

6-1110
23 MAY 06



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

MEMORANDUM FOR Record

SUBJECT: Claimant Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:

- a. There is not enough evidence to prove your claim.
- b. The evidence shows that United States Forces did not cause the damage.
- c. The evidence shows that the damage was caused during combat.
- d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
- e. The evidence shows that your claim was fraudulent.
- f. Other: _____

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[Redacted Signature]

CPT, JA
Chief of Claims

001338



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13 May 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IR8-713

1. **Identifying Data:** [REDACTED] by Attorney [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 25 , 2005 in Balad, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$3,000 on 9 May 2005.
4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was properly filed in a timely manner.
5. **Facts:** Claimant alleges that his brother was killed by CF when he pulled his car off to the side of the road. The decedant was allegedly trying to fix a flat tire when a CF sniper team shot and killed him. A SIGACTS investigation revealed that a sniper team engaged two local nationals who appeared to be emplacing an IED alongside the road. The scene was searched, but no IED materials were found. However, the vehicle was swipe tested for explosives which revealed that the vehicle had been in contact with class B explosives. This is a very special explosive which does not leave a residue for a long time. It is likely that the decedant had contact with explosives that night.
6. **Opinion:** "Under AR 27-20, paragraph 10-3a(4), "Enemy national" status is a factor in determining whether a potential claimant is eligible to bring a claim under the FCA. This question presents a threshold issue; after that initial finding, a claimant's "unfriendly" status is factored into the exercise of discretion in considering a claim on its merits." Here, there is excessive AIF entanglement with this claim to be considered for payment.
7. **Recommendation:** The claim is denied.

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

001339



TF Band of Brothers Claims Intake Form



To: United States Army Foreign Claims Commission.

From: Name: _____

POA/ATT: _____

Power of Attorney provided and interpreter approved: _____

Decedents: _____

Hometown: Alisahaqi Iraqi Resident: _____

My claim arose at: Alisahaqi - Harbah Bridge
(Town) (City) (Country)

My claim arose on: Feb 25 06
Month Day Year

Proof of Ownership: _____

VIN Match: _____

Interpreter Approved: NA

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): bullets in the head, eye and back

Interpreter Approved: _____

Medical Report/Legal Expert Opinion: hospital Report + Death C.

Interpreter Approved: match

Witness Statement (Consistent?): w/ factory worker

Interpreter Approved: saying same story

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.)

claimant alleges that the Decedent was driving towards Babel when he got a flat tire, so he stopped to fix it, but there was a car in back close to them, when they saw him fixing his car they start shooting @ them him and other passenger and killed him

Toyota corona 1975
white

1730 pm

Evidence: POA Death C. witness

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.)

<u>Item</u>	<u>Amount</u>
<u># 3000 Dead person</u>	

Total: \$ 3000


I claim as damages: (Indicate amount in U.S. dollars and local currency)
\$ 3,000 local _____



(Signature of Claimant)

Subscribed before me this 9 day of May, 2006

(Print Name)



(Signature)

