



DEPARTMENT OF THE ARMY
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)
OPERATION IRAQI FREEDOM (FOB LIBERTY)
APO AE 09308

DHFT-JA

11 September 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 05-IA3-1745

- 1. Identifying Data:** [REDACTED], Samarra, Iraq
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 1 June 2005, in Samarra, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$3,000 on 4 September 2005.
- 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 filed in a timely manner.
- 5. Facts:** Claimant alleges that her son was killed by U.S. Forces. Claimant owns a water tank store in Samarra. Claimant's son went to the store to pick up equipment, when the store was fired on by a U.S. Forces tank. Her son was killed while in the store. The claimant was asked to provide photographs of the damage to the store. She said she could not provide photographs, because it is dangerous to return to that area. She also changed her story, indicating that her son was outside the store when he was shot and killed. She further went on to state there was damage to the store. Even though he was engaged by the main gun of the tank, while standing in front of the store, it was allegedly undamaged. The claimant provided two witness statements, both of which stated that her son was killed by bullets hitting him in the chest. There is no report of this incident in Division records.
- 6. Opinion:** The claimant's testimony and supporting evidence are inconsistent. She is not credible. There is insufficient evidence to indicate that U.S. Forces killed the claimant's son.
- 7. Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
Chief, Claims

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 3D INFANTRY DIVISION (FORWARD)
TASK FORCE BAND OF BROTHERS, OPERATION IRAQI FREEDOM
FORWARD OPERATING BASE SPEICHER
APO AE 09393

5-1A3-1115
21 NOV

AFZP-VA-JA

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 Tikrit Claims Office at DNVT 584-1084.

████████████████████
CPT, JA
Foreign Claims Commissioner

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Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT: _____

Power of Attorney provided and interpreter approved: _____

Decedents: [REDACTED] A-2340A

Hometown: Tikrit Iraqi Resident: _____

My claim arose at: Al Jaberia (Town) Samarra (City) Iraq (Country)

My claim arose on: June 1st 05 (1800)
Month Day Year

Proof of Ownership: _____

Interpreter Approved: N/A

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): [REDACTED] - COD - ONE bullet to chest & one to head - ORIGINAL seen

Interpreter Approved: _____

Legal Expert Opinion: _____

Interpreter Approved: _____

Witness Statement (Consistent?): #1 Brother - Fighting between AFK & F - Dec

Interpreter Approved: got shot by CF in chest & head - #2 Sister same story.

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 owns a water tank shop in Samarra. Her son goes to store to pick up equipment to bring to their new store in Tikrit. ARABIAN tank shot from main gun & hit store & killed her son. - TANK WAS firing a lot of rounds at different places.

CLAIMANT has no photos or proof of damages to store

- ASKED for them & she said she doesn't have it & not safe to go back

Evidence: CLAIMANT states now that son was outside store when he got shot no damage to store & killed w/ main TANK gun

- Both witnesses & DIC consistent w/ bullet wounds to chest & head

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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
Wrongful death	\$3000


Total: \$3000

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:


(Name) (Address)


I claim as damages: (Indicate amount in U.S. dollars and local currency)
\$ 3000 local _____



(Signature of Claimant)

Subscribed before me this 4 day of Sept, 2005.

SGT 

(Print Name)


(Signature)