

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



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 December 2007

SUBJECT: Claim of (b)(6) 08-IH4-T047

1. Claimants name and address: (b)(6) Kirkuk, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 6 August 2007 in Kirkuk, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 29 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 death of his mother.

(b)(6)

5. Facts:

a. (b)(6) claims that on 6 August 2007, his mother, (b)(6) was involved in an Escalation of Force Incident. As her vehicle was approaching a Coalition Force convoy, the convoy used red flags and warning shots to get their vehicle to stop, but the vehicle kept approaching. The convoy then fired a disabling shot into the vehicle where one round struck the female passenger, (b)(6) in the head resulting in her death.

b. There was a story board 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.

AFZS-LI-Z-JA

SUBJECT: Claim of [REDACTED] (b)(6) 08-IH4-T047

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.

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

[REDACTED]
(b)(3), b(6)

CPT, JA
Foreign Claims Commissioner

INITIAL REPORT

•SIZE: EOF (1x LN Female KIA)

•ACTIVITY: At 060826AUG07, NFB reported an EOF on a civilian vehicle traveling west on route [redacted] at a high rate of speed (VO [redacted]). The Sentinel patrol was traveling East on [redacted] driving a blue pick-up truck traveling west on route [redacted] with [redacted] his mother [redacted] his wife and their two children. At [redacted] SPC [redacted] the gunner of the lead vehicle [redacted] 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 [redacted] SPC [redacted] the lead gunner fired four rounds [redacted] impacting the road in front of the vehicle with no response. At [redacted] the gunner fired four rounds [redacted] to the vehicle. One round impacted a female passenger in the vehicle killing her. The vehicle finally stopped approximately [redacted] meters short of the 2nd vehicle in the OCM 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 [redacted] village. The body of the LN was turned over to Kirkuk IP, A 15-6 investigation of this incident is ongoing. MTF.

TC: SGT [redacted]

GNR: SPC [redacted]

Patrol Leader: LTC [redacted]

•LOCATION: [redacted]

•UNIT: PSD / HHC / 2-27 IN

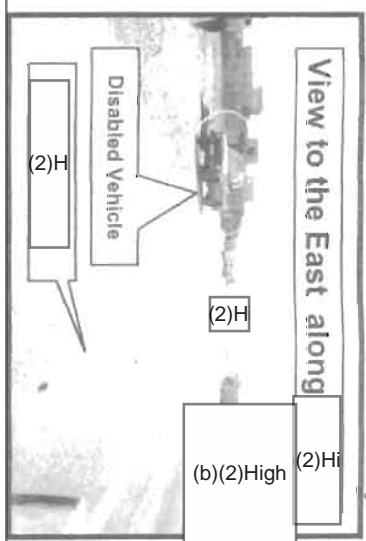
•TIME: 060825AUG07

•CASUALTIES: 1x LN female Killed

(b)(2)High

3

2-27 08-42 EOF



(b)(2)High

(b)(2)High

U.S. GOVERNMENT
PURCHASE ORDER-INVOICE-VOUCHER

DATE OF ORDER 02 January 08		ORDER NO.	(b)(2)High																																								
PRINT NAME AND ADDRESS OF SELLER (Number, Street, and State)																																											
(b)(6) Hawijah, Iraq																																											
Furnish Supplies or Services to (Name and address)																																											
<table border="1"> <thead> <tr> <th>SUPPLIES OR SERVICES</th> <th>QTY</th> <th>UNIT PRICE</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>Condolence payment for (b)(6)</td> <td>1</td> <td>\$2,500.00</td> <td>\$2,500.00</td> </tr> <tr> <td>(b)(6)</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				SUPPLIES OR SERVICES	QTY	UNIT PRICE	AMOUNT	Condolence payment for (b)(6)	1	\$2,500.00	\$2,500.00	(b)(6)																															
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		DATE INVOICE RECEIVED 02 January 08																																									
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NO FURTHER INVOICE NEED BE SUBMITTED																																											
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\$2,500.00																																											
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PAID BY X CASH	DATE PAID 02 January 08	VOUCHER NO																																									
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*PLEASE INCLUDE ZIP CODE

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

STANDARD FORM 600 (REV. 10-01) PRESCRIBED BY GSA FAR (48 CFR) 13.211(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 December 2007

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

SUBJECT: IBCT CERP CONDOLENCE FUND

1. The purpose of this memorandum is to request a condolence payment be made to [redacted (b)(6)] using the IBCT, 10th MTN DIV (LI) CERP Condolence Fund. On 6 August 2007, his mother, [redacted (b)(6)] was involved in an Escalation of Force Incident. As her vehicle was approaching a Coalition Force convoy, the convoy used [redacted (b)(2)High] and warning shots to get their vehicle to stop, but the vehicle kept approaching. The convoy then fired a [redacted (b)(2)High] into the vehicle where one round struck the female passenger, [redacted (b)(6)] in the head resulting in her death.

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

5. POC for this action is CPT [redacted (b)(3), b(6)] VOIP [redacted (b)(3), b(6), (b)(2)High]

This condolence payment is legally sufficient / insufficient.

[redacted (b)(3), b(6)]

CPT, J [redacted (b)(3)(b)(6)]
 Foreign Claims Commissioner

[redacted (b)(3), b(6)]

I approve / disapprove this condolence payment.

COL. IN
 Commanding

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 his mother, (b)(6) (reference Claim No. 08-IH4-T047)

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 August 2007, his mother, (b)(6) was involved in an Escalation of Force Incident. As her vehicle was approaching a Coalition Force convoy, the convoy used (b)(2)High and warning shots to get their vehicle to stop, but the vehicle kept approaching. The convoy then fired a (b)(2)High into the vehicle where one round struck the female passenger (b)(6) in the head resulting in her death.

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

ESTIMATED DAYS REQUIRED TO COMPLETE PROJECT: 1