



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: _____

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

001110



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8 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]; 06-IR8-375

1. **Identifying Data:** [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 30 September 2005 in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$3,000 on 6 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:** Claimant alleges that CF killed his wife, [REDACTED], while he was driving with his wife and children. There is no record of this incident in the division records.
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." There is no record of this incident. The claim cannot be verified.
7. **Recommendation:** This claim is denied.

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

001111

TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: _____

POA/ATT: N/A

Power of Attorney provided and interpreter approved: _____

Decedents: _____

Hometown: _____ Iraqi Resident: _____

My claim arose at: Samarra - AlRadisiya area
(Town) (City) (Country)

My claim arose on: Sep 30 05
Month Day Year

Proof of Ownership: _____

VIN Match: _____

Interpreter Approved: N/A

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): bullets in the chest

Interpreter Approved: Death Certificate information match Police Report

Medical Report/Legal Expert Opinion: bullet in the chest

Interpreter Approved: information matches w-1 (uncle)

Witness Statement (Consistent?): w-2 (father) saw the accident (near their house)

Interpreter Approved: information matches

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 said that he was driving with his wife and kids before the curfew in samarra when a C.F. convoy shot @ him a bullet and hit his wife in the chest and killed her.
(he was driving white Dinos, next to the ~~big~~ big fruit shop in samarra).

19:20 p.m Time of the accident

Evidence: _____ 001112

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.)

<u>Item</u>	<u>Amount</u>
# 3000 for Death of his wife	

Total: \$ 3000

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

\$ 3000 local _____

[Redacted Signature]
(Signature of Claimant)

Subscribed before me this 6 day of March, 2006.

[Redacted Name]
(Print Name)
[Redacted Signature]
(Signature)