

FOREIGN CLAIMS COMMISSION COVER SHEET

Claim Number: 2.0565

USARCS NUMBER: 1454-05

Date Received: 19-Sep-05

Name: [REDACTED]

Address: [REDACTED], Baghdad, Iraq

Claim Summary: Claimant's son was killed in a vehicular accident involving Coalition Forces

Date of Incident: 31-May-05

Amount Requested: \$150,000.00

Recommendation: Approval Denial
Investigation *FWD to DIVISION*

Date Reviewed by OIC:

Claim Is: Approved in the amount of \$_____.

Denied. Denial Code _____

On hold pending investigation findings.

000483



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 [REDACTED]

1. Facts. 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.

[REDACTED]
CW2, JA
FCC IJ4

[REDACTED]
CPT, JA
FCC IJ4

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Claims form
Us foreign commission

Claim# 2-059-5

Claimant name- [redacted]
Address Sadir City
Sec/ [redacted] St/ [redacted] H/ [redacted]

Relation ship The victim's mother Age 64 Dob d/m/y 1 July, 1941

A citizen and national of Iraq
A permanent resident of Baghdad

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

Place incident occurred: The Canal road

SITUATION The victim was driving in the right side from the canal road an American tank came wrong side and crushed the car and killed the driver

List in detail amount of property damage and itemized expense resulting from the property damage personal injury: (attach bills and receipts, if applicable).

Item	Amount
<u>She asks the compensation for the death.</u>	
<u>As she says the car cannot repair.</u>	

TOTAL AMOUNT: US DOLLAR 150,000.00 one hundred 50 thousand U.S.D

IRAQI DINAR _____ ID thousand U.S.D

Today date: D/ 24 /M/ Aug /Y/ 2005
Translator name [redacted]
Signature [redacted]

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS 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 [REDACTED]

1. Claimant's name and address: [REDACTED], 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.

[REDACTED]
[REDACTED]
[REDACTED]
CPT, JA
Single Member FCC

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