

HEADQUARTERS
Combined Forces Command - Afghanistan
Operation Enduring Freedom
Kabul, Afghanistan
APO AE 09356

CFC-A Regulation
No. 27-20.1

15 January 2005

Effective 15 January 2005
Civil Military Operations

SUPPLEMENTATION. Supplementation of this regulation and issuance of command and local forms by subordinate commands is prohibited unless prior approval is obtained from HQ CFC-A-SJA.

1. **PURPOSE.** This regulation explains condolence visits and solatia payments and establishes payment procedures.
2. **APPLICABILITY.** This regulation applies to all forces and personnel under the command and control of Combined Forces Command – Afghanistan (CFC-A), wherever they are located in the Combined/Joint Operations Area – Afghanistan (CJOA-A).

3. **REFERENCES.**

a. The following are required publications:

(1) Department of Defense (DOD) Financial Management Regulation (FMR) Volume 5 (Disbursing Operations for Finance and Accounting Offices). (Cited in Appendix A)

(2) Diplomatic Note No. 202 of the U.S. Embassy, dated September 26, 2002, and Document No. 93 of the Transitional Islamic State of Afghanistan, dated May 28, 2003. Cited in paragraph 7. (Attached at TAB A)

b. The following are related publications:

(1) AFM 112-1 (Claims Manual).

(2) AFM 177-102 (Commercial Transactions at Base Level).

(3) AR 27-20 (Claims).

(4) JAGINST 5800.7D (Manual of the Judge Advocate General).

4. **EXPLANATION OF TERMS.**

- a. Condolence visit. A personal visit by a representative of the US Armed Forces to express sympathy to an injured person, to the next of kin of a deceased person, or to a person who has suffered loss or damage to his/her property
- b. Solatia payment. A payment made to an Afghan national or to the family of a deceased Afghan national, in connection with injury, death, or damage to the dwelling or property of a Afghan national, when the injury, death, or damage was:
 - 1. Suffered in connection with the Afghan national's employment with the U.S. Armed Forces.
 - 2. Caused by a military member or civilian employee of the U.S. Armed Forces in the performance of official duty.
 - 3. The result of an accident involving an official U.S. Armed Forces vehicle driven by an authorized military or civilian driver.
 - 4. Caused, other than in the performance of official duty, by a military member or civilian employee of the U.S. Armed Forces, who is unable to make a solatia payment from personal funds. If the qualified commander considers it in the best interest of the U.S., payment is made from appropriated funds (this paragraph also applies to military members and U.S. national civilian employees who are not stationed in Afghanistan but are either living or visiting in country).
- c. Solatia payments are valid expenditures and are centrally funded by each service component. Solatia payments are chargeable against each service component's fund cite. The fund cite will be charged on Standard Form 1304 (Public voucher for Purchase and Services Other Than Personal) and processed as directed locally. Payments for units temporarily in Afghanistan will be processed by the responsible solatia payment officer and charged to that service component fund cite of the service member or the unit involved in the incident.
- d. Qualified Commanders include those task force or subordinate commanders at the grade of O-5 and above.
- e. Military member of the U.S. Armed Forces. Any person who belongs to one of the Armed Services of the U.S. while in Afghanistan.
- f. Civilian employee of the U.S. Armed Forces. Any person employed by the DOD or one of the military Service components as a civilian employee, technical representative, or invited contractor. This term also includes any person of Afghan nationality employed by the DOD or by one of the military Service components while in the performance of official duty.
- g. Afghan nationals. For the purpose of this regulation, the term "Afghan national" includes any Afghan citizen residing in Afghanistan. Afghan national employees of the U.S. Armed Forces are specifically included in this definition.

