

## 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

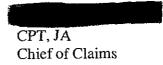
MEMORANDUM FOR Record

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.





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16 June 2006

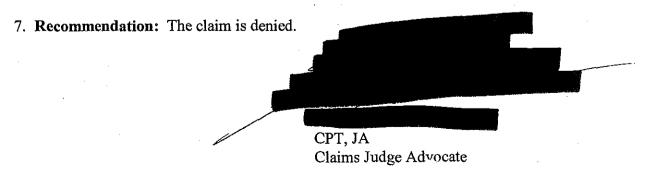
MEMORANDUM OF OPINION

SUBJECT: Claim of

6-IT6-015

1. Identifying Data:

- 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 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.



## TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.
From: Name:
POA/ATT: N/A
Power of Attorney provided and interpreter approved: N/A  Decedents:
Decedents.
Hometown: Ishaci Iraqi Resident:
My claim areas at:
My claim arose at: Tsha & (City) (Country)
My claim arose on: $/O$ $Apr.7$ $O \leq$
Month Day Year  Proof of Ownership: $\sqrt{\Delta}$
VIN Match:
Interpreter Approved:
Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant
allegations): Hos cects find e from the count salvy the original
is al gost ministy. Seek copy
Interpreter Approved: <od- chest<="" gsw="" td="" to=""></od->
No date of Menth or
Medical Report/Legal Expert Opinion:  Interpreter Approved: Seeks 10,000 for Won I won I was a continuous for the continuous fo
of wife.
Witness Statement (Consistent?): (1) brothe ? Heard Stots SAW my bross dend with
Interpreter Approved (2) Brother in law - Ives in Bayhdad. Someone called in
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.)
"Raid on C'S hone : CF allegedly thought C WA
some one else. (atside city, 5 km to
EAST
Sniper allegedly Killed wife while she WAS
Standing in the Kitchen to retrieve heart medication.
CPT who started to cay, when saw Killed wite
Clives in village - Al Axá Village
Evidence: Death Cest: Il Report. (some story)
Costookeck CF Shot the C in log; took C
o Abo G & Anaconta. 000396
00000

List in detail the amount of proper damage or personal injury: (Attaction)			ing from the property	
WRONGFU DEATH				
		otal: <u>/                                   </u>	00.	
I claim as damages: (Indicate amo		nd local currency)		
(Sig	gnature of Claimant)		<b></b>	-
Subscribed before me this 3 d	ay of June	, 200 <u>-6</u> .		<u></u>
(Pri	mt Names	amorphic field		