

## **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

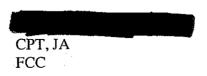
MEMORANDUM FOR Record

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**

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

25 June 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of

6-IT6-045

1. Identifying Data:

by Attorney

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on April
- 2, 2006 in Samarra, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$5,000 on 24 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 a CF was traveling near his house when it was attacked by AIF. The convoy allegedly returned fire in an uncontrolled manner and allegedly killed the claimant's write. A SIGACTS investigation revealed no activity meeting claimant's description of events.
- 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, there is insufficient evidence to prove the claim. The claim is likely also precluded from payment under ther combat exception, if in the event the claimant is able to bring in more evidence.

7. Recommendation: The claim is denied

CPT, JA

Claims Judge Advocate

000414

## **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: Samarra Iraqi Resident: Affirm.						
	My claim arose at: Somerra (Form ) (City) (Country)						
	My claim arose on:  April 2 d 2 oc 6  Month Day Year						
	4						
	Proof of Ownership: VIN Match:						
	Interpreter Approved:						
	Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant						
	allegations):						
	allegations):						
	Interpreter Approved:						
	Medical Report/Legal Expert Opinion: # Soco						
	Interpreter Approved:						
	Witness Statement (Consistent?): Clerinal shape was anknown clive tion of the the cf com  They Shot fire back un a ntrolled way. The chain out to got dead, wh  Interpreter Approved:  Show in the back un a ntrolled way. The chain out of got dead, wh  Same Stern						
	Witness Statement (Consistent?): Charmont shouse was anknown clive two shot fire to the of com						
	Interpreter Approved: Shot fire back line out in front of the Exit door.						
	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.)						
In	2/4/2006. Near by my House when CF convey Come through out . It was sunknown						
	direction Shot five to wood, of convey they fine buck with un controlled						
	manner, due to that my title yet tilled when she was infront her						
	house a hampled to the green to the door According to clearly						
	contrate and witnesser & takements Information Through woman						
	had been a samel habe (with brast feed).						
	Letel						
	decedent is de mants sister						
	Evidence:						

List in detail the amount of produced damage or personal injury: (Altem	roperty damage and itemized expenses resulting from the property  Attach bills and receipts, if applicable.)  Amount
<u> </u>	
	Total: \$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
I claim as damages: (Indicate	amount in U.S. dollars and local currency) local
	(Signature of Claimant)
Subscribed before me this <u>24</u>	day of
	(Print Name)
	(Signature)