



**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

20 September 2007

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

SUBJECT: 3<sup>rd</sup> IBCT CERP DISCRETIONARY BULK FUND.

1. The purpose of this memorandum is for the use of the 3<sup>rd</sup> IBCT, 25<sup>th</sup> IN DIV CERP Discretionary Bulk Fund for a condolence payment to (b)(6) Mr (b)(6) claims that on 15 July 2007, during an EOF incident with 3-7 FA, his relative (b)(6) was killed. 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 3<sup>rd</sup> IBCT, 25<sup>th</sup> IN DIV Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 3<sup>rd</sup> 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
	<b>Total:</b>			\$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) VOIP (b)(3)(b)(6), (b)(2)High [us.army.mil](mailto:us.army.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 (OCPA)  
PROJECT WORKSHEET

**TYPE OF OPCA PROJECT:** Regional Level Quick Impact Fund

**MILITARY UNIT COORDINATING PROJECT:** HHC, 3IBCT, 25<sup>th</sup> 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)  
(reference Claim No. 07-I14-T416)

**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 during an  
EOF incident with 3-7 FA, his relative (b)(6) ) was killed on 15 July 2007.

Haji Ibrahim Abdin 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) 07-114-T416

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 15 July 2007 in Kirkuk, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 20 September 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 15 July 2007, during an EOF incident with 3-7 FA, his relative (b)(6) was killed.
  - b. There was a story board, medical reports, and photographs 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 008196

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SUBJECT: Claim of (b)(6) )7-114-T416

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