## **DEPARTMENT OF THE ARMY**

6-1R8-660 6 May 06

HEADQUARTERS, 101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)

TASK FORCE BAND OF BROTHERS

FORWARD OPERATING BASE SPEICHER

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APO AE 09393

AFZB-JA-C

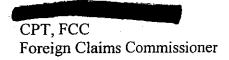
**MEMORANDUM FOR Claimant** 

SUBJECT: Claim 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.
  - 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.

£	Other:				
1.		<del></del>	 <del></del>	 <del></del>	

- 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 proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.
- 4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.





## DEPARTMENT OF THE ARMY

## HEADQUARTERS, 101st AIRBORNE DIVISION (AIR ASSAULT)

## TASK FORCE BAND OF BROTHERS COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

5 May 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of

6-IR8-660

1. Identifying Data:

Samarra, Iraq

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 25 June 2005, in Samarra, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$3,000 on 29 April 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 filed in a timely manner.
- 5. Facts: Claimant alleges that a Coalition Forces convoy started shooting because traffic congestion was blocking the street. Claimant alleges son was riding his bike in the area and was shot in the head. Coalition Forces took the Claimant's son to the hospital. Claimant provided two witness statements and a dated certificate of death, stating cause of death as bullets to the head.
- 6. **Opinion:** Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict. The evidence shows that the damage was caused during combat. This claim is non-compensable under the FCA.
- 7. Recommendation: The claim is denied.



TF Ba	and of Brothers Claims Intake Form
To: United States Army For	reign Claims Commission
From: Name:	Cign Claims Commission.
POA/ATT:	takes)
Power of Attorney	provided and interpreter approved:
Decedents:	( Son)
20000	
Hometown:	☐ Iraqi Resident:
My claim arose at: Sa	mura - Albusician St.
(Towi	n) (City) (Country)
My claim arose on:	25 05
Monti	h Day Year
Proof of Ownership:	
☐ VIN Match:	· · · · · · · · · · · · · · · · · · ·
Interpreter Approved:	
	ause of Death, Age, and Time of Death Consistent with Claimant
allegations):	white in the head
☐ Interpreter Approved:	natch
Medical Report/Legal Exper	t Opinion: Cave of Death ; Be bullets in
☐ Interpreter Approved:	sabel
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interpreter Approved:	atch / saying the same story
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~~~~~~	convey stort shooting in the arear
to get the	in may in course there was too many
- Consin the	Street
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- to the bus	e tal. C. C. slager felt sony and told
his family	to go fill a claim
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Evidence: PA

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