



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3D INFANTRY DIVISION (FORWARD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO-AE 09344

REPLY TO
ATTENTION OF:

AFZP-JAC

22 April 2005

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of [REDACTED] 05-IJ8-T015.

1. Facts. Claimant's son was an ING soldier. Son was killed by a accidental discharge of a US Marine machinegun at the Lutifiya patrol base. SIGACT coorborated claim.

Claimant has requested \$6000 as compensation.

2. Opinion. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. The claim packet contained credible evidence of damage caused by US forces not involved in combat operations.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. Settle this claim in the amount of \$5000.

CPT, JA
Foreign Claims Commission IJ8

001131

Standard Form 1034 (EG)
Revised October 1987
Department of the Treasury
1 TFM 4-2000
1034-121

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

DEPARTMENT OF THE ARMY

130th Finance Battalion
LSA Anaconda
APO-AE 09391
DSSN: 8550

10 DATE VOUCHER PREPARED

22 April 2005

SCHEDULE NO.

CONTRACT NUMBER AND DATE

PAID BY

3d Finance Company
Camp Liberty, Iraq
APO AE 09352
DSSN: 8550

REQUISITION NUMBER AND DATE

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

CLAIM #: 05-IJ8-T015

PAYEE'S

NAME

AND

ADDRESS

SHIPPED FROM

TO

WEIGHT

GOVERNMENT BA. NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN- TITY	UNIT PRICE		AMOUNT
				COST	PER	
		In full settlement of the amount allowed by the Secretary of the Army, or an officer duly designated for such purposes under authority of 31 U.S.C. 3721 and AR 27-20, Chapter 10, upon the claim of the above named claimant for property damaged, lost, destroyed, captured, or abandoned in service.				\$5000

(Use continuation sheet(s) if
necessary)

(Payee must NOT use the space below)

TOTAL

\$5000

PAYMENT:

PROVISIONAL

COMPLETE

PARTIAL

FINAL

PROGRESS

ADVANCE

APPROVED FOR

=

=\$1.00

DIFFERENCES

BY:

SFC

HQ, 3ID, (FWD)

TITLE: PAY AGENT

Amount verified: correct for

\$5000

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

4/MAY/05
(Date)



CPT, USA

HQ, 3ID (FWD), FCC IJ8
(Title)

ACCOUNTING CLASSIFICATION

2152020 22-0204 P436099.22-4200 VIRQ F9203 S99999 \$5000

PAID BY	CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
	CASH	DATE	PAYEE	PER
	\$ 5000	4/MAY/05	Weda'a	001132

¹When stated in foreign currency, insert name of currency.

²If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.

³When a voucher is received in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or

"Treasurer", as the case may be.

Previous edition usable

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 3D INFANTRY DIVISION (FORWARD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09344

REPLY TO
ATTENTION OF:

April 22, 2005

Foreign Claims Commission IJ8

SUBJECT: Claim # 05-IJ8-T015

Dear [REDACTED]

You have submitted a claim seeking compensation for losses caused by U.S. Forces in Lutifiya on or about 3/27/2005. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code §2734, Army Regulation 27-20, and Department of the Army Pamphlet 27-162 Claims Procedures.

Allow me to express my sympathy for your loss. In accordance with the cited references and the investigation into your claim, I find that your claim is compensable. Accordingly, the Third Infantry Division Claims Office will compensate you for your losses in the amount of \$5000.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with AR 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within 30 days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

Captain, U.S. Army
Foreign Claims Commission

001133