

**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-281

Decision No. IRQ-II-139

Counsel for Claimant:

Daniel Wolf, Esq.
Law Office of Daniel Wolf

PROPOSED DECISION

Claimant brings this claim against the Republic of Iraq ("Iraq") alleging that Iraq held her hostage in violation of international law in August and September 1990. Because she has established that Iraq held her hostage for 34 days, she is entitled to an award of \$320,000.

BACKGROUND AND BASIS OF THE PRESENT CLAIM

Claimant alleges that she was an 11-year-old United States citizen visiting her family in Baghdad when Iraq invaded Kuwait on August 2, 1990. She asserts that, beginning with the invasion and for approximately five weeks thereafter, she was forced to hide in her grandparents' home in a suburb of Baghdad in constant fear of being captured by Iraqi authorities. She further claims that during this entire period, the Iraqi government in effect forcibly prevented her (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. After the Iraqi government authorized women and minor U.S. nationals to leave, Claimant flew out of Iraq on September 4, 1990.

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 second referral of claims to the Commission under the Claims Settlement Agreement, the

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").

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 ICSCA and the 2014 Referral.⁷

On November 2, 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 birth certificate, which shows that she was a U.S. national at the time of the alleged hostage-taking in August 1990. She has also provided a copy of a recent U.S. passport, which

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.

expired on April 12, 2017 and establishes 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 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.¹⁰ Footnote 3 of the 2014 Referral specifically lists the Pending Litigation cases for purposes of the Referral. Claimant has averred under oath in 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.

Merits

Factual Allegations

Claimant states that Iraq held her hostage from August 2, 1990 until September 4, 1990, a total of 34 days. She asserts that she was 11 years old when she and her family

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

flew to Iraq in July 1990 to visit relatives and that they were staying at her grandparents' residence in suburban Baghdad when Iraq invaded Kuwait on August 2, 1990. She further claims that she and her family had planned to return to the United States in early August 1990 but were unable to leave because Iraq had temporarily closed the airport to commercial flights and prohibited U.S. nationals from leaving the country. Claimant states that her mother contacted the U.S. Embassy in Baghdad multiple times during this period to attempt to arrange her family's departure from Iraq but maintains that Embassy officials were not able to help them leave the country and did not support any plan involving an escape from Iraq. Claimant states that, due to these circumstances, she remained confined in her grandparents' residence in constant fear that Iraqi soldiers would arrest her and her family. On September 4, 1990, Claimant flew from Baghdad to Amman, Jordan, on an evacuation flight that contained women and children of foreign nationality that had been granted permission to leave Iraq.

Supporting Evidence

Claimant has supported her claim with, among other things, her sworn Statement of Claim, a declaration, two news articles that describe the circumstances of her alleged detention and ultimate departure from Iraq, and two additional news articles about the release of hostages from Iraq that include photographs identifying Claimant. The first article, which was published in the *San Jose Mercury News* in September 1990, states that Claimant, her mother, and her two sisters departed Baghdad on September 4, 1990. The second article, which was published in the *Asbury Park Press* in the same month, identifies Claimant, her mother, and her sister as part of a group of former hostages that flew from Amman to Newark on September 5, 1990. Claimant has also provided copies of news articles published in the *Alexandria Daily Town Talk* and the *Santa Cruz Sentinel* in

September 1990 that include a photograph that was allegedly taken of Claimant, her mother, and her sister upon their arrival in Newark, New Jersey on September 5, 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, 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.

The Commission takes notice of additional publicly available news reports that discuss Iraq's treatment of foreign nationals in Iraq immediately after the invasion. These include an *Associated Press* report that was published on August 7, 1990,¹¹ a *Reuters* report that was published the following day,¹² articles in the *New York Times* and the *St. Louis Post-Dispatch* that were published on August 9, 1990,¹³ and an article that was published in the *New York Times* on December 11, 1990.¹⁴ The Commission also takes notice of Federal News Service transcriptions¹⁵ of press briefings held by U.S. State Department officials in August 1990 and the testimony that Elizabeth Tamposi, who was Assistant Secretary of State for Consular Affairs at the time, provided in a hearing held on September

¹¹ See Jamal Halaby, *78 Foreigners Arrive in Amman from Iraq*, ASSOCIATED PRESS, Aug. 7, 1990.

