



DEPARTMENT OF THE ARMY  
OFFICE OF THE COMMAND JUDGE ADVOCATE  
116<sup>th</sup> BRIGADE COMBAT TEAM, 42<sup>nd</sup> INFANTRY DIVISION  
KIRKUK, IRAQ, APO AE 09368

REPLY TO  
ATTENTION OF

24 April 2005

Foreign Claims Commission

[REDACTED] FY05-I9B-927  
Kirkuk, Iraq

Mr. [REDACTED]

I have considered your claim under the Foreign Claims Act, Title 10 United States Code Section 2734 as implemented by Army Regulation 27-20, Chapter 10.

Your claim is denied. The Foreign Claims Act does not authorize payment of claims related to combat activities, nor of claims where US negligence cannot be established. Your claim states that your brothers, [REDACTED], were working construction on a house and a terrorist, who was being chased by Coalition Forces, ran into the house. You claim that your brother Hersh was shot and killed by Coalition Forces. The U.S. cannot pay your claim due to the lack of evidence showing Coalition Forces involvement and your brothers' death was incident to combat. I am sorry for your loss, and I wish you well in a Free Iraq.

Army Regulation 27-20 provides you the right to appeal this action. Deliver your appeal and any additional evidence to the Government Building FCC office within thirty (30) days of receipt of this notice.

Sincerely,

[REDACTED]

CPT, U.S. Army  
Foreign Claims Commissioner

000262

**CLAIM FOR DAMAGE .OR  
INJURY DEATH**

**INSTRUCTION:** Please read carefully the instruction on the reverse side and supply information requested on both sides of this form .Use additional sheets (s)

PERSON FILE  
or approve  
MBC

yahya .

**SITE OF THE ACCIDENT**  
Kirkuk al wasti district

**2- Name of claimants & Address:**

[REDACTED]

927

**3. Gender**  
Male

**4. DATE OF BIRTH**  
1986

**5. MARITAL STATUS.**  
Single

**6. DATE & DAY OF ACCIDENT**  
3-7-203

**7. TIME**  
14:30 hrs

**The claim**

The claimant claims that his brother was working in the construction with his brother ([REDACTED]) in al wasti district and there was a patrol of CF chasing one of fedaeen Saddam ,the suspect run to the house which his brothers were working there ,the soldiers start shooting at him ,but wrongfully shot the victims which caused injury to one of them and killing the other ,he claim that they took his brother to azadi hospital .

Note: Victim's name [REDACTED]

**PROPERTY DAMAGE**

**INJURY**

Person was killed

**WITNESSES**

**NAME**

**ADDRESS**

Investigation officer  
Al- miqdad police station

Amount of claim (IN Dollars)

**12a PROPERTY**

**12b PERSONAL INJURY**

**12c WRONGFUL DEATH**

**12d**

I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

000263

**SIGNATURE OF CLAIMANT**

[REDACTED]

**13b. Phone number of signatory**

[REDACTED]

**14c. Date of claim**  
4/6/2005

**CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM**

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS**