FOREIGN CLAIMS COMMISSION COVER SHEET

Claim Number: 2.0303	USARCS NUMBER: 1
Date Received: 19-Sep-05	
Name:	
Address:	, Baghdad, Iraq
Claim Summary: Claimant's saccident involving Coalition Fo	
Date of Incident: 31-May-05	
Amount Requested: \$150,000	0.00
Recommendation: [] Appro Investigation FWD to J	val [] Denial [] DIVISION
Date Reviewed by OIC:	
Claim Is: [] Approved in the	amount of \$
[] Denied. Denial Co	de
[] On hold pending in	nvestigation 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

29 September 2005

MEMORANDUM FOR RECORD

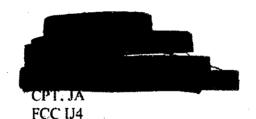
SUBJECT: Action on Claim of

- 1. <u>Facts</u>. Claimant's states that her son was killed by U.S. forces in a vehicle accident. She is claiming \$150,000 in compensation.
- 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, 2BDE/3ID has determined that documents included with the claim are forgeries and have been used in other, past claims. Therefore, there is no credible evidence that U.S. forces caused the death of claimant's son.
- 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



Claims form Us foreign commission

Os toleigh commission
Claim# 2-059-5
Cannin
Claimant name-
Address Sadir City
Sec/
Relation ship The victim's mothering 64 Dob d/m/y 1/July, 1941
Relation ship Me Mound age Dob d/m/y Mauy (177)
A citizen and national of / Nath
A permanent resident / 15aghdad
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/ 31 /M/ May /Y/ 2005
<u> </u>
Place incident occurred: The Canal road
SITUATION The victim was driving in the right
Side from the canal Troad an American tank came
Wrong side and crushed the car and billed the
A CONTRACTOR OF THE PROPERTY O
Privel.
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
The asks the Compensation for is death.
As she says the car cannot repair.
TOTAL AMOUNT: US DOLLAR 150,000,000 one hunetred \$\$ fifty IRAQI DINAR
IRAQI DINAR ID thousand U.S.D
Today date: D/-Zath M/ Aug Y/2005 Translator name
Signature

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

28 September 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of

- 1. Claimant's name and address: Baghdad, Iraq.
- 2. Date and place the incident occurred giving rise to the claim: Incident occurred on 31 May 2005, at Canal Road, Baghdad, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim in the amount of \$150,000.00 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 son, killed in a vehicle accident.

5. Facts:

- a. On 31 May 2005, the claimant's son was killed in a vehicle accident.
- b. The death was caused by a vehicle accident allegedly 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 claimant provided no evidence that the death was a result of negligence or wrongful acts by the Coalition Forces.
- c. The claims card provided by the claimant is not an original claims card and has been presented in other claims. We have determined it to be fake.
 - c. The claim is not meritorious.
- 7. Recommended Action: Disapprove the claim.

