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## DEPARTMENT OF THE ARMY

Headquarters, 3<sup>rd</sup> Brigade Combat Team
3<sup>rd</sup> Infantry Division
FOB Warhorse, Iraq
APO AE 09397

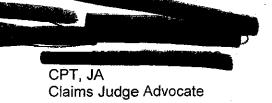
REPLY TO ATTENTION OF: AFZP-VI-JA

30 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of 6-IA5-126a

- 1. Claimants name and address: In the second of the second
- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 14 September 2005 in Muqdadiyah, Iraq.
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,000 on 26 November 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 compensation for wrongful death.
- 5. Claimant's Allegations: Claimant's husband was killed by US forces.
- 6. Investigator's Opinion:
  - a. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Additionally, the reasons for denial of this claim are included in paragraph b.
  - b. Based on the facts and investigations, there was no substantial evidence to prove U.S. negligence were involved. The death is the result of the claimant's husband shooting at US forces.
- 7. Recommended Action: This claim is not payable under the FCA. This claim for \$6,000 is denied



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