

06-106-T222

S: 11 ~~11~~ 06

APR

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

Page 3 redacted for the following reason:

(b)(5)

DEPARTMENT OF THE ARMY
TORT AND SPECIAL CLAIMS APPLICATION
CLAIM SUMMARY SHEET

06IO6T222-

(b)(6)

Claimant's Assertion

Claimants brother & nephew killed in head-on crash with CF; car damaged; GWP made by unit for deaths

Claimant Information

Claimant Name: (b)(6)
 Claimant SSN:
 Claimant DOB:
 Insured or Deceased: No Name entered
 Deceased SSN:
 Deceased DOB:
 Claimant Phone:
 Claimant Address: . ()
 Claimant Representation:
 Pro Se
 Claimed Amount: \$15,000.00
 Property Damage: \$15,000.00
 Personal Injury: \$0.00
 Wrongful Death: \$0.00

Claim Information

ClaimID: 06IO6T222
 Companion(s):
 Incident Location: Tuz, Iraq on 03-Nov-05
 Incident Date: 03-Nov-05
 Date Filed: 24-Jan-06
 Filing Office: IO6-FCC IO6 1BCT 101 ABN DIV (AASLT) (Iraq)
 Current Office: IO6-FCC IO6 1BCT 101 ABN DIV (AASLT) (Iraq)
 Chapters:
 Chapter 10 - Foreign Claims Act
 Damage Code:
 UNKNOWN
 Basis Code: UNKNOWN
 Incident Source: OTHER

Army Team

Field Office Investigator: SGT (b)(3),(b)(6)
 Field Office Attorney:
 USARCS Area Action Officer:
 USARCS Investigator:
 USARCS Paralegal:

Final Disposition

Action	Date	Amount
Claim Denied	26-Jan-06	\$0.00

Uploaded Documents Document	Date	Who

Claim Retirement Information Shipment Number	Date	Box

CENTCOM 002581

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
Truck	\$12,000
brother	12,000,000 ID
Nephew	12,000,000 ID

\$ 16,138.

The figures for the death compensation is based off of what the local mayor was reportedly paid for his son's death. Total: _____

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)

\$ 28438 ^{0/100} local _____

(b)(6)

(Signature of Claimant)

Subscribed before me this _____ day of _____, 200__.

(Print Name)

(Signature)

Foreign Language Text



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE COMMAND STAFF JUDGE ADVOCATE
1ST BRIGADE COMBAT TEAM, 101ST AIRBORNE DIVISION (AASLT)
KIRKUK, IRAQ APO AE 09335

IDCV-JA

26 January 2006

SUBJECT: Claim of (b)(6) - FY06-IO6-0222

1. Claimant's name and address: (b)(6) Iraq
Related claim: NA
2. Date and place the incident occurred giving rise to the claim: 3 November 2005, in Tuz, Iraq.
3. Amount of claim and the date it was filed: Claimant filed a claim in the amount \$28,438.00 on 24 January 2006.
4. Chapter(s) 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; claim filed for compensation for the death of his brother and nephew and the destruction of their vehicle; this was the result of a collision with a Coalition Forces convoy.
5. Facts: Coalition Forces had a vehicular collision with the claimant's brother and nephew. The Unit involved paid compensation to the family in the sum of \$2500 per person from their Bulk Condolence Fund. The claimant subsequently submitted a claim for compensation for the deaths and the vehicles.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident must have occurred outside the United States, and have been caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members, of civilian employees, of the Armed Forces. See AR 27-20, para 10-3a.
 - b. The claim is not meritorious. The families have already been compensated for the deaths from the Unit's Bulk Fund. The claimant also does not have a POA from the widow to file on her behalf for compensation for the damage to the vehicle.
7. Action: Deny this claim. Army Regulation AR 27-20 provides you the right to appeal this action. While there is no format prescribed for the appeal letter, it, or supporting documents should set forth the factual or legal grounds upon which your appeal is based on. Deliver you appeal to the Kirkuk Government Building, FCC Office within thirty (30) days of your receipt of this notice.

(b)(6)

MAJ, JA
Foreign Claims Commissioner

CENTCOM 002585

24559

CENTCOM 002586

24560



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE COMMAND STAFF JUDGE ADVOCATE
1ST BRIGADE COMBAT TEAM, 101ST AIRBORNE DIVISION (AASLT)
KIRKUK, IRAQ APO AE 09335

