



DEPARTMENT OF THE ARMY
HEADQUARTERS, 256th BRIGADE COMBAT TEAM
CAMP AL-THAREER, IRAQ
APO AE 09344

ATZQ-256BCT-SJA

18 March 2005

MEMORANDUM THRU Comptroller, 3d Infantry Division

FOR Chief of Staff, 3d Infantry Division

SUBJECT: Type of Condolence Payment (Death) 256-BCT-047 049

1. NAME OF RECIPIENT: [REDACTED]
2. DATE OF INCIDENT OR DAMAGE: 30JAN05
3. LOCATION OF INCIDENT OR DAMAGE: Yousifiyah area, Baghdad
4. DESCRIPTION: While traveling in the Yousifiyah area, the claimant's brother was caught in crossfire between 2d Bn, 24th Marines when they were firing at a POO. During the incident, the brother was shot and killed.
5. JUSTIFICATION: By making this condolence payment, MNF ensures the family and community recognize the MNFs' sympathy for the unfortunate loss. Support will positively influence both the community and local Iraqi leaders.
6. AMOUNT OF PAYMENT: \$2,500 Death of Brother
7. POINT OF CONTACT: MAJ [REDACTED], a. Claims Judge Advocate. VOIP 242-4924, NIPR: [REDACTED]. Reference foreign claim # 6-2, filed at Al-Mahumudayh.

[REDACTED]
BG. U.S. ARMY
Commanding

I concur with the payment.

[REDACTED]
LTC, JA
Staff Judge Advocate

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UNITED STATES MARINE CORPS

I MARINE EXPEDITIONARY FORCE

UIC 42540

FPO AP 96426-2540

REPLY TO

MEMORANDUM

Condolence

FROM: FCC IC3, I MEF, FOB Mahmudiyah, Iraq

SUBJECT: Seven-Point Memorandum and Determination: Claim of

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

1. Amount of Claim and Date and Place of Filing.

a. Amount. \$ 2,500 (USD)

b. Date and Place of Filing. The claim was filed on 23 Feb 05.

2. Type of Claim. The claim is cognizable under the provisions of the *Foreign Claims Act (FCA)*, 10 U.S.C. § 2734, as implemented by AR 27-20.

3. Date and Place of Incident.

a. Date. The incident giving rise to this claim occurred on or about 30 Jan 05.

b. Place. Kousifiyah

4. Claimant's Address. _____

5. Facts of Incident.

a. Claimant's Background. The claimant is not represented by counsel.

b. The Incident.

(1) Claimant's brother was shot & killed while a CF patrol fired at a POW. There is a letter from Lt Mike stating that the man killed was innocent & was simply caught in the cross fire.

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6. **Brief of Applicable Law.**

a. **Foreign Claims Act (FCA).**

- i. **Existing Agreements.** There are no applicable claims agreements between the U.S. and Iraq.
- ii. **Single-Service Claims Responsibility.** The Department of the Army is assigned Single-Service claims responsibility for claims involving, or generated in Iraq.
- iii. **Governing Instruction.** AR 27-20 implements DoDD 5515.8 and the FCA.
- iv. **Jurisdiction.** The claimant is a proper claimant pursuant to AR 27-20.
- v. **Statute of Limitations.** The claim was presented within 2 years of the date of the incident. 10 U.S.C. § 2734(b)(1).


b. **Claim's Authority.** The Judge Advocate for I MEF as FCC may deny claims of \$15,000 or less or pay claims when the amount of payment is \$15,000 or less.

7. **Opinion and Determination.**

a. **Opinion.**

CF are responsible for this incident. Claim may be paid using condolence funds.

8. **Determination** –I have determined that this claim is payable under the FCA in the amount of \$ 2,500.


LtCol, US Marine Corps Reserve
Claims Judge Advocate

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