

DEPARTMENT OF THE ARMY

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

DHFT-JA

6 June 2005

MEMORANDUM OF OPINION

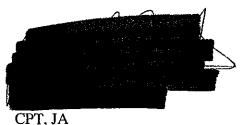
SUBJECT: Claim of

05-IA3-1213

1. Identifying Data:

Tikrit, Iraq

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 18 April 2005, in Tikrit, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$2,500 on 4 June 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 U.S. Forces shot and killed his son. Claimant's son was driving from Bayji to Tikrit, when he was shot by a U.S. Forces convoy driving in the other direction. He was shot in the abdomen and groin. A second convoy, following the first, stopped and administered first aid. Than an Iraqi ambulance took him to the hospital, where he died. The claimant provided two corroborating witness statements, medical records, a death certificate and a police report.
- 6. **Opinion:** There is sufficient evidence to indicate that U.S. Forces killed the claimant's son. However, those forces were involved in security operations at the time. Therefore, this case falls within the combat exception.
- 7. Recommendation: The claim is denied.



Chief, Claims

Claims Form		
To: United States Army Foreign Claims Commission. From: Name: POA/ATT): M Power of Attorney provided and interpreter approved: Verifies by My Hand-Decedents:		
Hometown: Ramadi Straqi Resident:		
My claim arose at: Tkrit Tkrit Tra9 (Town) (City) (Country) My claim arose on: APr 18 2005 Month Day Year Proof of Ownership: 16145 Watch Prosect -1988 - Whike		
Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Note:		
□ Interpreter Approved: Legal Expert Opinion: □ Interpreter Approved: □ Witness Statement (Consistent?): □ Consistent?		
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.) Clauding Superior		
GONDON, NO OTHER Shorting or Anthing		
-Thrused made Statement to prince before death Stating Shot in LEFT Side of abdomon by U3 Convey, and in Grain over a 150 States us forces good him first aid & new Dagi Armance term now to hospital		
Evidence: Stelevert & Statuent by INJURE		

	mount of property damage and itemized expenses resulting from the practical injury: (Attach bills and receipts, if applicable.)	coperty
Item	Amount	
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	Total: 1/2500	
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I was insured to th	e following extent against the damage or injuries I have sustained:	
<u>*</u>		
The name and add	lress of my insurer (if any) is:	•
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(Name)	(Address)	
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•	(Signature of Claimant)	
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•		
Subscribed before	me this $\frac{4}{2}$ day of $\frac{100}{2}$, $\frac{1}{2}$.	
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