

**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)
5 U.S.C. §552(b)(6)

Against the Republic of Iraq

}
}
}
}
}
}
}
}
}
}
}

Claim No. IRQ-II-321

Decision No. IRQ-II-306

Counsel for Claimant:

Daniel Wolf, Esq.
Law Office of Daniel Wolf

PROPOSED DECISION

Claimant Estate brings this claim against the Republic of Iraq (“Iraq”) alleging that Iraq held the decedent, Marisa Pennington, hostage in violation of international law in August and September 1990. Because the Estate has established that Iraq held Ms. Pennington hostage for 42 days, it is entitled to an award of \$360,000.

BACKGROUND AND BASIS OF THE PRESENT CLAIM

Claimant Estate alleges that Ms. Pennington was living in Kuwait with her husband when Iraq invaded the country on August 2, 1990. It claims that, beginning with the invasion and for approximately six weeks thereafter, Ms. Pennington “was held against her will as a hostage . . . in violation of international law.” According to the Estate, during this time, Iraq prevented Ms. Pennington from leaving Kuwait and Iraq: She and her husband were first confined to their apartment in Kuwait City, then to a local hotel. They were then

taken by bus to Baghdad, and then to a petrochemical plant in southern Iraq. After a few days, Ms. Pennington was then taken by bus back to Baghdad, where she stayed at a U.S. diplomatic property before boarding an evacuation flight on September 12, 1990. Ms. Pennington died in February 2010.

Although neither Ms. Pennington nor 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

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).

this Commission for adjudication and certification.⁵ This was the State Department's 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.

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").

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.

2014 Referral at ¶ 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 Estate a completed Statement of Claim seeking compensation under Category A of the 2014 Referral, together with exhibits supporting the elements of its claim.

DISCUSSION

Standing

As an initial matter, the Commission has reviewed the Letters of Authority, issued on September 6, 2017, by the Lorain County, Ohio, Probate Court appointing Jesse Pennington executor of Ms. Pennington's estate. Based on this review, the Commission finds that the ESTATE OF MARISA PENNINGTON, DECEASED; JESSE PENNINGTON, 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 Litigation"), and (3) has not received compensation under the Claims Settlement Agreement from the Department of State. 2014 Referral at ¶ 3.

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).

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 Because the decedent, Ms. Pennington, died before May 22, 2011, this claim passed from her to her estate prior to May 22, 2011. In such circumstances, it is a well-established principle of the law of international claims that the nationality of the beneficiaries of the estate, as well as of the injured party, must be evaluated in order to establish that the claim has been held continuously by U.S. nationals from the date of injury through the date of the Settlement Agreement.¹⁰ Thus, to satisfy the U.S. nationality requirement, Claimant Estate must show that Ms. Pennington was a U.S. national from the time of the alleged hostage-taking until she died and that the Estate’s beneficiaries were U.S. nationals from Ms. Pennington’s death until May 22, 2011.

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 February 21, 2010, the claim was held by the decedent. Claimant Estate has submitted a copy of the decedent’s certificate of naturalization, dated March 18, 1960, and a copy of her U.S. passport valid from 1986 to 1996, which show that she was a U.S. national at the time of the alleged

⁹ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 4-5 (2016).

¹⁰ See, e.g., *Claim of ESTATE OF WAYNE LEE MCCORMICK*, Claim No. IRQ-II-085, Decision No. IRQ-II-184 (2017); *Claim of ESTATE OF ELIZABETH L. ROOT, DECEASED*, Claim No. LIB-II-040, Decision No. LIB-II-026 (2011); *Claim of THE ESTATE OF JOSEPH KREN, DECEASED*, Claim No. Y-0660, Decision No. Y-1171 (1954); *Claim of PETER KERNAST*, Claim No. W-9801, Decision No. W-2107 (1965); *Claim of RALPH F. GASSMAN and URSULA ZANDMER*, Claim No. G-2154, Decision No. G-1955 (1981); *Claim of ELISAVETA BELLO*, Claim No. ALB-338, Decision No. ALB-321 (2008).

hostage-taking (between August and September 1990). Claimant Estate has also submitted a copy of the decedent's Ohio state voter registration card, dated September 12, 2003, and a copy of her voter certificate of registration, dated October 31, 2017, evidencing her registration on April 6, 2009 (and indicating her status as a "deleted voter" after her death). These documents indicate that the decedent remained a U.S. national through the date of her death (February 21, 2010).

