

# HEADQUARTERS MULTI-NATIONAL CORPS – IRAQ BAGDAD, IRAQ APO AE 09342

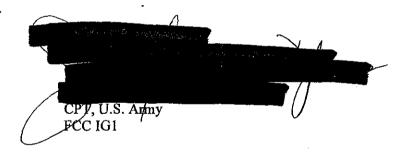
REPLY TO ATTENTION OF:

FICI-JA

Claim of 05-IG1-T0635

#### **ACTION**

- 1. <u>Facts</u>: The claimant alleges that on 11 April 2005, he was walking with his wife who was carrying their 18 month old child when an aircraft opened fire. The child received a fatal shot to the head and the wife sustained injuries to her right leg. The amount requested in damages is \$10,000.
- 2. <u>Opinion:</u> The FCA permits compensation for damages caused by the negligent and wrongful acts of US forces. The claimant provided no evidence that the US committed a negligent or wrongful act. The incident was determined to be a combat action.
- 3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
- 4. Action: The claim is therefore denied.





## HEADQUARTERS MULTI-NATIONAL CORPS – IRAQ BAGDAD, IRAQ APO AE 09342

FCC IG1

18 July 2005

CLAIM OF: CLAIM NUMBER: 05-IG1-T0635

Dear Sir or Ma'am:

This notice constitutes final administrative action on your claim against the United States.

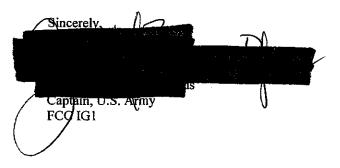
Foreign Claims Commission (FCC) IG1 has investigated and considered the claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. The claim is cognizable solely under the FCA as it concerns an inhabitant of Iraq. The Federal Tort Claims Act, Title 28, United States Code, Section 2680(k), is not applicable as it excludes claims arising in foreign countries. Under the FCA, a claim for death or personal injury may be allowed whether or not the negligent act complained of was made within the scope of employment.

FCC IG1 has reviewed all of the evidence given and has investigated this claim to the best of its ability considering the information presented.

Unfortunately your claim has been denied. The FCA does not permit the payment of claims for the acts of US soldiers unless such acts were negligent or wrongful. You did not substantiate that US forces acted in a negligent or wrongful manner.

If you are dissatisfied by this action, AR 27-20 provides that you may request that the decision be reconsidered. Any such request must be forwarded to this office for FCC consideration. There is no prescribed format for such a request. However, it should describe the legal and/or factual basis for relief. Any request for reconsideration must be made, in writing, within 30 days of receipt of this letter.

The FCC's action on reconsideration is final and conclusive by law.



UNCLASSIFIED/OFFICIAL USE ONLY

### UNITED STATES ARMED FORCES CLAIMS FORM

1. TO: United States Army Foreign Claims Commission Today's Date: May . 30 - 2005
II. FROM: Name (English):
Name (Arabic)
(a) Circle one: Claimant / Attorney/ Authorized representative/ Parenty Brother/Sister Son/Daughter
→ [Attorney or representative MUST attach proof of authorization.] Other:
(b) IRAQI IDENTIFICATION NUMBER:
(c ) DETAINEE IDENTIFICATION NUMBER:
III. ADDRESS of person filing claim:
(English
(Arabic):
IV. HOME OR CELL PHONE NUMBER:
(a) I, the above named claimant/attorney/representative, certify that I (or the person on whose behalf I am
making this claim) am a resident of
·
(b) I hereby make a claim against the UNITED STATES GOVERNMENT for damages or injuries caused
by the following military unit: U.M
(c)The property damaged is owned by: Dead Child
CONTRACTOR AND
(d) The incident happened on April 11. 2005 at Fally a - Hay Al. Modalamen
(Date) (city/town/neighborhood/highway name & number)
V. The facts of the incident are as follows: According to Mr. Speech,
he was with his wife and she was carrying her child
(Workyoons (18 months) and they were just
walking to return back to thier house cause they were
visithing thier relatives and while they were walked an aircraft Shoot that area the child immediately
die Cause he had a fatal shoot in his head and
the mother was injunted in her right leg and since
that time they tried to complain but no one help them that whey they came here to fill this claim. They will be very thankful if you help them.
Them that why they come here is for here
many will be very whatever it for reals them.

proving ownership of damaged or destroyed property, death certificates, medical bills and repair estimates.]

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(Sep 05)

[Use back of sheet if needed. Be sure to include any photographs, statements from witnesses, documents

001644

### UNITED STATES ARMED FORCES CLAIMS FORM

ITEM	P	RICE
Death of 18 months child (		
Injuried in his mother	1-03	
	, 0	
	TOTAL_	
(a) I had insurance for the following:		
(b) My insurer is:		
VII. My total claim in U.S. Dollars against the United States Go	overnment is: \$	
	in Iraqi Dinars is:	
***CLAIM WILL NOT BE VALID IF US DOLLAR	AMOUNT IS LEFT BLA	NK***
This is my total claim resulting from this incident. I understand	I that if I accept a settlemen	nt of this claim
hat I will not receive any other money for this incident. I also u		
ave the opportunity to appeal the decision but will likely need	•	
ıy claim approved.		•
· (Si	gnature of Claimant)	
***CLAIM WILL NOT BE VALID IF SIGNATI		+
he claimant was assisted in completing this claim form by:		
ne clamatic was assisted in completing this claim form by:		
Name)		

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