

0-128-587
25 Apr 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]
CPT, JA
Chief of Claims

001559



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

14 April 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 6-IR8-587

1. **Identifying Data:** [REDACTED], Samarra, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 02 October 2005, in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 11 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 shot and killed his son during a battle with AIF. The claimant provided a death certificate and witness statements to substantiate the claim.
6. **Opinion:** The evidence shows that the damage was caused during combat. This claim is non-compensable under the FCA.
7. **Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
FCC

001560

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: _____

Iraqi Resident: _____

My claim arose at: _____

(Town)

Samarra

(City)

(Country)

My claim arose on: _____

Month

2

Day

Oct

Year

05

Proof of Ownership: _____

N/A

VIN Match: _____

Interpreter Approved: _____

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

CDP - 3rd date match

Interpreter Approved: _____

Medical Report/Legal Expert Opinion: _____

N/A

Interpreter Approved: _____

Witness Statement (Consistent?)

1 Eyewitness - saw child hit

Interpreter Approved: _____

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.)

Child born 2001

10:00 a.m.

5 year old child allegedly shot & killed

AIF & CF battle. Child was allegedly

standing in front of house when a stray

bullet struck her

150 m away. [redacted] - inside city / southern.

Evidence: _____

death cert;

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

wrongful death child

Total: 2,500

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

\$ 2,500

local

(Signature of Claimant)

Subscribed before me this 11 day of April, 2006.

001562