



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 corroborated 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.

[REDACTED]  
[REDACTED]  
CPT, JA  
Foreign Claims Commission IJ8

001131

Standard Form 1034 (EG) Revised October 1997 Department of the Treasury 1 FTM 4-2000 1034-121		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL				VOUCHER NO.
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION <b>DEPARTMENT OF THE ARMY</b> 130 <sup>th</sup> 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	
PAYEE'S NAME AND ADDRESS [REDACTED] <b>CLAIM #: 05-IJ8-T015</b>			REQUISITION NUMBER AND DATE			DATE INVOICE RECEIVED
					DISCOUNT TERMS	
					PAYEE'S ACCOUNT NUMBER	
					GOVERNMENT B. NUMBER	
SHIPPED FROM			TO		WEIGHT	
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>	QUANTITY	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) <b>(Payee must NOT use the space below)</b>						TOTAL \$5000
PAYMENT: <input type="checkbox"/> PROVISIONAL <input checked="" type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE		APPROVED FOR BY: SFC [REDACTED] HQ, 3ID, (FWD) TITLE: PAY AGENT	EXCHANGE RATE =\$1.00	DIFFERENCES		
				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)		[REDACTED] (Authorized Certifying Officer)*	[REDACTED] HQ, 3ID (FWD), FCC1J8 (Title)		CPT, USA	
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	[REDACTED]	
	\$ 5000	4 MAY 05		Weda		
<sup>1</sup> When stated in foreign currency, insert name of currency. <sup>2</sup> 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. <sup>3</sup> 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.					PER	
					TITLE	001132



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HEADQUARTERS, 3D INFANTRY DIVISION (FORWARD)  
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APO-AE 09344

REPLY TO  
ATTENTION OF:

April 22, 2005

Foreign Claims Commission IJ8

SUBJECT: Claim # 05-IJ8-T015

[REDACTED]  
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,

[REDACTED SIGNATURE]

Captain, U.S. Army  
Foreign Claims Commission

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