



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

16 August 2007

APVG-ZZO-JA

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

SUBJECT: 3rd IBCT CERP DISCRETIONARY BULK FUND.

1. The purpose of this memorandum is for the use of the 3rd IBCT, 25th IN DIV CERP Discretionary Bulk Fund for a condolence payment to (b)(6) Mr. (b)(6) that on 26 July 2007 his relative (b)(6) was killed while working as contractor for FOB Bernstein as he was traveling to work by a small arms attack which struck him in the head killing him. 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 3rd IBCT, 25th IN DIV Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 3rd 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 Death of a Local National (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.

5. POC for this action is CPT (b)(3)(b)(6) [@3bct25id.army.smil.mil](mailto:(b)(3)(b)(6)@3bct25id.army.smil.mil).

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

This claim is legally sufficient / insufficient

CPT, JA
 Foreign Claims Commissioner

I approve/disapprove this purchase.

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

LTC, IN
 Executive Officer

OFFICE OF THE COALITION PROVISIONAL AUTHORITY (OCA)
PROJECT WORKSHEET

TYPE OF OPCA PROJECT: Regional Level Quick Impact Fund

MILITARY UNIT COORDINATING PROJECT: HHC, 3IBCT, 25th IN DIV, Judge Advocate

MILITARY UNIT CONTACT INFO FOR PROJECT

NAME: CPT (b)(3)(b)(6)
PHONE: VOIP (b)(2)High
NIPR EMAIL: (b)(3)(b)(6) @us.army.mil

NAME THE PROJECT: Condolence Payment for death of a local national to (b)(6)

PROJECT LOCATION: Kirkuk, Iraq

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

DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION: Condolence payments are cash payments to local nationals, or to their family members, who suffer death or injury or property damage caused by US forces in the performance of official duty. US forces make Condolence payments without reference to fault by either the local national or US forces, 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. (b)(6) claims his relative, (b)(6) was killed while working as contractor for FOB Bernstein as he was traveling to work on 26 July 2007.

(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): _____

ESTIMATED DAYS REQUIRED TO COMPLETE PROJECT: 1



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SUBJECT: Claim of (b)(6) 07-I14-T381

1. Claimants name and address: (b)(6) Kirkuk, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on in Kirkuk, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 15 August 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) claims that on , his relative, (b)(6) , wwas killed while working as contractor for FOB Bernstein as he was traveling to work..
 - b. There was a death certificate and a medical report 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.

CENTCOM 008192

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SUBJECT: Claim of

(b)(6)

07-I14-T381

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