IDCV-JA

26 January 2006

SUBJECT: Claim of (b)(6) - FY06-IO6-0222

1. Claimant's name and address: (b)(6) Iraq
Related claim: NA
2. Date and place the incident occurred giving rise to the claim: 3 November 2005, in Tuz, Iraq.
3. Amount of claim and the date it was filed: Claimant filed a claim in the amount \$28,438.00 on 24 January 2006.
4. Chapter(s) 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; claim filed for compensation for the death of his brother and nephew and the destruction of their vehicle; this was the result of a collision with a Coalition Forces convoy.
5. Facts: Coalition Forces had a vehicular collision with the claimant's brother and nephew. The Unit involved paid compensation to the family in the sum of \$2500 per person from their Bulk Condolence Fund. The claimant subsequently submitted a claim for compensation for the deaths and the vehicles.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident must have occurred outside the United States, and have been caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members, of civilian employees, of the Armed Forces. See AR 27-20, para 10-3a.
 - b. The claim is not meritorious. The families have already been compensated for the deaths from the Unit's Bulk Fund. The claimant also does not have a POA from the widow to file on her behalf for compensation for the damage to the vehicle.
7. Action: Deny this claim. Army Regulation AR 27-20 provides you the right to appeal this action. While there is no format prescribed for the appeal letter, it, or supporting documents should set forth the factual or legal grounds upon which your appeal is based on. Deliver your appeal to the Kirkuk Government Building, FCC Office within thirty (30) days of your receipt of this notice.

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

MAJ, JA
Foreign Claims Commissioner

CENTCOM 002587

24561



F701-0222

English Claims Forms

To: United States Army Foreign Claims Commission.

From: Name: _____ (b)(6) _____

Address: _____

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Iraq
- c. Employed by: _____
- d. Check one () An insurer () Not an insurer
- e. Check one () A subrogee () Not a subrogee

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: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.) _____

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

My claim arose on: NOV (Month) 3 (Day) 05 (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 is the brother of a man killed in an accident w/ c.f. wants to claim for the vehicle and for the death of his brother and Nephew

brother was married w/ children

Nephew was married w/ children (b)(6)

Nephew's father came in as well, but one claim is being filed for entire accident

Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

Pages 13 through 14 redacted for the following reasons:

Foreign Language

Kifree Investigation Court 9/11/2005

The statement of the claimant father of the killed
(b)(6) resident

(b)(6) she states,

I didn't attend the accident but I heard that
Coalition Forces hit the car that my son was riding in
The car was driven by his friend (b)(6)
his car is ~~the~~ pick-up / Nissan on his way from
Kifree to Tur on the main road before Kokus village
and the American forces were on their way from Tur
to Baghdad and the accident caused their death
and damaging the car. The vehicle that hit them
was Hammer, therefore I request all the legal procedures
to be followed and the compensation for what happened.

signed by

The claimant

The Judge

(b)(6)

Page 17 redacted for the following reason:

Foreign Language, (b)(6)

Foreign Language Text, Illegible Text



CENTCOM 002595

Page 19 redacted for the following reason:

Foreign Language, (b)(6)



Sulaman Beek Police Station

The statement of the claimant

(b)(6)

(b)(6) wife of the killed

(b)(6)

DOB:

(b)(6) housewife, resident of (b)(6) near of water and
Smeage office in Kiffree. She states:

I didn't see the accident by myself that caused
the death of my husband (b)(6) but I heard

from people that my husband was exposed to a car accident
with a truck belongs to CF and he is dead and I don't

complain against anyone ~~but~~ and I have (b)(6) children

three boys and one girl. I request a compensation for what
happened.

The claimant

the wife of the killed individual

ILT

(b)(6)

(b)(6)

Investigation officer

Page 23 redacted for the following reason:

Foreign Language, (b)(6)

Foreign Language Text, Illegible Text

CENTCOM 002601

Sularm Beck Police Station 9/11/2008

The statement of the claimant of the legal right

(b)(6)

(b)(6) / mother of the killed

(b)(6)

DOB 7

(b)(6) / housewife president of (b)(6) near of
Water and Sewage office. She states:

I didn't see the accident of dying my son

(b)(6)

but I heard from people that he exposed

to a car accident with American Convey near
Kokas village that lies near of Turz and I don't claim
but I as a compensation for what happened.

signed by

The claimant of the legal right

ILT

(b)(6) Mother of the killed

(b)(6)

individual

(b)(6)

Investigation officer

✓

Page 27 redacted for the following reason:

Foreign Language, (b)(6)

Sabain Beck Police Station 9/11/2005

The statement of the claimant of the legal rights (b)(6)

(b)(6) wife of the killed (b)(6)

(b)(6) housewife / DOB / (b)(6) lives in (b)(6)

near of Water and Sewage office in Kibree. She states:

I didn't see the accident of dying my husband (b)(6) but I heard from people that he was exposed to a car accident with one of Coalition Forces vehicles and he died and I have four children two boys and two girls and I don't complain but I ask a compensation and to return back the car that belongs to my dead husband.

signed by

The claimant

I.H.:

(b)(6)

(b)(6), Foreign Language Text

Investigation officer

Page 30 redacted for the following reason:

Foreign Language, (b)(6)

Sulaim Beck police station 9/11/2005

The statement of the claimant of the legal rights

(b)(6)

Father of the deceased

(b)(6)

/ Job / worker / I.D.O.B. /

(b)(6)

Address of (b)(6) near Water and Sewage Dept in
Kifree. He states the following:

I didn't witness of the accident of my
deceased son (b)(6) but I heard from
that he was exposed to an accident with of vehicles
of Coalition Forces, as a result he was killed, therefore
I ask for a compensation. This is my statement.

