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DEPARTMENT OF THE ARMY

Headquarters, 3rd Brigade Combat Team 3rd Infantry Division FOB Warhorse, Iraq APO AE 09397

REPLY TO ATTENTION OF:

AFZP-VI-JA

1 July 2005

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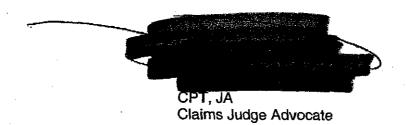
SUBJECT: Claim of , 05-IA5-992

1. Claimants name and address: Muqdadiyah, Iraq.

2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 November 2005 in Muqdadiyah, Iraq.

- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$4,000.00 on 22 June 2005.
- 4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claimant's car was totaled when U.S. convoy forced him off the road; also, his passenger died as a result of the accident.
- 5. Claimant's Allegations:
 - a. Claimant says while he was driving a passenger home a U.S. convoy forced him off the road, his car flipped into the water canal causing damage to his vehicle and killing his passenger,
 - b. There are witness statements included in the submitted claim.
- 6. Investigator's Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

- b. There is sufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces.
- c. The research conducted brings a reasonable assumption that U.S. forces were involved. The claimant was forced off the road by a U.S. convoy which resulted in the death of his passenger and totaled his car. The claimant is awarded \$4,000.00 dollars.
- 7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently this claim for \$4,000.00 is approved.



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CLAIMS FORM

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