

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

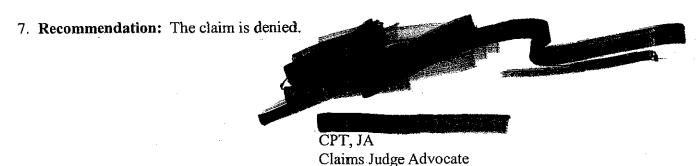
MEMORANDUM OF OPINION

SUBJECT: Claim

: 06-IR8-372

1. Identifying Data:

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 11 August 2005 in Samarra, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$2,500 on 5 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 son while he walking down the street in the Saeed Hameeda Tekyia area of Samarra. The claimant does not know why CF might have shot her son. A SIGACTS investigation revealed that a suspicious LN male fled CF forces when they attempted to detain him. The LN was wounded and sent to FOB Paliwoda for interrogation.
- 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 credible evidence that CF killed the claimant's son. There is some evidence suggesting that the claimant's son is AIF.





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

MEMORANDUM FOR Record

SUBJECT: Claimant 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: AIF entanglment

- 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 supporting your claim. If the appeal is sent after 30 days have passed, or does not provide 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, JA Chief of Claims



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

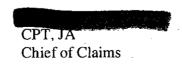
MEMORANDUM FOR Record

SUBJECT: Claimant 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:		
		33.3	

- 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 supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.
- 4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.



TF Band of Brothers Claims Intake Form To: United States Army Foreign Claims Commission, From: Name: POA/ATT: ☐ Power of Attorney provided and interpreter approved:_ Decedents:_ Hometown: Germana Laqi Resident: My claim arose at: (Town) (City) (Country) My claim arose on: Month Year Proof of Ownership: ☐ VIN Match:_ Interpreter Approved: Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): COD- butels in head of chest ☐ Interpreter Approved:_ ☐ Interpreter Approved:_ Witness Statement (Consistent?): ☐ 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.) Aresu Where 0500

001108

ist in detail the amount of property damage and itemized expenses resulting from the property	
amage or personal injury: (Attach bills and receipts, if applicable.)	
tem Amount	
The state of the s	
Wengfull death \$ 2500	
9	
Total: \$ 2,500	
Total: 6 400	-
claim as damages: (Indicate amount in U.S. dollars and local currency)	
2,500 local	
(Circumstance)	
(Signature of Claimant)	
Subscribed before me this day of MALL, 2006.	
dibscribed before me this 3 day of 7 w/cu, 200 b.	
	_
CPT	
And the second s	
(Signature)	