

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

CENTCOM 020370

28732

08-IH4-T032-00001



DEPARTMENT OF THE ARMY
Headquarters, 1st Brigade Combat Team
10th Mountain Division (Light Infantry)
FOB Warrior, Kirkuk, Iraq, APO AE 09338

AFZS-LI-Z-JA

8 November 2007

SUBJECT: Claim of (b)(6) 08-IH4-T032

1. Claimants name and address: (b)(6) Multaka, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 6 November 2007 in Kirkuk, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$1.00 on 8 November 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 the death of (b)(6)

5. Facts:

a. On 6 November 2007, (b)(6) was involved in an escalation of force incident with Coalition Forces while traveling North on (b)(2) High. The personal security detail convoy located a break in the median and transitioned to the southbound lane against traffic. The lead gunner was waiving his orange flag to direct oncoming traffic out of the path of the convoy. Multiple local national vehicles pulled onto the shoulder except for a dark blue sedan that continued to approach the convoy head on. The gunner proceeded to waive (b)(2)High with no effect. (b)(2)High (b)(2)High the gunner fired warning shots which caused the vehicle to stop. The warning shots ricocheted into a blue truck that was following behind the dark blue sedan which resulted in the death of (b)(6)

- b. There was a storyboard included in the submitted claim.
- c. The incident was able to be verified by the responsible unit.

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 the negligent or wrongful acts of military members or civilian employees of the Armed Forces.
- b. There is insufficient evidence to suggest that this incident resulted from non-combat activity or arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.

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SUBJECT: (b)(6) 08-IH4-T032

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$1.00 is denied.

(b)(3), b(6)

CPT, JA
Foreign Claims Commissioner

(b)(2)High

INITIAL REPORT

•ACTIVITY: EOF

While travelling North on I the Warrior 6
(2)H encountered traffic in the north bound lane. The PSD
(2)H Convoy located a break in the median and transitioned to
the south bound lane. The lead gunner was waving on
coming traffic out of the path of the convoy, multiple LN
vehicles pulled onto the shoulder except for a black sedan
that continued to approach head on. The gunner
proceeded to (2)H to effect, escalating to
warning shots without causing the vehicle to stop. The
warning shots ricochet into a blue truck following behind
the black sedan killing one LN female and wounding one
LN male as well as causing vehicle damage. Adala IPS
responded to assist. It was determined that the casualties
were (b)(6) (b)(6) (b)(6) (b)(6)

(b)(6) Consequence management was begun by
contacting the PDOP Gen. Beginning the 156
(b)(6) investigation and the process of condolence payments. 1-
87 CDR will make the follow up SOI visit.

•LOCATION:

