

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

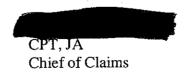
MEMORANDUM FOR Record

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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21 June 2006

MEMORANDUM OF OPINION

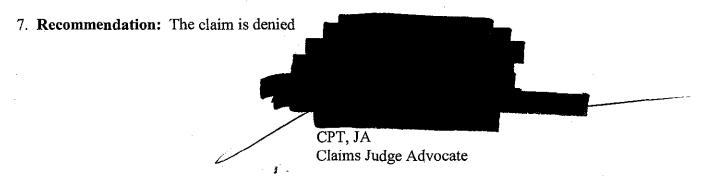
SUBJECT: Claim of

6-IT6-037

1. Identifying Data:



- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 11 February 2006 in Balad, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$2,500 on 20 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 her husband, an IP officer, was killed by a CF sniper near a checkpoint near FOB Pailwoda. A SIGACTS investigation revealed that there was an Iraqi police officer killed in the area when a group of AIF attacked a IA checkpoint. The attack lasted approximately 45 minutes resulting in 1 IA KIA. A/1-8 IN responded to the attack but could not establish contact with the AIF.
- 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." Here, the claimant's damage was caused by AIF, not CF.



TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.	
From: Name:	
POA/ATT:	
Power of Attorney provided and interpreter approved:	
Decedents:	
Hometown: Ralud . Iraqi Resident:	
Hometown: Balud. Iraqi Resident:	
My claim arose at: Ralad	
(Town) (City) (Country)	
My claim arose on: Feb. 06	
Month Day 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): 200- Frag in head Original Seen	
Dated. 11 Feb 2006. (8:00 pm.)	
Interpreter Approved:	
Medical Report/Legal Expert Opinion: See below.	
Interpreter Approved:	
Witness Statement (Consistent?): OFather - CF shot my son when he was I	- /
Witness Statement (Consistent?): +raweling home from work of I	"
Interpreter Approved: 1 mother - Same story	
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.)	
Deceased is IP. When Decedent Returned from	
Work, A CF Sniper Allegedly Killed him. CF &	
IP took to hospital. Deceases was in con	
Whenshord WAS travely = 250 m near checkpaint	
	١
1 Km. AWAY From FOB Palewoods.	
Evidence: - Medical Keport - decodout died Ot 650 to head	
& severe blood loss.	
- TO Recet - Found and a doll cusin a se	
The report to the employ where	₹.
Evidence: -Medical Report - decadant diea Of 65W to head \$ 5evere blood loss. -IP Report - Gunl empty strell cashing @ scon. 000400	

	nount of property damage and itemized expenses resulting from the property injury: (Attach bills and receipts, if applicable.) <u>Amount</u>	:
WRONGEUIL	Death	
	Total: 2,500	
I claim as damages:	(Indicate amount in U.S. dollars and local currency) local	
,	(Signature of Claimant)	
Subscribed before n	me this 20 day of June, 200 6 CPT (Print No.	