

DEPARTMENT OF THE ARMY  
3d Brigade Combat Team  
4<sup>th</sup> Infantry Division (Mechanized)  
FOB Warhorse, Iraq  
APO AE 09397

AFZC-FC-JA

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED] 06-3/4-055

1. Claimants name and address: [REDACTED] Baqubah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 23 Aug 05, in Baqubah, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$7,000, on 7 Jan 06.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for death of brother.
5. Facts: Claimant, an Iraqi Policeman, and his brother were in his vehicle when US Forces allegedly starting shooting in their direction. Consequently, his brother was killed.
6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. Unable to verify incident on SIGACT.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$7,000 is denied.

[REDACTED]

CPT, JA  
Foreign Claims Commission

000304

CLAIMS FORM

To: United States Army Foreign Claims Commission.

From: Name: [Redacted]

Address: Bagubah

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: \_\_\_\_\_

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

The property damaged is owned by: brother of deceased

My claim arose at: Bagubah Damtown \_\_\_\_\_  
(Town) (City) (Country)

My claim arose on: Aug 23 2005 NOON  
Month Day Year Time of Day

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.)

see evidence packet.

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
<u>seeking damages for brother's death</u>	

Total: \$17,000

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

\$ \_\_\_\_\_ local \_\_\_\_\_

(Signature of Claimant)

Subscribed before me this 7<sup>th</sup> day of Jan, 2006.

(Print Name) [Redacted]

(Signature) [Redacted]

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