

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20579**

In the Matter of the Claim of

5 U.S.C. §552(b)(6)

Against the Republic of Iraq

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Claim No. IRQ-II-231

Decision No. IRQ-II-206

Counsel for Claimant:

Daniel Wolf, Esq.
Law Offices of Daniel Wolf

PROPOSED DECISION

Claimant Estate brings this claim against the Republic of Iraq (“Iraq”) alleging that Iraq held the decedent, Robert Harvey Marshall, hostage in violation of international law. Because Claimant Estate has established that Iraq held the decedent hostage for 130 days, it is entitled to an award of \$800,000.

BACKGROUND AND BASIS OF THE PRESENT CLAIM

Claimant Estate alleges that Mr. Marshall was a United States citizen who was working in Iraq when Iraq invaded Kuwait on August 2, 1990. The Estate asserts that after the invasion Mr. Marshall hid in his apartment and at the U.S. Ambassador's residence in Baghdad, and that during this entire period, the Iraqi government in effect forcibly prevented Mr. Marshall (and other U.S. nationals) from leaving Iraq and did so with the express purpose of compelling the United States government to acquiesce to certain Iraqi

government demands. Claimant Estate asserts that Mr. Marshall flew out of Baghdad on December 9, 1990. Mr. Marshall died on May 2, 1996.

Although neither Mr. Marshall nor the Claimant Estate was 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 the Claimant Estate a completed Statement of Claim seeking compensation under Category A of the 2014 Referral, together with exhibits supporting the elements of its claim. By letter dated October 26, 2016, the Claimant Estate submitted additional evidence in support of its claim.

DISCUSSION

Standing

Claimant Estate has submitted a copy of a Certificate of Qualification for the Estate of Robert Harvey Marshall, dated March 17, 2016, issued by the Charlottesville, Virginia Circuit Court, appointing Rebecca M. Snyder as the administrator for the estate of Robert Harvey Marshall. Accordingly, the Commission concludes that ESTATE OF ROBERT HARVEY MARSHALL, DECEASED; REBECCA M. SNYDER, EXECUTOR, is the proper claimant in this claim.

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

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).

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 the claim must have been held by 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 Because the decedent, Mr. Marshall, died before May 22, 2011, this claim passed from him to his estate prior to May 22, 2011. In such circumstances, the estate must also be a U.S. national. For an estate to be viewed as a U.S. national requires that all of the estate’s beneficiaries also be U.S. nationals. Thus, to satisfy the U.S. nationality requirement, Claimant Estate must show that Mr. Marshall was a U.S. national from the time of the alleged hostage-taking until he died and that all of the Estate’s beneficiaries were U.S. nationals from Mr. Marshall’s death until May 22, 2011.¹⁰

Claimant Estate satisfies the nationality requirement. It has provided evidence sufficient to show that the claim was held continuously by a U.S. national from August 2, 1990, which is the date that the alleged hostage-taking began, through the effective date of the Claims Settlement Agreement. From August 2, 1990, to May 2, 1996, the claim was held by the decedent. Claimant Estate has submitted its executor’s declaration that Mr. Marshall was born a U.S. citizen and remained a U.S. citizen throughout his life, as well as copies of the decedent’s United States census bureau notification of birth registration and Virginia certificate of death, which in this context is sufficient to show that he was a

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

¹⁰ See, e.g., Claim No. IRQ-II-106, Decision No. IRQ-II-191 (2017); Claim No. Y-0660, Decision No. Y-1171 (1954); Claim No. W-9801, Decision No. W-2107 (1965); Claim No. G-2154, Decision No. G-1955 (1981); and Claim No. ALB-338, Decision No. ALB-321 (2008).

U.S. national at the time of the alleged hostage-taking (August through December of 1990) through his death on May 2, 1996.

From May 2, 1996, to May 22, 2011, the claim was held by Rebecca M. Snyder and Robert Alan Marshall, who are identified as the sole heirs of the decedent's estate in the List of Heirs issued by the Charlottesville Circuit Court on March 17, 2016. Claimant Estate has submitted copies of Ms. Snyder's Virginia birth certificate and her 2015 North Carolina voter registration card. It has also submitted copies of Mr. Robert Alan Marshall's Virginia birth certificate and his 2015 North Carolina voter registration card. This establishes that Ms. Snyder and Mr. Robert Alan Marshall were U.S. nationals from May 2, 1996, the date of the decedent's death, through May 22, 2011, the effective date of the Claims Settlement Agreement. Thus, Claimant Estate has satisfied this element of its claim.

No Pending Litigation

Additionally, Category A states that the claimant may 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.¹¹ Footnote 3 of the 2014 Referral specifically lists the Pending Litigation cases for purposes of the Referral. Ms. Snyder, the Estate's Executrix, has averred, and the pleadings in the cases cited in footnote 3 confirm, that neither Mr. Marshall nor the Estate were a plaintiff in any of those Pending Litigation cases. The Commission thus finds that Claimant Estate has also satisfied this element of its claim.

