

detained as a hostage in Kuwait and Iraq by the Iraqi regime in violation of international law.” Claimant asserts that she flew out of Iraq on September 2, 1990, after the Iraqi government authorized female and minor U.S. nationals to leave.

Although Claimant was not among them, many of the U.S. nationals in Iraq and Kuwait at the time of the 1990-91 Iraqi occupation of Kuwait sued Iraq (and others) in federal court for, among other things, hostage-taking.¹ Those cases were pending when, in September 2010, the United States and Iraq concluded an *en bloc* (lump-sum) settlement agreement.² The Agreement, which entered into force in May 2011, covered a number of personal injury claims of U.S. nationals arising from acts of the former Iraqi regime occurring prior to October 7, 2004, including claims of personal injury caused by hostage-taking.³ Exercising its authority to distribute money from the settlement funds, the U.S. Department of State provided compensation to numerous individuals whose claims were covered by the Agreement, including some whom Iraq had allegedly taken hostage or unlawfully detained following Iraq’s 1990 invasion of Kuwait.

Under the International Claims Settlement Act of 1949 (“ICSA”), the Secretary of State has statutory authority to refer “a category of claims against a foreign government” to this Commission.⁴ The Secretary has delegated that authority to the State Department’s Legal Adviser, who, by letter dated October 7, 2014, referred three categories of claims to this Commission for adjudication and certification.⁵ This was the State Department’s

¹ See, e.g., *Hill v. Republic of Iraq*, 175 F. Supp. 2d 36 (D.D.C. 2001); *Vine v. Republic of Iraq*, 459 F. Supp. 2d 10 (D.D.C. 2006).

² See *Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq*, Sept. 2, 2010, T.I.A.S. No. 11-522 (“Claims Settlement Agreement” or “Agreement”).

³ See *id.* Art. III(1)(a)(ii).

⁴ See 22 U.S.C. § 1623(a)(1)(C) (2012).

⁵ See *Letter dated October 7, 2014, from the Honorable Mary E. McLeod, Acting Legal Adviser, Department of State, to the Honorable Anuj C. Desai and Sylvia M. Becker, Foreign Claims Settlement Commission* (“2014 Referral” or “October 2014 Referral”).

second referral of claims to the Commission under the Claims Settlement Agreement, the first having been by letter dated November 14, 2012 (“2012 Referral” or “November 2012 Referral”).⁶

One category of claims from the 2014 Referral is applicable here. That category, known as Category A, consists of

claims by U.S. nationals for hostage-taking¹ by Iraq² in violation of international law prior to October 7, 2004, provided that the claimant was not a plaintiff in pending litigation against Iraq for hostage taking³ at the time of the entry into force of the Claims Settlement Agreement and has not received compensation under the Claims Settlement Agreement from the U.S. Department of State. . . .

¹ For purposes of this referral, hostage-taking would include unlawful detention by Iraq that resulted in an inability to leave Iraq or Kuwait after Iraq invaded Kuwait on August 2, 1990.

² For purposes of this referral, “Iraq” shall mean the Republic of Iraq, the Government of the Republic of Iraq, any agency or instrumentality of the Republic of Iraq, and any official, employee or agent of the Republic of Iraq acting within the scope of his or her office, employment or agency.

³ For purposes of this category, pending litigation against Iraq for hostage taking refers to the following matters: *Acree v. Iraq*, D.D.C. 02-cv-00632 and 06-cv-00723, *Hill v. Iraq*, D.D.C. 99-cv-03346, *Vine v. Iraq*, D.D.C. 01-cv-02674; *Seyam (Islamic Society of Wichita) v. Iraq*, D.D.C. 03-cv-00888; *Simon v. Iraq*, D.D.C. 03-cv-00691.

