



REPLY TO
ATTENTION OF:

HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-JA-C

12 July 2008

MEMORANDUM FOR RECORD

SUBJECT: Claim of (b)(6) 08-I04-T048

1. Facts: At 8 am on 22 May 2006 the claimant's mother was in a taxi driving between al Dora and Karada. She was a worker at (b)(6) and was on her way to work. A temporary checkpoint had been set up because of an IED, and the taxi misunderstood the checkpoint's directions and started driving forward regardless of signals to stop. As a result, an EOF evolved and the Soldiers at the checkpoint fired at the taxi, killing the passenger, our claimant's mother.
2. Opinion: The claim is not compensable under the FCA. The claim arose out of combat activities and therefore falls under the combat activities exclusion of the FCA. I met with the claimant and find him to be entirely credible. He had previously filed his fully documented claim with a Claims JA in 2007 and his file was lost due to our fault. The claim is being forwarded to the JA covering this AO with a recommendation for a CERP payment of the maximum amount possible.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: The claim is denied and recommended for CERP. The claimant can be contacted at phone number (b)(6) to meet to receive a CERP payment.

(b)(3), b(6)

Captain, JA
Foreign Claims Commission I04

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