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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

16 June 2005

MEMORANDUM OF OPINION

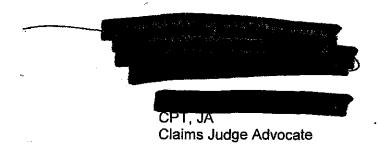
SUBJECT: Claim of 05-IA5-923a

- 1. Claimants name and address: , Baqubah, Iraq.
- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 14 January 2005 in Al-Muqdadiyah, Baqubah, Iraq
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$7,000.00 on 9 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; claim filed for damages sustained to claimant's personal injuries.
- 5. Claimant's Allegations:
 - a. Claimant states that her son was riding on a bus when CF hit the vehicle.
 - b. Due to accident claimant's son was killed.
 - c. There were witness statements, pictures, and death certificate submitted in the 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 noncombat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

AFZP-VI-JA SUBJECT: Claim of

05-IA5-923a

- 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. Based on the investigation and research, there was a report that verified that the accident occurred. Death of claimant's brother is estimated at \$6,000.00.
- 7. <u>Recommended Action:</u> This claim is payable under the FCA for the above mentioned reasons. Consequently this claim for \$6,000.00 is approved.



CLAIMS FORM

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