

DEPARTMENT OF THE ARMY
3d Brigade Combat Team
4th Infantry Division (Mechanized)
FOB Warhorse, Iraq
APO AE 09397

AFZC-FC-JA

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED]: 06-IA5-131a

1. Claimants name and address: [REDACTED], Muqdadiyah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 26 Nov 05, in Muqdadiyah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,500, on 7 Jan 06.
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 vehicle damage and wrongful death.
5. Facts: Vehicle was shot and passenger was killed..
6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. Concur with original memo.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$6,500 is denied.

[REDACTED]
[REDACTED]
CPT, JA
Foreign Claims Commission

001325



DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
3rd Infantry Division
FOB Warhorse, Iraq
APO AE 09397

REPLY TO
ATTENTION OF:
AFZP-VI-JA

30 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IA5-131a

1. Claimants name and address: [REDACTED] Muqdadiyah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 20 October 2005 in Muqdadiyah, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,500 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 vehicle damage and wrongful death.
5. Claimant's Allegations: Claimant's vehicle was shot and passenger was killed.
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. There is no sigact to support such a claim. The damages reported and those shown on the vehicle are not consistent.
7. Recommended Action: This claim is not payable under the FCA. This claim for \$6,500 is denied

[REDACTED]
[REDACTED]
[REDACTED] S
CPT, JA
Claims Judge Advocate

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Claims Form CF-1

1. To: United States Army Foreign Claims Commission

From: Name: [REDACTED]

Address: Muqadadiyah, Iraq

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Iraq
- c. Employed by: _____

2. I hereby make a claim against the United States Government for damages or injuries caused by: (Unit Name or Individual)

3. The property damaged is owned by: _____

4. My claim arose at: Muqadadiyah (Town) Iraq (Country)

5. My claim arose on: Oct (Month) 20 (Day) 2005 (Year)

6. 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.)

While pulled on the side of road, claimant was shot by C.F.

7. 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.)

Item	Amount
<u>Death of a Passenger (Brother)</u>	<u>6,000</u>
<u>Damage to car</u>	<u>500</u>

Total: \$ 6,500

8. I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 6,500

local

(Signature of Claimant)

9. Subscribed before me this 19 day of Nov, 2004.

Name: [REDACTED] Rank: FC-5

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