

✓ 06-IV6-70011

✓  
CENTCOM 002839

06-IV6-

24934

**CLAIMS CHRONOLOGY SHEET**

CLAIMANT'S NAME: \_\_\_\_\_ (b)(6)  
 FILE NUMBER: ~~06-IV6-70011~~ ✓ 06-IV6-70011  
 AMOUNT CLAIMED: \$ 27,000- AT: \_\_\_\_\_  
 DATE OF INCIDENT: 10 SEP 05 DATE CLAIM FILED: \_\_\_\_\_

DATE	STATUS OF CASE	FOLLOW-UP DATE
5 DEC 05	Logged in. To CPT (3),(b) for review	
8 DEC 05	Reviewed. waiting for more info	
3 JAN 06	Reviewed. denied	(b)(3),(b)(6)
2 FEB 06	LOGGED TO CPT (3),(b) FOR SIGNATURE	
3 FEB 06	Signed	



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

REPLY TO  
ATTENTION OF:

FCC IV6

2 February 2006

CLAIM OF: (b)(6)  
CLAIM NUMBER: 06-IV6-T0011

Dear Sir or Ma'am:

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

Foreign Claims Commission (FCC) IV6 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 complained of was made within the scope of employment.

FCC IV6 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. This claim was determined to be a combat action.

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.

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

CPT, U.S. Army  
FCC IV6  
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CENTCOM 002841

06-IV6-



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

REPLY TO  
ATTENTION OF:

FICI-JA

Claim of Abdul Ajeer Mashkour, 06-IV6-T0011

ACTION

1. Facts: The claimant alleges that on 10 September 2005, Coalition forces killed his son in an escalation of force and destroyed his vehicle. The amount requested in damages is \$27,000.
2. Opinion: The FCA permits compensation for damages caused by the negligent and wrongful acts of US forces. This claim was determined to be a combat action.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: The claim is therefore denied.

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

CPT, JA  
FCC IV6

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06-IV6-

24937

UNITED STATES ARMED FORCES CLAIMS FORM

I. TO: United States Army Foreign Claims Commission Today's Date: \_\_\_\_\_

II. FROM: Name (English): \_\_\_\_\_ (b)(6)

Name (Arabic) \_\_\_\_\_ Foreign Language, (b)(6)

(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: \_\_\_\_\_ (b)(6)

(c) DETAINEE IDENTIFICATION NUMBER: \_\_\_\_\_

III. ADDRESS of person filing claim:

(English): \_\_\_\_\_

(Arabic): \_\_\_\_\_ Foreign Language, (b)(6)

IV. HOME OR CELL PHONE NUMBER: \_\_\_\_\_ (b)(6)

(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 Iraq

(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: his dead son (b)(6)

(d) The incident happened on Sep. 10. 2005 at Al-Ramadi  
(Date) (city/town/neighborhood/highway name & number)

V. The facts of the incident are as follows: According to his speech, His  
dead son (b)(6) was coming from Jordan  
and near Al-Ramadi there was a U.S. military  
camp, they shoot Mr. (b)(6) and killed him, burned  
burn his car completely. They took his body  
and after that delivered to the family.  
He was (b)(6) and supporting  
his family.

[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**

VI. The following is a detailed list of what was damaged or destroyed and the estimates for repair if damaged and replacement if destroyed:

ITEM	PRICE
1 Death of his son	10,000
2 Burn his car	17,000
TOTAL \$ 27,000	

(a) I had insurance for the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) My insurer is: \_\_\_\_\_

VII. My total claim in U.S. Dollars against the United States Government is: \$ 27,000 and in Iraqi Dinars is: \_\_\_\_\_

**\*\*\*CLAIM WILL NOT BE VALID IF US DOLLAR AMOUNT IS LEFT BLANK\*\*\***

This is my total claim resulting from this incident. I understand that if I accept a settlement of this claim that I will not receive any other money for this incident. I also understand that if my claim is denied, I will have the opportunity to appeal the decision but will likely need to provide new evidence in order to have my claim approved.

(b)(6), Foreign Language Text

(Signature of Claimant)

**\*\*\*CLAIM WILL NOT BE VALID IF SIGNATURE IS LEFT BLANK\*\*\***

The claimant was assisted in completing this claim form by:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Contact Information: e-mail, address, DSN/DNVT, etc.)

Foreign Language Text, (b)(6)

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06-IV6-

24940



HEADQUARTERS  
MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342  
IB7

REPLY TO  
ATTENTION OF:

(اف سي سي) \ اى بى 7

.....

Foreign Language Text, (b)(6)

موضوع: مطلب من/

.....

رقم المطلب / .....

