



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

13 January 2006

MEMORANDUM OF OPINION

SUBJECT: [REDACTED] 06-IA3-017

- 1. Identifying Data:** [REDACTED]
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 11 September 2005 in Balad, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$4,500 on 7 November 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 properly filed in a timely manner.
- 5. Facts:** The Claimant alleges that CF hit his car head on with a Bradley Fighting Vehicle while driving on the wrong side of the road. A SIGACTS investigation revealed no information reference this incident.
- 6. Opinion:** Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful. Here, there is insufficient evidence suggesting that CF caused the alleged damage.
- 7. Recommendation:** The claim is denied.

[REDACTED]
[REDACTED]
CPT, JA
Chief of Claims

000922

LO-HS-17
27 DEC 05



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

DHFT-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.

[REDACTED]
CPT, FCC
Foreign Claims Commissioner

000923

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT: [REDACTED]

Good POA

Power of Attorney provided and interpreter approved:

Decedents: [REDACTED]

Hometown: _____ Iraqi Resident: _____

My claim arose at: _____
(Town) BALAD (City) _____ (Country)

My claim arose on: SEP 11 05
Month Day Year

Proof of Ownership: Wife bring original ownership card on 8 NOV 05

Interpreter Approved: _____

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Wife bring death docs for two w/m death on 8 NOV 05

Interpreter Approved: _____

Legal Expert Opinion: Med report for mangled guy - throat injury, wound on face, left leg mangled

Interpreter Approved: abdominal wound - from BALAD Hosp

Witness Statement (Consistent?): From brother

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.)

BFV was driving up the road, changed over to the opposite lane and drove toward oncoming traffic - Claimant driving, didn't realize it was a BFV until it was too late, got hit head on and the BFV ran over the car - Killed 2 people, mangled 1, destroyed 2 vehicles (Deerwood Prince) + (Mitsubishi 1982)

US forces came to hospital + visit him - Driver by claimant gave him paper but list steps Driver by claimant's brother

Evidence: His note w/ 1173d Trans Co + Hawkeye 25

000924

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
Vehicle - Daewoo Prmie	\$3000.00
les many -	\$1500.00
Wmy desk x 2	\$500.00

Total: \$4500.00

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)

\$ 4500.00

local

(Signature of Claimant)

Subscribed before me this 7 day of NOV, 2005.

(Print Name)

(Signature)

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