



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

AFZP-VA-JA

21 November 2005

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]
(Claim Number 05-IA3-1561)

1. On 26 June 2005, [REDACTED] s vehicle was shot at and damaged by U.S. Forces.
2. I certify that funds are available from the CERP to pay [REDACTED] in the amount of \$600.00. This is a battle damage payment.

[REDACTED]
CPT, EN
Project Purchasing Officer

3. The request to pay [REDACTED] I in the amount of \$600.00 from CERP is approved. The claimant will receive a payment. There is no legal objection to this payment. I order payment of this money.

[REDACTED]
CPT, JA
Trial Counsel

000231



DEPARTMENT OF THE ARMY
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)
OPERATION IRAQI FREEDOM (FOB LIBERTY)
APO AE 09308

DHFT-JA

6 August 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 05-IA3-1561

1. **Identifying Data:** [REDACTED] Tikrit, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 26 June 2005, in Al Dujeel, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for 900,000 ID on 3 August 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 manner.
5. **Facts:** Claimant alleges that his Toyota Super was damaged, when U.S. Forces shot at it from a convoy. The claimant's brother was driving the claimant's vehicle as a taxi from Tikrit to Baghdad. He had a fare in the vehicle. The claimant's brother came up behind a slow moving U.S. Forces convoy. He attempted to pass the convoy on the other side of the highway. When he came back to the southbound lane to cut back in front of the convoy, they opened fire on his vehicle. ~~The claimant's brother was killed and the vehicle damaged.~~ The convoy stopped and took the decedent to the Al Dujeel police station. The claimant provided a corroborating witness statement, photographs and a scene sketch. A legal expert report estimated the damage to the vehicle at 900,000 ID. This incident was verified through a check of Division records.
6. **Opinion:** There is sufficient evidence to indicate that U.S. Forces damaged the claimant's vehicle. Unfortunately, those forces were involved in security operations at the time. Therefore, this case falls within the combat exception.
7. **Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
Chief, Claims

000232

Ch

MSI 32 / 006889

Claims Form



To: United States Army Foreign Claims Commission

From: Name:

POA/ATT:

Power of Attorney provided and interpreter approved:

Decedents:

Hometown:

Tikrit

Iraqi Resident:

My claim arose at:

(Town)

(City)

(Country)

Al Dujail Iraq

My claim arose on:

Month

Day

Year

June 26 05 10:30

Proof of Ownership:

OWNER'S CARD IN C'S NAME

Interpreter Approved:

including chassis # photo

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

Interpreter Approved:

Legal Expert Opinion:

900,000 I.D

Interpreter Approved:

Witness Statement (Consistent?):

W, (Pass) SAME

Interpreter Approved:

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.)

Brother of C

Dec driving taxi. W, is a passenger from Tikrit to Baghdad. IN Al Dujail US convoy in front of them going slow. Passed convoy on other side goes to return to right side. US forces shot vehicle. Driver killed. US forces stop a taxi to photos. Photos, sketch, police agreement. Vehicle belongs to C, (Dec's brother) Police Station 000233

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

Damage to Vehicle

Total: 900,000 IN

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)

\$ _____ local 900,000


(Signature of Claimant)

Subscribed before me this 3 day of Aug, 2005


(Print Name)


(Signature)