



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

REPLY TO
ATTENTION OF:

FICI-JA

Claim of [REDACTED], 05-IB7-T0138

ACTION

1. Facts: The claimant alleges that on 15 May 2005, she owned a house that was rented in Diala Bridge area where US Forces collected ammunition in front of the house and without any notice they detonated the ammunition. It caused complete damage to her house and the death of Mr. Mohammed, person renting the house from her. The amount requested in damages is \$30,000.
2. Opinion: 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.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: We concur with the recommendation to deny this claim. The claim is therefore denied.

[REDACTED]
CPT, U.S. Army
FCC IB7

[REDACTED]
CPT, U.S. Army
FCC IB7

[REDACTED]
CPT, U.S. Army
FCC IB7

001719

UNITED STATES ARMED FORCES CLAIMS FORM

I. TO: United States Army Foreign Claims Commission Today's Date: _____

II. FROM: Name (English): _____

Name (Arabic) _____

(a) Circle one: Claimant / Attorney / Authorized representative / Parent / 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 Iraq

(b) I hereby make a claim against the UNITED STATES GOVERNMENT for damages or injuries caused by the following military unit: _____

(c) The property damaged is owned by: _____

(d) The incident happened on May 15, 2005 at Diala Bridge
(Date) (city/town/neighborhood/highway name & number)

V. The facts of the incident are as follows: As she said that she had another house she rent it in Diala bridge area and on May 15, 2005 The U.S forces whom were there they collect the ammunition in front of her house and without any announce or warn they exploded it that cause a completely damage to her house and death of _____ who was living in that house and when they went to the camp there they just say we are sorry and apologize for the destroy and death for that reason she don't have a claim card..

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

001720

UNITED STATES ARMED FORCES CLAIMS FORM

VI. The following is a detailed list of what was damaged or destroyed and the estimates for repair if damaged and replacement if destroyed:

ITEM	PRICE
* Destroy of her house	_____
* Death of [REDACTED]	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
	TOTAL \$ 30,000

- (a) I had insurance for the following: _____

- (b) My insurer is: _____

VII. My total claim in U.S. Dollars against the United States Government is: \$ 30,000
and in Iraqi Dinars is: _____

*****CLAIM WILL NOT BE VALID IF US DOLLAR AMOUNT IS LEFT BLANK*****

This is my total claim resulting from this incident. I understand that if I accept a settlement of this claim that I will not receive any other money for this incident. I also understand that if my claim is denied, I will have the opportunity to appeal the decision but will likely need to provide new evidence in order to have my claim approved.

[REDACTED SIGNATURE]

(Signature of Claimant)

*****CLAIM WILL NOT BE VALID IF SIGNATURE IS LEFT BLANK*****

The claimant was assisted in completing this claim form by:

(Name)

(Contact Information: e-mail, address, DSN/DNVT, etc.)

001721



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

REPLY TO
 ATTENTION OF:

FCC IB7

19 September 2005

CLAIM OF: [REDACTED]
 CLAIM NUMBER: 05-IB7-T0138

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IB7 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 IB7 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.

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.

[REDACTED]
 Captain, U.S. Army
 FCC IB7

UNCLASSIFIED/OFFICIAL USE ONLY

001722