



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ APO AE 09344

REPLY TO
ATTENTION OF:

AFYB-JA-FL

20 December 2007

MEMORANDUM FOR Commander, Multi-National Division-Baghdad, Camp Liberty, Iraq APO AE 09344

SUBJECT: Legal Review—2/82 ABN (2-319 AFAR) Request for CERP Condolence Payment for (b)(6)
(b)(6)

1. Conclusion. I have reviewed all documents in the request. I concur with the brigade request to make a condolence payment to (b)(6) for her death following an EOF. It is within your discretion to approve the 2/82 ABN request for \$10,000.

2. Analysis.

a. CERP appropriated funds may be used for condolence payments to express sympathy for damages resulting from U.S. military operations. *MNC-I CERP Family of Funds Standard Operating Procedures*, App. 2, para. 1b(1)(b)(1 Jun 07). Condolence payments are not an admission of fault by the US Government. *Id.* Commanders must verify that a claim is not a viable option before making a CERP condolence payment. *Id.* App. 2, para. 1b(1)(a).

b. On 27 November 2007, near (b)(2)High (b)(6) was commuting on a bus on her way to work at a nearby bank. The bus entered an area, which prohibited large vehicles, and US forces attempted EOF measures. When the driver did not stop, US forces engaged the bus, killing (b)(6)

c. The decedent had no control over the bus, and she was not at fault. I find the request for \$10,000 is reasonable – especially considering her employment and income stream. I concur with the brigade commander's request. The damages are not compensable as a claim because they fit within the combat exclusion.

(b)(2)High

3. Staff contact for this memorandum is the undersigned at VOIP 242-4084.

// original signed //

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

Fiscal and Contract Law Attorney

CENTCOM 013557