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Privacy Act Statement

A separate payment report must be completed for each claimant

The information is required in accordance with 31 U.S.C. 1304. The data you furnish - 3 4- antifusion claim for payment. Failure to provide this information may result in

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DEPARTMENT OF THE ARMY

Headquarters, 3rd Brigade Combat Team
3rd Infantry Division
FOB Warhorse, Iraq
APO AE 09397

REPLY TO ATTENTION OF:

AFVZ-VI-JA

24 October 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of

05-IA5-1501

1. Claimants name and address:

, Ad-Duluiyah, Iraq.

- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 29 August 2005 in Ad-Duluiyah, Iraq.
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$5,000 on 17 September 2005.
- 4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for personal injury.

5. Facts:

- a. Claimant's brother was shot in a U.S. raid.
- b. There were photographs, a death certificate, and a damage report included in the submitted claim.

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 non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.
- b. There is sufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. 1/15th IN verifies incident.
- 7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently this claim for \$5,000.00 is approved.