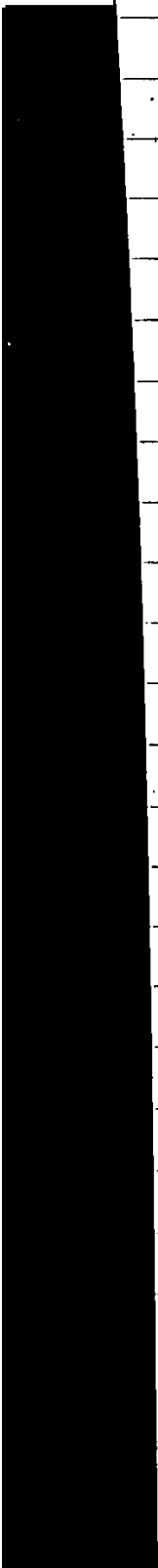
signed by

The claimant of
legal right / Father of
the deceased

ILT

(b)(6)

Investigation officer

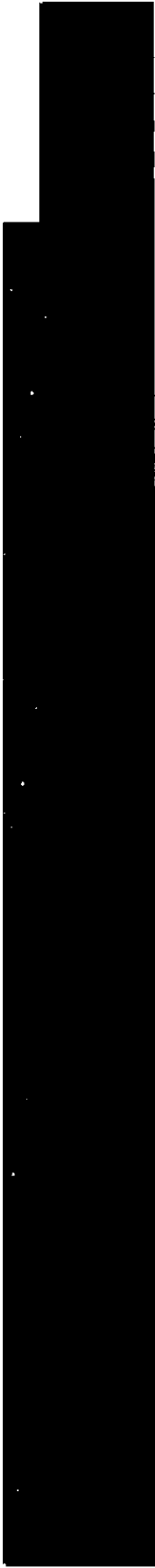


A series of horizontal lines forming a ruled writing area, bounded by vertical lines on the left and right. The lines are evenly spaced and cover most of the page's height. There are four circular punch holes along the right edge of the page, two near the top and two near the bottom.

Page 33 redacted for the following reason:

Foreign Language, (b)(6)

Foreign Language Text, Illegible Text



Page 35 redacted for the following reason:

Foreign Language, (b)(6)

Sulaiman Beek Police Station

3/11/2005

To Tur Investigation Judge:

This morning, we have been informed of a car accident on Kirkuk-Baghdad main road near to the cross road of Kokus village between the car no-2028 Iraq-Sulaimanya-Nissan pick-up (four doors) and a vehicle belongs to CF and as a result of this accident both

(b)(6)

who were inside that car and

(b)(6)

(b)(6)

were injured in the accident and were taken to Kirkuk General Hospital and we couldn't record their statement because of their conditions. The inspection and diagrams of the accident were done and the rate of carelessness was 70% ^{on} for the Coalition Forces vehicle and 30% on the civil mentioned car's driver.

(b)(6)

The inspection was made for the dead bodies and the car was taken to the police station and all the medical reports for the injuries mentioned above are attached for your legal procedures.

ILT:

(b)(6)

Investigation Officer

CENTCOM 002613



A large rectangular area with horizontal ruling lines, typical of a memo or report form. The lines are evenly spaced and run across the width of the page. There are four circular punch holes along the right edge of this area. A vertical line runs down the left side of this area, and another vertical line runs down the right side, creating a central column for text.

Page 38 redacted for the following reason:

Foreign Language, (b)(6)

Foreign Language Text, Illegible Text

CENTCOM 002616

Medical Report

I signed below Dr. (b)(6) I have
made the medical inspection for the individual (b)(6)
(b)(6) 1 Sec, male in Tur General Hospital, age (b)(6)
on 3rd, 11, 12005 at 10 p.m and I have found:

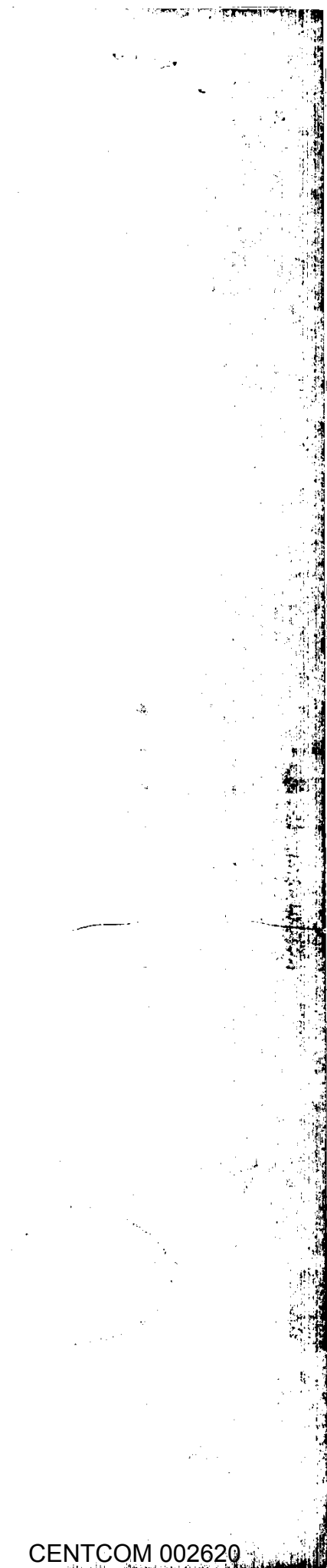
- 1- UA conscious in the time of inspection.
- 2- R biological activities are stable.
- 3- pretending of car accident.
- 4- bleeding in his nose.
- 5- The stomach is loose at examination time.
- 6- Fracture in his ^{left} arm.

