



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

Copy

FIVA-BDZ

30 Aug 2005

MEMORANDUM THRU Comptroller, 3rd Infantry Division

FOR Chief of Staff, 3rd Infantry Division

SUBJECT: Type of Condolence Payment (Death) 256 BCT – 517K

1. NAME OF RECIPIENT: [REDACTED]
2. DATE OF INCIDENT OR DAMAGE: 09 JAN 2005
3. LOCATION OF INCIDENT OR DAMAGE: Kadhamiyah, Baghdad
4. DESCRIPTION: On 9 JAN 2005, the claimant's husband, [REDACTED] was shot and killed by CF. [REDACTED] was parked in line at a gas station in Kahdamiyah, when CF and AIF engaged each other with SAF. [REDACTED] was unfortunately caught in the cross fire.
5. AMOUNT OF PAYMENT: \$1,000.00 – Death
6. POINT OF CONTACT: Recipient: [REDACTED]
[REDACTED] KAD GIC.

[REDACTED]
BG, U.S. ARMY
Commanding

I concur with the payment.

[REDACTED]
MAJ, JA
Deputy Staff Judge Advocate

001233



DEPARTMENT OF THE ARMY
 HEADQUARTERS, COMMANDO BRIGADE COMBAT TEAM
 1ST CAVALRY DIVISION
 CAMP VICTORY NORTH, IRAQ
 APO AE 09303



REPLY TO
 ATTENTION OF

AFZS-LF-JA

Adjudication Date: 8 February 2005

MEMORANDUM FOR RECORD

SUBJECT: Claim of - [REDACTED]
 Address [REDACTED] Kadhamiya
 Date Filed - 12 Jan 05
 Date Received - 5 Feb 05
 Amount Claimed - \$2,500
 Claimed Loss - Other (death)

1. Facts - Claimant alleges that on or about 9 January 2005, her husband was killed after his vehicle was involved in a collision with Coalition Forces.

2. Your above mentioned claimed is denied based on the following reasons:

- () Disapproved based on the combat activities bar to compensation;
- () Disapproved based on improper claimant;
- (X) Disapproved based on lack of evidence showing negligence of US personnel;
- () Disapproved based on failure to show a loss;
- () Approved;

(X) Adjudication Explanation: We are sorry and very sympathetic to your loss, however your claim must be denied for the following reasons: In your claim you failed to provide sufficient evidence that U.S. Forces and not someone else is responsible for your damages. Also, the death certificate you have provided does not include your husband's name, his gender, or an official stamp from the Ministry of Health.

This claim is authorized under the Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

3. If you are dissatisfied by this action, AR 27-20 provides that you may request that the decision be reconsidered. Any such request must be forwarded to this office for FCC consideration. There is no prescribed format for each request. However, it should describe the legal and/or factual basis for relief. Claimants may also provide new and additional evidence to support their claim. Any request for reconsideration must be made, in writing, within 30 days of receipt of this letter. The FCC's action on reconsideration is final and conclusive by law.

4. POC for this memorandum is CPT Boston, CDO BDE.

Claim# 05-IG5-517K

Kadhamiya

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 WO1, US Army
 Legal Administrator

001234