

6-176-015  
1 July 06



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 101<sup>st</sup> Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[REDACTED]  
CPT, JA  
Chief of Claims

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DEPARTMENT OF THE ARMY  
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HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)  
OPERATION IRAQI FREEDOM, FOB SPEICHER  
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

16 June 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 6-IT6-015

1. **Identifying Data:** [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 10 April 2006 in Al Ishaqi, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$10,000 on 13 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 properly filed in a timely manner.
5. **Facts:** The Claimant alleges that CF shot his wife during a raid. A CF sniper allegedly shot [REDACTED] while she was going to the house's kitchen to retrieve heart medication from the refrigerator. A few moments later, CF allegedly raided the home and saw the claimant's dead wife. The claimant was also allegedly injured during the raid. A SIGACTS investigation revealed no raids or detainees in the area.
6. **Opinion:** There is insufficient evidence to substantiate the facts as claimant alleges. "Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, the death was caused during a raid, a combat activity.
7. **Recommendation:** The claim is denied.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
CPT, JA  
Claims Judge Advocate

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# TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission

From: Name: [REDACTED]

POA/ATT: N/A

Power of Attorney provided and interpreter approved: N/A

Decedents: [REDACTED]

Hometown: Ishaa'i

Iraqi Resident:

My claim arose at: Ishaa'i (Town) (City) (Country)

My claim arose on: 10 (Month) Apr. 7 (Day) 06 (Year)

Proof of Ownership: N/A

VIN Match: \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Has certificate from the court saying the original is w/ gov ministry. See copy

Interpreter Approved: LOD - GSW to chest  
\* No date of death on copy.

Medical Report/Legal Expert Opinion: \_\_\_\_\_

Interpreter Approved: Seeks 10,000 for wrongful death of wife.

Witness Statement (Consistent?): (D) [REDACTED] (brother): Heard shots saw my bro's dead wife.

Interpreter Approved: (E) Brother in law - Was in Baghdad. Someone called me & told me my sister was dead.

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.) 2:30 A.M.

\* Raid on C's home. CF allegedly thought C was some one else. (outside city; 5km to EAST)

Sniper allegedly killed wife while she was standing in the kitchen to retrieve heart medication.

"Cpt" who started to cry, when saw killed wife

C lives in village - Al Axa village.

Evidence: Death cert; IP Report. (same story)

CF took C CF shot the C in leg; took C to Abu G & Maconda.

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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.)

<u>Item</u>	<u>Amount</u>
WRONGFUL DEATH	

Total: 10,000.

I claim as damages: (Indicate amount in U.S. dollars and local currency)  
\$ 10,000 local \_\_\_\_\_

\_\_\_\_\_  
(Signature of Claimant)

Subscribed before me this 13 day of June, 2006.

CPT  
(Print Name)  
\_\_\_\_\_  
(Signature)