



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

28 April 2005

Foreign Claims Commission

[REDACTED] Y05-I9B-946  
Kirkuk, Iraq

Mr. [REDACTED],

MAY - 9 2005

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 you were driving around with a friend and Coalition Forces opened fire on the vehicle killing your friend, Falah Hither Hector, and injuring you. The U.S. cannot pay your claim because there is no evidence indicating Coalition Forces were involved in this incident. I am sorry for your injuries, 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

000266

**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 from  
in approve  
MBC

AMER	SITE OF THE ACCIDENT NEAR THE BANCK OF WAHID HUZEERAN 5min from the Gov. Bul.	2-.Name of claimants & Address: [REDACTED] AL-NASSER KIRKUK
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3. Gender Male	4. DATE OF BIRTH 1982	5. MARITAL STATUS. Single	6. DATE & DAY OF ACCIDENT 19-feb-04	7. TIME 8.20pm
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The claim  
While the claimant was with his friends sitting in the passenger seat of the car ,claims when they reached the traffic circle there was a fire fight and in order to avoid this situation they took a side way but unfortunately ,the road they took was blocked and the CF set a check point there ,they tired to return back, during that time CF opened fire on them killing the driver (Flash hither hector case #280) and injuring the other in his left shoulder and shrapnel's in his leg .

**PROPERTY DAMAGE**

**INJURY**

The claimants injured in his left shoulder and leg

**WITNESSES**

NAME	ADDRESS
[REDACTED]	AL-NASSER SECTOR KIRKUK

Amount of claim (IN Dollars)

12A PROPERTY	12b PERSONAL INJURY 350 000 \$	12c WRONGFUL DEATH	12A 350 000 \$
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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

13a. SIGNATURE OF CLAIMANT	13b. Phone number of signatory	14c. Date of claim 4/24/2005
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CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

000267

\$ 350,000