The reason of the ~~death~~ these injuries is
a car accident.

signed by
The doctor

Page 42 redacted for the following reason:

Foreign Language, (b)(6)



Medical examination

In the undersigned Dr. (b)(6) ^{g. train}
examined the so-called (b)(6)
9-year-old in Tur General Hospital on 3rd, 11, 2005
at 10 p.m. and I have found the following:
1. He is conscious at examination time.
2. pretending car accident.
3. Stomach is not loose at examination time.
4. Fracture in his right ~~arm~~ leg.
5. Fracture in his ^{left} right arm.
The reason of the injury is a car accident
signed by

The doctor.

Page 46 redacted for the following reason:

Foreign Language, (b)(6)

Medical Examination Report

I'm the undersigned Dr. (b)(6)
I examined the so-called (b)(6)
age (b)(6) years, Sex: male in Tur General Hospital on
3rd of Nov 2005 at 10 a.m according to the request of
Subarman Bekh police station in 3/11/2005, I have
found the following:

- 1- Unconsciousness at examination time.
- 2- biological activities are unstable.
- 3- Prefunding car accident.
- 4- Fracture in head length 7cm with bleeding.
- 5- bleeding in mouth.
- 6- Stomach is not loose at examining time.

The reason of the damage is a car accident.

Signed by
The doctor

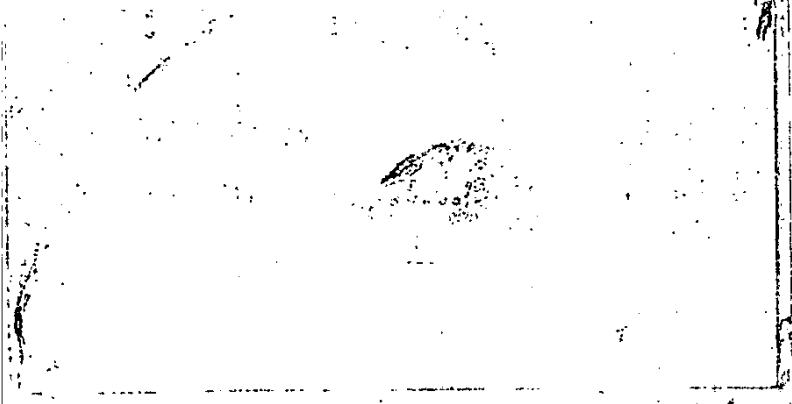
Page 50 redacted for the following reason:

Foreign Language, (b)(6)

Page 52 redacted for the following reason:

Foreign Language, (b)(6)

Foreign Language, (b)(6)



CENTCOM 002631

Foreign Language, (b)(6)

CENTCOM 002632

Suleiman Bay

A body inspection Police Station
claim

We have been told about a carcass belongs to a guy ~~called~~
had a traffic clash accident on Baghdad Kirkuk highway
and the body ~~is~~ available at Tuz Hospital and it
belongs to the deceased. (b)(6) these:

- 1- The deceased is (b)(6) white complexion, black hair
age (b)(6)
- 2- I noticed smushing of jaw bones with deep wound at
neck.
- 3- There was blood on the deceased face
- 4- There were bruises and contusions on his body
- 5- He was wearing (b)(6)

Signed by	ILT	The judge
DV (b)(6)	(b)(6)	
3/11/05	3/11/05	3/11/05

Page 58 redacted for the following reason:

Foreign Language, (b)(6)

