

/ 06-IAS-184a ✓

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Get a check

FOR:
5 Mar 06

0007#

PAYMENT REPORT

TO: DFAS, DSSN: 8547 Date: _____

A. Payment Data:

- (1) Submitting Agency/Office: United States Army Claims Service
- (2) Office Code: IA5
- (3) Agency/Office Mailing Address: _____
- (4) Date Claim Filed: 17 December 05
- (5) Claim Number(s): 06-IA5-184a
- (6) Amount Claimed: \$6,000 (b)(2)High
- (7) Fund Code: _____
- (8) Payee(s): (b)(6)
- (9) Address: Baqubah, Iraq
- (10) SSN: None
- (11) Payment Amount: \$6,000
- (12) Type Payment: PF _____
- (13) For EFT Payments: ABA Routing Number: _____
- (14) For EFT Payment: Account Name and Number: _____
- (15) For EFT Payment: Name and Address of financial institution: _____
- (16) For EFT Payment: Account is (checking) (savings) (Circle appropriate account).

B. ACCEPTANCE BY CLAIMANT (Note: This form should not be signed by the claimant if another release is signed by the claimant is attached.)

I, the claimant, do hereby accept the within-stated award, compromise, or settlement as final and conclusive on my heirs, executors, administrators or assigns, and agree that said acceptance constitutes a complete release by me, my heirs, executors, administrators or assigns of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising now or in the future from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries (including wrongful death), damages to property, breaches of contract or law, and any other acts or omissions, and the consequences therefore resulting, and to result, from the same subject matter that gave rise to the claim for which I or my heirs, executors, administrators, or assigns, and each of them, now have or may hereafter acquire against the United States and against the employee(s) of the Government whose acts or omissions gave rise to the claim by reason of the same subject matter. I further agree to reimburse, indemnify and hold harmless the United States, its agents, servants and employees from any and all claims or causes of action, including wrongful deaths, that arise or may arise from the acts or omissions that gave rise to the claim(s) by reason of the same subject matter.

Date: 5 Mar 06 (b)(6) (Claimant)

C. AGENCY CERTIFYING OFFICER:

Pursuant to authority vested in me, I certify that this Payment Report is correct and proper for payment.

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

3 Mar 06 (Date) _____ (Signature Authorized Certifying Officer) FCC Title

Date Payment Recorded in Claim Record: _____

A separate payment report must be completed for each claimant

Privacy Act Statement

The information is required in accordance with 31 U.S.C. 1304. The data you furnish will be used to certify your claim for payment. Failure to provide this information may result in your claim not being processed for payment.



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

20 December 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 06-IA5-184a

1. Claimants name and address (b)(6) Iraq
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 21 November 2005 in Baqubah, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,000 on 17 December 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 compensation for death of brother.
5. Facts: Claimant's brother was killed when elements of 3d BCT, 3d ID and 3rd BN, 3d BDE, 5 DIV IA shot vehicle when they were leaving the gate.
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 activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. TF Badger's S-5 Officer verifies the occurrence of this raid and the facts and circumstances surrounding this incident.
7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently this claim is approved for \$6,000.

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

CPT, JA
Claims Judge Advocate

CENTCOM 002463

Claims Form CF-1

1. To: United States Government
From: Name: _____ (b)(6)
Address: _____

I am
a. A citizen and national of: Iraq
b. A permanent resident of: _____
c. Employed by: _____

2. I hereby make a claim against the United States Government for damages or injuries caused by: (Unit Name or Individual)

_____ CF _____

3. The property damaged is owned by: _____

4. My claim arose at: _____
(Town) Baghdad (City) Iraq (Country)

5. My claim arose on: Nov 21 2008
Month Day Year

6. 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 was riding in vehicle shot by CF as they were leaving the gate of warehouse

7. 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
<u>Death of brother</u>	

Total: 6,000

8. I claim as damages: (Indicate amount in US dollars and local currency)
\$ 6,000 local _____

(b)(6)
(Significant)

9. Subscribed before me this 17 day of Nov 2008

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

**Al-Khaliss investigation court
5 / 12 / 2005**

the evidence of the witness Police 1LT. (b)(6), his work is an officer in Al-Khaliss police directorate, he has evidenced as the following :-

