

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

ATZQ-256BCT-SJA

18 March 2005

001025

MEMORANDUM THRU Comptroller, 3d Infantry Division

FOR Chief of Staff, 3d Infantry Division

SUBJECT: Type of Condolence Payment (Death) 256-BCT-055 OLev

1. NAME OF RECIPIENT:

2. DATE OF INCIDENT OR DAMAGE: 08JAN05

3. LOCATION OF INCIDENT OR DAMAGE: Yousifiyah area, Baghdad

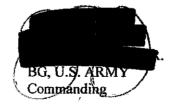
4. DESCRIPTION: While traveling in the Yousifiyah area of Baghdad, a U.S. convoy received fire from Anti-Iraqi Forces. When they returned fire, the claimant's father was near the area and was shot. The victim was taken to the 86th Combat Support Hospital, where he was pronounced dead at 081825JAN05.

5. JUSTIFICATION: By making this condolence payment, MNF ensures the family and community recognize the MNFs' sympathy for the unfortunate loss. Support will positively influence both the community and local Iraqi leaders.

6. AMOUNT OF PAYMENT: \$2,500 Death of Father

7. POINT OF CONTACT: N

Reference foreign claims Judge Advocate. VOIP 242-4924, NIPR: Reference foreign claim # 13-3, filed at Al-Mahumudayh.



I concur with the payment.

LTC. JA

Staff Judge Advocate



UNITED STATES MARINE CORPS

I MARINE EXPEDITIONARY FORCE UIC 42540 FPO AP 96426-2540

REPLY TO

Condence

MEMORANDUM

FROM: FCC IC3, I MEF, FOB Mahmudiyah, Iraq

SUBJECT: Seven-Point Memorandum and Determination: Claim of

Introduction. Pursuant to AR 27-20, I have investigated the claim of

1. Amount of Claim and Date and Place of Filing.

- a. Amount. \$ 7, 500 (USD)
- b. Date and Place of Filing. The claim was filed on $2 M_{or} \sigma 5$
- 2. **Type of Claim.** The claim is cognizable under the provisions of the Foreign Claims Act. (FCA), 10 U.S.C. § 2734, as implemented by AR 27-20.

3. Date and Place of Incident.

a. Date. The incident giving rise to this claim occurred on or about g $\overline{J_{\alpha}} , \sigma$.

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b. Place. Jansifiyah

- Claimant's Address. Baghdad
- 5. Facts of Incident.

4.

a. Claimant's Background. The claimant is not represented by counsel.

(1) U.S. Convay

The Incident. b.

6. Brief of Applicable Law.

- a. Foreign Claims Act (FCA).
 - i. Existing Agreements. There are no applicable claims agreements between the U.S. and Iraq.
 - ii. Single-Service Claims Responsibility. The Department of the Army is assigned Single-Service claims responsibility for claims involving, or generated in Iraq.

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- iii. Governing Instruction. AR 27-20 implements DoDD 5515.8 and the FCA.
- iv. Jurisdiction. The claimant is a proper clasmant pursuant to AR 27-20.
- v. Statute of Limitations. The claim was presented within 2 years of the date of the incident. 10 U.S.C. § 2734(b)(2).
- b. Claim's Authority. The Judge Advocate for I MEF as FCC may deny claims of \$15,000 or less or pay claims when the amount of payment is \$15,000 or less.

7. Opinion and Determination.

a.	Opinion. <u>Claimont</u> <u>payment</u>	12	elimable	for	<u> </u>	condolence	-
	payment.				<u></u>		
		<u> </u>			<u> </u>		
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8. **Determination** – I have determined that this claim is payable under the FCA in the amount of $\frac{2}{200}$.

LtCol, US Marine Corps Reserve Claims Judge Advocate