2014 Referral at ¶ 3.

⁶ Although the November 2012 Referral involved claims of U.S. nationals who were held hostage or unlawfully detained by Iraq, it did not involve hostage-taking claims *per se*. Rather, it consisted of certain claimants who had *already received* compensation under the Claims Settlement Agreement from the State Department for their hostage-taking claims, and it authorized the Commission to award additional compensation to those claimants, provided they could show, among other things, that they suffered a “serious personal injury” during their detention. The 2012 Referral expressly noted that the “payment already received by the claimant under the Claims Settlement Agreement compensated the claimant for his or her experience for the entire duration of the period in which the claimant was held hostage or was subject to unlawful detention and encompassed physical, mental, and emotional injuries generally associated with such captivity or detention.” *Letter dated November 14, 2012, from the Honorable Harold Hongju Koh, Legal Adviser, Department of State, to the Honorable Timothy J. Feighery, Chairman, Foreign Claims Settlement Commission*, at ¶3 n.3.

On October 23, 2014, the Commission published notice in the *Federal Register* announcing the commencement of the second Iraq Claims Program pursuant to the ICSA and the 2014 Referral.⁷

On October 23, 2015, the Commission received from Claimant a completed Statement of Claim seeking compensation under Category A of the 2014 Referral, together with exhibits supporting the elements of her claim.

DISCUSSION

Jurisdiction

This Commission's authority to hear claims is limited to the category of claims referred to it by the United States Department of State.⁸ The Commission's jurisdiction under the "Category A" paragraph of the 2014 Referral is limited to claims for hostage-taking of (1) "U.S. nationals," provided that the claimant (2) was not a plaintiff in any litigation against Iraq for hostage taking pending on May 22, 2011 (the "Pending Litigation"), and (3) has not received compensation under the Claims Settlement Agreement from the Department of State. 2014 Referral at ¶ 3.

Nationality

This claims program is limited to claims of "U.S. nationals." Here, that means a claimant must have been a national of the United States when the claim arose and continuously thereafter until May 22, 2011, the date the Agreement entered into force.⁹ Claimant satisfies the nationality requirement. She has provided a copy of her U.S. birth certificate, as well as a copy of her current U.S. passport, which together show that she was a U.S. national at the time of the alleged hostage-taking (August and September of 1990)

⁷ *Program for Adjudication: Commencement of Claims Program*, 79 Fed. Reg. 63,439 (Oct. 23, 2014).

⁸ See 22 U.S.C. § 1623(a)(1)(C) (2012).

⁹ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 4-5.

and that she remained a U.S. national through the effective date of the Claims Settlement Agreement.

No Pending Litigation

Additionally, Category A states that the claimant must not have been a plaintiff in any of the so-called Pending Litigation cases at the time of the entry into force of the Claims Settlement Agreement.¹⁰ Footnote 3 of the 2014 Referral specifically lists the Pending Litigation cases for purposes of the Referral. Claimant has averred under oath in a March 2016 declaration submitted with her Statement of Claim, and the pleadings in the cases cited in footnote 3 confirm, that she was not a plaintiff in any of those Pending Litigation cases. The Commission thus finds that Claimant has also satisfied this element of her claim.

*No Compensation under the Claims Settlement Agreement
from the Department of State*

The Claimant also satisfies the final jurisdictional requirement. Claimant has stated that she has not “received any compensation under the Claims Settlement Agreement from the Department of State.” Further, we have no evidence that the State Department has provided her any compensation under the Claims Settlement Agreement. Therefore, Claimant meets this element of her claim.

In summary, this claim is within the Commission’s jurisdiction pursuant to the 2014 Referral and is entitled to adjudication on the merits.

¹⁰ The Agreement entered into force on May 22, 2011. *See* Claims Settlement Agreement, art. IX.

Merits

Factual Allegations

Claimant states that Iraq held her hostage from August 2, 1990, until September 2, 1990, a total of 32 days. She alleges that she was living in an apartment in Mahboula, Kuwait, when Iraq invaded the country on August 2, 1990. That morning, her neighbor informed her that “Iraqi armored units were approaching from the highway.” Claimant states that she remained in her apartment for the next 5 days until she heard of a plan by a group of foreign nationals to organize a convoy to escape across the border into Saudi Arabia. Early in the afternoon of August 7, 1990, Claimant joined the convoy. They drove across the desert for about an hour and a half until they encountered a roadblock close to the Saudi border, where they “encountered Iraqi guards, tanks and other armored vehicles.” She alleges that “[t]he guards prohibited [them] from crossing the border and instructed that [they] return to [their] homes in Kuwait City.” However, one seemingly sympathetic guard informed them that the border between Iraq and Saudi Arabia might still be open. Claimant and a number of other foreign nationals with whom she was traveling decided that it was worth attempting to escape via this route.

