



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

1 April 2006

CP3AAS60620203-14
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]
[REDACTED] (Claim Number 06-IR8-356)

1. On 2 October 2004, [REDACTED] s husband, [REDACTED]
[REDACTED] R, was killed by U.S. Forces as he was going to Mosul to buy supplies for their shop.
2. I certify that CERP funds are available to pay [REDACTED] in the amount of
\$2,500.00. This is a condolence payment.
3. The request to pay [REDACTED] in the amount of \$2,500.00 from CERP
has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

[REDACTED]

CPT, EN
Project Purchasing Officer

000526

6 IR 356
11 MAR 06



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST 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.

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 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

000527



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

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of A [REDACTED]; 06-IR8-356

1. **Identifying Data:** [REDACTED] ah by Attorney [REDACTED] d
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 17 November 2005 in Bayji, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$10,000 on 4 March 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 CF killed her husband, [REDACTED], while he was going to Mosul to buy supplies for their shop. The deceased was allegedly carrying \$7,000 to buy supplies for the shop when a CF convoy stopped the car and killed the deceased. A SIGACTS investigation revealed that C/1-33 CAV conducted an escalation of force near the Al Sineyah police station when the LN failed to yield. CF used hand and arm signals to stop the vehicle to no avail. Warning shots were fired into the car's engine block with no effect. As a last resort, CF shot and killed the driver.
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, the deceased was killed during an escalation of force with CF. Escalation of force constitutes combat activity because soldiers are responding to a perceived threat and are preparing for imminent combat.
7. **Recommendation:** The claim is denied.

[REDACTED]
[REDACTED] ER
CPT, JA
Claims Judge Advocate

000528

TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT: [REDACTED]

Power of Attorney provided and interpreter approved:

Decedents: [REDACTED]

Hometown: _____ Iraqi Resident: _____

My claim arose at: Baji
(Town) (City) (Country)

My claim arose on: Nov 17 05 5:30 morning
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): cause of Death: burning inside the car

Interpreter Approved: information matches

Medical Report/Legal Expert Opinion: burning the body of Decedent

Interpreter Approved: information matches
w-1 (son)

Witness Statement (Consistent?): w-2 (passenger) saw the accident.

Interpreter Approved: _____

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.)

claimant (wife) said that her husband and their son went to ~~the~~ mosque to buy stuff for their shop, husband was carrying \$7000 to buy stuff for the shop. C of convey stopped them and killed him and the driver

Evidence: POA, Death C, witness, medical Report

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.)

Item	Amount
cash inside the car (\$7000)	
\$3000 for Death	

Total: \$10,000

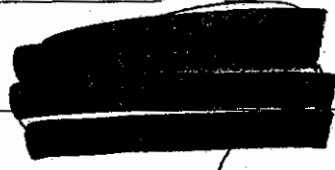
I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 10,000 local



(Signature of Claimant)

Subscribed before me this 4 day of March, 2006.

(Print Name) 

(Signature)