



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

1 July 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 6-IT6-060

1. **Identifying Data:** [REDACTED], Bayji, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 17 December 2005, in Bayji, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$5,000 on 1 July 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 her husband, [REDACTED] was riding in a taxi that was shot during an EOF. She states that the taxi caught fire and her husband burned to death in the vehicle. The Claimant provided a photograph, witness statements, and a death certificate to substantiate the claim. A SIGACTS investigation revealed no activity similar to the Claimant's description of events.
6. **Opinion:** 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. Allegations show this claim arose from an EOF, a combat activity. This claim is non-compensable under the FCA.
7. **Recommendation:** The claim is denied.

[REDACTED]  
CPT, JA  
FCC

000426

6-176-060  
8 Jul 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  
FCC

000427



# TF Band of Brothers Claims Intake Form



To: United States Army Foreign Claims Commission

From: Name: [REDACTED]

(wife of dead)

POA/ATT: [REDACTED]

Power of Attorney provided and interpreter approved: Names match

Decedents: [REDACTED]

Hometown: \_\_\_\_\_

Iraqi Resident: \_\_\_\_\_

My claim arose at: Bayji

(Town)

(City)

(Country)

My claim arose on: NOV 17 2005

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): 2nd degree burns

Names match

Interpreter Approved: - seen original

Medical Report/Legal Expert Opinion: N/A

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

Witness Statement (Consistent?): ① Engineer - we stopped @ CP. 10m away from Humvee

CF started to shoot I heard cndr say why

Interpreter Approved: did you shoot them w/ the SO cal

② child - my father was killed by CF @ CP.

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.)

Near Oil Factory

6-IR8-356 → companies claim.

0530 a.m.

N. Area of Bayji

"Snap"

CF checkpoint. Taxi. CF allegedly told taxi to go forward w/ wave. Then the CF started to shoot @ the vehicle, Orange & white taxi.

2 dead people from incident.

000498

Evidence: Witness X2, photos, death cert.

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>
<u>Wrongful death</u>	



Total: \$5,000

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 5,000 local

  
(Signature of Claimant)

Subscribed before me this 1 day of July, 2006

CPT  
  
  
(Signature)