Claimant and a smaller group of individuals, traveling in three cars, drove for another hour and a half before reaching the Iraqi border, where they “were again stopped by armed Iraqi border guards who confiscated [their] passports and escorted [them] to the Basra Sheraton” about 40 minutes into Iraq. Upon reaching the hotel, the Iraqi guards informed Claimant and the others that they “were ‘guests of the government’ and refused to return [their] passports,” and Claimant maintains that, at that point, she “realized [they] were being imprisoned.”

The following evening, Claimant and her fellow detainees were taken by their Iraqi captors to the Basra train station, where they were placed on a train to Baghdad. They arrived in Baghdad the following morning on August 9, 1990, and were taken to a local hotel, where they were held for eight days with over 100 other foreign nationals. Claimant alleges that she was “confined to a single floor of the hotel by armed guards[.]” and that she was only allowed to leave her room three times a day for meals.

Claimant alleges that, on August 16, 1990, she and about 45 other detainees were loaded onto a bus and taken to a chemical factory south of Baghdad. They were held in the “residential quarters of the compound, surrounded by a tall chain-link fence topped with barbed wire.” Two days later, on August 18, they were again placed on a bus and driven to what Claimant believes was another building in the same compound. After a few hours, they were again split up, and Claimant was placed in a van with nine other detainees and driven five hours south to a power plant near Nasiriyah, Iraq, arriving early in the morning on August 19, 1990, where they remained for the next 11 days while being “detained together in two separate trailers with armed guards posted outside the doors.” During this time, Claimant “suffered from intense and unrelenting stress . . . fearing that [she] might be tortured, raped and/or executed by [her] Iraqi captors at any moment or killed in a coalition air strike.”

Pursuant to Iraqi President Saddam Hussein’s August 28, 1990 announcement that foreign national women and minors could leave the country, Claimant was formally permitted to go.¹¹ Claimant states that, the following day, she and several fellow female detainees were taken to the Basra airport and placed on a flight to Baghdad. Upon arriving, they were again taken to a local hotel and remained there for three more days, “again under

¹¹ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 11.

armed guard, until mid-afternoon on September 1, when [they] were permitted to proceed to the airport to catch the first flight that had been organized to evacuate hostages.” Claimant noted that among the other passengers were the Reverend Jesse Jackson and “several Americans whose release he had secured.” Claimant states that, “after waiting at the airport for nearly 12 hours, [her] passport was finally stamped and [they] were allowed to board [their] plane around 2:30am on September 2[,]” after which they flew to London via Paris, France.

Supporting Evidence

Claimant has supported her claim with, among other things, her own sworn declaration, dated March 2, 2016, in which she describes her ordeal in Kuwait and Iraq; an (unauthenticated) copy of a journal excerpt from one of Claimant’s fellow captives describing their experience in detail, and which makes specific reference to someone with Claimant’s first name; copies of two news articles published shortly after Claimant’s release, describing the circumstances of her detention and evacuation; and a copy of Claimant’s then-current passport, which contains, *inter alia*, a Kuwaiti entry stamped dated June 14, 1990, and an Iraqi exit stamped dated September 1, 1990.

Claimant has also submitted a number of documents that provide background about the broader geopolitical situation during the First Gulf War in 1990-91, including some that relate specifically to the circumstances faced by U.S. nationals in Iraq and Kuwait at the time. These documents include statements from U.S. and Iraqi officials, resolutions of the United Nations Security Council, newspaper articles, a report from Amnesty International on human rights violations committed by Iraq in 1990, unclassified cables and a memorandum from the U.S. Department of State, and affidavits submitted in a

lawsuit brought by other U.S. nationals who were also in Kuwait or Iraq during the First Gulf War.

Claimant has also provided a list containing flight designations and the departure dates of flights that were used to evacuate U.S. nationals and their family members from Iraq and Kuwait. That list was appended to a December 18, 1990 memorandum that was sent to the U.S. Secretary of State by Elizabeth Tamposi, who was then the Assistant Secretary of State for Consular Affairs. As discussed further below, the documents submitted by Claimant and her counsel raise a factual question as to whether the Jackson flight departed on September 2, 1990, as Claimant contends in her declaration, or one day earlier, on September 1, 1990.

