

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

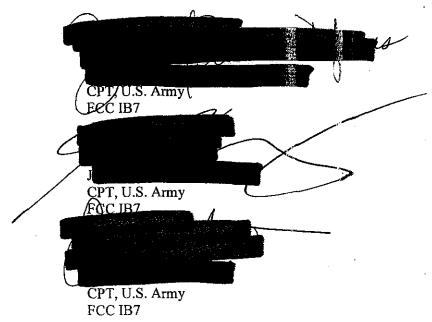
REPLY TO ATTENTION OF:

FICI-JA

Claim of , 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.



001719

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UNITE

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
·
(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:
2
(d) The incident happened on Am 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 is 2005 The U.S forces whom were
there they collect the amounition infront of her
house and without any announce or warn they
exploded it that cause a completely dange 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 clam 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.]

UNITED STATES ARMED FORCES CLAIMS FORM

ITEM			PRIC	CE
		-		
Death of		-		
		-		
		-		
(a) I had insurance for the following:			-	30,000
(b) My insurer is:				
VII. My total claim in U.S. Dollars against the United S	tates Government is: \$ and in Iraqi Dinars			
***CLAIM WILL NOT BE VALID IF US DO	_			
This is my total claim resulting from this incident. I un				
that I will not receive any other money for this incident, have the opportunity to appeal the decision but will like				
my claim approved.	,			
	(Signature of Cla			
CLAIM WILL NOT BE VALID IF S	SIGNATURE IS LEF	r Blan	K	
The claimant was assisted in completing this claim form	by:			
The classification was assisted in completing this status some				
(Name)				



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

REPLY TO ATTENTION OF:

FCC IB7

19 September 2005

CLAIM OF:

CLAIM NUMBER: 05-IB7-T0138

Dear Sir or Ma'am:

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

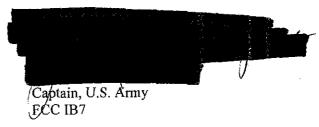
Foreign Claims Commission (FCC) IB7 has investigated and considered the claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. The claim is cognizable solely under the FCA as it concerns an inhabitant of Iraq. The 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 compliained 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.



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