

CLAIMS FORM
US ARMY FOREIGN COMMISSION

CLAIM # 2-027-5

CLAIMANT NAME

ADDRESS

SEC./

ST./

H./

PHONE#:

I AM

a. A Citizen and National Of:

B. A Permanent Resident Of:

C. Employed By:

d. Check one () an insurer () Not an insurer

e. Check one () A subrogate () Not a subrogate

Thiqar Iraq

HAVE YOU FILED A CLAIM BEFORE (circle one) YES

OR

(NO)

TYPE OF CLAIM (circle which applied)

INJURY:

DEATH

PROPERTY DAMAGE: VEHICLE, BUILDING, FIELD, ANIMAL, OR OTHER

NAME

RELATIONSHIP

brother

AGE:

47

DOB DAY

1/7/1957

DATE INCIDENT OCCURRED: /D/

1

/M/

5

YYYY

2005

PLACE INCIDENT OCCURRED

SEC./

ST./

H./

Diyala Bridge

SITUATION

He was sitting in a car and the car that was in front of them exposed to firing by coalition and a stray bullet hit him and was killed

List in detail the amount of property damage and itemized expense resulting damage or personal injury: (Attach bills and receipts, if applicable)

Item

Amount

He asks for compensation

TOTAL AMOUNT: US DOLLAR

10 000 000,00

Today date

17 th May, 2005

Ten million USDollar

Signature

[Redacted Signature]

000298



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD INFANTRY DIVISION (FWD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09352

REPLY TO
ATTENTION OF:

AFZP-JAC

13 September 2005

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of [REDACTED], 0893-05 ; Z. 0272

1. Facts. Claimant's brother was killed by small arms fire.
2. Opinion. This claim is not meritorious under the Foreign Claims Act. There is no credible evidence that the death was caused by U.S. forces.
3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action. Deny this claim.

[REDACTED]
CW2, JA
FCC IJ4

[REDACTED]
CPT, JA
FCC IJ4

000299



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD INFANTRY DIVISION (FWD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09352

REPLY TO
ATTENTION OF:

AFZP-JAC

13 September 2005

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of [REDACTED], 0893-05

1. Facts. Claimant's brother was killed by small arms fire.
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4. Action. Deny this claim.

[REDACTED]
CW2, JA
FCC IJ4

[REDACTED]
CPT, JA
FCC IJ4

000300

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
2D BRIGADE, 3D INFANTRY DIVISION
FOB LOYALTY, APO AE 09380

REPLY TO
ATTENTION OF:

AFZP-VB-JA

13 August 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]

1. **Claimant's name and address:** [REDACTED], [REDACTED] Baghdad, Iraq.
2. **Date and place the incident occurred giving rise to the claim:** Incident occurred on 26 October 2004, at Diyala Bridge, Baghdad, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim in the amount of \$10,000,000.00 on 3 June 2005.
4. **Claim considered under the Foreign Claims Act and Chapter 10, AR 27-20; claimant filed for death of brother by small arms caused by combat involving Coalition Forces.**

5. **Facts:**

- a. On 1 May 2005, the claimant's brother was driving near Diyala Bridge, Baghdad, Iraq in his vehicle.
- b. Coalition Forces engaged the vehicle in front of the claimant's brother with small arms.
- c. Claimant's brother died as a result of a stray round from the combat.

6. **Opinion:**

- a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. The claimant has provided evidence that the Coalition Forces were involved in the incident.
- b. The claimant has provided a claims card from the incident. By the use of bad grammar and Iraqi wording, it is believable that the claims card was falsely made to make the claim look meritorious.
- c. The claim is meritorious in that the claimant's brother died from wounds from small arms fire. However, the incident occurred as a result of combat operations involving the Coalition Forces.

7. **Recommended Action:** Disapprove the claim.

[REDACTED]
CPT, JA

Single Member FCC

000301