DEPARTMENT OF THE ARMY

01 NOVOS 5-1A3=1735

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

DHFT-JA

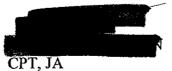
MEMORANDUM FOR Claimant

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.



Foreign Claims Commissioner

DE LA COLLEGE

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

05-IA3-1785

1. Identifying Data:

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.



CP1, JA
Chief, Claims

Claims Form						
To: United States Army Foreign Claims Commission From: Name: POA/ATT: Power of Attorney provided and interpreter approved: Vo. Field by Amel Decedents: Decedents: 33 your (Hospital)						
Hometown: Bay Si graqi Resident:						
My claim arose at: $\frac{\beta_{ay}}{\text{(Town)}}$ $\frac{1}{\text{Tr}_{AO}} = \frac{\alpha_{b}}{\text{Prahwoy}}$ (Country)						
$\mathbf{X} \mathbf{f} \cdot \cdot \mathbf{f} \cdot \mathbf{f} = \mathbf{f} \cdot $						
Month Day Year Proof of Ownership: 1985 Red To yo 75 Super 8. Interpreter Approved:						
Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Declarate Builet to head destroying SKMI, 33 YOA, Dto lo Dun of						
Legal Expert Opinion: - West to TP rext day - Truey 1 Nessign Red - Interpreter Approved: Step 3.39 by CEOSUS Witness Statement (Consistent?): 25/muts Consistent ~/ 5/my Minterpreter 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.)						
Decedent Fathers a Deathers in vehicle diving from Buyii to Hadisha. Group up Hammur's CRF The road On the sight side, when vehicle approached from wills the soldies began showling. The head. - Pres showling vehicle stapped. I from wis came to Ulhicle. Soldies town yours & father in Mammur to have nearby in one from Vehicle of the one in order - Brather I touk asher in order						
- AFTER ATIVING At buse Sildiers got ovid spove will fice Then Evidence: took the two to the ITAdi Hughian						

	f property damage and itemized expenses resulting from the property (Attach bills and receipts, if applicable.)
Item With ful Death	Amount
()=13/10/10 1×0/10	part part part part part part part part
	Total: #NOUD
I was insured to the follow	ing extent against the damage or injuries I have sustained:
The name and address of n	ny insurer (if any) is:
(Name)	(Address)
I claim as damages: (Indica \$ <u>Чりりり</u>	te amount in U.S. dollars and local currency)
	(Signature of Claimant)
	(Signature of Ctalmant)
Subscribed before me this	3^{rd} day of $5e\rho$, 2005 .
	S67
	(Print Name)
	(Signature)