¹² See *Westerners Say Baghdad Tense, Americans at "Special Risk,"* REUTERS, Aug. 8, 1990.

¹³ See Joseph Treaster, *Confrontation in the Gulf; For Americans, a Dash Across Desert*, N.Y. TIMES, Aug. 9, 1990, A9; Christine Bertelson, *Former St. Louisan Was Held by Iraqis*, ST. LOUIS POST-DISPATCH, Aug. 9, 1990, 19A.

¹⁴ See Alessandra Stanley, *Standoff in the Gulf; Hostages Had a Shared Anxiety: Just Waiting for Something Bad*, N.Y. TIMES, Dec. 11, 1990, A1.

¹⁵ See *CB State Department Regular Briefing Briefer: Margaret Tutwiler*, FEDERAL NEWS SERVICE, Aug. 7, 1990, at 2; *CB State Department Regular Briefing Briefer: Richard Boucher*, FEDERAL NEWS SERVICE, Aug. 8, 1990, at 1.

25, 1990 before various subcommittees of the House of Representative's Committee on Foreign Affairs.¹⁶

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.¹⁷ 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.¹⁸ 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.¹⁹

Application of Standard to this Claim

(1) Armed Conflict: Claimant alleges that Iraq took her hostage in Iraq on August 2, 1990 and held her hostage for 34 days, until September 4, 1990, when Iraqi officials allowed her to leave the country. In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission held that during this entire period,

¹⁶ See Hearing on the Status of U.S. Citizens and the American Embassies in Iraq and Kuwait, Subcomm. on Eur. and the M. E.; Subcomm. on Int'l Operations, Comm. on Foreign Affairs, House of Representatives, 101 Cong 194 (1990) (statement of Elizabeth Tamposi, Assistant Sec'y for Consular Affairs, U.S. Dep't of State [hereinafter Tamposi Hearing]).

¹⁷ 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.

¹⁸ See *id.* at 17-20.

¹⁹ See *id.* at 17.

Iraq was engaged in an armed conflict with Kuwait.²⁰ 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 explicit or implicit condition for her release. Claimant satisfies this standard for the 34-day period from August 2, 1990 to September 4, 1990.

(a) Detention/deprivation of freedom: For purposes of analyzing Claimant's allegations of having been detained, her 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 the August 28, 1990 announcement that women and minors could leave Iraq and Kuwait; and (iii) from that August 28th announcement until Claimant's departure on September 4, 1990.²¹

From August 2, 1990 until Iraq formally closed its borders to foreign nationals on August 9, 1990, Iraq confined Claimant to her grandparents' home in Iraq. The Commission has previously held that Iraq threatened U.S. nationals who were in Kuwait with forcible detention during this period,²² and we conclude that there is sufficient evidence in the record to establish that U.S. nationals in Iraq were treated similarly. Although some foreign nationals did manage to leave Iraq during this period, Claimant

²⁰ See *id.* at 16-17.

²¹ See *id.* at 20-21.

²² See *id.* at 21.

could not reasonably be expected to have escaped.²³ Iraqi authorities were forcibly detaining and confining foreign nationals (including U.S. nationals) in Kuwait and Iraq, relocating many to Baghdad against their will.²⁴ Claimant understandably had, as the United Nations Compensation Commission has put it, a “manifestly well-founded fear” of being forcibly detained if she attempted to leave the country.²⁵ The Commission has previously recognized that for the purposes of the legal standard applicable here, putting Claimant in this situation in effect amounts to detention.²⁶ Iraq thus detained Claimant from August 2, 1990 to August 9, 1990.

