HEADQUARTERS AND HEAQUARTERS COMPANY 2D BRIGADE, 3D INFANTRY DIVISION FOB LOYALTY, APO AE 09380

REPLY TO ATTENTION OF:

AFZP-VB-JA

27 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of

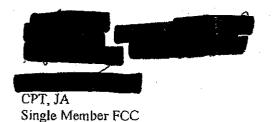
- 1. Claimant's name and address: Baghdad, Iraq.
- 2. Date and place the incident occurred giving rise to the claim: Incident occurred on 14 March 2005, at Adhamiya, Baghdad, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim in the amount of \$20,000.00 on 23 November 2005.
- 4. Claim considered under the Foreign Claims Act and Chapter 10, AR 27-20; claimant filed for the death of claimant's husband and son as a result of small arms fire caused by combat.

5. Facts:

- a. On 14 March 2005, the claimant's husband and son were traveling on foot near Antar Square in Adhamiya, Baghdad, Iraq.
 - b. They were shot and killed by small arms caused by combat involving C.F.

6. Opinion:

- a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.
 - b. The incident was the result of combat operations and cannot be paid.
- 7. Recommended Action: Disapprove the claim.





DEPARTMENT OF THE ARMY HEADQUARTERS, THIRD INFANTRY DIVISION (FWD) OFFICE OF THE STAFF JUDGE ADVOCATE APO AE 09352

REPLY TO ATTENTION OF:

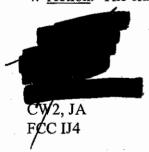
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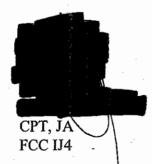
5 December 2005

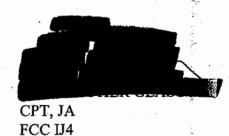
MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of

- 1. <u>Facts</u>. On 14 March 2005, claimant's husband and son were killed by small arms fire in Adhamiya near Antar Square.
- 2. Opinion. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. In this case, there is no evidence that U.S. forces' negligence caused the deaths.
- 3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
- 4. Action. The claim is denied.







HEADQUARTERS AND HEAQUARTERS COMPANY 2D BRIGADE, 3D INFANTRY DIVISION FOB LOYALTY, APO AE 09380

REPLY TO ATTENTION OF:

AFZP-VB-JA

27 November 2005

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SUBJECT: Claim of

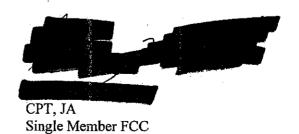
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- a. On 14 March 2005, the claimant's husband and son were traveling on foot near Antar Square in Adhamiya, Baghdad, Iraq.
 - b. They were shot and killed by small arms caused by combat involving C.F.

6. Opinion:

- a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.
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Claims Form

REF.#

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 Amount 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: (Address) (Name) I claim as damages: (Indicate amount in U.S. dollars and local currency) local -(Signature of Claimant) Subscribed before me this 23-day of 0 4-200-5 (Print Name) (Signature)

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