



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

01 NOV 05
5-IA3-1735

DHFT-JA

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: _____
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.

[Redacted Signature]

CPT, JA
Foreign Claims Commissioner

001613



DEPARTMENT OF THE ARMY
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)
OPERATION IRAQI FREEDOM (FOB LIBERTY)
APO AE 09308

DHFT-JA

11 September 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 05-IA3-1785

- 1. Identifying Data:** [REDACTED] Bayji, Iraq
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 10 June 2005, in Bayji, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$4,000 on 2 September 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 manner.
- 5. Facts:** Claimant alleges that her husband was wrongfully killed by U.S. Forces. The claimant's husband, father and two brothers drove from Bayji to Haditha. A U.S. Forces patrol pulled off on the side of the road ahead of them. As they approached the patrol the soldiers opened fire, shooting her husband and one of his brothers. The U.S. soldiers came to the vehicle and removed the injured occupants, to take them to a U.S. base. The claimant's husband died along the way. The patrol was rerouted to an Iraqi hospital, with the two casualties. The claimant provided three corroborating witness statements, a death certificate and a police report with a scene sketch. Division records reported a similar incident in this area, but that incident only resulted in minor injuries to the driver.
- 6. Opinion:** There is some evidence that U.S. Forces killed the claimant's son, however those forces were involved in security operations at the time, so this claim is barred by the combat exception.
- 7. Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
Chief, Claims

001614

Claims Form

To: United States Army Foreign Claims Commission

From: Name: [Redacted] (wife)

POA/ATT: [Redacted]

Power of Attorney provided and interpreter approved: Yes, filed by [Redacted]

Decedents: [Redacted] 33 YOA (Husband)

Hometown: Bayji

Iraqi Resident: [Checked]

My claim arose at: Bayji (Town), Bayji (City), IRAQ - on the Highway (Country) (1860)

My claim arose on: JAN (Month), 10th (Day), 2005 (Year)

Proof of Ownership: 1985 Red Toyota Super [Redacted]

Interpreter Approved: [Unchecked]

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Decedent, Bullet to head destroying skull, 33 YOA, DTD 10 JUN 05

Interpreter Approved: [Checked]

Legal Expert Opinion: - Went to IP next day - they investigated -

Interpreter Approved: Stopping by CFORces

Witness Statement (Consistent?): 3 statements consistent w/ story

Interpreter Approved: [Checked]

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.)

Decedent father & 2 brothers in vehicle driving from Bayji to Haditha. Group of Mmmwv's off the road on the right side. When vehicle approached Mmmwv's the soldiers began shooting. - Yannis was killed & 1 brother shot in the head.

- After shooting vehicle stopped. 4 Mmmwv's came to vehicle. Soldiers took Yannis & father in Mmmwv to base nearby in one Mmmwv. Yannis died on the way.

- Brother I took other injured party to Iraqi hospital.

- After arriving at base soldiers got out of space w/ officer then took the two to the Iraqi Hospital

Evidence:

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
Unsuccessful Death	\$4000

Total: \$4000

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: (Indicate amount in U.S. dollars and local currency)

\$ 4000 _____ local _____



(Signature of Claimant)

Subscribed before me this 3rd day of Sep, 2005.

SGT 

(Print Name)



(Signature)