

(b)(3)(b)(6)



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BATTALION 27TH INFANTRY
3rd BRIGADE, 25TH INFANTRY DIVISION
FOB McHENRY, HAWAJA, IRAQ
APO, AE 09338



APVG-ZZB-HHC

12 August 2007

MEMORANDUM FOR Commanding Officer 3rd BCT, 25th Infantry Division, FOB Warrior, Kirkuk Iraq

SUBJECT: Request for money from the 2-27 CERP Commander's Battle Damage Fund

1. The purpose of this memorandum is to request a Battle Damage Payment be made to (b)(6) in order to compensate him for damage to his vehicle.

2. Description of the Event: At 060826AUG07, NF6 reported an EOF on a civilian vehicle traveling west on route (b)(2) High at a high rate of speed IVO (b)(2) High. The Sentinel patrol was traveling East on (b)(2) High at (b)(2) High mph. (b)(6) was driving a blue pick-up truck traveling west on route (b)(2) High with (b)(6) his mother, (b)(6) his wife and their two children. At (b)(2) High meters SPC (b)(3), (b)(6) the gunner of the lead vehicle, (b)(2) High to alert the blue pick up as it pulled around 15-20 cars that were stopped on the north side of the route with no response. At (b)(2) High meters, SPC (b)(6), (b)(2) High with no response. At (b)(2) High meters, the lead gunner fired four rounds of (b)(2) High impacting the road in front of the vehicle with no response. At (b)(2) High meters, the gunner fired four rounds of (b)(2) High to disable the vehicle. One round impacted a female passenger in the vehicle killing her. The vehicle finally stopped approximately (b)(2) High short of the 2nd vehicle in the OOM on the north side of the road. The Sentinel patrol cleared the vehicle and ran the names of the individuals with NSTR. The family was from (b)(6). The body of the LN was turned over to Kirkuk IP. A 15-6 investigation of this incident is ongoing. MTF.

3. List the specific items or services requested in the table below:

Item #	Item to be purchased or service rendered	Unit Price	Quantity	Total
1	Damage to engine, windshield, rear window	\$2500	1	\$2500
Grand Total				\$2500

4. The POC for this action is ILT (b)(3), b(6) VOIP 770-9215. SIPR (b)(3), b(6), (b)(2)High

(b)(3), b(6)

LTC, IN
Commanding

I recommend approval / disapproval of this payment.

(b)(3), b(6)

CPT, USA
CJA.

I approve / disapprove this Condolence Payment.

(b)(3), b(6)

MAJ, IN
BDE XO



DEPARTMENT OF THE ARMY
3rd Infantry Brigade Combat Team Command Judge Advocate
3rd Infantry Brigade Combat Team
FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

16 August 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] (b)(6) 07-I14-T364

1. Claimants name and address: Kammel Hawas Mishiuh, Hawija, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 6 August 2007 in Hawija, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 12 August 2007.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for property damage.
5. Facts:
 - a. [REDACTED] (b)(6) claims that on 6 August 2007, his vehicle was damaged as a result of an EOF by 2-27 IN.
 - b. There was a story board and a photograph included in the submitted claim.
 - c. The incident was able to be verified by the unit responsible.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident has to occur outside of the United States and be from either non-combat activities of the U.S. Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

CENTCOM 019839

07-I47-T364-00003

APVG-ZZO-JA

SUBJECT: Claim of

(b)(6)

07-I14-T364

b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$2,500.00 is denied.

(b)(3)(b)(6)

CPT, JA
Foreign Claims Commissioner

CENTCOM 019840

07-147-T364-00004



CENTCOM 019841

25605

07-147-T364-00005

Page 6 redacted for the following reason:

nonresponsive, property damage claim

