**PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL**

**FOKUS-208893**

<table>
<thead>
<tr>
<th>VOUCHER NO.</th>
<th>FOKUS-208893</th>
</tr>
</thead>
</table>

**DATE VOUCHER PREPARED**

7-Feb-05

**PAYEES**

<table>
<thead>
<tr>
<th>NAME AND ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>KABUL, AFGHANISTAN</td>
</tr>
</tbody>
</table>

**SHIP FROM**

<table>
<thead>
<tr>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAG</td>
</tr>
</tbody>
</table>

**DATE FILED**

01 FEBRUARY 2005

**AGENT RETURN WINSTON**

CLAIMS-NAFS, GUL
CASE No. A1B-06-002
DATE FILED: 01 FEBRUARY

**TOTAL**

<table>
<thead>
<tr>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>302,040 AFS</td>
</tr>
</tbody>
</table>

**PAYMENT:**

<table>
<thead>
<tr>
<th>PROVISIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPLETE</td>
</tr>
<tr>
<td>PARTIAL</td>
</tr>
<tr>
<td>FINAL</td>
</tr>
<tr>
<td>PROGRESS</td>
</tr>
<tr>
<td>ADVANCE</td>
</tr>
</tbody>
</table>

**ADVANCED BY:**

<table>
<thead>
<tr>
<th>FOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>IRRISURGE OFFICER</td>
</tr>
</tbody>
</table>

**SIGNATURE:**

<table>
<thead>
<tr>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-Feb-05</td>
</tr>
</tbody>
</table>

**ACCOUNTING CLASSIFICATION**

2162022 22-0204 P1 (M) 22 4200 VFRE E32001 ++ 06 APO: K226453 A1B

**CHECK NUMBER**

<table>
<thead>
<tr>
<th>ON ACCOUNT OF U.S. TREASURY</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,111.76</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-Feb-05</td>
</tr>
</tbody>
</table>

**1.** When issued in foreign currency insert name of country.

**2.** If the amount to be paid and authorized to approve is Control No. one signature only is necessary.

**3.** When a voucher is issued to a company or contractor, the name of the person issuing the company.

**PRIVACY ACT STATEMENT**

The information requested on this form is required under the provisions of 31 U.S.C. 3717 and 837, for the purpose of determining Federal identity. The information requested is to identify the particular contractor and the amounts to be paid. Failure to furnish this information will result in discharge of the payment obligation.

**000081**
MEMORANDUM FOR RECORD

SUBJECT: Foreign Claim Investigation, Claim # A1D-06-002

1. Identifying Information.
   a. Claimant: The claimant is a local national, hereinafter “the claimant”), living in Pol’e Alam, Afghanistan.
   b. Amount: The claimant filed a claim for $35,500.00USD on 15 October 2005.
   c. The claimant states on 27 August 2005, her husband was riding a motorcycle that was struck by a U.S Government vehicle died as a result of that accident.

2. Jurisdiction. This claim is presented for consideration under the Foreign Claims Act, 10 U.S.C. §2734. The claimant filed her claim in a timely manner in the form of an SF 95. The claimant is a foreign national and the spouse of the deceased. The claimant is a proper claimant under the Foreign Claims Act IAW DA PAM 27-162, para. 10-2.

   a. On 27 August 2005, at approx 1530L was driving an UAH B-33 in a convoy. His recollection is that the motorcycle approached the B-33 from the rear and got caught between the B-33 and the parked construction vehicle. His vehicle was the last of 5 in this convoy. There were 5 occupants in the vehicle and they were traveling at approx. 30 mph. The road he was traveling on was currently under construction. There was a parked construction vehicle on the right hand side of the road and moved slightly into the left hand lane to pass the parked vehicle. Based on other statements, it is believed that after the UAH B-33 passed the stopped construction vehicle, veered back into the right hand lane and that is when the motorcycle and military vehicle collided.
   b. On 15 October 2005, three local nationals, were interviewed. They all stated that they were located behind the B-33 on bicycles as the accident happened. Each of the three stated that the motorcycle was in front of the UAH B-33. Then, just as the UAH B-33 passed the stopped construction vehicle, it made a right turn to get back into the right lane and struck the motorcycle. None of the witnesses actually saw the
collision, but they all witnessed the events leading up to and after the collision. They all basically stated the same set of facts.

c.  stated that there was a stopped construction vehicle on the right side of the road and “a motorcycle with a driver and one passenger pulled out from behind the parked construction vehicle and stopped next to the construction vehicle’s left side.” He yelled to the driver to watch out, but he was unable to maneuver in time and it the motorcycle with the front right corner of the humvee. Thus, placed the motorcycle in front of the B-33.

d. Further, from photographs (Exhibit #11) of damage, there seems to be nominal damage to the right side of the vehicle and the mirror is not damaged at all. Just the front right portion of the hood and some scratches at the door at the top of the tire level. This would suggest that the impact came when the vehicle and motorcycle impacted if the motorcycle was in front of the UAH B-33.

e. The claimant submitted an SF 95 indicating damages of $35,500USD for the wrongful death of her spouse.

