

6- IAB-108

6-IA3-108
29 NOV 05



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 3D INFANTRY DIVISION (FORWARD)
TASK FORCE LIBERTY, OPERATION IRAQI FREEDOM
FORWARD OPERATING BASE SPEICHER
APO AE 09393

DHFT-JA

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.
2. Your claim has been denied for the following reasons:
 - a. There is not enough evidence to prove your claim.
 - b. The evidence shows that United States Forces did not cause the damage.
 - c. The evidence shows that the damage was caused during combat.
 - d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
 - e. The evidence shows that your claim was fraudulent.
 - f. Other: _____
3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.
4. POC is the Tikrit Claims Office at DNVT (b)(2)High .

(b)(6), (b)(3)

CPT, FCC
Foreign Claims Commissioner

CENTCOM 002272

MEMORANDUM FOR RECORD

SUBJECT: Claim of (b)(6) 5-IA3-108, UP AR 27-20, Chapter
11 (b)(6)

1. IDENTIFYING DATA:

- a. CLAIMANT: (b)(6) Iraqi residents.
- b. PRESENT ADDRESS: Bayji, Iraq.
- c. ATTORNEY: (b)(6)
- d. DATE OF INCIDENT: 24 September 2005.
- e. PLACE OF INCIDENT: Bayji
- f. DATE AND AMOUNT OF CLAIM: 22 November 2005, \$9,000.
- f. SUMMARY: Negligent shooting
- g. COMPANION CASES: None

2. JURISDICTION: This claim was filed by a Iraqi residents. They are proper party claimants, and the claim is cognizable under the Foreign Claims Act (10 U.S.C. § 2734) and Chapter 10, AR 27-20. This claim was properly presented, contains factually specific allegations, is dated, states a sum certain and is signed by Claimant.

3. FACTS: On September 24, 2005, inside the "Industrial Town" outside of Bavii. the following persons were working inside a refinery that town. (b)(6)
(b)(6) The individuals heard shooting outside the industrial area, but continued with their work. About half an hour later, CF arrived on the scene. The individuals tried to leave, but not before (b)(6)
(b)(6) tried to push his car into the garage to lock it up. As he was attempting to push the car into the garage, CF allegedly fired at him, wounding him. The other individuals were waiting inside a car nearby. CF fired at these individuals killing all three. The claimants are (b)(6)
men who were killed inside the car. During the interview, the Claimant's attorney said that CF may have mistakenly attacked the car thinking that the decedents were AIF.

AFZB-JA-C

(b)(6)

(b)(6)

6-IA3-108, UP AR 27-20, Chapter 11

4. LEGAL ANALYSIS: Under AR 27-20, paragraph 10-3, Claims arising from the death of enemy combatants are not compensable under the Foreign Claims Act. A SIGACTS investigation revealed that an IA patrol was engaged with SAF and RPG at this location. TF 1-103 responded and conducted cordon and search operation. SIGACTS list the decedants as AIF killed as they tried to escape. SIGACTS also list (b)(6) as also being AIF.

5. DAMAGES: The claimants have claimed damages associated with the wrongful death of their respective husbands in the amount of \$2,500 per man. (b)(6) has claimed \$1,500 for his personal injuries. In support of the claim, the Claimants have presented an original death certificates, two witness statements from claimant's co-workers, and hospital records from the Tikrit hospital.

6. RECOMMENDATION: Based upon the investigation by this FCC, it is reasonable to conclude that the CF activity can be characterized as combat activity. I recommend this claim be denied.

(b)(6), (b)(3)

CPI, JA
FCC IT6

Claims Form

(b)(6)

To: United States Army Foreign Claims Commission

From: Name: (b)(6)

POA/A

Power of Attorney provided and interpreter approved:

(b)(6)

Hometown: Iraqi Resident:

My claim arose at: Industrial town outside Baiji (Town) (City) (Country)

My claim arose on: 24 Sept. 05 (Month) (Day) (Year)

Proof of Ownership:

Interpreter Approved: N/A

Death Certificates (Name Cause of Death Age and Time of Death Consistent with Claimant allegations): Yes, (b)(6)

originals seen

Interpreter Approved:

Legal Expert Opinion:

Interpreter Approved:

Witness Statement (Consistent?): 2 (2) Worker - same story

Interpreter Approved:

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.)