•UNIT: W6 PSD

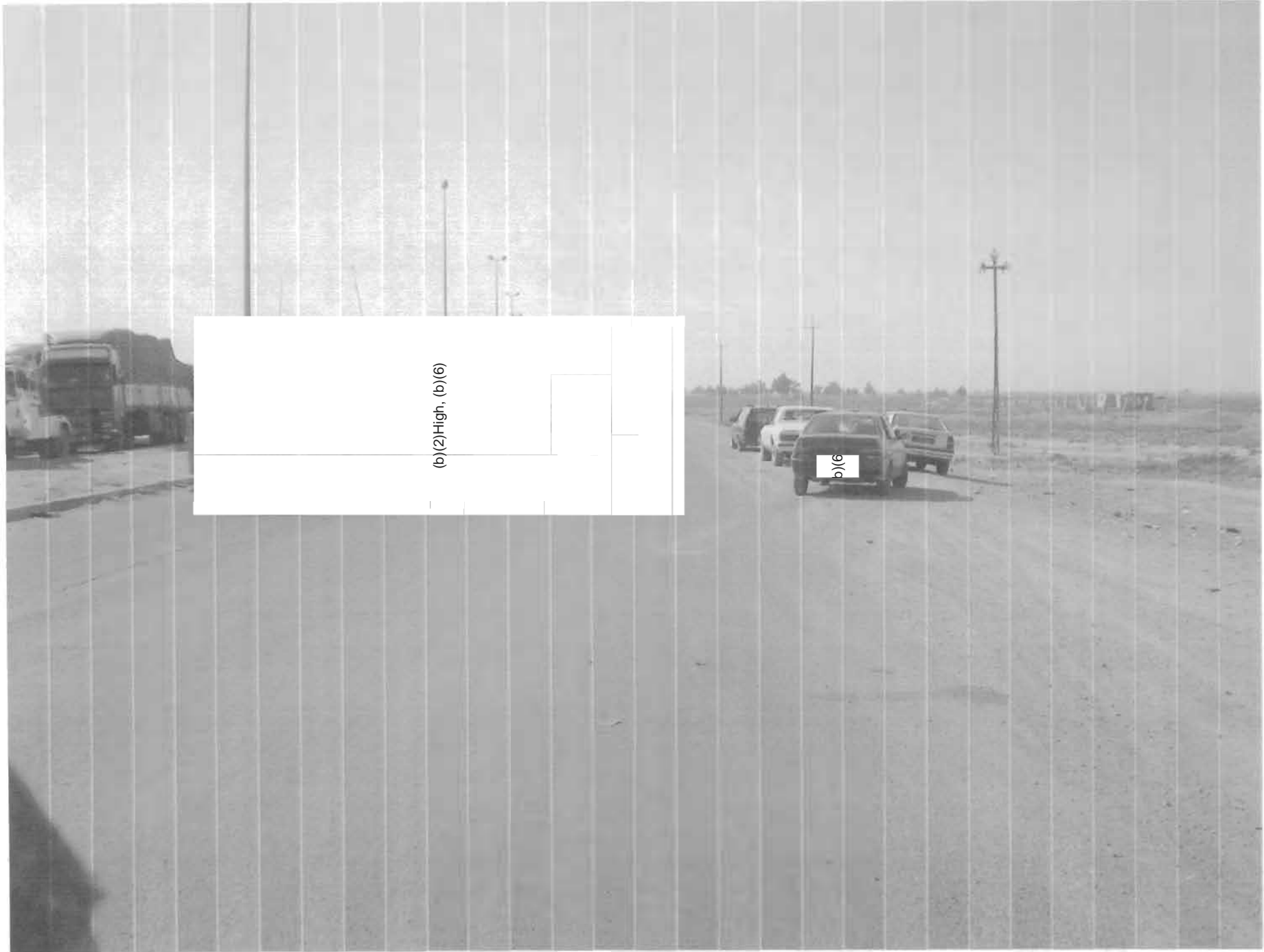
•TIME: 1159

•CASUALTIES: 1X LN KIA, 1X LN WIA

•EQUIPMENT DAMAGE: 2X LN Vehicle

(b)(2)High

(b)(2) High



(b)(2)High, (b)(6)

(b)(6)



(b)(6)

(b)(6)

CENTCOM 020375
28737

08-IH4-T032-00006



(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

SSG (b)(3), b(6)

Here is the info for the Warric (b)(6) EOF.

(b)(6) was the female killed. Her NOK who will receive the payment is
(b)(6) (b)(5) (b)(5)(6)
(b)(6)
(b)(6) (b)(6) (b)(5) (b)(6)
(b)(6) (b)(5) if ya'll need anything from me, please let me know within
the next couple of hours because we are (2)Hit objective tomorrow morning bright and early.
Thanks.

- CPT b(3), b(6)

Condolence Payment

U.S. GOVERNMENT
PURCHASE ORDER-INVOICE-VOUCHER

DATE OF ORDER 12 NOV 07		ORDER NO. CPMBE82745076	
PRINT NAME AND ADDRESS OF SELLER (Number, Street, and State)*			
P A Y E E		(NoK of KIA)	
(b)(6)		Iraq	
Furnish Supplies or Services to (Name and address)			
SUPPLIES OR SERVICES		QTY	UNIT PRICE
Condolence Payment for FOF killing of (b)(6) by Warrior PSD		1	\$2,500.00
AGENCY NAME AND BILLING ADDRESS*		TOTAL \$2,500.00	
P 82nd FMCO		DISCOUNT TERMS	
A FOB Camp Speicher	0. %	
Y APO AE 09391		Net 30.....DAYS	
O		DATE INVOICE RECEIVED	
R		12 NOV 07	
ORDERED BY (Signature and (b)(3), b(6) 1LT, FA BN PPO		(b)(3), b(6)	
PURPOSE AND ACCOUNTING		(b)(2) High	
PURCHASER - To sign		counter delivery of items	
RECEIVED BY (b)(3), b(6) SGT, USA		(b)(3), b(6)	
TITLE S5 NCO		DATE 12 NOV 07	
Please read instructions on Copy 2			
<input type="checkbox"/> PAY		<input type="checkbox"/> PAYMENT REQUESTED	
(b)(3)(b)(6)			
OR INVOICE NEED BE SUBMITTED			
Si (b)(3), b(6)		DATE 12 NOV 07	
Tc and proper for		DIFFERENCES	
pe			
\$2,500.00		ACCOUNT VERIFIED	
(b)(3), b(6)		CORRECT FOR	
BN Pay Agent		BY	
PAID BY XCASH		DATE PAID	
OR (Check No.)		12 NOV 07	
		VOUCHER NO.	

