

DEPARTMENT OF THE ARMY

Office of the Command Judge Advocate 1st Brigade Combat Team, 101st Airborne Division (AASLT) FOB Warrior, Kirkuk, Iraq, APO AE 09335

REPLY TO ATTENTION OF:

AFZB-KA-CJA

6 MAR 06 13 February 2006

001149

MEMORANDUM OF OPINION

SUBJECT: Claim of

, 06-106-0271

1. Claimants name and address:

Kirkuk, Iraq.

2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 1 January 2006 in Kirkuk, Iraq.

3. <u>Amount of claim and filing date:</u> Claimant filed a claim in the amount of \$3,367.00 on 5 February 2006.

4. <u>Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration:</u> Foreign Claims Act and Chapter 10, AR 27-20; claim filed for damages to his father's vehicle.

5. Facts:

a. Coalition Forces shot and killed him. The claimant says the vehicle is destroyed.

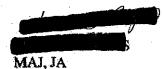
b. The 15-6 and photos are attached.

6. Opinion:

a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either noncombat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

AFZB-KA-CJA SUBJECT: Claim of Imad Youkhana Yaqu, 06-106-0271

- b. This claim is combat related and cannot be paid under the FCA.
- 7. <u>Action:</u> This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$3,367.00 is denied.



Foreign Claims Commissioner

OFFICE OF THE COALITION PROVISIONAL AUTHORITY (OCPA) PROJECT WORKSHEET

TYPE OF OPCA PROJECT: Regional Level Quick Impact Fund

MILITARY UNIT COORDINATING PROJECT: HHC/1st BCT/101st Abn Div, Judge Advocate

MILITARY UNIT CONTACT INFO FOR PROJECT

NAME: PHONE: VOIP 242-2624 NIPR EMAIL

NAME THE PROJECT: Condolence Payment for damages to the property of FY06-106-0271

PROJECT LOCATION: Kirkuk, Iraq

PROJECT DESCRIPTION: Condolence Payment to

DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION: Condolence payments are cash payments to local nationals, or to their family members, who suffer death or injury or property damage caused by US forces in the performance of official duty. US forces make Condolence payments without reference to fault by either the local national or US forces, as an expression of sympathy and good will and in the best interest of the US Government.

COST (U.S. Dollars) AND JUSTIFICATION: \$1,500.00.

27-20) because his Josses are incident to combat.

NAME AND POSITION OF IRAQI WHO WILL ASSUME RESPONSIBILITY FOR THE COMPLETED PROJECT (Responsible Iraqi):

ESTIMATED DAYS REQUIRED TO COMPLETE PROJECT: 1

INSTRUCTION: Please read carefully the instruction on DEESOH **ULAIM FOR DAMAGE**. From the reverse side and supply7 information requested on both IN.IURY DEATH . approve sides of this form .Use additional sheets (s) MBC SITE OF THE ACCIDENT. 2-.Name of claimants & Address SARKIS Raheem Arna ()271 5MARITAL STATUS. 6.DATE& DAY OF ACCIDENT TIME: 4.DATE OF BIRTH GENDER, Marriele 1st Jan 06 Male 2100 PM 1966 may driving His father his vehicle hack home, when cottomer CFS open fire and killed him wrongfully and the vehicle was severly damaged. Note: Repairing the vehicle will coast more than its price. **Property damage** INJURY WITNESSES ADDRESS NAME Kirkuth - Raheem Ama Kirkuk-Raheem Ama. Amount of claim (IN Dollars) 12A (3,367.00) **12e WRONGFUL DEATH 12A PROPERTY 12b PERSONAL INJURY** Desth 5,000,040 ID 5;000,000 (D +Deoth Death CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM 13a.S.GNATLIRE OF CLAIMANT 13b.Phone number of signatory 14c.Date of claim Fel Ob CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS CLAIM 001152