

DEPARTMENT OF THE ARMY Office of the Command Judge Advocate 116th Brigade Combat Team, 42nd Infantry Division Kirkuk, Iraq, APO AE 09368



IDCV-JA

30 August 2005

MEMORANDUM FOR Commanding Officer, 116th Brigade Combat Team, 42nd Infantry Division, APO AE 09368

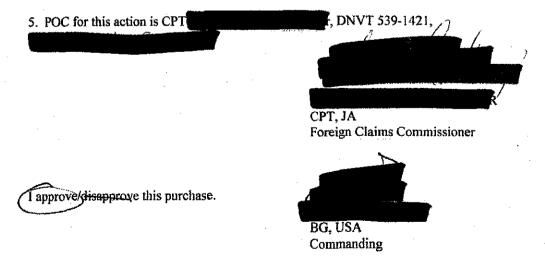
SUBJECT: 116 BCT (FWD) CERP DISCRETIONARY BULK FUND.

- 1. The purpose of this memorandum is for the use of the 116 BCT (FWD) CERP Discretionary Bulk Fund for a condolence payment to Coalition Forces when he failed to merge over for a convoy to pass, forcing the first vehicle of the convoy to swerve off the road. Claims Act (Chapter 10, AR 27-20) because her husband's death is incident to combat.
- 2. Description of how these monies will support the 116 BCT (FWD) Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 2-116th has with the local populace by expressing our condolences his family.

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	Condolence payment for the death of	\$2,500.00	1	\$2,500.00
	Total:			\$2,500.00

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





DEPARTMENT OF THE ARMY OFFICE OF THE COMMAND JUDGE ADVOCATE 116th BRIGADE COMBAT TEAM, 42nd INFANTRY DIVISION KIRKUK, IRAQ, APO AE 09368

ON OF 30 August 2005

Foreign Claims Commission

f FY05-I9B-1108 T420

Kirkuk, Iraq



I have considered your claim under the Foreign Claims Act, Title 10 United States Code Section 2734 as implemented by Army Regulation 27-20, Chapter 10.

Your claim is denied. The Foreign Claims Act does not authorize payment of claims related to combat activities, nor of claims where US negligence cannot be established. Your claim states that you were riding with your husband to a wedding when Coalition Forces opened fire on your vehicle, killing your husband. The U.S. cannot pay your claim because your husband's deaht is incident to combat. I am sorry for your loss, and I wish you well in a Free Iraq.

Army Regulation 27-20 provides you the right to appeal this action. Deliver your appeal and any additional evidence to the Government Building FCC office within thirty (30) days of receipt of this notice.

Sincerely,

CPT, U.S. Army

Foreign Claims Commissioner

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