From February 21, 2010, to May 22, 2011, the claim was held by the decedent's two children, Jesse Pennington and Carla Pennington Shelstad, who (except for specific bequeaths not relevant here) were identified as the beneficiaries of the decedent's residuary estate in the decedent's Last Will and Testament, dated February 11, 2004, which was admitted to probate on September 6, 2017, by a judge of the Lorain County Probate Court. Claimant Estate has submitted a copy of Jesse Pennington's U.S. passport valid from May 2003 to May 2013. The Estate has also submitted copies of Carla Shelstad's U.S. passport valid from April 1996 to April 2006 and her current U.S. passport issued in October 2010. These documents establish that Mr. Pennington and Ms. Shelstad were U.S. nationals from February 21, 2010, 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 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.¹¹ Footnote 3 of the 2014 Referral specifically lists the Pending

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

Litigation cases for purposes of the Referral. Claimant Estate, through its executor, has averred under oath in an October 2015 declaration submitted with the Statement of Claim, and the pleadings in the cases cited in footnote 3 confirm, that neither Ms. Pennington nor her estate was a plaintiff in any of those Pending Litigation cases. The Commission thus finds that Claimant Estate has also satisfied this element of its claim.

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

Claimant Estate also satisfies the final jurisdictional requirement. Jesse Pennington, the executor of Ms. Pennington's estate, has stated that neither Ms. Pennington nor her estate has "ever receive[d] any compensation under the [Claims Settlement Agreement] from the Department of State." Further, we have no evidence that the State Department has provided Ms. Pennington or her estate 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 asserts that Iraq held Ms. Pennington hostage from August 2, 1990 until September 12, 1990, a total of 42 days. According to declarations submitted by Ms. Pennington's son, Jesse Pennington, Ms. Pennington and her husband were "residing in [an] apartment complex near Kuwait City[]" at the time of the invasion, and that, between August 2, 1990, and September 5, 1990, they "remained confined in their apartment building to avoid capture by Iraqi security forces."¹² During this time, "they lived in fear

¹² In his declaration describing the incident, Jesse Pennington states that his parents relayed the details of their experience to him in the years following their ordeal. Mr. Pennington also notes that his parents gave

that they would be found by Iraqi soldiers, who would arrest them and harm them physically, execute them, or force them to serve as ‘human shields.’” Mr. Pennington adds that, “[w]ith heavily armed Iraqi military forces clearly visible outside their apartment complex, [Ms. Pennington and her husband] did not dare risk venturing outside their apartment”

Mr. Pennington further states that on September 5, 1990, “three armed Iraqi security officials[,]” accompanied by the building manager, “who had clearly been beaten[,]” showed up at Ms. Pennington and her husband’s apartment. He claims that, “[h]aving identified them as American citizens, the Iraqis took [them] into custody, and brought them to the Meridian Hotel in Kuwait City.” Later that same day, they “were forced to board a bus along with other U.S. and western nationals who had been captured[,]” and were driven eight hours to Baghdad, where they arrived on September 6, 1990, and were placed in a local hotel. On September 7, 1990, Ms. Pennington and her husband, along with several other hostages, were bussed from Baghdad to Basra, Iraq, where they “were deployed as ‘human shields’ to deter air strikes at a petrochemical plant.” They “were housed in makeshift tents and trailers” under poor conditions and with meager rations. After a few days, Ms. Pennington was “transported back to Baghdad, where she stayed at a U.S. diplomatic property before boarding an evacuation flight on September 12, 1990.” She arrived in Raleigh, North Carolina the next day, on September 13, 1990.

Supporting Evidence

Claimant Estate has supported its claim with, among other things, two sworn statements from Jesse Pennington, dated October 15, 2015, and October 14, 2017,

various interviews to media outlets describing their experience. He states that the information relayed to him directly by his parents, set forth in the declaration, is consistent with these media accounts.

describing his mother's experience in Kuwait as she and her husband explained it to him in the ensuing years; a copy of Marisa Pennington's U.S. passport from the time of the Iraqi invasion, which contains, *inter alia*, Kuwaiti visas from 1985, 1986, and 1989, a Kuwaiti exit stamp dated June 21, 1990, an Iraqi entry visa dated July 12, 1990, and an Iraqi exit stamp dated September 12, 1990; a copy of James Pennington's U.S. passport from the time of the invasion, which contains, *inter alia*, Kuwaiti entry visas dated February 1985 and May 1989, and Kuwaiti entry stamps from January 1986, January 1987, and August 1989; and several contemporaneous newspaper articles supporting the details of Ms. Pennington's alleged hostage experience, including the approximate dates of her captivity.

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, 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.

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.¹³ 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.¹⁴ A claimant can establish the first element of this standard by showing that the Iraqi government confined the claimant (or, in this case, the Claimant Estate's decedent) to a particular location or locations within Iraq or Kuwait, or prohibited the claimant from leaving Iraq and/or Kuwait.¹⁵

Application of Standard to this Claim

(1) Armed Conflict: Claimant Estate alleges that Iraq took Ms. Pennington hostage in Kuwait on August 2, 1990 and held her hostage for 42 days, until September 12, 1990, when she was evacuated to the United States. 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.¹⁶ 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 the decedent 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

¹³ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 16. In claims such as this that involve an estate claimant, this applies to the claimant's decedent.

¹⁴ See *id.* at 17-20.

