

DEPARTMENT OF THE ARMY HEADQUARTERS, 3RD BRIGADE COMBAT TEAM OPERATION IRAQI FREEDOM, COB SPEICHER TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

13 February 2006

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to (Claim Number 06-IR8-151)

- 1. On 7 July 2005, the state of the state of
- 2. I certify that CERP funds are available to pay the second second in the amount of \$5200.00. This payment consists of \$2500.00 as a condolence payment for the death, \$1200 and \$1000 as condolence for injuries to the wife and daughter, and \$500.00 for battle damage to the vehicle.
- 3. The request to pay fine the amount of \$5200.00 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

CPT, EN Project Purchasing Officer



DEPARTMENT OF THE ARMY

OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

25 January 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of

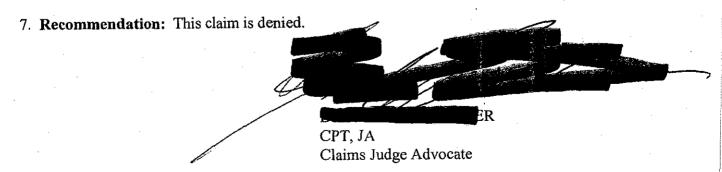
06-IR8-151

1. Identifying Data:

h by Attorney

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on July 7, 2005 in Ad Duloyia, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$4,600 on 23 Jan 2006.
- 4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was properly filed in a timely manner.
- 5. Facts: Claimant alleges that CF fired artillery in their field when their were traveling to market with fruit. One artillery round allegedly landed next to the car and killed Claimant's son,

 The car was thoroughly perforated with artillery fragmentation. A SIGACTS investigation revealed no activity similar to the Claimant's description of events.
- 6. **Opinion:** "Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful." Here, an artillery strike clearly constitutes combat activity. CF regularly conduct artillery strikes on orchards such as Claimant's orchard



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ibscribed before me t	his 11 day of Aug , 2005.	
	Khaleil Ibrahim Tasim	
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·	(Print Name)	00132

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