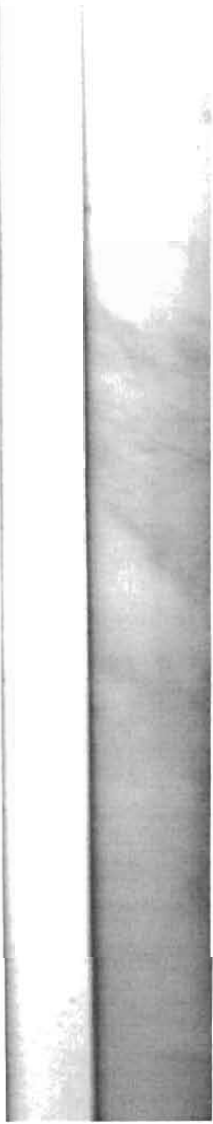


(b)(3), (b)(6)





DEPARTMENT OF THE ARMY
 3rd Infantry Brigade Combat Team Command Judge Advocate
 3rd Infantry Brigade Combat Team
 FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

26 September 2007

MEMORANDUM FOR Commander, 3rd Infantry Brigade Combat Team, 25th Infantry Division, FOB Warrior, Kirkuk, Iraq, APO AE 09338

SUBJECT: 3rd IBCT CERP DISCRETIONARY BULK FUND.

1. The purpose of this memorandum is for the use of the 3rd IBCT, 25th IN DIV CERP Condolence Bulk Fund for a condolence payment to the father of Ms (b)(6) claims that on 222037JUN07 his daughter Ms (b)(6) was killed when a stray 2.75" rocket struck her residence while a SWT was engaging a nearby residence that was being occupied by UE at ME 2206 0913. This incident is not a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the damages were incident to combat.

2. Description of how these monies will support the 3rd IBCT, 25th IN DIV Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 3rd IBCT has with the local populace by expressing our regret for the damages.

3. List the specific items or services requested in the table below:

#	Items to be purchased or service rendered	Unit Price	Quantity	Total Price
1	Payment for Condolence Fund	\$2,500.00	1	\$2,500.00
	Total:			\$2,500.00

4. The transaction can be completed at one time with one payment.

5. POC for this action is MAJ (b)(3), (b)(6) VOIP 242-262 (b)(3)(b)(6), (b)(2)High

This claim is legally sufficient / insufficient

MAJ. JA
 Foreign Claims Commissioner

I approve / disapprove this purchase.

(b)(3), (b)(6)
 Executive Officer

OFFICE OF THE COALITION PROVISIONAL AUTHORITY (OCA)
PROJECT WORKSHEET

TYPE OF OCA PROJECT: Regional Level Quick Impact Fund

MILITARY UNIT COORDINATING PROJECT: HHC. 3IBCT, 25th IN DIV, Judge Advocate

MILITARY UNIT CONTACT INFO FOR PROJECT

NAME: MAJ (b)(3), (b)(6)

PHONE: VOIP 242-2624

NIPR EMAIL: (b)(3)(b)(6), (b)(2)High

NAME THE PROJECT: Condolence Fund Payment to the father of Ms (b)(6)

PROJECT LOCATION: Kirkuk, Iraq

PROJECT DESCRIPTION: Condolence Payment to Mr (b)(6)

DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION: Condolence fund payments are cash payments to heirs of local nationals, or to their family members, who suffer death caused by Coalition Forces in the performance of official duty. US forces make Condolence fund payments, as an expression of sympathy and good will and in the best interest of the US Government.

COST (U.S. Dollars) AND JUSTIFICATION: \$2,500.00. Mr (b)(6) claims that on 222037JUN07 his daughter Ms (b)(6) was killed when a stray (b)(2)High rocket struck her residence while a (b)(2)High was engaging a nearby residence that was being occupied by UE at (b)(2)High. This incident is not a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the damages were incident to combat.

NAME AND POSITION OF IRAQI WHO WILL ASSUME RESPONSIBILITY FOR THE COMPLETED PROJECT (Responsible Iraqi): Mr. (b)(6)

ESTIMATED NUMBER OF DAYS REQUIRED TO COMPLETE THIS PROJECT: 1



DEPARTMENT OF THE ARMY
3rd Infantry Brigade Combat Team Command Judge Advocate
3rd Infantry Brigade Combat Team
FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

27 September 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 07-I14-T426

1. Claimants name and address: (b)(6) Kirkuk, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 22 June 2007 in Kirkuk, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 26 September 2007.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for loss of property.
5. Facts:
 - a. (b)(6) claims that on 22 June 2007, his daughter (b)(6) was killed when a stray (b)(2) Higrocket struck her residence while a (b)(2) Hig was enngaging a nearby residence that was being occupied by UE.
 - b. There was a story board included in the submitted claim.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident has to occur outside of the United States and be from either non-combat activities of the U.S. Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

APVG-ZZO-JA

SUBJECT: Claim of (b)(6) 07-I14-T426

b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$2,500.00 is denied.

(b)(3), (b)(6)


CPI, JA
Foreign Claims Commissioner

07-I14-T426-00006