Foreign Language Text, Illegible Text

CENTCOM 002636

A Plan and Scheme

Saleman Bay Police Station

of accident

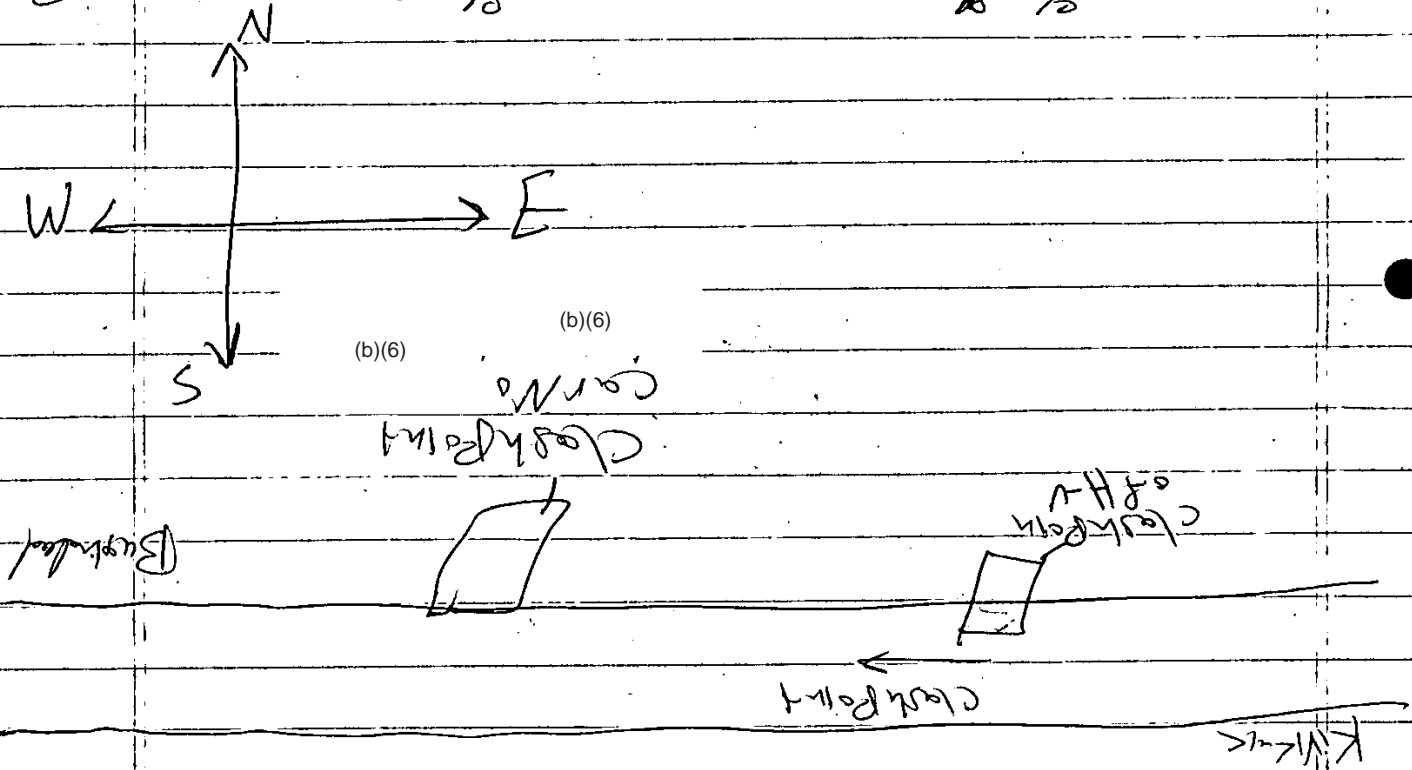
We had been told about an accident on highway Buzluk-Kirkuk by Kocas Village between car No

(b)(6)

white color with aff V of CF, I had these notices!

1- I had seen the traces of ~~car~~ smashing of both cars and wrecks and of car glass on highway

2- The Percentage of deficiency on driver of car No 20028 was 30% and of H-V was ~~70%~~ 70%



Lined paper with three hole punches at the top and four hole punches on the left side.

Page 62 redacted for the following reason:

Foreign Language Text

To Suleiman Bag Police Station

According to verbal order of CF concerning the accident on Baghdad Kirkuk road we have done this inspection.

1- The location of accident is on Baghdad Kirkuk road at 9:30 on

3/11/05. 2/ The accident occurred between Ham-V and A Nissan

Four doors car No (b)(6) its driver is

(b)(6)

4/ Ham-V was driving from Tuz to Suleiman Bag and Car No

(b)(6)

was driving from Suleiman Bag to Tuz. 5/ The cause

of accident was Ham-V was driving in the middle of the road

but the car No (b)(6) was driving on its side and the

site of accident was on side specified to Nissan car.

6/ The rate of deficiency: Ham-V driver bears $\frac{80}{100}\%$ of it and the driver of car No (b)(6) bears $\frac{20}{100}\%$

7/ The accident resulted in ~~injury~~ death of two guys and three

from passengers of Nissan car were ~~in~~ injured.

Signed by
Traffic LTC

(b)(6)

The Sector Commanding
4/11/05

Signed and Sealed by
Suleiman Bag Police
Station

LIT

(b)(6)

CENTCOM 002641

Blank lined page with three hole punches on the left side.



