



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
101st AIRBORNE DIVISION (AIR ASSAULT)
FORWARD OPERATING BASE SPEICHER
APO AE 09393



AFZB-KC-HC

16 January 2006

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]
[REDACTED] (Claim Number 06-IR8-029)

1. On 2 November 2005, [REDACTED] son was killed by U.S. forces.
2. I certify that funds are available from the CERP to pay [REDACTED] in the amount of \$2,500.00. This is a condolence payment.

[REDACTED]
CPT, EN
Project Purchasing Officer

3. The request to pay [REDACTED] in the amount of \$2,500.00 from CERP is approved. The claimant will receive a payment. There is no legal objection to this payment. I order payment of this money.

[REDACTED]
CPT, JA
Trial Counsel

001374



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

5 January 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of Sameet [REDACTED] 06-IAR-037

- 1. Identifying Data:** [REDACTED] by POA [REDACTED]
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 2 November 2005 in Al Deloyia, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$4,500 on 31 Dec. 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:** The Claimant alleges that a CF patrol shot his son when he was washing his car. The incident allegedly occurred at 1500 in the afternoon at an automatic carwash. CF allegedly ordered the decedant out of the car and shot him. A SIGACTS investigation (#2566) revealed that a TF 1-15 patrol was engaged with HG and RPG fire 1km south of Al Deloyia. The patrol returned fire resulting in 1 EKIA. The CF unit requested a live ordinance drop on a house where AIF had fled. A 500 lb bomb was dropped and six artillery counter fire rounds were fired at the house where AIF were hiding.
- 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." Here, the injuries allegedly suffered by the Claimant, if true, were proximately caused by combat activity. There is additionally insufficient evidence to ascertain whether the decedant was AIF.
- 7. Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
Claims Judge Advocate

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Claims Form

To: United States Army Foreign Claims Commission.

From: Name: _____

POA/ATT: _____

Power of Attorney provided and interpreter approved: needed

Decedents: _____

Hometown: _____

Iraqi Resident: _____

My claim arose at: _____

(Town)

Al Dulayia

(City)

(Country)

My claim arose on: _____

Month

Nov

Day

2

Year

05

Proof of Ownership: _____

N/A

Interpreter Approved: _____

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): NAME match

LOD - GSW

place of Dulayia

Interpreter Approved: _____

Legal Expert Opinion: _____

5,000

Interpreter Approved: _____

Witness Statement (Consistent?):

1 - Brother: w/ decedent - same story

Interpreter Approved: _____

2 - POA - stated the same

3 - cousin - close to area - 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.)

center of Al Dulayia CF shot C's son

as he was washing car ~ 1500 aftern

Combat ↔ AIF ~ 100 m from scene of incident

C @ automatic carwash - CF ordered decedent out

of the car CF shot him.

POA was not there - showed badge to soldiers.

Other people wounded, but not killed

Evidence: _____

001376

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>
Wrongful death	\$5,000

Total: \$5,000


I was insured to the following extent against the damage or injuries I have sustained:

N/A

The name and address of my insurer (if any) is:

(Name) _____ (Address) _____

I claim as damages: (Indicate amount in U.S. dollars and local currency)
\$ 5,000 local _____



(Signature of Claimant)

Subscribed before me this 31 day of Dec, 2005.



(Print Name)

(Signature)

Claims Form

To: United States Air Force Foreign Claims Commission.

From: Name: [Redacted]

Address: Salah Deira Ak-Dulayehai

I am

a. Acitizen and national of: Iraq

b. A permanent restional of: Ak-Dulayehai

c. Employed by:

d. Check one () An insurer () Not an insurer

e. Check one () A subrogee () Not a subrogee

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization ,Military Department, Address, Telephone Number)

U.S Army

The property damaged is owned by :(If the claim is made as an agent , parent , or guardian , attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries)

My claim arose at: Ak-Dulayehai Salah Deira Iraq (Town) (City) (Country)

My claim arose on: Nov 2nd 2005 (Month) (Day) (Year)

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.)

In 2/Nov at [Redacted] my sons ([Redacted])

went out to wash our car in Ak-Dulayehai after half an hour the Iraqi IP brought my son (saeed) who killed by the American shooting while he was washing the car they shot him in his chest as by an American weapon as shown in the medic report

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Describe nature and extent of property damage or personal injury sustained as a reuse of the above incident .

big damage to the family

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
as shown in the legal expert report	5000 \$
Total: 5000 \$	

I was insured to the following extent against the damage or injuries I have sustained .

/

The name and address of my insurer (if any) is:

/ (Name) (Address)

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

\$ 5000 local

[Redacted Signature] (Signature of Claimant)

Subscribed before me this 28 day of Nov, 2005

[Redacted Name] (print Name)

[Redacted Signature] (Signature)