5. RESPONSIBILITIES.

- a. Qualified Commanders have area responsibility for the area in which the injury, death, or damage occurred and are responsible for the administration of the solatia program. Commanders, in coordination with the Staff Judge Advocate (SJA) serving their geographical area will establish and maintain procedures for administration of the solatia program in compliance with this regulation.
- b. Solatia Payment Officers (SPO). SPOs are appointed by Qualified Commanders and are delegated responsibility for program administration.
 1. Familiarize themselves with policies and procedures for the solatia program as stated in this regulation.
 2. Coordinate solatia processing with the supporting finance and accounting office or finance office to ensure prompt processing in the event of an incident requiring solatia payment. SPOs will be appointed on orders as a Class A agent to the servicing Finance and Accounting Officer (FAO) to perform duties as directed by this regulation.
 3. Coordinate with supporting military police authorities and commanders of tenant units to ensure prompt reporting of accidents or incidents resulting in injuries, death, or damages requiring solatia payments.
 4. Report their appointments to the Claims Office, Staff Judge Advocate, CFC-A.
 5. Monitor the conduct of the condolence visit and delivery of the solatia payments to ensure compliance with the purpose of this regulation.
- c. Commanders. Commanders down to the O-3 level will be familiar with policies and procedures of the solatia program and will establish procedures to promptly report potential solatia-generating incidents to the SPO.
- d. Judge Advocates. The SJA or legal advisor serving the unit will be prepared to advise and assist their commanders or SPO concerning appropriate operation of the solatia payment.

- e. The FAO or Finance Officer (FO). The FAO or FO will maintain a sufficient fund of un-circulated Afghani notes for implementation of the solatia program. A copy of each public voucher used for solatia payment will be forwarded to the Staff Judge Advocate, CFC-A.
- f. The point of contact for solatia matters is the Office of the Staff Judge Advocate, CFC-A. The Chief of Fiscal Law will be prepared to advise and assist the commander, SPO, servicing unit judge advocates, FAO or FO in the interpretation and application of the solatia program.

6. POLICY. The Commander, Combined Forces Command - Afghanistan, follows the Afghan customs of making condolence calls and payment of solatia. Payment of solatia is made without reference to fault and is not regarded as an admission of guilt or civil liability. Observance of this custom has no bearing on the merit of the claim under Diplomatic Note No. 202 of the U.S. Embassy, dated September 26, 2002, and Document No. 93 of the Transitional Islamic State of Afghanistan, dated May 28, 2003; such claims are adjudged solely by the provisions of that agreement and in accordance with other applicable laws.

7. PROCEDURES.

a. The Qualified Commander will:

- (1) Review each incident or accident report involving injury, death, or damage to property of an Afghan national. The Qualified Commander will consider the nature and extent of the injuries or damages and whether there was involvement by U.S. Forces that resulted in the injuries or damages. Solatia payment will not be denied solely because the facts do not indicate fault or legal liability on the part of U.S. forces. Solatia are based on U.S. involvement rather than U.S. causation. Whenever possible, the determination to make a solatia payment will be made promptly to permit payment within 48 hours of the incident or accident. In cases involving the death of an Afghan National, every effort will be made to facilitate solatia payment immediately to enable burial in accordance with Islamic Law.
- (2) Determine whether a solatia payment should be made by annotating approval or disapproval on the Solatia Payment Request Form. Solatia payments are made from local O&M funds from the unit whose commander approves the payment. Any individual who voluntarily makes a solatia payment out of his personal funds is not entitled to reimbursement by the U.S. Government.
- (3) If the Qualified Commander determines that a solatia payment should be made, the Qualified Commander will direct the SPO to process and make payment as appropriate. The Qualified Commander will also appoint a witness to accompany the SPO when the payment is made.
- (4) The Qualified Commander will ensure all required documentation is prepared for each solatia payment.

- b. The SPO will contact the servicing FAO or FO to arrange pick up of bulk funds that will be used to make solatia payments. Normally, the payment officer will present to the commercial accounts section or the disbursing division of the FAO or FO the following documents:
 - (1) Two copies of the SPO appointment letter, designating the Class A agent to the servicing FAO/FO. (See app A.)
 - (2) A Certified DD Form 577 (Signature Card), certified by a Qualified or Regional Commander or the SJA if such a card is not already on file with the FAO or FO. (See app D.)
 - (3) A Certified SF Form 1034. (See app C.)
- c. Finance personnel will advance funds to the SPO in new, un-circulated Afghani notes.

