

DEPARTMENT OF THE ARMY

OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

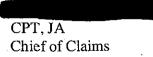
MEMORANDUM FOR Record

SUBJECT: Claimant Denial

- 1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.
- 2. Your claim has been denied for the following reasons:
 - a. There is not enough evidence to prove your claim.
 - b. The evidence shows that United States Forces did not cause the damage.
 - c. The evidence shows that the damage was caused during combat.
 - d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
 - e. The evidence shows that your claim was fraudulent.

| f. | Other: | · | | · |
|----|--------|---|------|------|
| | | | | |

- 3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.
- 4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.





DEPARTMENT OF THE ARMY

HEADQUARTERS, 101st AIRBORNE DIVISION (AIR ASSAULT) TASK FORCE BAND OF BROTHERS COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

12 June 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of

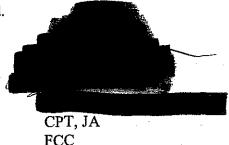
, 6-IT6-007

1. Identifying Data:



, Ad Duluyiah, Iraq

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 19 March 2006, in Ad Duluyiah, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$5,300 on 12 June 2006.
- 4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was filed in a timely manner.
- 5. Facts: The Claimant alleges his son, and the states that a CF patror was in the area doing raids and shot his son as he was leaving. The Claimant provided witness statements, a death certificate, and a legal expert opinion to substantiate the claim. A SIGACTS investigation revealed raids in Ad Duluyiah early that day, but made no mention of the alleged incident.
- 6. **Opinion:** Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful. There is no evidence to prove Coalition Forces caused this claim.
- 7. Recommendation: The claim is denied.



TF Band of Brothers Claims Intake Form

| To: United States Army Foreign Clair | ms Commission. |
|--|---|
| From: Name: | |
| POA/ATT: J/A | |
| Power of Attorney provided a | and interpreter approved: |
| Decedents: | (sm) |
| Hometown: Ad Doubles | ☐ Iraqi Resident: |
| My claim arose at: | |
| (Town) | (City) (Country) |
| My claim arose on: Mar | 19, 2006 |
| Month | Day Year |
| Proof of Ownership: | |
| VIN Match: مرابر | |
| Interpreter Approved: | |
| allegations): Original seen Interpreter Approved: Yes | eath, Age, and Time of Death Consistent with Claimant , case of death; shot in head a chest |
| · Interpreter Approved | |
| Medical Report/Legal Expert Opinion Interpreter Approved: 48 | : <u>Yes</u> |
| , | 2 cusins |
| Witness Statement (Consistent?): | sitness & mother+ (L (consistent) |
| Interpreter Approved: | |
| personal injury is based. (Use back of CL states that his son is an IA CL states that his son come to visit. When cl's son left the have come to visit. | Solder statement in Bayload. Lim for vacation + then was going back + his will to claims be heard a shot, they heard his son call to |
| CL states he will known in well; | son's TA ZO. |
| | |
| Evidence: Dull 1 til ale 111 are | statuests #4, Police Report, Diagram, Legal Expert |
| Differ Contract Differ | ourses -7, your report, bragan Legal experi |

| maful Death (for | hem (occurses) | 7.5 Failin ID & #5300 |
|---------------------|-----------------------|--|
| J | | 7,5 |
| | | No. of the control of |
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| | - | |
| | | Total: 45, 300 |
| | | |
| | | <i>y</i> |
| aim as damages: (In | dicate amount in U.S. | dollars and local currency) |
| | | donars and rocar currency) |
| 5. ≥m | • | local |
| 5,300 | | local |
| 5,300 | | local |
| <i>5,30</i> 0 | | local |
| 5,300 | | |
| <i>5,30</i> 0 | (Signature of C | |
| <i>5,30</i> 0 | | |
| | (Signature of C | laimant) |
| | | laimant) |
| | (Signature of C | laimant) , 200 <u>6</u> . |
| | (Signature of C | laimant), 200_6. |