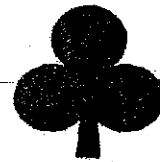




DEPARTMENT OF THE ARMY
Office of the Command Judge Advocate
1st Brigade Combat Team, 101st Airborne Division (AASLT)
Kirkuk, Iraq, APO AE 09335



REPLY TO
ATTENTION OF

IDCV-JA

4 November 2005

MEMORANDUM FOR Commanding Officer, 1st Brigade Combat Team, 101st Airborne Division (AASLT), APO AE 09335

SUBJECT: 1st BCT CERP DISCRETIONARY BULK FUND.

1. The purpose of this memorandum is for the use of the 1st BCT, 101st Abn Div CERP Discretionary Bulk Fund for a condolence payment to [REDACTED] Mr. [REDACTED]'s wife was accidentally killed by Coalition Forces during a fire fight with Anti-Coalition Forces. Mr. [REDACTED] does not have a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the accident is incident to combat.

2. Description of how these monies will support the 1st BCT, 101st Abn Div (AASLT) Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 1st BCT has with the local populace by expressing our regret for the wrongful death of his wife.

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 to Mr. [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 MAJ [REDACTED], VOIP 242-2624, [REDACTED]

[REDACTED]
 [REDACTED]
 MAJ, JA
 Command Judge Advocate

I approve/disapprove this purchase.

[REDACTED]
 [REDACTED]
 COL, IN
 Commanding

001302



DEPARTMENT OF THE ARMY
OFFICE OF THE COMMAND JUDGE ADVOCATE
1st BRIGADE COMBAT TEAM, 101st AIRBORNE DIVISION (AASLT)
KIRKUK, IRAQ, APO AE 09335

REPLY TO
ATTENTION OF

4 November 2005

5 Dec 05

Foreign Claims Commission

[REDACTED] FY06-IO6-0029
Kirkuk, Iraq

Mr. [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 U.S. negligence cannot be established. Your claim states that your wife was shot and killed by Coalition Forces. The U.S. cannot pay your claim due to the lack of evidence showing Coalition Forces involvement in the incident and negligence in that act. 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] S
MAJ, U.S. Army
Foreign Claims Commissioner

001303

**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

AMEER

SITE OF THE ACCIDENT
On the road between AL-NASSER and AROBA sector

2-Name of claimants & Address
[REDACTED]
AL-NASSER KIRKUK

GENDER
Male

4.DATE OF BIRTH
1965

5.MARITAL STATUS.
Married

6.DATE & DAY OF ACCIDENT
21-09-2005

TIME:
8.30 pm

The claim

According to his statement he was heading with his family to the home ,when he reached a low road he heard a sound of explosion then saw a veiled person was running carrying an RBK machine gun after a hail of bullet started shooting from the CF who were ambushing down road on his direction he was confused and afraid any thing could happen to his family ,he return back and entered a side road then he found that his wife was shot on her head causing immediate death to her

Property damage

INJURY

Wrongfully death of claimant wife ([REDACTED])

WITNESSES

NAME

ADDRESS

All three eyewitnesses were with him when he took his wife to the hospital

Amount of claim (IN Dollars)

12A PROPERTY

12b PERSONAL INJURY

12c WRONGFUL DEATH
???????????

12A

I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a.SIGNATURE OF CLAIMANT

13b.Phone number of signatory
418-539

14c.Date of claim
18-10-2005

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

0801304