In the date of the incident 21 / 11 / 2005 we were informed by Diyala police commanding that the US forces shot fire upon the Iraqi car near the US unit located on the road links Baqubah – Khaliss and when we went to the incident location I watched the incident location and the accident was very terrible and ugly and fearable and I watched the Iraqi car fired completely and after that it appeared that it is Kia – Capital – Model (b)(6) - No. (b)(6) – Divala and I watched the corpses of the victims (b)(6) and the baby (b)(6) and the small baby (b)(6) and we transported them to the forensic medicine in the hospital and I watched the injured persons who are (b)(6) and (b)(6) (b)(6) and the driver (b)(6) and we made the statement and the charter for the incident location and I recorded the evidences of the injured (b)(6) but the others were transported to the hospital because their healthy situation was very miserable where the corpses were laid on the land and the blood was on the earth and the shooting fire was very heavy and the car fired completely and the cause of the accident was the wrongdoing of the American soldier where the Iraqi car was 200 m far from the US convoy which tried to enter the US unit from the gate located near Daly Abbass intersection . the car is still in the incident llocation in front of Al-Aswad village . and this is my evidence .

the witness
Police 1LT. (b)(6)

The judge

**Al-Khaliss investigation court
5 / 12 / 2005**

the evidence of the witness (b)(6), born in (b)(6), his work is a free worker, he lives at (b)(6) area, he has evidenced as the following :-

In the date of the incident 21 / 11 / 2005 I knew that my cousins and their families were killed and injured in a fearable and ugly accident where some of them died and I and a group of my relatives hurried up to see what happened and when we arrived we watched the scene all the tongues can not express the description where the corpses were laid on the land and the injured persons bleeding and it appeared that they were shot by the US forces when they were driving the car Kia – Capital – Model (b)(6) – No./ (b)(6) Diyala which belongs to one of my relatives (b)(6) and they were heading to Al-Khaliss and when they arrived near the US Forces unit, there was a US convoy entering the camp from the gate located in Daly Abbas intersection and the Iraqi car was 200 m far from the US convoy and the proof of that that this car is still in the incident location and it is burned completely because of the heavy fire by the US forces and this accident resulted to kill my relatives who are (b)(6) and (b)(6) and the baby (b)(6) and the baby (b)(6) and injured (b)(6) who became blind and (b)(6). so I demand from the coalition forces to compensate them about the damages happened to them. and this is my evidence.

The witness

(b)(6)

The judge



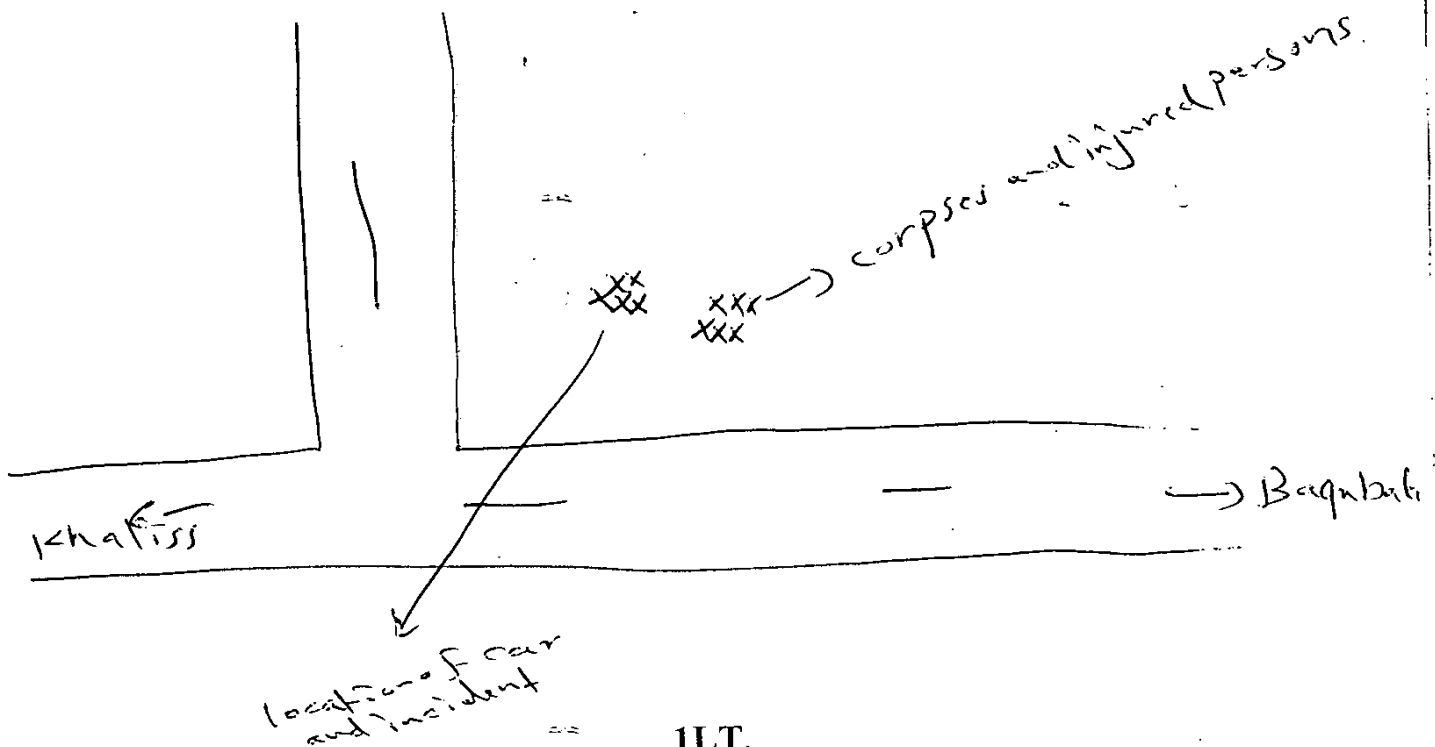
Al-Khaliss police station
21 / 11 / 2005