4 people (C) work @ industrial town outside Baiji. They hear shooting. CF soldiers & vehicles arrived on scene w/ a Bradley vehicle, (about 1/2 hr. later after they hear shooting).

C says Americans may have thought there were bad guys inside the area.

(b)(6)

C tried to push the car into the garage to lock it up, as he pushed the car into garage, he was shot. (b)(6)

(b)(6)

were in other vehicle, & were killed by CF fire.

Evidence: 2 witness statements, original death certs

POA's for all, Tikrit hospital reports

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

| Item | | Amount |
|------------------|--------|-------------------------|
| Wrongful death : | | 20,000 2,500 |
| Wrongful death : | (b)(6) | 10,000 2,500 |
| Wrongful death : | | 2,000 2,500 |
| PI : | (b)(6) | 4,000 1,500 |

Total: ~~46,000~~ \$ 9,000

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name) (Address)

I claim as damages: (Indicate amount in U.S. dollars and local currency)
\$ ~~46,000~~ 9,000 local _____

(Signature of Claimant) (b)(6)

Subscribed before me this 22 day of NOV, 2005.

(b)(6), (b)(3) _____

| | | |
|------------------|-----------|--------------|
| Name | (b)(6) | الاسم |
| POA | | |
| Date | 21 DEC 05 | التاريخ |
| Claim No. | 6-243-108 | رقم المعاملة |
| Reason | Appeal | السبب |
| Appointment with | SEA | الموعد |
| Signature | (b)(6) | التوقيع |

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6-7A3-108
29 NOV 65

Foreign Language Text

File in file
to put in my
Drawer

CENTCOM 002278

(b)(6)

at CASH
@ Speicher
for unknown
Reasoning

CENTCOM 002279

24141

| | |
|-----------------------|--------------|
| Name..... | الاسم |
| Date..... | التاريخ |
| Claim No..... | رقم المعاملة |
| Reason | السبب |
| Appointment with..... | الموعد مع |
| Signature..... | التوقيع |

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██████████

TF1-103

SAF/RPG

██████████

R6 NOTIFIED: YES

STAFF SECTIONS NOTIFIED:

AT 241256DSEP05 AN IA PATROL WAS ENGAGED WITH SAF AND RPG IN (b)(2)High (b)(2)High 2 X IA WIA, 2 X IA MIA. TF 1-103 RESPONDED AND CONDUCTED A HASTY CORDON AND SEARCH TO LOCATE THE ATTACKERS.

UPDATE: 5 X IZ MALES WENT TO THE BAYJI HOSPITAL WITH WOUNDS: 1) (b)(6)

(b)(6) 2) (b)(6) 3) (b)(6)
(b)(6) 4) (b)(6) AND 5) (b)(6)

(b)(6)

UPDATE: TF 1-103 ENGAGED THE AIF RESULTING IN 3XAIF KIA AND 1XAIF WIA IN A GREY SEDAN. 2XIA SOLDIERS KIA, 2XIA SOLDIERS WIA, 1XLN KILLED WHEN THE AIF FLED, RUNNING THE LN OVER. THE HOSPITAL REPORTS 8XWIA. THE HOSPITAL REPORTS 4XKIA INCLUDING (b)(6)

→

(b)(6) AND 1 (b)(6)

ADDITIONAL WIA OR KIA ARE POSSIBLE, BUT WERE NOT REPORTED BY THE HOSPITAL. ADDITIONAL SEARCHES OF THE AREA RESULTED IN NSTR. RPG FRAGMENTS WERE FOUND AT THE SITE OF THE ATTACK.

UPDATE: IA UNIT IS UNKNOWN. TRUCK FROM AMBUSHED CONVOY WAS STRIPPED AND STOLEN.

CLOSEOUT: NFTR

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foreign language

To whom it may concern

Bullet injury of the left knee joint with comminuted
intraarticular Fracture & Soft tissue Loss. With Signs of
Bullet injury ^{to} the ~~to~~ lower Part of the left leg with
affection of the ~~to~~ Achilles tendon .

(b)(6)

doctor

(b)(6)

11/17/05

Foreign Language Text

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(b)(6), Foreign Language Text
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foreign language, (b)(6)