

06-EAS-084a

V

CENTCOM 002409

CENTCOM 002410

24238

CLAIM NUMBER: 05-1A5

DATE	REMARKS	INITIALS
4 Nov	I see a reported accident on this date.	
	I recommended approval and payment for	
	\$1,000. \$2,000 for car & \$1,000 for	
	dead man.	(b)(3),(b)(6)
	Approve \$6,000.	

b(3),(b)(6) - PFC (b)(3)(b)(6) (b)(3)(b)(6) - SSG (b)(3)(b)(6) (b)(3)(b)(6) - CPT (b)(3)(b)(6)



DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
3rd Infantry Division
FOB Warhorse, Iraq
APO AE 09397

REPLY TO
ATTENTION OF:

AFZP-VI-JA

09 November 2005

MEMORANDUM OF OPINION

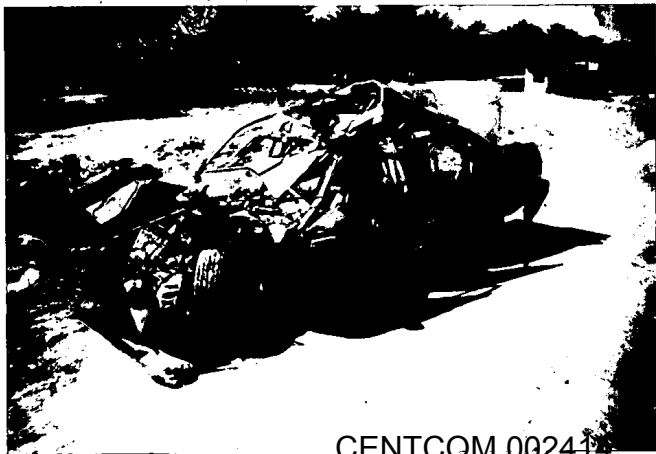
SUBJECT: Claim of (b)(6) 06-IA5-084a

1. Claimants name and address: (b)(6) Iraq
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 March 2005 in Baqubah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,000.00 on 29 October 2005.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; filed for damage to personal property.
5. Facts: U.S. forces tank hit claimant's vehicle causing damages and killing driver.
6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activity of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. Based on the facts and investigations, the claimant's vehicle was hit by U.S. tank.
7. Recommended Action: This claim is payable under the FCA for the above-mentioned reasons. Consequently this claim is approved for \$6,000.00.

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

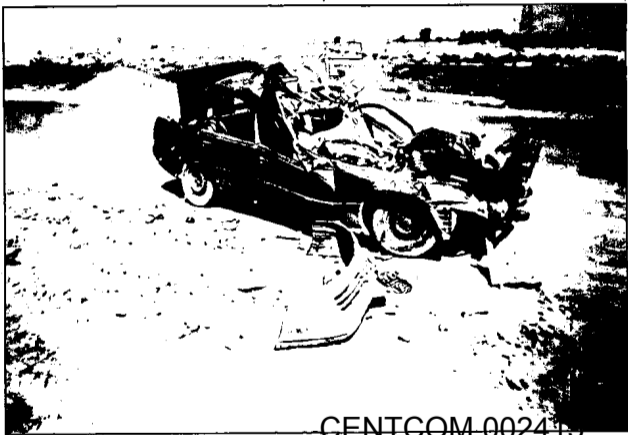
CPT JA
Claims Judge Advocate

CENTCOM 002412



CENTCOM 002414

24242



CENTCOM 002413

24243

CLAIMS FORM

To: United States Army Foreign Claims Commission

From: Name: _____

Address: _____ (b)(6)

I am

- a. A citizen and national of: _____
- b. A permanent resident of: _____

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

The property damaged is owned by: _____

My claim arose at: Bogalusa (Town) LA (City) USA (Country)

My claim arose on: March Month 24th Day 2005 Year

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.)

Claimant's husband got into an accident with a U.S. Tank. Husband killed and the car is destroyed. (b)(6)

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
- Destroyed vehicle	
- Death of husband	

Total: _____

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ _____ local _____

(b)(6)

Subscribed before me this 24 day of Oct, 2005

(Pr

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

(Si

Al-Khaliss investigation court
26 / 4 / 2005

The evidence of the civil claimant the wife of the victim ((b)(6)
(b)(6) the civilian (b)(6) , born in (b)(6)
her work is a (b)(6) , she lives at (b)(6) , he evidences as
the following :-

The victim (b)(6) s my husband . in date 24 / 3 /
2005 he went to Baqubah and a crashing incident happened between
his car Opel and the US military vehicle and this resulted to death of
my husband at Al-Aswad village on the general street . I did not watch
the incident by my eyes . so I demand the complaint and
compensation. His parents are dead and he has (b)(6) children . and this
is my evidence .

the civil claimant
(b)(6)

Her agent the lawyer
(b)(6)

the judge
(b)(6)
9 / 5 / 2005

CENTCOM 002417

In the name of God

**Diyala Health Office
Forensic Medicine**

**NO. (b)(6)
Date 24/3/2005**

Anatomy Report Questionnaire

To / Al-Khaliss Police Department

**I am the undersigned Dr. (b)(6) , I made the
medical anatomy on the corpse of the civilian (b)(6)
(b)(6) responding to the request of the police message NO.
(b)(6) dated in 24 / 3 in Baqubah Hospital in date 19 / 4 / 2005
at 11:00 A.M and the result was :-**

The external damages :-

**Bruises and hits in the head and face and chest .
Wounds in the face and head and the right shoulder .
Breaks in the skull bones .
Bleeding in the brain .**

