

Claims Form

To: United States Army Foreign Claims Commission

From: Name:

[Redacted Name]

NEED POA from mother

POA/ATT:

[Redacted POA/ATT]

Power of Attorney provided and interpreter approved:

Decedents:

[Redacted Decedents]

Hometown:

Iraqi Resident:

My claim arose at:

(Town)

Samira

(City)

(Country)

My claim arose on:

Month

APR

Day

11

Year

05

Proof of Ownership:

N/A

Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations):

Yes - COD is GSW - looks legit - has original and the red copy

Interpreter Approved:

Legal Expert Opinion:

Interpreter Approved:

N/A

Witness Statement (Consistent?):

2x - were nearby when he was shot & saw

Interpreter Approved:

CF shot the guy

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.)

POA was at work, got told his father was shot by US soldiers

on a combat patrol - when he arrived at the scene, there

were US soldiers all around - about 100m from the body

Allowed SM to take body away

Evidence:

wit statements, death cert, court docs

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
Wrongful death	\$4000.00

Total: \$4000.00


I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:


(Name) _____ (Address) _____


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

\$ 4000.00 local _____


(Signature of Claimant)

Subscribed before me this 28 day of Nov, 2005.


(Print Name)


(Signature)



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

14 Jan 06
0-143-120

AFZB-JA-C

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.
2. Your claim has been denied for the following reasons:
 - a. There is not enough evidence to prove your claim.
 - b. The evidence shows that United States Forces did not cause the damage.
 - c. The evidence shows that the damage was caused during combat.
 - d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
 - e. The evidence shows that your claim was fraudulent.
 - f. Other: _____
3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.
4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.


CPT, FCC
Foreign Claims Commissioner

000186



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, FOB SPEICHER
TIKRIT, IRAQAPO AE 09393

AFZB-JA-C

4 December 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 06-IA3-121

- 1. Identifying Data:** [REDACTED] POA: [REDACTED]
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on April 1, 2005 in Samarra, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$4,000 on 28 Nov. 2005.
- 4. Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was filed in a timely and proper manner.
- 5. Facts:** On April 11, 2005, POA [REDACTED] was at work when he was told that his father had been shot and killed by CF on a combat patrol. When he arrived on the scene, there were US Soldiers all around, about 100 meters from the body. The soldiers allowed the son to take the body away. A SIGACTS investigation revealed that a VBIED attacked a US patrol, resulting in 22 civilian WIA and 3 civilian KIA.
- 6. Opinion:** Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, there is sufficient evidence to indicate that CF were engaged in combat activities.
- 7. Recommendation:** The claim is denied.

[REDACTED]
[REDACTED]
CPT, JA
Claims Judge Advocate

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6-1A3-12
S DEC



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 3D INFANTRY DIVISION (FORWARD)
TASK FORCE LIBERTY, OPERATION IRAQI FREEDOM
FORWARD OPERATING BASE SPEICHER
APO AE 09393

DHFT-JA

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:

- a. There is not enough evidence to prove your claim.
- b. The evidence shows that United States Forces did not cause the damage.
- c. The evidence shows that the damage was caused during combat.
- d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
- e. The evidence shows that your claim was fraudulent.
- f. Other: _____

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.

4. POC is the Tikrit Claims Office at DNVT 584-1084.

[Redacted Signature]

CPT, FCC
Foreign Claims Commissioner

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