Page 66 redacted for the following reason:

Foreign Language, (b)(6)

Foreign Language Text, Illegible Text

Page 68 redacted for the following reason:

Foreign Language, (b)(6)



CENTCOM 002646

Foreign Language Text, (b)(6)

Foreign Language Text, Illegible Text



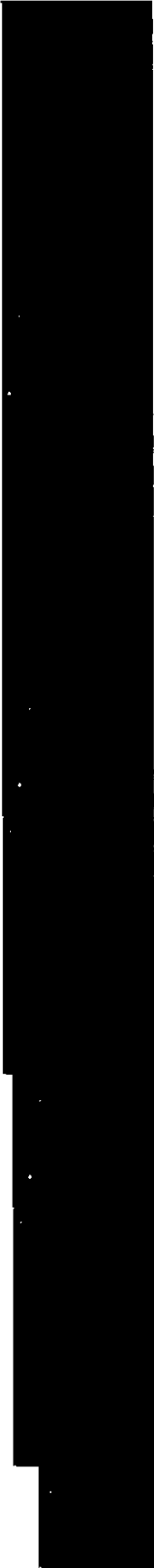
CENTCOM 002648

Foreign Language Text, (b)(6)

CENTCOM 002649

24622

Foreign Language Text



CENTCOM 002650

The Investigation office in Kifree 9th, 11, 2005

The statement of the claimant, (b)(6)
resident of (b)(6) County, she is housewife,
DOB: (b)(6), she states under swear:-

I wasn't in the location of the accident and all
I know that an American ^{army} vehicle belongs to Conway,
driven by an American soldier hit my son's car

my son (b)(6) and my son (b)(6)
was with him (b)(6) and also (b)(6)

(b)(6) and the accident led to death my son
(b)(6) and my relative (b)(6)

and all who were inside the car were injured, the ~~was~~
~~car~~ car was Nissan belongs to my son and then
I ask all my legal rights and she answered when
she was questioned that her son is married
and he has (b)(6) children, the older one is (b)(6) years
old.

Signed by

The investigator

(b)(6)

Page 76 redacted for the following reason:

Foreign Language, (b)(6)

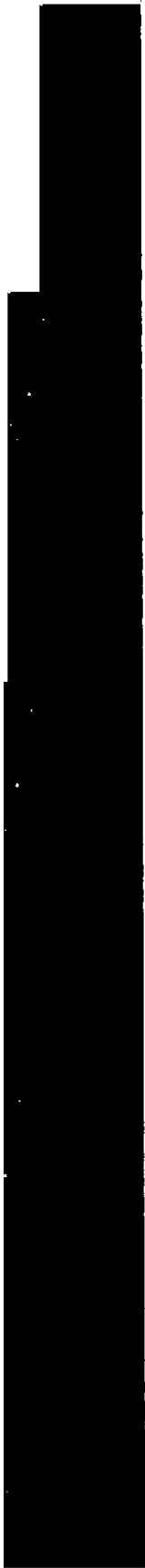
Foreign Language Text

CENTCOM 002654

24627

Page 78 redacted for the following reason:

Foreign Language, (b)(6)



Ministry of Health

Republic of Iraq

Justice Medical Inspection Section

I'm signed below Dr:

(b)(6)

I have made

a medical inspection for the dead body

(b)(6)

on 3rd/11/05

and the result is:

age: (b)(6), sex: male, length:

(b)(6)

skin: brown

hair: dark, eyes: black

The external damages:

1. signs in his face.
2. injury length 5cm, width 1cm under his face.
3. Fracture under his face.
4. breaking the lower teeth.
5. Fracture in his chest with signs of severe bleeding in his chest.
6. Severe bleeding in his mouth.
7. dislocated his upper part of his leg.
8. Fracture in his right arm.
9. Fracture in his left arm.

The reason of his death: Severe bleeding in his chest because of external force.

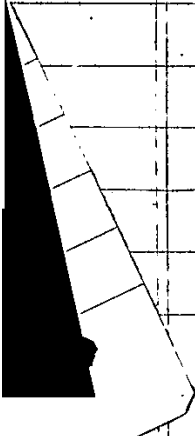
signed by

Dr:

(b)(6)

CENTCOM 002657

Blank lined page with three hole punches on the left side.



Pages 82 through 83 redacted for the following reasons:

Foreign Language, (b)(6)

Health of Ministry
Kivukuk Health Office

No. (b)(6)

Medical Report

Date: 9/11/2005 To: Sulaiman Beek Police Station

I signed below Dr. (b)(6) I have

made the medical check for the dead body (b)(6)

(b)(6) on 3rd/11/2005 and the result is:

age: (b)(6) / sex: male / length: (b)(6) / skin: white

hair: black, eyes: black

The external damages:

1. signs of bleeding in his ear and nose
2. signs of contusions in his face, chest and upper and lower limbs
3. Swelling his right leg with appearing the bone
3. Broken in his skull with signs of bleeding in brain
- * Fracture in his right arm
- * Fracture in his right leg

The reason of the death: bleeding in brain because of the skull breaking ~~because~~ caused of external force

Signed by

D:

(b)(6)

Pages 86 through 88 redacted for the following reasons:

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

Foreign Language Text, Illegible Text

CENTCOM 002666

Car Inspection Form

No: (b)(6)

Serial: (b)(6)

(b)(6)

Date: 1 / 11 / 20 5

The inspection was made on the car no. (b)(6) Nissan pick-up

model: 2002.

