

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

Dept of the Treasury

DEPT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE ARMY
DFAS-IN
INDIANAPOLIS, IN 46249

DATE VOUCHER PREPARED
25-Jul-06
CONTRACT NUMBER AND DATE
REQUISITION NUMBER AND DATE

SCHEDULE NO.
PAID BY
FOBA5
DFAS-IN
INDIANAPOLIS, IN
46249 DSSN: 5570
DATE INVOICE RECEIVED
25-Jul-06
DISCOUNT TERMS
PAYEE'S ACCT. NUMBER

FEES
NAME
AND
ADDRESS

BAGRAM, AFGHANISTAN

PREPARED FROM TO WEIGHT

GOVERNMENT B/L NO.

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item no. of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE		AMOUNT
				COST	PER	
		Foreign Claim Commission CASE NO. #: A1U-06-081 Date Request Filed: 25 July 2006 Current Exchange Rate				3,991.22 0 0 0 0 0 0

CONTINUATION SHEET IF NECESSARY (Payee must NOT use the space below) TOTAL 3,991.22

- MENT:
- PROVISIONAL
 - COMPLETE
 - PARTIAL
 - FINAL
 - PROGRESS
 - ADVANCE

Certified by: [Signature] JJA Foreign Claims Commission

DIFFERENCES		
Amount verified; correct for		\$3,991.22
(Signature or initials)		

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.
25-Jul-06 (Date) [Signature] (Authorized Certifying Officer) DISBURSING OFFICER (Title)

ACCOUNTING CLASSIFICATION
2162020 22-0204 P436099.22-4200 VFRE F3203 S99999 APC: K226(83) A1U

Accounting Classification Verified by [Signature], FC, Deputy Disbursing Officer 10th SSB (FWD)

CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
CASH	DATE	PAYE	
\$3,991.22	25-Jul-06		

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 51 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.

Figure 8

000044



DEPARTMENT OF DEFENSE
COMBINED/JOINT TASK FORCE (CJTF-76)
OFFICE OF THE STAFF JUDGE ADVOCATE
BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354

REPLY TO
ATTENTION OF

CJTF-76-JA-CL

MEMORANDUM FOR RECORD

21 July 2006

SUBJECT: Foreign Claim Investigation, Claim # A1U-06-081 ([REDACTED])

1. Identifying Information.

a. Claimant: The claimant is a local national, [REDACTED] hereinafter "the claimant"), living in Afghanistan.

b. Amount: The claimant filed a claim for 2,500,000 Afghani on 26 June 2006.

c. The claimant states on 29 May 2006, that his son was shot and killed after a riot began after a U.S. Forces HEMMT vehicle lost brake control upon entering the city of Kabul.

d. Investigation Completed: 19 July 2006.

2. Jurisdiction. The claimant filed his claim in a timely manner in the form of an SF 95. The claimant is a foreign national. The claimant is a proper claimant under the Foreign Claims Act IAW DA PAM 27-162, para. 10-2.

3. Statement of Facts.

a. The claimant states on 29 May 2006, his son was shot and killed after a riot started as a result of a U.S. Forces HEMMT losing brake control.

b. A convoy was enroute from Bagram to Kabul on 29 May 2006. As they began to enter the town of Kabul, there is a very long steep graded slope on which the HEMMT within the convoy began lose control of its brakes. The HEMMT, out of control, entered town and made contact with several vehicles until it finally came to a complete stop. Damage consisted of numerous vehicles, personal injuries, and a one casualty. As the local nationals began to congregate a riot ensued. Shots were fired from the local Afghan national police and U.S. personnel fatally wounding several local nationals.

c. The claimant submitted an SF 95 indicating damages of 2,500,000 Afghani for the loss of his son.

4. Legal Analysis.

000046

a. Legal Rules. Under AR 27-20, para. 10-3, the incident that forms the basis for the claim must arise in a foreign country and be a result of either noncombat activities of the U.S. armed forces or the negligent or wrongful acts of civilian employees or military members. "Noncombat activity" is defined in the Glossary of AR 27-20, as "authorized activities essentially military in nature, having little parallel in civilian pursuits, which historically have been considered as furnishing the proper basis for payment of claims. Activities excluded are those incident to combat, whether in time of war or not, and use of military personnel and civilian employees in connection with civil disturbances."

b. Application of Rules. In this case, the claim arose in Afghanistan, a foreign country. An investigation is being completed between U.S. Forces and the local Afghanistan police. After the incident, U.S. Forces and Afghani law enforcement conducted separate investigations. Evidence supports the negligence of the U.S. Forces and therefore the claimant should be compensated accordingly.

5. **Damages.** The claimant filed an SF 95 on 26 June 2006. The SF 95 requests compensation for the loss of the son.

6. **Proposed Settlement or Action.** This claim is payable under the Foreign Claims Act because the loss occurred as a result of a U.S. government personnel's negligence. This claim should be settled for 200,000 Afghani to compensate the family for their loss.

7. Point of contact is the undersigned at (318) 231-4603.

[REDACTED]
CPT, JA
Foreign Claims Commissioner

Encls.

FOREIGN CLAIMS COMMISSION DECISION MEMORANDUM

1. CASE No. #: **A1U-06-081** 2. DATE REQUEST FILED: **21 July 2006**

3. NAME AND ADDRESS OF CLAIMANT: _____

4. NAME AND ADDRESS OF REPRESENTATIVE: **N/A**

5. DATE AND PLACE OF INCIDENT: **29 May 2006, Afghanistan**

6. AMOUNT REQUESTED: **2,500,000 Afghani**

7. EQUIVALENT IN US CURRENCY: **Current Exchange Rate**

8. FACTS: **See investigation memo**

9. LIABILITY: **The request is cognizable and considered meritorious**

10. QUANTUM:

Amount requested: **2,500,000 Afghani**

Amount Approved: **200,000 Afghani**

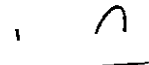
11. FUND CITE # **2162020 22-0204 P436099.22-4200 VFRE F3203 S99999 APC: K226(83) A1U**

12. ACTION: **Claimant paid for substantiated loss**

13. PAYMENT AMOUNT: **200,000 Afghani**

14. EQUIVALENT IN US CURRENCY: **Current exchange rate**

15. COMMISSIONER'S SIGNATURE/DATE:



CPT, JA
Foreign Claims Commissioner