¹⁵ See *id.* at 17.

¹⁶ See *id.* at 16-17.

any act as an explicit or implicit condition for her release. Claimant Estate satisfies this standard for the 42-day period from August 2, 1990 to September 12, 1990.

(a) Detention/deprivation of freedom: For purposes of analyzing the Estate's allegations of Ms. Pennington having been detained, her time in Kuwait 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; and (iii) from that August 28th announcement until Ms. Pennington's departure on September 12, 1990.¹⁷

From August 2, 1990, until Iraq formally closed all borders under its control to foreign nationals on August 9, 1990, Iraq confined Ms. Pennington to her apartment in Kuwait by threatening all U.S. nationals with immediate seizure and forcible detention.¹⁸ Although some foreign nationals did manage to leave Kuwait and/or Iraq during this period, Ms. Pennington could not reasonably be expected to have escaped.¹⁹ Iraqi authorities were forcibly detaining foreign nationals (including U.S. nationals) in Kuwait, relocating many to Baghdad against their will.²⁰ Ms. Pennington 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.²¹ The Commission has previously recognized that for the purposes of the legal standard

¹⁷ See *id.* at 20-21. While Claimant Estate alleges that Ms. Pennington 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.

¹⁸ See *id.* at 7, 21.

¹⁹ See *id.* at 21.

²⁰ See *id.*

²¹ 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.

applicable here, putting a claimant in this situation in effect amounts to detention.²² Iraq thus detained Ms. Pennington from August 2, 1990 to August 9, 1990.

From August 9, 1990 until she departed Iraq on September 12, 1990, the Iraqi government confined Ms. Pennington to Kuwait and 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.²³ As the Commission has previously held, as of that date, Iraq prohibited Ms. Pennington from leaving the country, effectively detaining her within the borders of Kuwait and Iraq.²⁴ For Ms. Pennington, this formal policy of prohibiting U.S. nationals from leaving Kuwait and Iraq lasted until August 28, 1990, when the Iraqi government announced that all female and minor U.S. nationals could leave.²⁵

Although Ms. Pennington 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.²⁶ Any attempt "[by the perpetrator] to restrict [the] movements" of a claimant establishes control,²⁷ 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.²⁸

Under this standard, Ms. Pennington remained under Iraq's control until September 12, 1990. The Commission has recognized that Iraq imposed conditions on air travel that

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

²³ See *id.* at 7, 21-22.

²⁴ See *id.* at 22.

²⁵ See *id.*

²⁶ See *id.* at 22; see also Claim No. LIB-II-183, Decision No. LIB-II-178 (Proposed Decision), at 13 (2012).

²⁷ 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)).

²⁸ See *id.*

limited the ability of foreign nationals, including U.S. nationals, to leave Iraq and/or Kuwait immediately after the August 28, 1990 release announcement.²⁹ Indeed, the available evidence indicates that Claimant left Iraq at the first reasonable opportunity, on the September 12, 1990 evacuation flight that left Baghdad. Therefore, we conclude that she was under Iraq's control and thus detained from August 28, 1990 to September 12, 1990.

In sum, Iraq thus detained Ms. Pennington from August 2, 1990 until September 12, 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.³⁰ 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.³¹ Claimant Estate has thus established that Iraq threatened to continue to detain Ms. Pennington.

(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.³² 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

²⁹ *See id.*

³⁰ *See id.* at 23.

³¹ *See id.*

³² *See id.*

Saudi Arabia; and/or (iii) to end the economic embargo imposed on Iraq.³³ Indeed, at the time, the U.S. government itself understood Iraq's actions to be hostage-taking.³⁴

In sum, this claim meets the standard for hostage-taking within the meaning of the 2014 Referral. Iraq held Ms. Pennington hostage in violation of international law for a period of 42 days, and her 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.³⁵ Therefore, for the 42 days Iraq held Ms. Pennington hostage, her Estate is entitled to an award of \$360,000, which is \$150,000 plus (42 x \$5,000). This amount constitutes the entirety of the compensation to which Claimant is entitled under the Claims Settlement Agreement.

³³ See *id.* at 23-24.

³⁴ 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. United Nations S.C. Res. 674 (Oct. 29, 1990) (noting "actions by . . . Iraq authorities and occupying forces to take third-State nationals hostage" and demanding that Iraq "cease and desist" this practice).

³⁵ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 24-26.

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 ICSA.³⁶

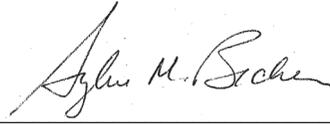
AWARD

Claimant Estate is entitled to an award in the amount of \$360,000.

Dated at Washington, DC, October 25, 2018
and entered as the Proposed Decision
of the Commission.

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

December 18, 2018



Sylvia M. Becker, Commissioner



Patrick Hovakimian, 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).

³⁶ 22 U.S.C. §§ 1626-1627 (2012).