

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

AFZC-FC-JA

29 January 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED] 06-3/4-018 (Reconsideration)

1. Claimants name and address: [REDACTED] Kanaan, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 Dec 05, in Kanaan, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$5000, on 26 Dec 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 compensation for the death of his son.
5. Facts: The claimant alleges that coalition forces opened fire on the vehicle his son was riding and killed his son..
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. The SIGACTs report shows that Iraqi police and anti-Iraqi forces were engaged in small arms fire which led to the killing that prompted this claim. Therefore, the claim is not payable as there was no US involvement. The additional evidence submitted to support the reconsideration is insufficient to alter the previous denial decision made by CPT Rodriguez.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$5000 is denied.

[REDACTED]
CPT, JA
Foreign Claims Commission

000344

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED] Sex: F

Address: KANAAN, IRAQ

I am a citizen and national of: IRAQ

Name of Unit or US Personnel involved in incident: UNSPECIFIED.

Owner of property that was damaged: CLAIMANT

My claim arose at: KANAAN IRAQ
(Town) (City) (Country)

My claim arose on: DEC 24 05
Month Day Year Time

Give a brief statement explaining how the claim arose and the nature of the damages.

SON SHOT BY CF. PREVIOUSLY DENIED BECAUSE SIEGTS
SAID IPS SHOT HER SON WHILE BATTLING AIC.

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

\$ 5000⁰⁰ local [REDACTED]

[REDACTED]
(Signature of Claimant)

Subscribed before me this 4TH day of MARCH, 2006.

[REDACTED]
(Print Name)
[REDACTED]
(Signature)

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

AFZC-FC-JA

9 March 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED] 06-3/4-018

1. Claimants name and address: [REDACTED], Kanaan, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 Dec 05, in Kanaan, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$5,000 on 4 Mar 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 compensation for death of son.
5. Facts: The claimant alleges that CF opened fire on the vehicle his son was riding and killed his son.
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. This file has been reconsidered twice now. Upon second reconsideration, there is insufficient evidence to substantiate the claim.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$5,000 is denied.

[REDACTED]

CPT, JA

Foreign Claims Commission

000346

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

AFZC-FC-JA

29 January 2006

MEMORANDUM FOR RECORD

018

SUBJECT: Claim of [REDACTED]: 06-3/4-018 (Reconsideration)

1. Claimants name and address: [REDACTED], Kanaan, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 Dec 05, in Kanaan, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$5000, on 26 Dec 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 compensation for the death of his son.
5. Facts: The claimant alleges that coalition forces opened fire on the vehicle his son was riding and killed his son..
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. The SIGACT's report shows that Iraqi police and anti-Iraqi forces were engaged in small arms fire which led to the killing that prompted this claim. Therefore, the claim is not payable as there was no US involvement. The additional evidence submitted to support the reconsideration is insufficient to alter the previous denial decision made by CPT Rodriquez.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$5000 is denied.

[REDACTED]
CPT, JA
Foreign Claims Commission

000347