

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



DEPARTMENT OF THE ARMY
Headquarters, 1st Brigade Combat Team
10th Mountain Division (Light Infantry)
FOB Warrior, Kirkuk, Iraq, APO AE 09338

AFZS-LI-Z-JA

8 November 2007

SUBJECT: Claim of (b)(6) 08-IH4-T032

1. Claimants name and address: (b)(6) Multaka, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 6 November 2007 in Kirkuk, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$1.00 on 8 November 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 the death of (b)(6)

5. Facts:

a. On 6 November 2007, (b)(6) was involved in an escalation of force incident with Coalition Forces while traveling North on (b)(2) High. The personal security detail convoy located a break in the median and transitioned to the southbound lane against traffic. The lead gunner was waiving his orange flag to direct oncoming traffic out of the path of the convoy. Multiple local national vehicles pulled onto the shoulder except for a dark blue sedan that continued to approach the convoy head on. The gunner proceeded to waive (b)(2)High with no effect. (b)(2)High (b)(2)High the gunner fired warning shots which caused the vehicle to stop. The warning shots ricocheted into a blue truck that was following behind the dark blue sedan which resulted in the death of (b)(6)

- b. There was a storyboard included in the submitted claim.
- c. The incident was able to be verified by the responsible unit.

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 the negligent or wrongful acts of military members or civilian employees of the Armed Forces.
- b. There is insufficient evidence to suggest that this incident resulted from non-combat activity or arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.

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7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$1.00 is denied.

(b)(3), b(6)

CPT, JA
Foreign Claims Commissioner

(b)(2)High

INITIAL REPORT

•ACTIVITY: EOF

While traveling North on I the Warrior 6
 encountered traffic in the north bound lane. The PSD
 encountered a break in the median and transitioned to
 the south bound lane. The lead gunner was waving on
 coming traffic out of the path of the convoy, multiple LN
 vehicles pulled onto the shoulder except for a black sedan
 that continued to approach head on. The gunner
 proceeded to to effect, escalating to
 warning shots warning driver and vehicle to stop. The
 warning shots ricochet into a blue truck following behind
 the black sedan killing one LN female and wounding one
 LN male as well as causing vehicle damage. Adala IPs
 responded to assist. It was determined that the casualties
 were

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Consequence management was begun by
 contacting the PDOP Gen. Beginning the 156
 investigation and the process of condolence payments. 1-
 87 CDR will make the follow up SOI visit.

•LOCATION:

