

## 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

9 February 2006

## MEMORANDUM OF OPINION

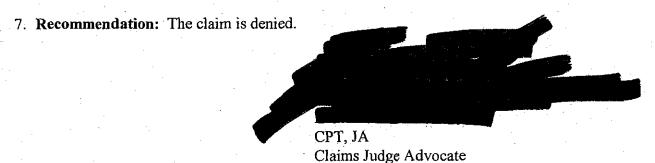
SUBJECT: Claim of

06-IR8-256

1. Identifying Data:

by Attorney

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 24 February 2005 in Al Dijail, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$4,000 on 7 Feb. 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 his son was killed by a controlled detonation in the village of Al Rowad. CF allegedly detonated a stockpile of old regime ammunition. The deceased, was allegedly killed by shrapnel from the explosion while he was tending his sheep in a pasture about 1000 meters from the explosion.
- 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." Here, detonation of ammunition constitutes a combat activity.





## DEPARTMENT OF THE ARMY

HEADQUARTERS, 101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

AFZB-JA-C

MEMORANDUM FOR Claimant

SUBJECT: Claim 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.

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1	Other:	 	 	<u> </u>
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- 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 proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.
- 4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

CPT, FCC Foreign Claims Commissioner

## **TF Band of Brothers Claims Intake Form**

To: United States Army Foreign Claims Commission.	
From: Name:	
POAJATT:	
Power of Attorney provided and interpreter approved:	
Decedents:	
Hometown: District Magi Resident:	
Hometown: Oxional Maqi Resident:	
My claim arose at: A Dy jail	
My claim arose on: (Town) 24 (City) (Country)	
Month / Day Year	
Proof of Ownership: \(\frac{\frac}\fint}{\fint}}}}}}}}{\frac}}}}}}}}}}}{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}}	
□ VIN Match:	
Interpreter Approved:	
Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant	
allegations): COD - trag in body.	
Location -	
☐ Interpreter Approved:	4
Medical Report/Legal Expert Opinion:	
☐ Interpreter Approved:	10
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witness statement (Consistent?).	
□ Interpreter Approved: © Brothor -	
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.)	
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HI Name Ulleije	
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Evidence: death cost from Bashdad - Fras in leg &	90\ je
Evidence: death cost from Explodat - 1-1195 in leg &	

gm

List in detail the amount of property damage at		esulting from the prop	perty
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	Total: $49.7$	<u> </u>	
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(Name) (A	ddress)		. "
I claim as damages: (Indicate amount in U.S. do	ollars and local currency	v).	
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(Signature of Clar	imant)		
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