Conclusion :-

**the cause of death of the deceased (b)(6) is
the breaks and tears and bleeding because of the intense hit
time of death : 3-6 hours .**

Doctor

(b)(6)

CENTCOM 002418

In the name of God , more merciful , more gracious

Republic of Iraq
Ministry of Justice
The Notary Office in Al-Khaliss
General NO. / 1550
Record /
Date 8 / 5 / 2005

General Proxy

I am the undersigned (b)(6) Appointed the lawyer (b)(6) as an agent (General Proxy) to be authorized according to it to do all the oral and actual and private actions to or on my right in all the general and private trials , the associations and the corporations and he has the right to rise suits or conceal them and to give up the rights related to it and has the right to put the reserved seizure or remove it and has the right to admit and make peace and to elect the experts or refuse them and to send the oath or refuse it and accept it and has the right to approach all the legal appeals and execute the information in the executive offices and has the right to demand to imprison the civilians and put the executive seizure and remove it and to object the executive decisions and appeal them and has the right to approach all the official offices and institutions and to drive the warnings by the notaries and has the right to appoint the other as an agent in part or all that I appointed as agent and he has the right to hand the compensations .

Signature of client :
Full Name : (b)(6)
Permanent address : (b)(6)
ID card NO. : (b)(6)

I approve that the signature (b)(6) the mentioned in this proxy is for (b)(6) Known above and I read upon him its contents and he admitted and undersigned it in front of me in date 8 / 5 / 2005

The Notary :
Full Name : (b)(6)
Signature and seal :

CENTCOM 002420

Death Certificate

NO. : (b)(6), (b)(2)Hig

Organizing date 24/ 3 / 2005

Name of the dead : (b)(6)

Sex : Male

Nationality : Iraqi

Religion : Muslim

Marital Status : Married

Profession : employee

Name of mother : (b)(6)

Name of father : (b)(6)

Police station : Al-Khaliss police station

Place of death : Diyala - Khaliss

Date of death : 24 / 3 / 2005

Date of birth : (b)(6)

Place of birth : (b)(6)

Cause of Death : breaks in the skull bones and bleeding because of large wounds

Doctor

(b)(6)

CENTCOM 002421

Foreign Language Text, (b)(6)

In the name of God

Al-Khalis police station

NO. / (b)(6)

Date 11 / 5 / 2005

To / the constitutional lawyer office in Baqubah

Subject / case transferring

**Executing to the decision of Al-Khaliss investigation judge , we send to
you the special investigating papers of the victim ((b)(6)
(b)(6) . we hope that you will receive them with respects .**

Colonel

(b)(6)

The station officer

Attaches :-

Investigation papers

CENTCOM 002423

Al-Khaliss police station
9 / 5 / 2005

Sir, Al-Khaliss investigation judge

Your decision in date 5 / 5 / 2005 .

1. we enclose the statement of the mechanical man on the car No./
(b)(6) – Diyala – Opel Omeca .. hoping to read it .
2. since the investigation has been ended , we wish to issue your proper decision for transferring the case to the constitutional lawyer office .

the investigation officer

the officer

1. as we have no right to make the complaint against the coalition forces , so i decided to close the investigation according to the memorandum of the coalition forces No. / 3 department 2 .
2. give a copy of the investigative papers to the complainant and understand him to go to CMOC .
3. record the decision .

the judge

(b)(6)

9 / 5 / 2005

CENTCOM 002424

In the name of God

Al-Khaliss police station
5 / 5 / 2005

The statement minutes

We made the statement for the car NO./ (b)(6) . Diyala – Opel – Omeca – Model (b)(6) according to the message of Al-Khaliss police station No./ 2468 in 5 / 5 / 2005 , and appeared the following :-

The controls : destroyed because of the accident

The damages :-

1. destroy the surface of the car and the front Tikams (frames) .
2. destroy the windscreen and the rear glass .
3. destroy the glasses of the rear and front doors .
4. destroy the front doors and curvatures in the rear doors .
5. damages in the front left and right Chassis of the car .
6. destroy the front bumper and the radiator .
7. destroy the dashboard and the stern of the car .
8. destroy the cover of the engine and the front clay protector .
9. destroy the cover of the trunk .

So, all the damages are evaluated according to the person who will repair it and according to the official bills .

Mechanical policeman
(b)(6)

I.T.
(b)(6)

CENTCOM 002425

**Al-Khaliss investigation court
5 / 5 / 2005**

The evidence of the witness (b)(6), born in (b)(6), his work is a (b)(6) in (b)(6) village, he evidences as the following :-

I do not know the victim (b)(6). In date 24 / 3 / 2005 at 8:00 A.M. I was standing on the side of the street in front of Al-Aswad village indented to go to Al-Khaliss city and during that I watched a group of the vehicles which belong to the coalition forces stopped on the right side of the general street and the other side of the street was open to pass the cars and i watched the car Opel and it was heading to Baqubah direction coming from Al-Khaliss city and during that two US Civil Cars (Bahbahan) came and one of them passes the car Opel and the latter satyed behind the Opel where the car Opel became between the US cars and the driver of the civil car Opel tried to be away from these cars so he devialted to the platform of the street but the US big vehicle collided his car and the Opel entered under the US vehicle and the driver died whose name is (b)(6) where i knew his name later and when i tried to help the person, the coalition forces prevented me. and this is my evidence.

**The witness
(b)(6)**

**the judge
(b)(6)
9 / 5 / 2005**

CENTCOM 002426