



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



REPLY TO
ATTENTION OF

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 [REDACTED]. [REDACTED]'s husband was shot and killed by 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. [REDACTED] does not have a cognizable claim under the Foreign 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 [REDACTED]	\$2,500.00	1	\$2,500.00
	Total:			\$2,500.00

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

5. POC for this action is CPT [REDACTED], DNVT 539-1421,
 [REDACTED]
 [REDACTED]
 [REDACTED]

CPT, JA
Foreign Claims Commissioner

I approve/disapprove this purchase.

[REDACTED]
 BG, USA
 Commanding

001058



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

REPLY TO
ATTENTION OF

30 August 2005

Foreign Claims Commission

[REDACTED] FY05-I9B-1108 T420
Kirkuk, Iraq

[REDACTED]

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 death 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,

[REDACTED]
[REDACTED]
CPT, U.S. Army
Foreign Claims Commissioner

001059

CLAIM FOR DAMAGE, OR INJURY DEATH

INSTRUCTION: Please read carefully the instruction on the reverse side and supply information requested on both sides of this form. Use additional sheets (s)

person From approve MBC 1108

1. Name of claimant
Ameer
SITE OF THE ACCIDENT
on the highway of Kirkuk Mosul

2. Name of claimants & Address
[Redacted]
Grainada sector Kirkuk

GENDER House Keeper The claim	3. DATE OF BIRTH 1963	5. MARITAL STATUS Married	6. DATE & DAY OF ACCIDENT 15-07-05	Time 4.30 P.M.
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According to her claim she was riding with her husband in an wedding convoy heading to Twella village on the road of Kirkuk-Mosul. They saw a convoy of C.F. vehicles coming from the opposite way her husband reduced the speed in declined to the side ^{of the road} giving more space to the C.F. to pass but unfortunately one of the Humvee hailed him with bullets three of them killed her husband.

Note: C.F. directed them to file a claim LTC. [Redacted]

Property damage

seven bullets on the car three penetrated the windshield from the direction

INJURY

Wrongfully killing

WITNESSES

NAME	ADDRESS
[Redacted]	Twella village on the way of Kirkuk Mosul
[Redacted]	

Amount of claim (IN Dollars)

12A PROPERTY 1400 \$	12B PERSONAL INJURY	12c WRONGFUL DEATH	12d 1400 \$
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I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a. SIGNATURE OF CLAIMANT [Redacted]	13b. Phone number of signatory	14c. Date of claim 31-07-05
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CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

001060