

DEPARTMENT OF THE ARMY
155TH BRIGADE COMBAT TEAM
APO AE 09325
FORWARD OPERATING BASE KALSU

155-BCT-JA-FCC IG6

15 July 2005

MEMORANDUM FOR RECORD by FCC IG6, 155 BCT

SUBJECT: Seven-Point Memorandum and Determination: Claim of [REDACTED],
DEATH OF INDIVIDUAL, VANISHED VEHICLE, Claim number 2005-IG6-T-02-079.

Introduction. Pursuant to AR 27-20, I have investigated the claim of [REDACTED].

- 1. Amount of Claim, Date and Place of Filing.** Amount: \$4000 (USD). Date: On or about 26 FEBRUARY 2005. Place: FOB Iskandariyah, Iraq.
- 2. Type of Claim.** This claim is cognizable under the provisions of the *Foreign Claims Act* (FCA), 10 USC § 2734, as implemented by AR 27-20.
- 3. Date and Place of Incident.** Date: 14 DECEMBER 2004. Place: Mahmadiyah, Iraq.
- 4. Claimant's Address.** Deceased. Represented by [REDACTED]
- 5. Facts of Incident:** U.S. military allegedly killed the claimant and confiscated his vehicle, 1982 White, Toyota truck. There is a record of the incident, but none of the seizure of vehicle in the command journal. The vehicle cannot now be located. However, the vehicle may have been taken to FOB Kalsu. There is no such vehicle or records at Kalsu and all vehicles at this FOB have been turned over to the Iraqi Police.
- 6. Brief of Applicable Law and Commission's Authority.** There are no existing agreements for payment of claims between the U.S. and Iraq. The Department of the Army is assigned Single-Service claims responsibility for claims involving or generated in Iraq. Army Regulation 27-20 implements DoDD 5515.8 and the FCA. The filing party is the proper claimant IAW AR 27-20. This claim was filed within the 2-year Statute of Limitations imposed by Title 10 USC § 2734(b)(1). The undersigned Judge Advocate has been appointed as a Foreign Claims Commission by the United States Army Claims Service (USARCS) to approve or deny claims up to \$15,000.
- 7. Opinion and Determination.** U.S. Forces have a duty to not negligently injure civilians or to lose civilian's property. The estate is willing to accept \$500 in exchange for waiving any and all claims against the U.S. This amount is fair because there is some evidence that the U.S. lost the vehicle and the case seems credible. Accordingly, I have determined that this claim is payable under the FCA in the amount of \$500.

[REDACTED]
[REDACTED]
[REDACTED] S
CPT, JA

Foreign Claims Commission

000711

CONTRACT NUMBER AND DATE
2005-02-079
REQUISITION NUMBER AND DATE

PAID BY

PAYEE'S NAME AND ADDRESS

IRAQ

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

TO

WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <i>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</i>	QUAN-TITY	UNIT PRICE		AMOUNT <i>(1)</i>
				COST	PER	
		Foreign Tort Claim payment for vehicle missing since clients release from detention				500.00

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)

PAYMENT:		APPROVED FOR	EXCHANGE RATE	TOTAL	500.00
<input type="checkbox"/> PROVISIONAL		= \$	= \$1.00	DIFFERENCES	
<input checked="" type="checkbox"/> COMPLETE	BY 2				
<input type="checkbox"/> PARTIAL					
<input type="checkbox"/> FINAL					
<input type="checkbox"/> PROGRESS	TITLE			Amount verified; correct for	500.00
<input type="checkbox"/> ADVANCE	CPT, JA, 1-155th Infantry, FCC			<i>(Signature or Initials)</i>	

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

16 July 2005

(Date)

(Authorized Certifying Officer)

FCC

(Title)

ACCOUNTING CLASSIFICATION

2152020 22-0204 P436099.22-4200 VIRQF9203 S99999

PAID BY	CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON <i>(Name of bank)</i>
	CASH	DATE	PAYEE ³	
	\$ 500.00	16 July 2005		
			PER	
			TITLE	

¹ When stated in foreign currency, insert name of currency.
² If 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.
³ When a voucher is receipted 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
PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

NSN 7540-00-900-2234

USAPA V4.00

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