¹¹ The Agreement entered into force on May 22, 2011. *See* Claims Settlement Agreement, art. IX.

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

The Claimant Estate also satisfies the final jurisdictional requirement. Ms. Snyder, the Estate's Executrix, has stated that neither the decedent nor the Estate have received any compensation under the Claims Settlement Agreement from the Department of State. Further, we have no evidence that the State Department has provided either of them any compensation under the Claims Settlement Agreement. Therefore, Claimant Estate meets this element of its claim.

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

Merits

Factual Allegations

Claimant Estate maintains that Iraq held Mr. Marshall hostage from August 2, 1990, until December 9, 1990, a total of 130 days. Claimant Estate asserts that Mr. Marshall was in Iraq for work on a construction project when, on August 2, 1990, Iraq invaded Kuwait. After the invasion, Mr. Marshall hid in his apartment, and then, on approximately August 18, 1990, took refuge at the U.S. Ambassador's residence in Baghdad. Mr. Marshall remained at the Ambassador's residence until he heard on December 7, 1990 that the Iraqi regime announced the release of all remaining United States hostages. Two days later, on December 9, 1990, he boarded an evacuation flight bound for Frankfurt, Germany, where he stayed overnight before flying home to the United States the next day.

Supporting Evidence

Claimant Estate has supported its claim with a Statement of Claim and declaration signed by Rebecca M. Snyder, Mr. Marshall's daughter and the Executrix of his estate. Ms. Snyder states that Mr. Marshall was detained in Iraq against his will beginning on

August 2, 1990; that he heard on December 7, 1990 that the Iraq regime would release him; and that, on December 9, 1990, Iraq allowed him to take an evacuation flight to Frankfurt, Germany, where he stayed overnight before flying home to the United States on December 10, 1990. The Claimant Estate has also submitted five pieces of evidence to provide further support for Ms. Snyder's assertions: two newspaper articles dated December 11, 1990; a March 1991 issue of an internal company newsletter; and declarations from two other hostages. The first newspaper article is from the *Beacon Journal* (Akron, Ohio), titled *Joyful Reunion for Ex-Hostages*, and it states that Mr. Marshall returned to the United States the previous day, December 10, 1990. The second is from *The Philadelphia Inquirer*, titled *Home, Free, Exhausted, and Jubilant, 152 Return*, and it mentions the names of many hostages, including Mr. Marshall, and notes that the hostages had been trapped in Iraq and Kuwait since Iraq invaded Kuwait on August 2, 1990 and that the hostages had arrived in the United States on December 10, 1990.

The Claimant Estate has provided the March 1991 newsletter and the two declarations in order to show that two of the other hostages mentioned in *The Philadelphia Inquirer* article left Iraq on December 9, 1990, and that Mr. Marshall thus must have left that same day too. The newsletter states that one of the hostages mentioned in *The Philadelphia Inquirer* article left Iraq on a December 9, 1990 evacuation flight, and this is corroborated by a 2010 declaration this same individual submitted in a court proceeding. The second declaration, from 2004 and also from a court proceeding, comes from another hostage identified in the *Philadelphia Inquirer* article, and it attests that this person also flew out of Iraq on a December 9, 1990 evacuation flight.

Claimant Estate 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, affidavits submitted in a lawsuit brought by other U.S. nationals who were also in Kuwait or Iraq during the First Gulf War, and several unclassified cables from the U.S. Department of State.

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

Application of Standard to this Claim

(1) Armed Conflict: Claimant Estate alleges that Iraq took Mr. Marshall hostage in Iraq on August 2, 1990, and held him hostage for 130 days, until December 9,

¹² See Claim No. IRQ-II-161, Decision No. IRQ-II-003, 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.

1990, when Iraqi officials allowed him to leave the country on an evacuation flight. 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.¹⁵ Thus, Claimant Estate satisfies this element of the standard.

(2) Hostage-taking: To satisfy the hostage-taking requirement of Category A of the 2014 Referral, Claimant Estate must show that Iraq (a) seized or detained Mr. Marshall and (b) threatened him 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 his release. Claimant Estate satisfies this standard for the 130-day period from August 2, 1990, to December 9, 1990.

(a) Detention/deprivation of freedom: For purposes of analyzing Claimant Estate's allegations of Mr. Marshall having been detained, his time in Iraq following the Iraqi invasion of Kuwait can be divided into three periods: (i) between the 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 Iraq announced on December 6, 1990 that Mr. Marshall and other U.S. nationals would be able to leave Iraq; and (iii) from December 6, 1990, until Mr. Marshall's departure on December 9, 1990.

From August 2, 1990, until Iraq formally closed its borders to foreign nationals on August 9, 1990, Iraq confined Mr. Marshall within Iraq. 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.¹⁶ Although

¹⁵ See *id.* at 16-17.

