



DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
3rd Infantry Division
FOB Warhorse, Iraq
APO AE 09397

REPLY TO
ATTENTION OF:

AFZP-VI-JA

30 August 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA5-1355

1. Claimants name and address: [REDACTED], Buhriz, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 16 January 2005 in Buhriz, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$5,000.00 on 24 August 2005.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for wrongful death of his brother.
5. Claimant's Allegations: Claimant states that CF raided his coffee shop and wrongfully shot and killed his brother.
6. Investigator's Opinion:
 - a. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Additionally, the reasons for denial of this claim are included in paragraph b.
 - b. The research conducted revealed that there is absolutely no proof of United States negligence. There was not enough evidence to prove this incident occurred.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$5,000 is disapproved.

[REDACTED]
S
CPT, JA
Claims Judge Advocate

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CLAIMS FORM

Office: United States Army Foreign Claims Commission

Claimant Name: [Redacted]

Address: [Redacted]

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: _____

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

The property damaged is owned by: _____

Where claim arose at: Burhiz Iraq
(Town) (City) (Country)

When claim arose on: Jan 16 2005
Month Day Year

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based. (Use back of this sheet if necessary.)

Claimant states CP raided coffee shop in Burhiz and shot his brother. Says everyone was lined up on ground and his brother was shot.

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

Item	Amount
<u>Death of brother</u>	

Total: 5,000

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 5,000 local _____

[Redacted Signature]

(Signature of Claimant)

Subscribed before me this 24 day of August, 2005.

[Redacted Name]

(Print Name)

(Signature)

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