the statement and the charter for the incident location

According to the information came to us about shooting fire by the US forces towards the civil car and killing all the persons inside it , so we went there and watched the following :-

1. the incident location is 12 K.M. far from our station .
2. I watched the corpses and the injured persons out of the car .
3. I watched the blood spots in the incident location .
4. I watched several enteries and exists of the bullets . in the car .
5. I did not watch anything else benefit from it in the investigation .

The charter



1LT.

(b)(6)

Investigation officer

Pages 17 through 19 redacted for the following reasons:

Foreign Language
, (b)(6)
Foreign Language, (b)(6)



CENTCOM 002475

24301

Al-Khaliss investigation court
28 / 11 / 2005

the evidence of the civil claimant (b)(6) born in (b)(6)
, his work is a free worker , he lives at (b)(6) area , he has
evidenced as the following :-

In date 21 / 11 / 2005 at 6:30 A.M. on Monday the martyr (b)(6)

(b)(6)

(b)(6) were going to Al-Khaliss through Baqubah road and they
were riding the car Kia which belongs to the injured person (b)(6)
(b)(6) and when they arrived near the US base (Adnan
Khirallah airport previously) there was a US convoy entering the
camp and the car of the victims was driving on the distance 200 m far
from the US convoy and the car is found there till now and without the
American soldier in the last vehicle avoiding the driver of Iraqi car
and without any reason he opened fire towards the car and fired it
completely and killed my brother (b)(6) and

(b)(6)

(b)(6) and his son (b)(6)
(b)(6) and injured (b)(6) and (b)(6) and
(b)(6) , and it is against

all the heaven laws and the international laws and the human rights
where three individuals of my family were killed and injured two of
them . so I demand from the US forces to pay a big compensation
about this criminal incident and you know well the details of the
incident where after the accident , the US forces seized the place of the
incident and informed the Iraqi police about the incident . and this is
my evidence .

the civil claimant

(b)(6)

The judge

CENTCOM 002476

Republic of Iraq

**Diyala Health Office
Forensic Medicine**

**Ref : 3292
Date : 27/ 11 / 2005**

**Questionnaire of the anatomy medical report
To / Al-Khaliss police station**

I am the undersigned Dr. (b)(6) , I made
the medical anatomy for the corpse of the civilian (b)(6)
(b)(6) , sent the anatomy form by the police station in date
21/ 11 / 2005 and the results were as the following :-

The external damages : -

Demolish the head because of tens of bullets in the head .
Demolish the chest because of tens of bullets .
Break in the left thigh .

conclusion :-

the cause of the death of the civilian (b)(6) is
tears and breaks and bleeding because of the bullets of the
coalition forces .
the distance of the shooting is more than 1 yard .
the direction of the bullets : front – behind

Doctor

(b)(6)

CENTCOM 002478

