

## **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

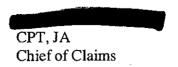
MEMORANDUM FOR Record

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.

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f. Ot	ner:		 <u> </u>	·	 

- 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.





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4 May 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of I

; 6-IR8-682

1. Identifying Data:

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 2 February 2006 in Samarra, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$2,500 on 2 May 2006.
- 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: The Claimant alleges that his daughter were at a party close to his house when CF allegedly came into the area and began shooting in the area. The claimant allegedly later found his daughter, description of events.
- 6. Opinion: "Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful." There is insufficient credible evidence to substantiate claimants allegations.

Claims Judge Advocate

7. Recommendation: This claim is denied.

CPT, JA



## 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: — 4	
Hometown:     Iraqi Resident:	
My claim arose at: Al Motawaki 1 - Sanarra	
(Town) (City) (Country)	-
My claim arose on: feb 02 66	
Month Day Year	
Proof of Ownership:	_
□ VIN Match:	
Interpreter Approved:	
Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant	
allegations): Dooth , bullets and fings.	
Hinterpreter Approved: notch with Medical Report + Death C.	-
I merpreter Approved:	-
Medical Report/Legal Expert Opinion: Coule of Dooth is bulle by and from	
Pluterpreter Approved: Match	_
Hinterpreter Approved: Match	
Witness Statement (Consistent?): ~? - ?11 Price	_
Hinterpreter Approved: Say in Sone Stony	<u>.</u>
	-
Give a brief statement of the accident or incident on which the claim for damages to property or for	ſ
personal injury is based. (Use back of this sheet if necessary.)	
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the area, his drighter fined killed and formed US bulled; in her	Dr. C.
_ 1400 / PM	
	- ,

Evidence: w. Aner	1 Death C.	POA -		<del></del>
damage or personal inju	rry: (Attach bills and re	nd itemized expenses resections; if applicable.)  Amount		property
		Total: #2500	· · · · · · · · · · · · · · · · · · ·	<del></del> , .
I claim as damages: (Ind		ollars and local currency)	!	· · · · · · · · · · · · · · · · · · ·
				<b>-</b>
	(Signature of Cla	imant)		
Subscribed before me th	nis <u>2</u> day of <u>Ma</u>	λy , 200_6.		
	(Print N			
	(Signature)			