Engine no:

(b)(6)

Stasec no

Color: white

Driver's name:-

(b)(6)

Condition:- Damaged totally.

The damages
damages

1- The reason of the accident is because of an accident with CF.

2- The car is completely damaged because of strong car crash with one of the Coalition Forces vehicles. The engine, the gear and the whole body of the car are damaged completely and they are unable to be fixed.

The total value of the damages is \$ 12,000

signed by

(b)(6)

Tuz Courthouse estimator


Page 91 redacted for the following reason:

Foreign Language, (b)(6)

Foreign Language Text, Illegible Text

CENTCOM 002669

N-00 DUMT

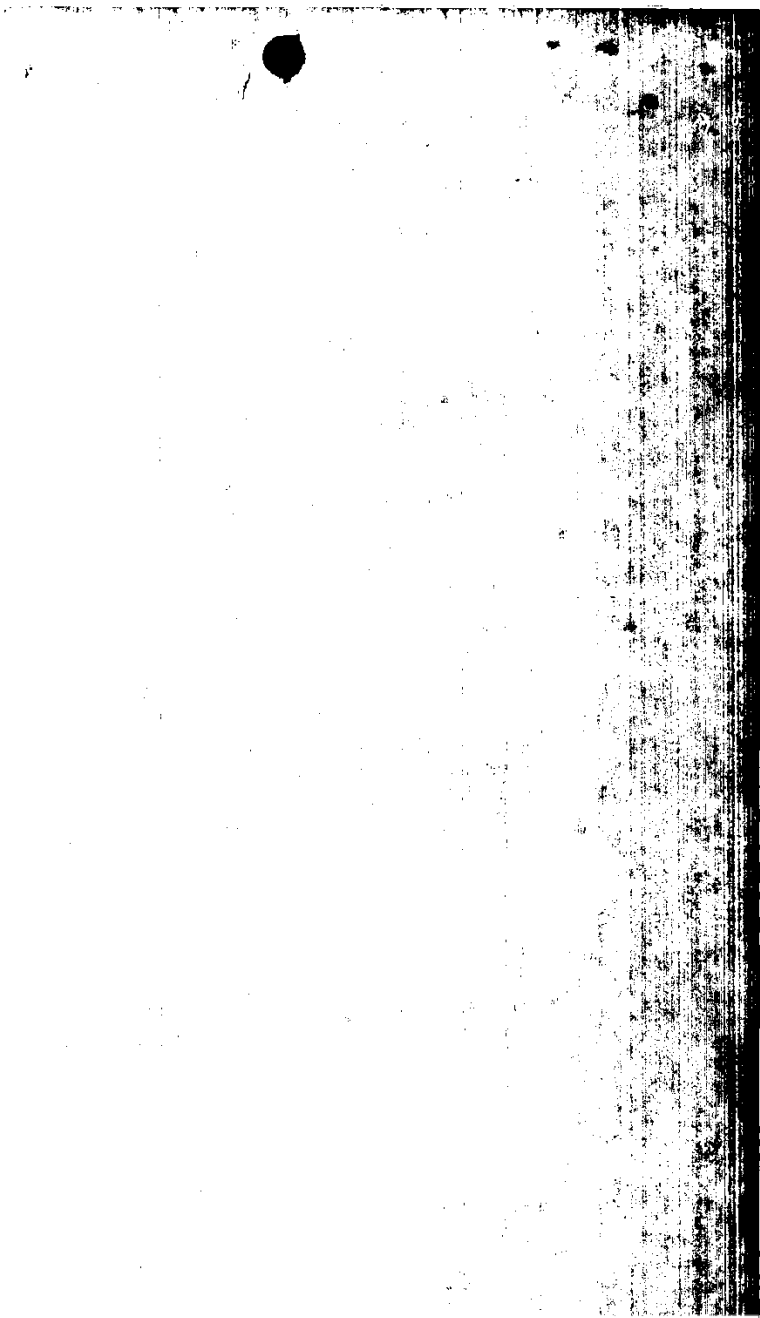
 16-Nov-05	2-320th FA (Balls), 1st BCT, 101st Abn Div (AASLT) - FOB Bernstein	MAJ Named 3)(c)
--	---	-----------------------

(b)(6)