8. AMOUNT OF SOLATIA PAYMENT.

- a. Qualified Commanders will determine the amount of each solatia payment and will annotate this amount on the Solatia Payment Request Form. To ensure consistency in the solatia program throughout Afghanistan, the following maximum payments schedule will be used in determining the amount of payment:
 - (1) Death: 100,000.00 Afghani (\$2336.00±)
 - (2) Serious personal injury: 20,000.00 Afghani (\$467.00±)
 - (3) Damage to property or personal injury other than serious personal injury: 10,000.00 Afghani (\$236.50±)
- b. A serious injury is generally defined as an injury requiring significant medical treatment and inpatient hospitalization in excess of two days. The Qualified Commander will exercise judgment and discretion in assessing the extent of injury. Although the Qualified Commander will make reasonable efforts to ascertain the extent of injury, payment will not be delayed unduly because of difficulties in determining injury information. When the extent of known injuries cannot be determined in a timely manner, the Qualified Commander may assume that the injuries satisfy the criteria for serious injury unless there is a reason to believe otherwise. (Minor or insignificant injures need not be considered for purposes of the solatia program.).

9. THE CONDOLENCE VISIT AND SOLATIA PAYMENT. The SPO and the witness appointed by the Qualified Commander will visit the victim or the victim's family and identify themselves. (The witness should be a mature Afghan male, if possible.)

a. The SPO will explain that the U.S. Armed Forces follow the Afghan custom of condolence visits; that the U.S. Armed Forces, the local commander, and the individual involved regret the incidents occurred; and that a token of sympathy is offered. The SPO will make no statement concerning any ongoing accident investigation(s) or the legal aspects of potential claims.

b. All claims and other legal issues will be referred to the servicing SJA or the U.S. Armed Forces Claims Service, Afghanistan. The payment officer will then present the payment and an appropriate verbal or written sympathy message in a separate envelope. (See Appendix F.) The payment will be made in a clean white envelope with writing in black ink. **(Do not use red ink.)**

10. PROCESSING AFTER VISIT PAYMENT.

a. As decorum prohibits asking for a receipt when making a solatia payment, the witness will officially observe the actual payment. The witness will then sign the Solatia Payment Request Form, and the SF 1034, and prepare, in duplicate, DA Form 2823. The witness will sign copies, as applicable, and present them to the SPO. The SPO will return to the FAO or FO with signed copies of the Solatia Payment Request Form, the SF 1034, and the DA Form 2823.

b. The FAO or FO will process the SF Form 1034 and attach the following documents to the form:

(1) Appointment memorandum for SPO.

(2) Solatia Payment Request Form indicating the appointment of the witness.

(3) Statement of witness.

c. One copy of the voucher will be forwarded to the Office of the Staff Judge Advocate, CFC-A.

By order of the Commanding General:

DAVID W. BARNO
Lieutenant General, US Army
Commanding

Official:

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

Chief of Staff

Appendixes

- A. Sample Format for Appointment of Class A Agent and Solatia Payment Officer
- B. Sample Format for Appointment of Solatia Payment Witness
- C. Instructions for Preparation of SF 1034 (Public Voucher for Purchases and Services Other Than Personal)
- D. Signature Card
- E. Sample Text of Condolence Message

Sample Forms

- A. DD Form 577, Appointment/Termination Record—Authorized Signature (DEC 2003)
<http://www.dtic.mil/whs/directives/infomgt/forms/forminfo/forminfo167.html>
- B. SF 1034, Public Voucher for Purchases and Services Other Than Personal (OCT 1987)
<http://www.gsa.gov/Portal/gsa/ep/formslibrary.do?viewType=DETAIL&formID=57675C8BB6CE880B85256A3F004125BD>
- C. PP Form 1, Solatia Payment Request Form (DEC 2004)
- D. DA Form 3953, Purchase and Request Commitment (MAR 1991)
http://www.usapa.army.mil/formnum_forms.asp?search=da+3953

DISTRIBUTION:

The proponent of this regulation is the Office of the Judge Advocate, CFC-A. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, CFC-A, ATTN: SJA APO AE 09356.

