

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



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 2ND BATTALION 17TH INFANTRY
 3rd BRIGADE, 25TH INFANTRY DIVISION
 FOB MCHENRY, HAWJIA, IRAQ
 APO, AE 09338

NF 214m 084



APVG-ZZB-HHC

23 July 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 compensate her for the death of her husband, (b)(6)

2. Description of the event: At 222101JUL07, Pathfinder 3 reported engaging a dark green, four door sedan on (b)(2) High AM IVO (b)(2) High following a PIED emplacement. PF 3 observed the vehicle traveling North on route Trans Am, stop, turn off it's lights and one individual exited the vehicle from the passenger side. PF3 observed the individual on the East side of the vehicle for approximately one minute. PF3 engaged with 3x rounds from the (b)(2) High and 20-30 rounds of (b)(2) High. The passenger re-entered the vehicle and attempted to flee the site. PF3 engaged with an additional 20-30 rounds of (b)(2) High causing the driver to lose control of the vehicle and drive off the west side of the road (b)(2) High meters to the North. At 2122, PF3 moved to clear the vehicle and separated all personnel. At 2128, Pathfinder 6 reported the vehicle is clear and the vehicle had two male occupants and one female occupant. The driver, (b)(6) had one GSW to the head, (b)(6) his wife, and (b)(6) the other two occupants were not injured. At 2139, Bull 16 secured the site and Pathfinder 6 departed the site to transport all individuals to McHenry. At 2200, the casualty arrived in the BAS. S2 ran all names and all individuals were (b)(2) High with NSTR. At 2236, Bad Blood arrived at McHenry and picked up the casualty. At 2245, Bad Blood departed McHenry. PF 6 returned to the engagement site and completed SSE with NSTR. At 230015, the BAS reported the casualty DOW enroute to Balad.

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)	\$2,500	1	\$2,500
Grand Total				\$2,500

4. The POC for this action is 1LT (b)(6) VOIP 770 0215 CIDP (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)
 CPT, USA
 CJA

I approve / disapprove this Condolence Payment.

(b)(3), b(6)
 MAJ, IN
 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

31 July 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of Kauther Saduun Abdelhamed, 07-I14-T342

1. Claimants name and address: [redacted] (b)(6) Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 22 July 2007 in Haweja, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 27 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. [redacted] (b)(6) claims that on 22 July 2007, she was involved in an EOF incident with 2-27IN, and as a result her husband 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.

APVG-ZZO-JA

SUBJECT: Claim of Kauther Saduun Abdelhamed, 07-I14-T342

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)

CPT, JA
Foreign Claims Commissioner