4. Legal Analysis.

a. Legal Rules. Under AR 27-20, para. 10-3, the incident that forms the basis for the claim must arise in a foreign country and be a result of either noncombat activities of the U.S., armed forces or the negligent or wrongful acts of civilian employees or military members. “Noncombat activity” is defined in the Glossary of AR 27-20, as “authorized activities essentially military in nature, having little parallel in civilian pursuits, which historically have been considered as furnishing the proper basis for payment of claims. Activities excluded are those incident to combat, whether in time of war or not, and use of military personnel and civilian employees in connection with civil disturbances.”

b. Application of Rules. In this case, the claim arose in Afghanistan, a foreign country. The military vehicle driver engaged in negligent conduct by not proceeding in a safe manner, i.e., the driver’s speed may have been excessive due to road conditions and did not ensure the right hand lane was clear prior to moving back into that lane.

5. Damages.

a. The claimant’s husband was killed as a result of the accident.

b. SF 95. The claimant filed an SF 95 on 15 October 2005. The SF 95 indicates damages in the amount of $35,500.00 USD for the wrongful death of her spouse. However, according to the valuation chart for death claims in Afghanistan $6,000.00 USD is fair and reasonable in this case.
6. Proposed Settlement or Action. This claim is payable under the Foreign Claims Act because the death of the claimant’s spouse occurred as a result of a U.S. military member’s negligent conduct. This claim should be settled $6000.00 (302,040.00 Afghani).

7. Point of contact is the undersigned at (318) 231-4603.

CPT, JA  CPT, JA  CPT, JA
Foreign Claims Commissioner Foreign Claims Commissioner Foreign Claims Commissioner

2 Encls
1. SF 95 for $35,500USD, dated 15 Oct 05
2. Collateral Investigation Report w/attachments
6. **Proposed Settlement or Action.** This claim is payable under the Foreign Claims Act because the death of the claimant's spouse occurred as a result of a U.S. military member's negligent conduct. This claim should be settled $6000.00 (302,040.00 Afghani).

7. **Point of contact** is the undersigned at (318) 231-4603.

---

CPT, JA CPT, JA CPT, JA
Foreign Claims Commissioner Foreign Claims Commissioner Foreign Claims Commissioner

2 Encls
1. SF 95 for $35,500USD, dated 15 Oct 05
2. Collateral Investigation Report w/attachments
CJTF76-SJA - Foreign Claim Investigation. Claim # A1D-06-002

6. **Proposed Settlement or Action.** This claim is payable under the Foreign Claims Act because the death of the claimant's spouse occurred as a result of a U.S. military member's negligent conduct. This claim should be settled $6000.00 (302,040.00 Afghani).

7. Point of contact is the undersigned at (318) 231-4603.

/ CPT. JA \\
Foreign Claims Commissioner

/ CPT. JA \\
Foreign Claims Commissioner

/ CPT. JA \\
Foreign Claims Commissioner

2 Encls
1. SF 95 for $35,500 USD. dated 15 Oct 05
2. Collateral Investigation Report w/ attachments
FOREIGN CLAIMS COMMISSION DECISION MEMORANDUM

1. CASE No. #: A1D-06-002  
2. DATE REQUEST FILED: 1 February 2006

3. NAME AND ADDRESS OF CLAIMANT: [Redacted]

4. NAME AND ADDRESS OF REPRESENTATIVE: N/A

5. DATE AND PLACE OF INCIDENT: 27 August 2005, Pol’e Alam, Afghanistan

6. AMOUNT REQUESTED: $35,500 USD

7. EQUIVALENT IN US CURRENCY: Current Exchange Rate

8. FACTS: See investigation memo

9. LIABILITY: The request is cognizable and considered meritorious

10. QUANTUM:

   Amount requested: $35,500 (1,787,070 Afghani)
   Amount Approved: $6,000 (302,040 Afghani)

11. FUND CITE #: 2162020 22-0204 P436099.22-4200 VFRE F3203 S99999  
    APC: K226(83) A1B

12. ACTION: Claimant paid for substantiated loss

13. PAYMENT AMOUNT: $6,000 (302,040 Afghani)

14. EQUIVALENT IN US CURRENCY: Current exchange rate

15. COMMISSIONER'S SIGNATURE/DATE:

   [Signature]

[Initials]
Foreign Claims Commissioner
while driving a motorcycle was struck and killed by an US military up-armored HMMWV.

The US military investigation that followed did not state who was at fault for the accident.