(b)(3),(b)(6), Nonresponsive, (b)(2)High

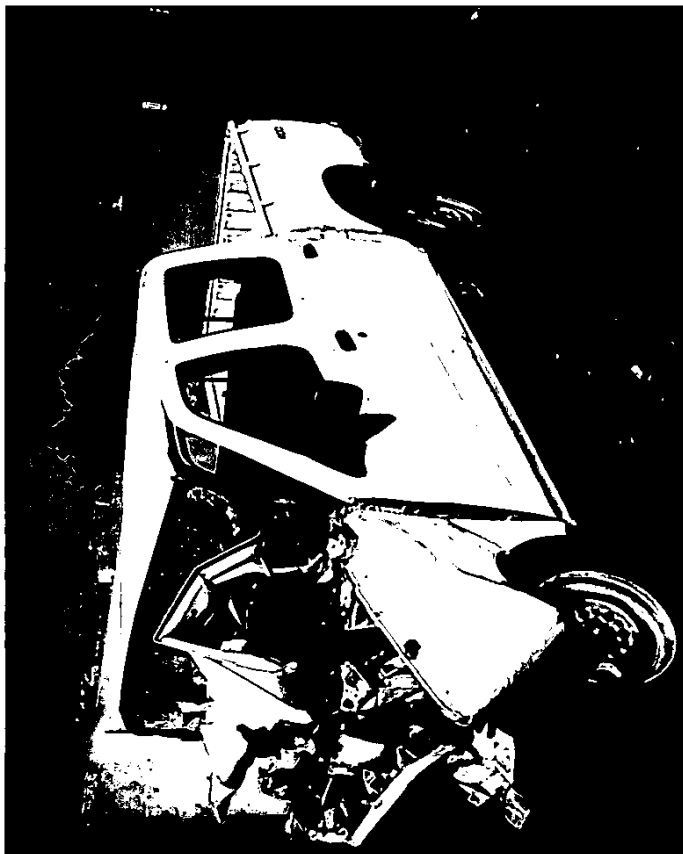
Death	03-Nov-05	\$5,000.00	\$2,500 to each family. An element of 2-320th was on combat patrol outside TUZ and was involved in an accident with the IN vehicle. Head-on collision with CF convoy. Note the two dead were in the front seat. <i>Three passengers in back seat were also injured.</i> Injured treated at TUZ hospital and then evacuated to Kirkuk for treatment.
-------	-----------	------------	---

(b)(3),(b)(6), (b)(2)High, Nonresponsive



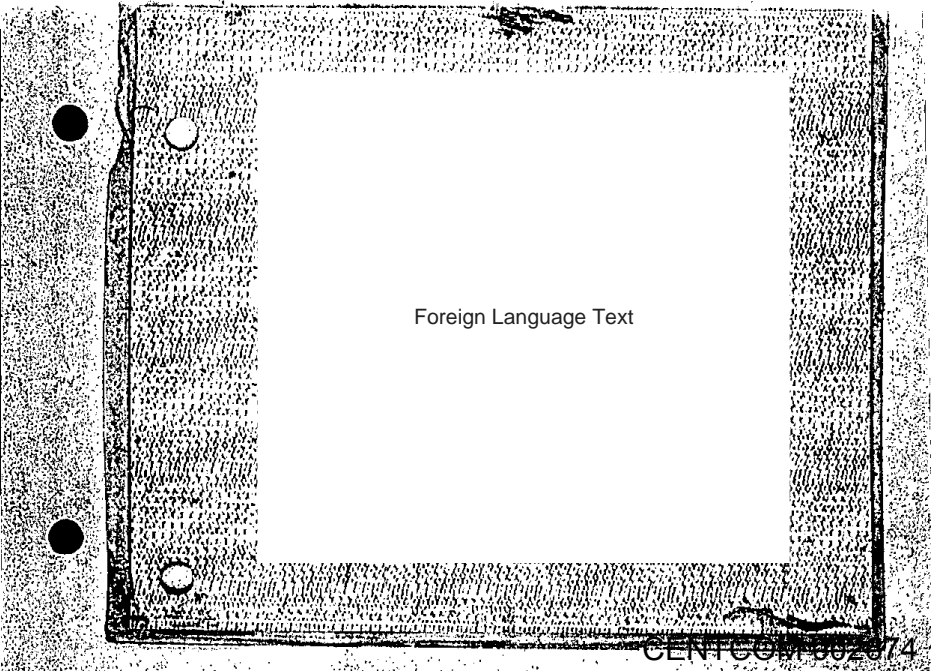
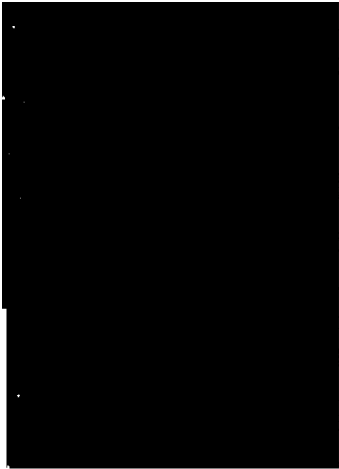
gible Text, Nonrespons

CENTCOM



Page 96 redacted for the following reason:

Foreign Language, (b)(6)



CENTCOM 662 874

24644

Delivery Vehicles Registration Card

No: (b)(6)

Full name:

(b)(6)

Address 1-

Kind of the car:- Nissan / pick-up / Double doors / (b)(6)

No of the car:

(b)(6)

Shaseeno:

Color: white

Date: 12/10/2003

CENTCOM 002675

24645



24646

CENTCOM 002676