



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

DHFT-JA

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

10 July 05

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 553-3362.

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

001122

**Claims Form**

To: United States Army Foreign Claims Commission.

From: Name: \_\_\_\_\_

POA/ATT: \_\_\_\_\_

Power of Attorney provided and interpreter approved: \_\_\_\_\_

Decedents: \_\_\_\_\_ **(IP)**

Hometown: Samerra  Iraqi Resident: \_\_\_\_\_

My claim arose at: Samerra Samerra Iraq  
(Town) (City) (Country)

My claim arose on: March 1 2005  
Month Day Year

Proof of Ownership: \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

*Samerra* Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): same, Bullets in head, 1 March 2005

Interpreter Approved: \_\_\_\_\_

Legal Expert Opinion: \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

Witness Statement (Consistent?): W, (strange) - same

Interpreter Approved: W - same

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.)

~~USP~~  
Husband  
W, Decedent riding in car, US Forces  
W, kill him, shoot him in head  
No reason No more facts  
Claimant saw nothing

Evidence: \_\_\_\_\_

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>
wrongful death	\$ 5000

Total: 5000

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)

\$ 5000 local \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Name of Claimant)

Subscribed before me this 8 day of June, 2005.

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
(Signature)



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9 June 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA3-1231

1. **Identifying Data:** [REDACTED] Samarra, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 1 March 2005, in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$5,000 on 8 June 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 husband was killed by U.S. Forces in Samarra. The claimant alleges that her husband was riding in his car in Samarra, when U.S. Forces shot him in the head. The claimant did not witness the event. Neither the claimant, nor her witnesses could provide any further detail as to what occurred or how or why it occurred. The claimant provided a police report and a death certificate.
6. **Opinion:** There is insufficient evidence to indicate that U.S. Forces were involved in the death of the claimant's husband.
7. **Recommendation:** The claim is denied.

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

001125