Legal Standard

To make out a substantive claim under Category A of the 2014 Referral, a claimant must show that (1) Iraq was engaged in an armed conflict and (2) during that conflict, Iraq took the claimant hostage.¹² The Commission has previously held that, to establish a hostage-taking claim, a claimant must show that Iraq (a) seized or detained the claimant and (b) threatened the claimant with death, injury or continued detention (c) in order to compel a third party, such as the United States government, to do or abstain from doing any act as an explicit or implicit condition for the claimant's release.¹³ A claimant can establish the first element of this standard by showing that the Iraqi government confined the claimant to a particular location or locations within Iraq or Kuwait, or prohibited the claimant from leaving Iraq and/or Kuwait.¹⁴

¹² See *id.* at 16. An estate claimant would of course need to make this showing as to its decedent.

¹³ See *id.* at 17-20.

¹⁴ See *id.* at 17.

Application of Standard to this Claim

Claimant satisfies this standard for the period August 2, 1990, to September 1, 1990. Although she alleges that her evacuation flight did not leave Baghdad until September 2, 1990, Claimant has not carried her burden to prove that her evacuation flight left on that date. The evidence supporting this conclusion includes both the documents submitted by Claimant and other documents in the Commission's files that suggest her flight departed on September 1, 1990.

Claimant has submitted two news articles and an excerpt from a journal written by a fellow captive to support her assertion in her declaration that her evacuation flight departed Baghdad after 2:30 a.m. on September 2, 1990. None of these documents, however, establishes the precise time and/or date that the flight left Baghdad. The first news article, which is dated September 2, 1990, does not provide a departure time or date for Claimant's evacuation flight. The second article, dated September 3, 1990, states that Claimant took a "mercy flight home from Iraq yesterday [September 2, 1990]," but does not provide the departure time of the flight. Similarly, while the journal excerpt suggests that the plane departed sometime between 12 a.m. and 3:30 a.m. on the same date, it does not indicate the departure time with precision. It therefore does not provide strong evidence that the plane left Baghdad on September 2, 1990.¹⁵

Most importantly, these accounts directly contradict the other documentary evidence that Claimant has submitted, including her passport, which contains an Iraqi exit stamp dated September 1, 1990, and a list of flights appended to the State Department memorandum. The recorded departure date for her evacuation flight, designated on the list

¹⁵ As we noted earlier, the copy of the journal excerpt (which appears to be a typewritten copy, not an original) has also not been authenticated by the author or by anyone who can attest that it is indeed a contemporaneous account of what the author experienced.

as the “Jesse Jackson Flight,” is September 1, 1990, and handwritten notes on the side of the page further state that Claimant’s flight departed Baghdad on September 1, 1990. Moreover, as the Commission has previously determined, documents in our files, which include records submitted by claimants in the First Iraq Claims Programs, statements provided by other claimants in this program, including those represented by Claimant’s counsel, and contemporaneous news reports other than those provided by Claimant all suggest that the Jackson flight departed on September 1, 1990.¹⁶

The Commission thus concludes that for the purpose of analyzing Claimant’s allegation of being held hostage by Iraq, the Jackson flight departed from Baghdad on September 1, 1990.

(1) Armed Conflict: Claimant alleges that Iraq took her hostage in Kuwait on August 2, 1990 and held her hostage until Iraqi officials allowed her to leave Iraq on the Jackson flight. The Jackson flight left on September 1, 1990, which would mean that, if Claimant proves her hostage-taking allegation, Iraq held her hostage for 31 days, from August 2, 1990 to September 1, 1990. In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission held that during this entire period, Iraq was engaged in an armed conflict with Kuwait.¹⁷ Thus, Claimant satisfies this element of the standard.

(2) Hostage-taking: To satisfy the hostage-taking requirement of Category A of the 2014 Referral, Claimant must show that Iraq (a) seized or detained her and (b) threatened her with death, injury or continued detention (c) in order to compel a third party, such as the United States government, to do or abstain from doing any act as an

¹⁶ See Claim No. IRQ-II-160, Decision No. IRQ-II-103, at 9-12.

