FOREIGN CLAIMS COMMISSION COVER SHEET

Claim Number: 2.0562	USARCS NUMBER: 1451-05
Date Received: 19-Sep-05	
Name:	
Address:	The green Zone, Baghdad, Iraq
Claim Summary: Claimant's be smallarms fire involving Coaliti	•
Date of Incident: 11-Jun-05	
Amount Requested: \$30,000.0	00
Recommendation: [] Approx Investigation Date Reviewed by OIC:	val [] Denial [] DO TODV or NO?
Claim Is: [] Approved in the	amount of \$
[] Denied. Denial Cod	de
[] On hold pending in	vestigation findings.



DEPARTMENT OF THE ARMY HEADQUARTERS, THIRD INFANTRY DIVISION (FWD) OFFICE OF THE STAFF JUDGE ADVOCATE APO AE 09352

REPLY TO ATTENTION OF:

AFZP-JAC

24 September 2005

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of

, 1451-05

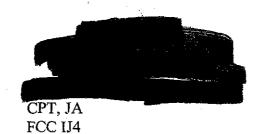
1. Facts. U.S. forces observed a black vehicle stop on the side of the highway and the passenger exit the vehicle. The passenger made eye contact with the U.S. patrol, picked up a long cylindrical object, and began to run. The vehicle also began to drive away. U.S. forces fired multiple warning shots before the vehicle stopped. When they approached the vehicle, soldiers discovered the driver (claimant's brother) had been mortally wounded.

Claimant has requested \$30,000.

- 2. Opinion. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. In this case, the damage was a result of combat activities and therefore is not compensable under the FCA.
- 3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
- 4. Action. The claim is denied.



CW2, JA FCC IJ4



DEPARTMENT OF THE ARMY HEADQUARTERS AND HEAQUARTERS COMPANY 2D BRIGADE, 3D INFANTRY DIVISION FOB LOYALTY, APO AE 09380

REPLY TO ATTENTION OF:

AFZP-VB-JA

23 September 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of

1. Claimant's name and address:

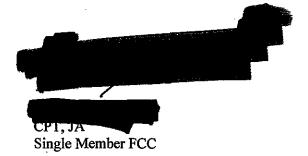
- Green Zone, Baghdad, Iraq.
- 2. Date and place the incident occurred giving rise to the claim: Incident occurred on 11 June 2005, at Canal Road, Baghdad, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim in the amount of \$30,000.00 on 19 September 2005.
- 4. Claim considered under the Foreign Claims Act and Chapter 10, AR 27-20; claimant filed for death of claimant's brother by small arms.

5. Facts:

- a. On 11 June 2005, the claimant's brother was shot and killed by small arms fire.
- b. The death was caused by combat operations involving Coalition Forces.

6. Opinion:

- a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.
 - b. The death was caused as a result of combat operations.
 - c. The claim is not meritorious.
- 7. Recommended Action: Dispprove the claim.



Claims form Us foreign commission

9 0/0 -	
Claim# 2-060-5	
Claimant name-	
-address- The 5 neem Lone	
Sec/* St/ H/-	
Relation ship the victims wrath Age 46 Dob d/m/y 1+ July + 1959	
A citizen and national of /	
A permanent resident /	
Type claim (circle which applied)	
1-Vehicle	
2-Personal property	
3-Real estate	
4-Personal injury	
5-Death \	
Have you filed acclaim before (circle which applied) YES OR NO	
Date incident occurred:/D/_11_th/M/_June/Y/-2005	
Place incident occurred:/Canol ?ocol	
SITUATION of Amelican nullrol closed the canal	roce
for security reasons. the victim was Trying	
Kencil his car the soldiers suspected him	
And shal him dead.	
List in detail amount of property damage and itemized expense resulting from the	
property damage personal injury: (attack bills and receipts, if applicable).	
Item Amount	
We own Commensation	
10. +- 18	
TOTAL AMOUNT: US DOLLAR 30,000,000 thirty thousand	no
IRAQI DINAR U	
Today date: D/-5-th. M/->e/Y/2005	
Translator name	
Signature	

> O AT 1300 1-64 AR REPORTS OBSERVING 1 X LN EMPLACING AN UNKNOWN OBJECT ON THE SIDE OF RTE PLUTO AT CP 515, 38SMB 542847. THE CONVOY ATTEMPTED TO STOP THE VEHICLE AND USING ESCALATION OF FORCE FIRED WARNING SHOTS THEN ENGAGED THE VEHICLE. 1 X LN KIA. 1-64 AR SECURED THE SITE AND CONTACTED IPs FOR ASSISTANCE. PATROL DID NOT DISCOVER ANY AIF RELATED EQUIPMENT.

SUMMARY: 1 X LN KIA

CLOSED OUT.