APPENDIX A
SAMPLE FORMAT FOR APPOINTMENT OF CLASS A AGENT AND SOLATIA
PAYMENT OFFICER
(Appropriate Letterhead)

Office Symbol

MEMORANDIUM FOR

SUBJECT: Appointment of Class A Agent and Solatia Payment Officer

1. Appointment: Effective this date you are appointed as a Class A Agent to the (Finance and Accounting Officer or Finance Officer) and as a Solatia Payment Officer.
2. Authority: DODFMR Volume 5 (Disbursing Operations for Finance and Accounting Officers) and CFC-A Reg 27-20.1.
3. Purpose: To perform condolence visits and present solatia payments to individuals identified by me as authorized payees.
4. Period: Until relieved or released from appointment.
5. Special Instructions: Follow provisions of CFC-A Reg 27-20.1.

(Signature block Commander)

SAMPLE

APPENDIX B
SAMPLE FORMAT FOR APPOINTMENT SOLATIA PAYMENT WITNESS
(Appropriate Letterhead)

Office Symbol

MEMORANDIUM FOR

SUBJECT: Appointment of Solatia Payment Witness

1. Appointment: Effective this date you are appointed as a Solatia Payment Witness.
2. Authority: CFC-A Reg 27-20.1.
3. Purpose: To witness Solatia payment to (Payees' Name).
4. Period: Until relieved or released from appointment.
5. Special Instructions: Follow provisions of CFC-A Regulation 27-20.1.

(Signature block Commander)

SAMPLE

APPENDIX C
INSTRUCTIONS FOR PREPARATION OF SF 1034
(PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL)

1. Voucher number (to be entered by the finance office).
2. Enter the name and address of the finance office.
3. Enter date the voucher is prepared.
4. Disbursing station symbol number and APO of the finance office (to be entered by the finance office).
5. Enter the name of payee and the name and address of the solatia payment officer.
6. Give a description of the incident.
7. Enter the amount of the payment (in Afghani).
8. Check the "Complete" payment block.
9. Conversion to dollars and exchange rate (to be entered by the finance office).
10. Qualified Commanders or the servicing judge advocate will sign as the "Authorized Certifying Officer."
11. Accounting classification and dollar amount (to be entered by the finance office).

APPENDIX D
INSTRUCTIONS FOR PREPARATION OF SOLATIA PAYMENT REQUEST FORM

1. Section I: Requesting official can be anyone who identifies the need to make the payment, but will often be the SPO. Must have full name or description of individual who will receive the solatia payment. Must also have the type of solatia payment checked and a full description of the facts precipitating the payment.

2. Section II: The Qualified Commander will annotate approval, disapproval, or whether the package requires further substantiation prior to payment. If approving the payment the Qualified Commander will annotate the amount of payment to be made, along with the date the payment is to be made and by whom. The Qualified Commander must sign this form indicating approval prior to payment.

3. Section III: The date the payment is made must be annotated along with all of the required signatures.

APPENDIX E
SAMPLE TEXT OF CONDOLENCE MESSAGE

NAME
ADDRESS

Dear Mr. _____:

It is with great sadness that I have learned of the tragic death of your son (daughter, wife, and/or etc.) (NAME)

Personally, and on behalf of the United States Armed Forces, I wish to express my deepest sympathy to you and your family.

I know this loss has brought extreme anguish to you. It is my hope that you may find some measure of comfort and assurance in these words, and in knowing that your grief is shared.