¹⁷ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 16-17.

explicit or implicit condition for her release. Claimant satisfies this standard for the 31-day period from August 2, 1990 to September 1, 1990.

(a) Detention/deprivation of freedom: For purposes of analyzing Claimant's allegations of having been detained, her time in Kuwait and Iraq following the Iraqi invasion can be divided into three periods: (i) between the Iraqi invasion on August 2, 1990 and the Iraqi government's formal closing of the borders on August 9, 1990; (ii) from that August 9th formal closing of the borders until the August 28, 1990 announcement that women and minors could leave Iraq and Kuwait;¹⁸ and (iii) from that August 28th announcement until Claimant's departure on September 1, 1990.¹⁹

From August 2, 1990 until Iraq formally closed its borders to foreign nationals on August 9, 1990, Iraq confined Claimant first to her apartment in Kuwait and then to hotels in Basra and Baghdad. The Commission has previously determined that Iraq detained U.S. nationals who were in Kuwait and/or Iraq during this period by threatening them with immediate seizure and/or forcible detention.²⁰ Although some foreign nationals did manage to leave Kuwait and/or Iraq during this period, Claimant could not reasonably be expected to have escaped.²¹ Claimant understandably had, as the United Nations Compensation Commission has put it, a "manifestly well-founded fear" of being killed or forcibly detained if she had made any attempt to leave the country.²² For the purposes of

¹⁸ See *id.* at 12.

¹⁹ See *id.* at 20-21. While Claimant alleges that she was physically seized and held by force by Iraq during these periods, we need not decide that issue: as explained below, her presence in Kuwait and/or Iraq during this time is alone sufficient to establish that she was detained under the standard that applies here.

²⁰ See Claim No. IRQ-II-281, Decision No. IRQ-II- 139, at 9-10; Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21.

²¹ See Claim No. IRQ-II-281, Decision No. IRQ-II- 139, at 9-10; Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21.

²² Report and Recommendations Made by the Panel of Commissioners Concerning the First Instalment of Individual Claims for Damages up to US \$100,000 (Category "C" Claims), UN Doc. S/AC.26/1994/3 (1994), at 93.

the legal standard applicable here, putting Claimant in this situation in effect amounts to detention.²³ Iraq thus detained Claimant from August 2, 1990 to August 9, 1990.

From August 9, 1990 until she flew from Baghdad to Paris on September 1, 1990, the Iraqi government confined Claimant to Iraq, preventing her from leaving the country by the threat of force. As the Commission has previously held, starting on August 9, 1990, the Iraqi government formally closed Kuwait's borders, forcibly prohibiting U.S. nationals from leaving.²⁴ As of that date, Iraq prohibited Claimant from leaving the country, effectively detaining her within the borders of Iraq.²⁵ For Claimant, this formal policy of prohibiting U.S. nationals from leaving Iraq and Kuwait lasted until August 28, 1990, when the Iraqi government announced that all female and minor U.S. nationals could leave.²⁶

Although Claimant may have been legally permitted to leave Kuwait on August 28, 1990, her detention did not end on that date. As the Commission has previously recognized, a claimant's detention ends only on the date that she is released from the control of the person or entity that detained her.²⁷ Any attempt "[by the perpetrator] to restrict [the] movements" of a claimant establishes control,²⁸ whereas a claimant who has a reasonable opportunity to leave the site of his or her captivity is deemed no longer to be under the perpetrator's control.²⁹

Under this standard, Claimant remained under Iraq's control until September 1, 1990. The Commission has recognized that Iraq imposed conditions on air travel that limited the ability of foreign nationals, including U.S. nationals, to leave Iraq and/or

²³ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21.

²⁴ See *id.* at 7, 21-22.

²⁵ See *id.* at 22.

²⁶ See *id.*

²⁷ See *id.* at 22; see also Claim No. LIB-II-183, Decision No. LIB-II-178 (Proposed Decision), at 13 (2012).

²⁸ Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 22 (citing Claim No. LIB-II-183, Decision No. LIB-II-178 (Proposed Decision), at 12 (2012)).