*PLEASE INCLUDE ZIP CODE

1. SELLER'S INVOICE
(See instructions on Copy 2)

STANDARD FORM 44A (Rev. 10-83)
PRESCRIBED BY GSA
FAR (48 CFR) 53.213(c)



DEPARTMENT OF THE ARMY
Headquarters, 1st Brigade Combat Team
10th Mountain Division (Light Infantry)
FOB Warrior, Kirkuk, Iraq, APO AE 09338

AFZS-LI-Z-JA

9 November 2007

MEMORANDUM FOR Commander, 1st Brigade Combat Team, 10th Mountain Division (Light Infantry), FOB Warrior, Kirkuk, Iraq, APO AE 09338

SUBJECT: 1BCT CERP CONDOLENCE FUND

1. The purpose of this memorandum is to request a condolence payment be made to (b)(6) for the death of (b)(6) using the 1BCT, 10th MTN DIV (LI) CERP Condolence Fund. On 6 November 2007, (b)(6) was involved in an escalation of force incident with Coalition Forces while traveling on Route (b)(2) High. The personal security detail convoy located a break in the median and transitioned to the southbound lane against traffic. The lead gunner was (b)(2) High to direct oncoming traffic out of the path of the convoy. Multiple local national vehicles pulled onto the shoulder except for a dark blue sedan that continued to approach the convoy head on. The gunner proceeded to (b)(2) High (b)(2) High no effect. (b)(2) High the gunner fired warning shots which caused the vehicle to stop. The warning shots ricocheted into a blue truck that was following behind the dark blue sedan which resulted in the death of (b)(6)

2. Description of how these monies will support the 1BCT, 10th MTN DIV (LI) Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 1BCT has with the local populace by expressing our regret for the death of (b)(6)

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	Payment for the death of (b)(6)	\$2,500.00	1	\$2,500.00
	Total:			\$2,500.00

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

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SUBJECT: 1BCT CERP CONDOLENCE FUND

5. POC for this action is CPT (b)(6), b(3) VOIP 242-2624. (b)(6), b(3), (b)(2)High

This condolence payment is legally sufficient / insufficient.

(b)(6), b(3)

CPT. JA
Foreign Claims Commissioner

(b)(3), b(6)

I approve/disapprove this condolence payment.

COL. IN
Commanding

CENTCOM 020380

08-IH4-T032-00011

CERP CONDOLENCE PAYMENT WORKSHEET

TYPE OF CERP CONDOLENCE PAYMENT: Regional Level Quick Impact Fund

MILITARY UNIT COORDINATING PROJECT: HHC, 1BCT, 10th MTN DIV (LI), Foreign Claims Commissioner

MILITARY UNIT CONTACT INFO FOR PROJECT

NAME: CPT (b)(3), b(6)
PHONE: VOIP 242-2624
NIPR EMAIL: (b)(3), b(6), (b)(2)High

NAME THE PROJECT: CERP Condolence Fund Payment to (b)(6) for the death of (b)(6)
(b)(6) (reference Claim No. 08-IH4-T032)

PROJECT LOCATION: Kirkuk, Iraq

PROJECT DESCRIPTION: CERP Condolence Payment to (b)(6)

DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION: Condolence payments are designed to promote and maintain friendly relationships with local nationals. A condolence payment is intended to express sympathy for death, injury, or property damage caused by U.S. or Coalition Forces during combat activity. It is not an admission of guilt.

COST (U.S. Dollars) AND JUSTIFICATION: \$2,500.00. On 6 November 2007, (b)(6) was involved in an escalation of force incident with Coalition Forces while traveling on (b)(2)High. The personal security detail convoy located a break in the median and transitioned to the southbound lane against traffic. The lead gunner was waving his orange flag to direct oncoming traffic out of the path of the convoy. Multiple local national vehicles pulled onto the shoulder except for a dark blue sedan that continued to approach the convoy head on. The gunner proceeded to (b)(2) High with no effect. (b)(2)High the gunner fired warning shots which caused the vehicle to stop. The warning shots ricocheted into a blue truck that was following behind the dark blue sedan which resulted in the death of (b)(6)

NAME AND POSITION OF IRAQI WHO WILL ASSUME RESPONSIBILITY FOR THE COMPLETED PROJECT (Responsible Iraqi): (b)(6)

ESTIMATED DAYS REQUIRED TO COMPLETE PROJECT: 1