Please accept my heartfelt condolences at this difficult and trying time.

With deepest sympathies,

Signature of Commander

SAMPLE

A. DD Form 577, Appointment/Termination Record—Authorized Signature (JAN 2004)
<http://www.dtic.mil/whs/directives/infomgt/forms/forminfo/forminfopage167.html>



B. SF 1034, Public Voucher for Purchases and Services Other Than Personal (OCT 1987)
<http://www.gsa.gov/Portal/gsa/ep/formslibrary.do?viewType=DETAIL&formID=57675>
C8BB6CE880B85256A3F004125BD



C. PP Form 1, Solatia Payment Request Form (DEC 2004)

SOLATIA PAYMENT REQUEST FORM (Read Privacy Act Statement and Instructions before completing form.)		
PRIVACY ACT STATEMENT AUTHORITY: E.O. 9397, 51 U.S.C. 3325, 3528, DoD Financial Management Regulation, Vol. 5, Chapter 33, and DoDD 7000.15, DoD Accountable Officials and Certifying Officers. PRINCIPAL PURPOSE(S): To maintain a record of solatia payment requests, approvals, and final disposition. The information will also be used for identification purposes associated with certification of documents and/or liability of public records and funds. ROUTINE USE(S): The information on this form may be disclosed as generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended. It may also be disclosed outside of the Department of Defense (DoD) to the the Federal Reserve banks to verify authority of the accountable individual to issue Treasury checks. In addition, other Federal, State and local government agencies, which have identified a need to know, may obtain this information for the purpose(s) identified in the DoD Blanket Routine Uses published in the Federal Register. DISCLOSURE: Voluntary; however, failure to provide the requested information may preclude payment.		
SECTION I - COMPLETED BY SOLATIA PAYMENT REQUESTING OFFICIAL		
1. NAME OF REQUESTING OFFICIAL	2. TITLE	3. DOD COMPONENT/ORGANIZATION
4. DATE (YYYYMMDD)	5. NAME OF INDIVIDUAL TO RECEIVE SOLATIA PAYMENT	
6. TYPE OF SOLATIA PAYMENT (check one) <input type="checkbox"/> Death of Local National <input type="checkbox"/> Serious Injury of Local National <input type="checkbox"/> Non-serious Personal Injury or Property Damage		
7. FACTS SUPPORTING SOLATIA PAYMENT (continue on separate sheet if necessary)		
SECTION II - COMPLETED BY QUALIFIED COMMANDER/SOLATIA APPROVAL AUTHORITY		
8. NAME OF QUALIFIED COMMANDER	9. TITLE	10. DOD COMPONENT/ORGANIZATION
11. I HEREBY DIRECT THE FOLLOWING ACTION REGARDING THIS MATTER (check one) <input type="checkbox"/> Approve Solatia Payment <input type="checkbox"/> Requires Further Substantiation Prior to Solatia Payment <input type="checkbox"/> Disapprove Solatia Payment		
12. AMOUNT OF SOLATIA PAYMENT TO BE MADE (IF ANY)	13. DATE PAYMENT SHOULD BE MADE	
14. NAME OF SOLATIA PAYMENT OFFICER	15. NAME OF SOLATIA PAYMENT WITNESS	
16. SIGNATURE	17. DATE	
SECTION III - COMPLETED BY SOLATIA PAYMENT OFFICER/WITNESS/PAYEE		
18. I HEREBY CERTIFY THAT SOLATIA PAYMENT APPROVED ABOVE WAS ACCOMPLISHED ON _____ DATE		
19. SIGNATURE OF SOLATIA PAYMENT OFFICER	20. DATE	
21. SIGNATURE OF SOLATIA PAYMENT WITNESS	22. DATE	
23. SIGNATURE OF PAYEE	24. DATE	

D. DA Form 3953, Purchase and Request Commitment (MAR 1991)

http://www.usapa.army.mil/formnum_forms.asp?search=da+3953

