



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

AFZB-JA-C

23 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]; 06-IR8-468

1. **Identifying Data:** [REDACTED] by Attorney [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 1 January 2005 in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$6,000 on 21 March, 2006.
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 properly filed in a timely manner.
5. **Facts:** The Claimant alleges that her husband, [REDACTED], age 65 was standing in the street when a CF convoy, pulling out of the parking lot of the Youth Center, opened fire, killing him. The incident allegedly occurred in the Garbia quarter of the city. A SIGACTS investigation revealed that a TF 3-69 patrol was attacked with RPG fire. At least one local national was killed when he drove his vehicle in between the cross fire between CF and AIF.
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, claimant's injury was caused during a combat engagement with AIF.
7. **Recommendation:** The claim is denied.

[REDACTED]  
CPT, JA  
Claims Judge Advocate

000197

60-1R8-408  
4 Apr 06



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

AFZB-JA-C

MEMORANDUM FOR Record

SUBJECT: Claimant 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 supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101<sup>st</sup> Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[Redacted Signature]

CPT, JA  
Chief of Claims

000198

**TF Band of Brothers Claims Intake Form**

To: United States Army Foreign Claims Commission

From: Name: [REDACTED]

APOA/ATT: [REDACTED]

Power of Attorney provided and interpreter approved:

Decedents: [REDACTED]

Hometown: Samarra  Iraqi Resident:

My claim arose at: Samarra  
(Town) (City) (Country)

My claim arose on: 15 July 05  
Month Day Year

Proof of Ownership: N/A

VIN Match:

Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): COO - bullets in his body  
Dates match

Interpreter Approved:

Medical Report/Legal Expert Opinion: N/A

Interpreter Approved:

Witness Statement (Consistent?): ① Random guy - CF shot the deceased.

Interpreter Approved: ② cousin - husband & my daughter  
→ inconsistent → weird family Rebb

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.)

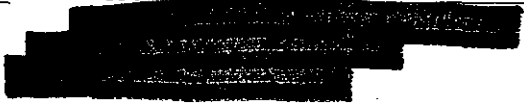
Youth center - CF there. Houses across the  
street. (only one in town) Guy standing in front of the house.  
1st Humvee shot the C's husband (Age 65).  
CF was pulling away from the youth center &  
shot the old guy. | unknown time  
West Samarra → Garbia Qtra

Evidence:

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	6,000
	6,000
	6,000
Total:	18,000

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

\$ 2,500 local 

(Signature of Claimant)

Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006 MAR 22 2006

  
  
(Signature)