

(b) (3) (E)

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



DEPARTMENT OF THE ARMY  
 HEADQUARTERS, 2ND BATTALION 27TH INFANTRY  
 3<sup>rd</sup> BRIGADE, 25TH INFANTRY DIVISION  
 FOB MCHENRY, HAWIJA, IRAQ  
 APO, AE 09338

NF 072



APVG-ZZB-HHC

01 July 2007

MEMORANDUM FOR Commanding Officer 3<sup>rd</sup> BCT, 25<sup>th</sup> 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 son (b)(6) (b)(6)

2. Description of the Event: At 010900JUL07 (b)(2)High (b)(2)High reported an EOF while traveling West on route (b)(2)High (b)(2)High resulting in 2x LN KIA and 1x LN WIA. (b)(6) (b)(6), a taxi driver, was transporting five local nationals in a (b)(6) sedan East bound on route (b)(2)High. The driver bypassed six local nation vehicles that were stopped on the South side of the road and proceeded toward the (b)(2)High patrol. SPC (b)(3), (b)(6) the gunner of the lead vehicle utilized hand and arm signals to alert the civilian driver and at (b)(2) High fired a flare with no effects. At (b)(2) High the gunner fired a warning burst of 3x rounds of (b)(2)High impacting to the North side of the road. The vehicle continued and showed no sign of slowing or changing course. At (b)(2) meters, the gunner fired 10x rounds of (b)(2)High to disable the vehicle resulting in 2x LN KIA and 1x LN WIA. B26 cleared the vehicle with NSTR and began administering aid to the casualties. The vehicle subsequently caught fire and quickly became engulfed in flames. The casualties were transported to PB Baker. At 0957 (b)(2)High departed PB Baker with (b)(6) (b)(6) Hilal suffering from a GSW to the abdomen and fragmentation wounds to the legs. The casualty was MEDEVAC to FOB Warrior for further treatment

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) (b)(6)	\$2500	1	\$2500
<b>Grand Total</b>				<b>\$2500</b>

4. The POC for this action is 1LT (b)(3), (b)(6) VOIP 770-9215, SIPR (b)(3), (b)(6), (b)(2)High (b)(2)High

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

LTC, IN  
 Commanding

I recommend approval / disapproval of this payment.

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

CPT, USA  
 CJA

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I approve / disapprove this Condolence Payment.

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

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

MAJ, IN  
BDE XO



**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

5 July 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) (b)(6), 07-I14-T285

1. Claimants name and address: (b)(6) (b)(6) (b)(2)High, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 1 July 2007 in (b)(2)High Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 1 July 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) (b)(6) claims that on 1 July 2007, he was involved in an EOF with 2-27 IN, and as a result his son (b)(6) (b)(6) was killed.
  - 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.

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SUBJECT: Claim of (b)(6) (b)(6) 07-I14-T285

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)

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

CPT, JA

Foreign Claims Commissioner

