

## DEPARTMENT OF THE ARMY HEADQUARTERS, 256<sup>th</sup> BRIGADE COMBAT TEAM CAMP AL-THAREER, IRAQ APO AE 09344

ATZQ-256BCT-SJA

18 March 2005

MEMORANDUM THRU Comptroller, 3d Infantry Division

FOR Chief of Staff, 3d Infantry Division

SUBJECT: Type of Condolence Payment (Death) 256-BCT-047 C49

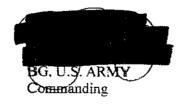
1. NAME OF RECIPIENT:

2. DATE OF INCIDENT OR DAMAGE: 30JAN05

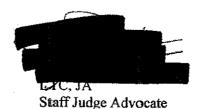
3. LOCATION OF INCIDENT OR DAMAGE: Yousifivah area, Baghdad

- 4. DESCRIPTION: While traveling in the Yousifiyah area, the claimant's brother was caught in crossfire between 2d Bn, 24<sup>th</sup> Marines when they were firing at a POO. During the incident, the brother was shot and killed.
- 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 Brother
- 7. POINT OF CONTACT: MAJ man and a Claims Judge Advocate. VOIP 242-4924, NIPR:

  1. Reference foreign claim # 6-2, filed at Al-Mahumudayh.



I concur with the payment.





## UNITED STATES MARINE CORPS

I\_MARINE EXPEDITIONARY FORCE UIC 42540 FPO AP 96426-2540

REPLY TO

MEMO	DRANDUM Condolence
FROM:	: FCC IC3, I MEF, FOB Mahmudiyah, Iraq
SUBJE	CT: Seven-Point Memorandum and Determination: Claim of
Introdi	uction. Pursuant to AR 27-20, I have investigated the claim of
1	Amount of Claim and Date and Place of Filing.
	a. <b>Amount.</b> \$\frac{2,500}{2,500} (USD)
·	b. Date and Place of Filing. The claim was filed on 23 rebos.
	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 30 Jan 05.
	b. Place. Lousifiyah
4.	Claimant's Address.
5.	Facts of Incident.
	a. Claimant's Background. The claimant is not represented by counsel.
	b. The Incident.  (1) Claimant's brother was short + killed while  a CF pootrol fired at a POO. There is  a letter from Lt Mike stating that  the man killed was Inspirent & was  Simply cought in the cross five.

001048

6.	Brief	of	Applicable	Law.
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- 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.
  - iii. Governing Instruction. AR 27-20 implements DoDD 5515.8 and the FCA.
  - iv. Jurisdiction. The claimant is a proper claimant 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)(1).
- 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.

Opinion.	<u>e (</u>	ecoans-b	le for	thic	hadent.	Clain
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8. **Determination**—I have determined that this claim is payable under the FCA in the amount of \$\( \frac{2}{500} \)\_\_\_\_.

LtCol, US Marine Corps Reserve Claims Judge Advocate