²⁹ See *id.*

Kuwait immediately after the August 28, 1990 release announcement.³⁰ Indeed, the available evidence indicates that Claimant left Iraq at the first reasonable opportunity, on the September 1, 1990 evacuation flight that left Iraq. Because there is no evidence that Claimant remained voluntarily in Iraq at any time during this period, we conclude that she was under Iraq's control and thus detained from August 28, 1990 to September 1, 1990.

In sum, Iraq thus detained Claimant from August 2, 1990 until September 1, 1990.

(b) Threat: In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission determined that the Iraqi government threatened U.S. nationals in Kuwait and Iraq numerous times with continued detention.³¹ Both Iraqi President Saddam Hussein and the Speaker of Iraq's National Assembly Saadi Mahdi made clear that American nationals (as well as those from numerous other countries) would not be permitted to leave.³² Claimant has thus established that Iraq threatened to continue to detain her.³³

(c) Third party coercion: The Commission has previously held that Iraq detained all U.S. nationals in Kuwait or Iraq at the time and threatened them with continued detention in order to compel the United States government to act in certain ways as an explicit and/or implicit condition for their release.³⁴ Iraq itself stated that it sought three things from the United States government before it would release the detained U.S.

³⁰ *See id.*

³¹ *See id.* at 23.

³² *See id.*

³³ While we determine that these statements apply to Claimant and other similarly situated U.S. nationals who were prevented from leaving Iraq or Kuwait after the invasion, we do not make any findings as to whether they also apply to U.S. nationals with diplomatic status: Iraqi officials made specific representations about the ability of diplomatic and consular staff members with U.S. nationality (and their relatives) to leave Iraq and Kuwait throughout the crisis. *See In Iraq: 'We Have A Problem' Iraq Holds Fleeing U.S. Diplomats Staff from Kuwait Reaches Baghdad, But Can't Leave*, PHILA. INQUIRER, Aug. 24, 1990, <https://perma.cc/B2YF-79AY>.

³⁴ *See* Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 23.

nationals; it wanted the United States (i) not to attack Iraq, (ii) to withdraw its troops from Saudi Arabia; and/or (iii) to end the economic embargo imposed on Iraq.³⁵ Indeed, at the time, the U.S. government itself understood Iraq's actions to be hostage-taking.³⁶

In sum, this claim meets the standard for hostage-taking within the meaning of the 2014 Referral. Iraq held Claimant hostage in violation of international law for a period of 31 days, and Claimant is thus entitled to compensation.

COMPENSATION

Having concluded that the present claim is compensable, the Commission must next determine the appropriate amount of compensation.

In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission held that successful claimants should be awarded compensation in the amount of \$150,000 plus an additional \$5,000 for each day the claimant was in captivity.³⁷ Therefore, for the 31 days Iraq held Claimant hostage, she is entitled to an award of \$305,000, which is \$150,000 plus (31 x \$5,000). This amount constitutes the entirety of the compensation to which Claimant is entitled under the Claims Settlement Agreement.

The Commission hereby enters the following award, which will be certified to the Secretary of the Treasury for payment under sections 7 and 8 of the ICOSA.³⁸

³⁵ See *id.* at 23-24.

³⁶ See George H. W. Bush, "These Innocent People . . . Are, In Fact, Hostages" in U.S. Dep't of State, *American Foreign Policy Current Documents 1990* 484 (Sherrill Brown Wells ed. 1991); see also 2014 Referral at ¶ 3; cf. S.C. Res. 674 (Oct. 29, 1990) ("actions by . . . Iraq authorities and occupying forces to take third-State nationals hostage" and demanded that Iraq "cease and desist" this practice).

³⁷ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 24-26.

³⁸ 22 U.S.C. §§ 1626-1627 (2012).

AWARD

Claimant is entitled to an award in the amount of \$305,000.

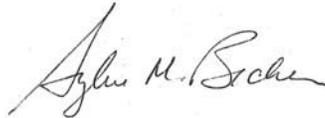
Dated at Washington, DC, December 14, 2017
and entered as the Proposed Decision
of the Commission.

**This decision was entered as the
Commission's Final Decision
on**

January 19, 2018



Anuj C. Desai, Commissioner



Sylvia M. Becker, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days of delivery of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after delivery, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. § 509.5 (e), (g) (2017).