•UNIT: W6 PSD

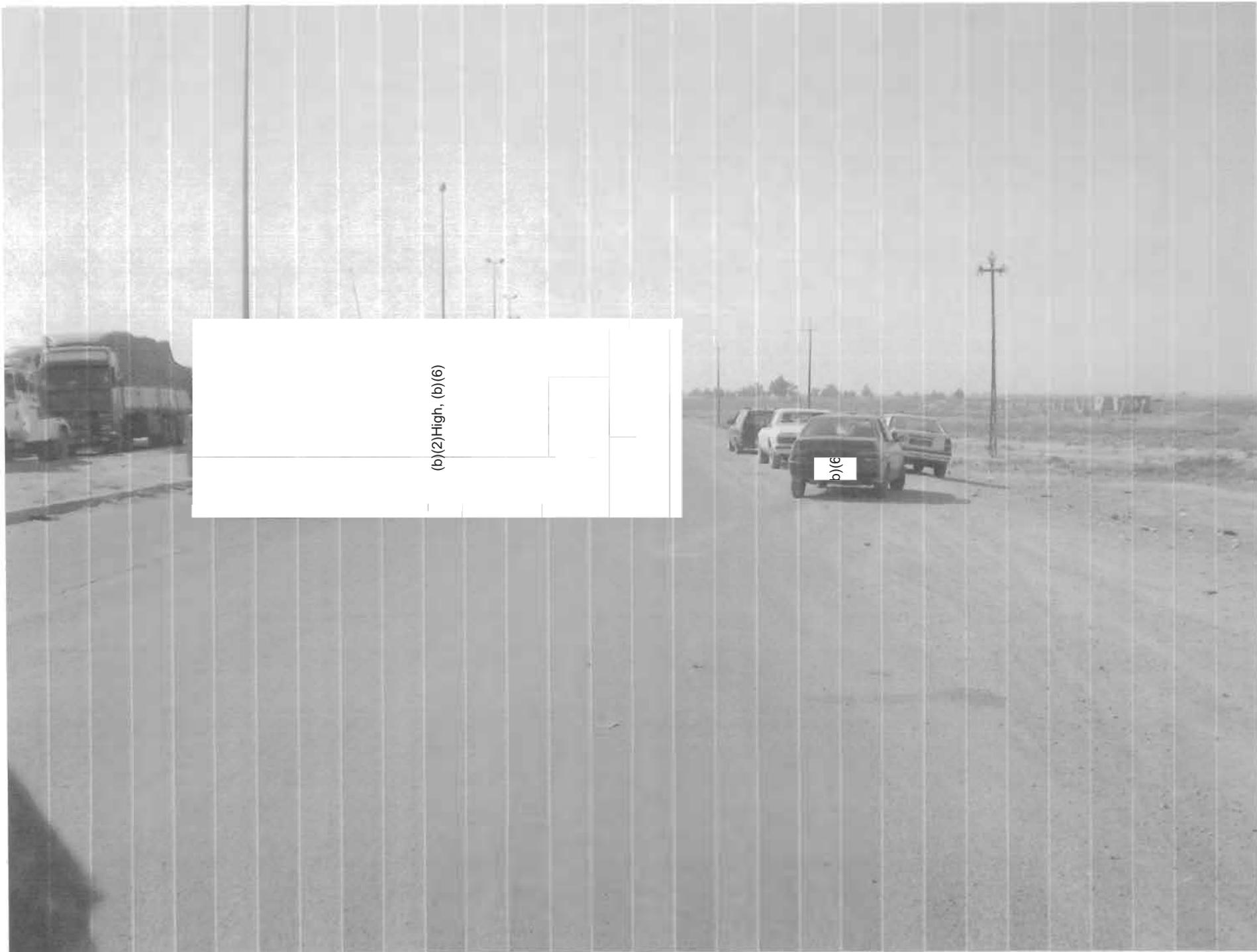
•TIME: 1159

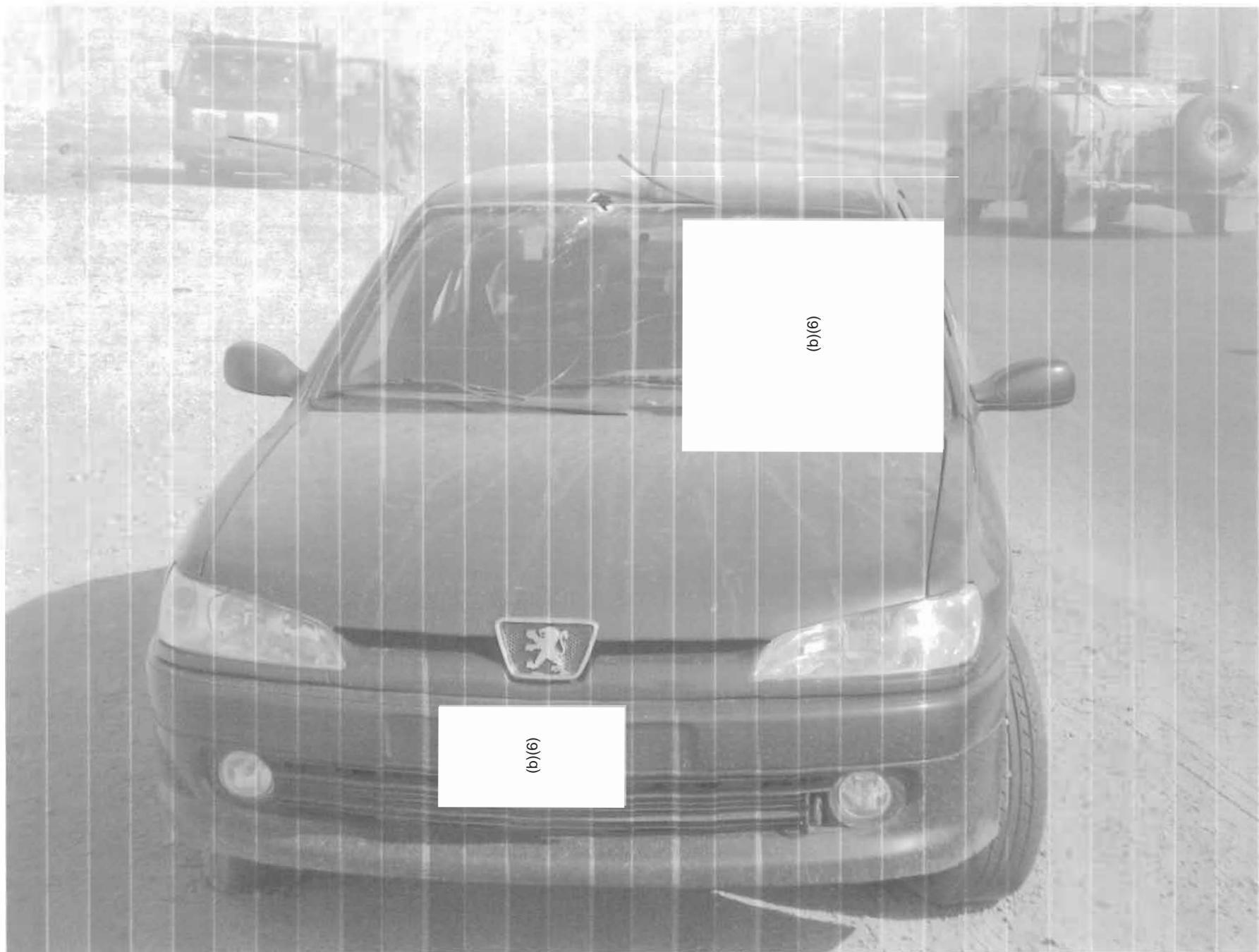
•CASUALTIES: 1X LN KIA, 1X LN WIA

•EQUIPMENT DAMAGE: 2X LN Vehicle

(b)(2)High

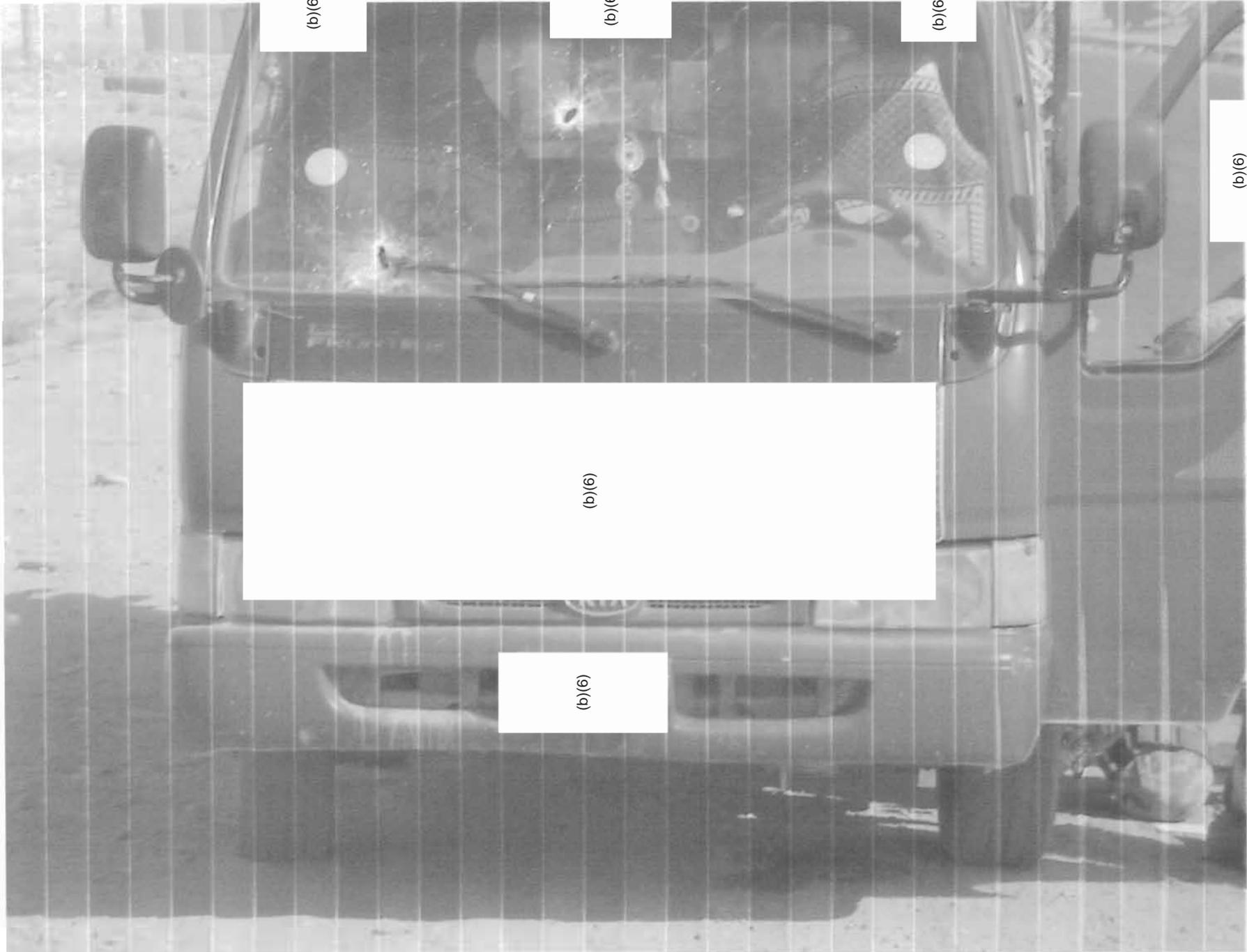
(b)(2) High





(b)(6)

(b)(6)



(b)(6)

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(b)(6)

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

Here is the info for the Warric (b)(6) EOF.

