**COST (U.S. Dollars) AND JUSTIFICATION:** \$2,500.00. Mr. (b)(6) (b)(6) claims that on 077110MAY07 While driving north on a side street running parallel with (b)(2)High at grid (b)(6) (b)(2)High (b)(6) s vehicle approached a dismounted patrol and did not identify any CF because, as he stated to the Platoon Leader, he wasn't paying attention. The dismounted patrol followed all the proper escalation of force procedures and, after exhausting all options, fired a single 5.56 mm round at the grille which ricochet and struck the windshield of the local national's vehicle (b)(6) was struck in the head by that single round and was rushed to a hospital in the (b)(2)High neighborhood, and died from her wound fifty minutes later. (b)(6) (b)(6) does not have a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the damages were incident to combat.

**NAME AND POSITION OF IRAQI WHO WILL ASSUME RESPONSIBILITY FOR THE COMPLETED PROJECT (Responsible Iraqi):** (b)(6) (b)(6)

**ESTIMATED NUMBER OF DAYS REQUIRED TO COMPLETE THIS PROJECT:** 1