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DEPARTMENT OF THE ARMY

Headquarters, 3rd Brigade Combat Team

3rd Infantry Division

FOB Warhorse, Iraq APO AE 09397

REPLY TO ATTENTION OF:

AFZP-VI-JA

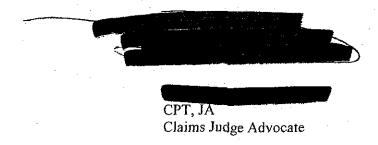
16 August 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of 1997, 05-IA5-1275

1. Claimants name and address: Baqubah, Iraq

- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 28 February 2005 in Baqubah, Iraq.
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$5,000 on 10 August 2005.
- 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 death of claimant's husband.
- 5. Facts: Cdr, 2d Bde, 4th ID, agreed to give claimant land instead of money for the death of her husband. The 4th ID redeployed prior to giving her the land, therefore she is willing to accept money for compensation. The claimant submitted witness statements to support the claim.
- 6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. Based on the statement from the Cdr of 4th ID this claim is substantiated.
- 7. <u>Recommended Action:</u> This claim is payable under the FCA for the above mentioned reasons. Consequently this claim is approved for \$5,000.



	Claims Form
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