(b)(6) was the female killed. Her NOK who will receive the payment is
(b)(6) (b)(5)
(b)(6) (b)(5)(6)
(b)(6)
(b)(6) (b)(5)
(b)(6)
(b)(6) (b)(5) if you need anything from me, please let me know within
the next couple of hours because we are (b)(2)Hi objective tomorrow morning bright and early.
Thanks.

- CPT (b)(3), b(6)



DEPARTMENT OF THE ARMY
Headquarters, 1st Brigade Combat Team
10th Mountain Division (Light Infantry)
FOB Warrior, Kirkuk, Iraq, APO AE 09338

AFZS-LI-Z-JA

9 November 2007

MEMORANDUM FOR Commander, 1st Brigade Combat Team, 10th Mountain Division (Light Infantry), FOB Warrior, Kirkuk, Iraq, APO AE 09338

SUBJECT: 1BCT CERP CONDOLENCE FUND

1. The purpose of this memorandum is to request a condolence payment be made to (b)(6) for the death of (b)(6) using the 1BCT, 10th MTN DIV (LI) CERP Condolence Fund. On 6 November 2007, (b)(6) was involved in an escalation of force incident with Coalition Forces while traveling on Route (b)(2) High. The personal security detail convoy located a break in the median and transitioned to the southbound lane against traffic. The lead gunner was (b)(2) High to direct oncoming traffic out of the path of the convoy. Multiple local national vehicles pulled onto the shoulder except for a dark blue sedan that continued to approach the convoy head on. The gunner proceeded to (b)(2) High (b)(2) High no effect. (b)(2) High the gunner fired warning shots which caused the vehicle to stop. The warning shots ricocheted into a blue truck that was following behind the dark blue sedan which resulted in the death of (b)(6)

2. Description of how these monies will support the 1BCT, 10th MTN DIV (LI) Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 1BCT has with the local populace by expressing our regret for the death of (b)(6)

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 the death of (b)(6) | \$2,500.00 | 1 | \$2,500.00 |
| | | | | |
| | Total: | | | \$2,500.00 |

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

AFZS-LI-Z-JA
SUBJECT: 1BCT CERP CONDOLENCE FUND

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

This condolence payment is legally sufficient / insufficient.

(b)(6), b(3)

CPT. JA
Foreign Claims Commissioner

(b)(3), b(6)

I approve/disapprove this condolence payment.

COL. IN
Commanding

. . .

CERP CONDOLENCE PAYMENT WORKSHEET

TYPE OF CERP CONDOLENCE PAYMENT: Regional Level Quick Impact Fund

MILITARY UNIT COORDINATING PROJECT: HHC, 1BCT, 10th MTN DIV (LI), Foreign Claims Commissioner

MILITARY UNIT CONTACT INFO FOR PROJECT

NAME: CPT (b)(3), b(6)
PHONE: VOIP 242-2624
NIPR EMAIL: (b)(3), b(6), (b)(2)High

NAME THE PROJECT: CERP Condolence Fund Payment to (b)(6) for the death of (b)(6)
(b)(6) (reference Claim No. 08-IH4-T032)

PROJECT LOCATION: Kirkuk, Iraq

PROJECT DESCRIPTION: CERP Condolence Payment to (b)(6)

DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION: Condolence payments are designed to promote and maintain friendly relationships with local nationals. A condolence payment is intended to express sympathy for death, injury, or property damage caused by U.S. or Coalition Forces during combat activity. It is not an admission of guilt.

COST (U.S. Dollars) AND JUSTIFICATION: \$2,500.00. On 6 November 2007, (b)(6) was involved in an escalation of force incident with Coalition Forces while traveling on (b)(2)High. The personal security detail convoy located a break in the median and transitioned to the southbound lane against traffic. The lead gunner was waving his orange flag to direct oncoming traffic out of the path of the convoy. Multiple local national vehicles pulled onto the shoulder except for a dark blue sedan that continued to approach the convoy head on. The gunner proceeded to (b)(2) High with no effect. (b)(2)High the gunner fired warning shots which caused the vehicle to stop. The warning shots ricocheted into a blue truck that was following behind the dark blue sedan which resulted in the death of (b)(6)

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

ESTIMATED DAYS REQUIRED TO COMPLETE PROJECT: 1