

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

REPLY TO ATTENTION OF:

FCC IG1

19 November 2005

CLAIM OF:

CLAIM NUMBER: 05-IG1-T0658

Dear Sir or Ma'am:

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

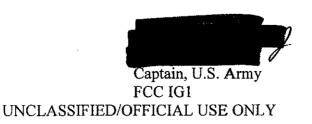
Foreign Claims Commission (FCC) IG1 has investigated and considered the claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. The claim is cognizable solely under the FCA as it concerns an inhabitant of Iraq. The 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 arising from the actions of service members unless such actions were either negligent or wrongful. However, in your claim you have been unable to substantiate that the US forces acted either negligently or wrongfully and accordingly your claim is denied. This claim was determined to be a combat action.

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.





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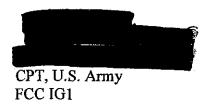
REPLY TO ATTENTION OF:

FICI-JA

Claim of , 05-IG1-T0658

## **ACTION**

- 1. <u>Facts</u>: The claimant alleges that on 27 January 2005, his son, the struck him with 11 passengers, towards the Syrian border when a US convoy shot at him and struck him with four bullets in the neck. The amount requested for this claim is unspecified.
- 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. This claim 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.



UNCLASSIFIED/OFFICIAL USE ONLY

CLAIMS		

80- any claricenst
Because of the hard Situation in Al. Ramadi he olidal
c) 12/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 2/2 2/
the U.S. officer thought in Al- Panadi base.
because they thought that he uses alite and that estable
and to I Do Sing he did not get any claim land
The U.S forces took in to a 4.5 base in Al Ramed
U.S forces Shoot his water of builteds in his nock.
ext Exclosed sight shower namous sous with to
hi in this Kia there were (11) passengers most
in Al Baradi infront of him and wrother comon behind
A) Remodi , there were U.S Canony belong to U.S base
what chrising his Car (Kia, bus, 1993, grey (silver)) in
V. The facts of the incident are as follows: As In Soil Nic dand Sool
(Date) (city/town/neighborhood/highway name & number)
(d) The incident happened on Jan 23.2005 at Ramadi - Al Farashiga
(c)The property damaged is owned by:
by the following military unit:
(b) Thereby make a claim against the UNITED STATES GOVERNMENT for damages or injuries caused
begines sairming to sengmeb and TMENMON SETATS GETTIMIL and tenieng minds a salam indexed L (d)
making this claim) am a resident of Treng
(a) I, the above named claimant/attorney/representative, certify that I (or the person on whose behalf I am
IV. HOME OR CELL PHONE NUMBER:
(Arabic):
(lingligni):
III. ADDRESS of person lilling claim:
(с.) ВЕТАІМЕЕ ІВЕМТІ РІСАТІОМ МИМВЕЙ:
(b) IRAQI IDENTIFICATION NUMBER:
→ [Attorney or representative MUST attach proof of authorization.] Other:
(a) Circle one: Claimant / Attorney/ Authorized representative/(Parent) Brother/Sister, Son/Daughter
Vame (Arabic)
II. FROM: Wane (English):
L. TO: United States Army Foreign Claims Commission Today's Date:
The state of the s

Use back of sheet if needed. Be sure to include say photographs, statements from witnesses, documents proving ownership of damaged or destroyed property, death certificates, medical bills and repair estimates.

## UNITED STATES ARMED FORCES CLAIMS FORM

ITEM	PRICE
	TOTAL
a) I had insurance for the following:	
a) I had module to the legion of	
·	
/II. My total claim in U.S. Dollars against th	ne United States Government is: \$
<u>-</u> ,	and in Iraqi Dinars is:
***CLAIM WILL NOT BE VALID	IF US DOLLAR AMOUNT IS LEFT BLANK***
1.	
his is my total claim resulting from this inci	ident. I understand that if I accept a settlement of this claim
nat I will not receive any other money for this	s incident. I also understand that if my claim is denied, I will
ave the opportunity to appeal the decision by	ut will likely need to provide new evidence in order to have
y claim approved.	
. :	
•	
	(Signature of Claimant)
***CLAIM WILL NOT BE V	ALID IF SIGNATURE IS LEFT BLANK***
CLAIM WILL NOT BE VI	
CLAIM WILL NOT BE VA	
	laim form by:
he claimant was assisted in completing this cl	Jaim form by:
•	laim form by:

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