¹⁶ See Claim No. IRQ-II-281, Decision No. IRQ-II-139, at 9-10 (*citing* Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21).

some foreign nationals did manage to leave Kuwait and/or Iraq during this period, Mr. Marshall could not reasonably be expected to have escaped.¹⁷ Mr. Marshall presumably had, as the United Nations Compensation Commission has put it, a “manifestly well-founded fear” of being killed or forcibly detained if he attempted to leave the country.¹⁸ For the purposes of the legal standard applicable here, putting Mr. Marshall in this situation in effect amounts to detention.¹⁹ Iraq thus detained him from August 2, 1990, to August 9, 1990.

From August 9, 1990, until he departed Iraq on December 9, 1990, the Iraqi government confined Mr. Marshall to Iraq, preventing him from leaving by the threat of force. As the Commission has previously held, starting on August 9, 1990, the Iraqi government formally closed Iraq’s borders, forcibly prohibiting U.S. nationals from leaving.²⁰ As of that date, Iraq formally prohibited Mr. Marshall from leaving Iraq, effectively detaining him within the borders of Iraq.²¹ For Mr. Marshall, this formal policy of prohibiting U.S. nationals from leaving Iraq lasted until December 6, 1990, when the Iraqi government announced the release of Mr. Marshall and other U.S. hostages. Because Iraq’s previous releases of various categories of foreign nationals did not apply to Mr. Marshall,²² this was the earliest date that he was legally authorized to leave Iraq.

¹⁷ See Claim No. IRQ-II-281, Decision No. IRQ-II-139, at 10 n.23.

¹⁸ 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.

¹⁹ See Claim No. IRQ-II-281, Decision No. IRQ-II-139, at 10.

²⁰ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 7, 21-22.

²¹ See *id.* at 22.

²² See *id.* at 11-12, 22 (discussing Iraq’s August 28, 1990 release of U.S. nationals who were women or minors).

Although Mr. Marshall may have been legally permitted to leave Iraq on or about December 6, 1990, his detention did not end on that date. As the Commission has previously recognized, a claimant's detention ends only on the date that he is released from the control of the person or entity that detained him.²³ Any attempt "[by the perpetrator] to restrict [the] movements" of a claimant establishes control,²⁴ 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.²⁵

Under this standard, Mr. Marshall remained under Iraq's control until December 9, 1990. The Commission has previously held that Iraq imposed conditions on air travel that limited the ability of foreign nationals, including U.S. nationals, to leave Iraq and/or Kuwait in both September 1990 (after the release of female and minor U.S. nationals on August 28, 1990) and December 1990 (after the release of all remaining U.S. nationals).²⁶ Indeed, the available evidence indicates that Mr. Marshall left Iraq at the first reasonable opportunity, on the December 9, 1990 evacuation flight that left Iraq. Because there is no evidence that Mr. Marshall remained voluntarily in Iraq at any time during this period, we conclude that he was under Iraq's control and thus detained until December 9, 1990.

In sum, Iraq thus detained Mr. Marshall from August 2, 1990, until December 9, 1990.

²³ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 22; see also Claim No. LIB-II-183, Decision No. LIB-II-178 (Proposed Decision), at 13 (2012).

²⁴ 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)).

²⁵ See *id.*

²⁶ See Claim No. IRQ-II-180, Decision No. IRQ-II-140, at 10-11 (2017); Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 22.

(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.²⁷ This included Mr. Marshall.²⁸ 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.²⁹

In short, the Iraqi government made unequivocal threats to continue to detain U.S. nationals in Kuwait and Iraq. Mr. Marshall was a U.S. national in Iraq at the time. Claimant Estate has thus established that Iraq threatened to continue to detain Mr. Marshall.

(c) Third party coercion: The Commission has previously held that Iraq detained all U.S. nationals in Kuwait and 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.³⁰ Iraq itself stated that it sought three things from the United States government before it would release the detained U.S. nationals; it wanted the United States (i) not to attack Iraq, (ii) to withdraw its troops from

²⁷ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 23.

²⁸ While we determine that these statements apply to the decedent 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>.

²⁹ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 23.

³⁰ See *id.*

Saudi Arabia; and/or (iii) to end the economic embargo imposed on Iraq.³¹ Indeed, at the time, the U.S. government itself understood Iraq's actions to be hostage-taking.³²

In sum, this claim meets the standard for hostage-taking within the meaning of the 2014 Referral. Iraq held Mr. Marshall hostage in violation of international law for a period of 130 days, and the Claimant Estate 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.³³ Therefore, for the 130 days Iraq held Mr. Marshall hostage, he is entitled to an award of \$800,000, which is \$150,000 plus (130 x \$5,000). This amount constitutes the entirety of the compensation to which the Claimant Estate 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.³⁴

³¹ See *id.* at 23-24.

³² 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).

³³ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 24-26.

³⁴ 22 U.S.C. §§ 1626-1627 (2012).

AWARD

Claimant Estate is entitled to an award in the amount of \$800,000.

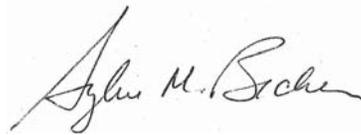
Dated at Washington, DC, December 14, 2017
and entered as the Proposed Decision
of the Commission.

**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) (2016).