DEPARTMENT OF THE ARMY

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

AFZB-JA-C

28 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of

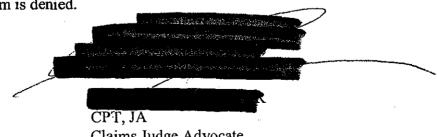
. 06-IA3-111

1. Identifying Data:

by Attorney

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on July 20, 2005 in Tikrit, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$2,500 on 22 November 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 filed in a timely and proper manner.
- 5. Facts: Claimant alleges CF killed the claimant's husband, Hussin Ali Jassim, when the CF fired at the victim's car. Victim's body of deceased to Tikrit hospital by Iraqi Police.
- 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, there is a presumption of combat activity when CF fire weapons. Additionally, there is insufficient evidence to show any wrongful act attribuble to CF. A SIGACTS investigation revealed no activity at that location for that day. Accordingly, this claim is precluded from payment by combat exclusion and insufficieny of evidence.

7. Recommendation: This claim is denied.



Claims Judge Advocate



DEPARTMENT OF THE ARMY HEADQUARTERS, 1ST BRIGADE, 3D INFANTRY DIVISION (FORWARD) TASK FORCE LIBERTY, OPERATION IRAQI FREEDOM FORWARD OPERATING BASE SPEICHER APO AE 09393

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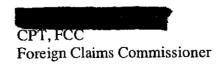
MEMORANDUM FOR Claimant

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.
- (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:					
4.	Oulot.	 	 	 	 	

- 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 Tikrit Claims Office at DNVT 584-1084.



Claims Form
To: United States Army Foreign Claims Commission. From: Name:
POA/ATT:
Power of Attorney provided and interpreter approved: Show Ocigital the Copy
Decedents:
Hometown:
My claim arose at: Tikit (City) (Country)
My claim arose on: 20 OS Month Day Year
Proof of Ownership:
□ Interpreter Approved:
Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Has Copy (Will Like, Original) Vory (Locker Copy)
Legal Expert Opinion:
Interpreter Approved: What told) That deceased was show by CF Com
Witness Statement (Consistent?): went to Loso that for
1 Interpreter Approved: Wy - local from Same Killings heard of incident unt
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.)
Wrongtal Dreth
Clarent & Spouse, britis clare for wrange / death
Sinternal standard that hashard was misch
for two days / later learned As had been shot by C.F. (miny
Howas are now IP, CF Shot at car
- A Rilled him
IP took body to tiket hospital informed with not she
Evidence: Dagram Death Certificate
001537

	nount of property damage and itemized expenses resulting from the property injury: (Attach bills and receipts, if applicable.)	city
Item	Amount	
	Parth of Clarents hustand -	
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	TO CAN	
	Total:	
T C d to the	following artest against the damage or injuries. I have sustained:	
I was insured to the	e following extent against the damage or injuries I have sustained:	***
<u></u>		
	(1) (1)	·
The name and addr	ress of my insurer (if any) is:	
(Name)	(Address)	~
(14amo)		
I claim as damages	: (Indicate amount in U.S. dollars and local currency)	
\$ <u>Z.500</u>	local	*
ja .	(Signature of Claimant)	•
4	(Organization)	<u>-</u>
* -	. 1/ -	
Subscribed before	me this 22 day of Nov , 2005 .	•
		5.
	COT	
	(Print Name)	
	(FILIT NAME)	
**************************************	(Signature)	