From August 9, 1990 until she flew from Baghdad to Amman on September 4, 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 Iraq’s borders, forcibly prohibiting U.S. nationals from leaving.²⁷ As of that date, Iraq formally prohibited Claimant from leaving the country, effectively detaining her within the borders of Iraq.²⁸ For Claimant, this formal policy of prohibiting U.S. nationals from leaving Iraq lasted until August 28, 1990,

²³ In this regard, the Commission notes that Elizabeth Tamposi testified at a congressional hearing held on September 25, 1990 that the U.S. Embassy in Baghdad had advised U.S. nationals not to “bolt for the border” during this period because of reports that Iraq had turned back several cars containing foreign nationals who sought to escape across the Iraqi-Jordanian border and had arrested two foreign nationals who had made such an attempt. Tamposi Hearing, at 194.

²⁴ See *CB State Department Regular Briefing Briefer: Margaret Tutwiler*, FEDERAL NEWS SERVICE, Aug. 7, 1990, at 2; *CB State Department Regular Briefing Briefer: Richard Boucher*, FEDERAL NEWS SERVICE, Aug. 8, 1990, at 1; Unclassified U.S. State Department cable from U.S. Embassy in Bagdad, dated Aug. 7, 1990; Alessandra Stanley, *Standoff in the Gulf; Hostages Had a Shared Anxiety: Just Waiting for Something Bad*, N.Y. TIMES, Dec. 11, 1990, A1; Joseph Treaster, *Confrontation in the Gulf; For Americans, a Dash Across Desert*, N.Y. TIMES, Aug. 9, 1990, A9; Christine Bertelson, *Former St. Louisan Was Held by Iraqis*, ST. LOUIS POST-DISPATCH, Aug. 9, 1990, 19A; *Westerners Say Baghdad Tense, Americans at “Special Risk,”* REUTERS, Aug. 8, 1990; Jamal Halaby, *78 Foreigners Arrive in Amman from Iraq*, ASSOCIATED PRESS, Aug. 7, 1990.

²⁵ 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.

²⁶ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21.

²⁷ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 7, 21-22.

²⁸ See *id.* at 22.

when the Iraqi government announced that all female and minor U.S. nationals could leave.²⁹

Although Claimant may have been legally permitted to leave Iraq 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.³⁰ Any attempt "[by the perpetrator] to restrict [the] movements" of a claimant establishes control,³¹ 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.³²

Under this standard, Claimant remained under Iraq's control until September 4, 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 Kuwait immediately after the August 28, 1990 release announcement.³³ Indeed, the available evidence indicates that Claimant left Iraq at the first reasonable opportunity, on the September 4, 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 4, 1990.

In sum, Iraq thus detained Claimant from August 2, 1990 until September 4, 1990.

(b) Threat: In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission determined that the Iraqi government

²⁹ See *id.* at 21-22.

³⁰ 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).

³¹ 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)).

³² See *id.*

³³ See *id.*

threatened U.S. nationals in Kuwait and Iraq numerous times with continued detention.³⁴ This included Claimant.³⁵ 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.³⁶

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

(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.³⁷ 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 Saudi Arabia; and/or (iii) to end the economic embargo imposed on Iraq.³⁸ Indeed, at the time, the U.S. government itself understood Iraq's actions to be hostage-taking.³⁹

³⁴ See *id.* at 23.

³⁵ 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>.

³⁶ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 23.

³⁷ See *id.*

³⁸ See *id.* at 23-24.

³⁹ 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).

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 34 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.⁴⁰ Therefore, for the 34 days Iraq held Claimant hostage, she is entitled to an award of \$320,000, which is \$150,000 plus (34 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 ICSA.⁴¹

⁴⁰ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 24-26.

⁴¹ 22 U.S.C. §§ 1626-1627 (2012).

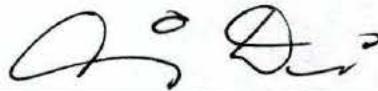
AWARD

Claimant is entitled to an award in the amount of \$320,000.

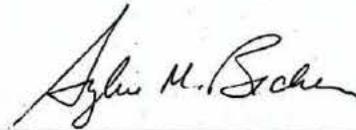
Dated at Washington, DC, August 22, 2017
and entered as the Proposed Decision
of the Commission.

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

October 19, 2017



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).