السيد العزيز أو السيدة العزيزة،

بعد التحية

هذا اشعار لتشريع قرار ادارى نهائى للمطلب من طرفكم ضد الولايات المتحدة.

لجنة المطالبات للاجانب (اف سي سي) \ اى بى 7، قامت بالتحقيق و دراسة المطلب من طرفكم تحت قانون المطالبات الأجنبية (اف سي سي اية) فصل - 10 من شيفرة الولايات المتحدة، قسم 2734. كإداء من قواعد تنسيق الجيش الأمريكى / ( اية ار) 27-20، فصل 10. المطلب يخضع تحت (اف سي سي اية) لثنون المقيمين فى العراق. القانون الفيدرالى المدنى للمطالب فصل - 28 من شيفرة الولايات المتحدة، قسم 2680 (ك)، لا ينطبق عليه لأنه يمنع أى مطالب فى دول أجنبية تحت (اف سي سي اية) بسبب الوفاة او ضرر شخصى حدث بالتهاون او الأهمال فى مجال العمل.

لجنة المطالبات للاجانب (اف سي سي) \ اى بى 7 فحصت كل البيانات الخاصة بمطلبك و المستندات الخاصة بالمطلب و قامت بالتحقيق فى المطلب. و بأفضل المقاييس و التقديرات و بمراعاة المعلومات الموجودة فى المطلب و دراستها بدقة. بناء عليه اللجنة قررت التالى:

مع الأسف ان مطلبك قد رفض. قانون (اف سي سي اية) لا يسمح بصرف او دفع اى مبلغ فى مطلب مرفوض بطريق مباشر او غير مباشر وقت الحرب، طالما ان الجنود الامريكان لم يقوموا بأى عمل غير شرعى او اهمال او تقصير من جانبهم و كان عملهم مبرر خلال الحرب. اضافة على ذلك لم تقوم بتقديم اثبات اية ادلة بان القوات الامريكية قامت عمدا بقصف او تدمير الممتلكات لديكم خلال حرب تحرير العراق، فعلمهم كان ضرورى و لا بد منه و لا يمكن تفادية. بناء على ذلك المطلب رفض.

لو لم توافق او الأمر يثير الاستياء للقرار، تحت قواعد تنسيق الجيش الأمريكى ( اية ار) 27-20. يمنحك الحق بالقيام بطلب التماس للنظر فى مطلبك مرة أخرى. فى حالة دراسة المطلب مرة أخرى من فضلك اعطنا اية معلومات جديدة و اضافية و اساسية و مادية لتدعم طلب اعادة النظر فى مطلبك مرة أخرى.

طلب الألتماس لا يوجد شكل محدد او معين له، لكن أشرح فى الألتماس الأساس الشرعى و الواقعى للنظر فى طلب الألتماس مع المعلومات الإضافية و الأساسية و المادية للنظر فى الألتماس مرة أخرى. أى طلب الألتماس المفروض تقديمه فى مدة أقصاها ثلاثون يوما (30) من استلام الخطاب. تحت القانون القرار حاسم و نهائى من جانب لجنة المطالبات للاجانب.

مع الاحترام و التقدير.

نقيب فى الجيش الأمريكى  
(اف سي سي) \ اى بى 7

CENTCOM 002846

06-IV6-

24941



FOREIGN CLAIMS WORKSHEET

Amount Claimed: \$ 27,000.00

Date Reviewed: 8 DEC 05

Date of Incident: 10 SEP 05

3 JAN

Pay: \$ \_\_\_\_\_

Deny: Combat Exclusion

Need more info: \_\_\_\_\_

Need more translation: \_\_\_\_\_

NOTES:

Sounds like it could be combat excluded. LN was  
killed by a convoy on 10 SEP 05, during an  
Escalation of Force.

I performed a White Pages search + emailed the  
only CPT (b)(3),(b)(6) waiting for a response.

- 3 JAN - Finally found the correct CPT (b)(3),(b)(6). I think  
waiting for a response.

3 JAN - Spoke w/ CPT (b)(3),(b)(6) + he said it was a  
justified escalation of force.

CENTCOM 002847

06-IV6-



REPLY TO  
ATTENTION OF:

JOINT COORDINATION CENTER  
2nd BRIGADE COMBAT TEAM  
AR RAMADI, IRAQ  
APO AE 09395

23 September 2005

MEMORANDUM FOR: 2BCT UNITS

SUBJECT: Escalation of force

1. (b)(6) was killed during an escalation of force on 10 SEP 2005 while driving a white (b)(6) GMC truck. The truck was also destroyed in the incident.

2. POC for this memorandum is Strike Juliet 2BCT command net, or (b)(2)High local.

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

Ar Ramadi JCC

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Pages 12 through 17 redacted for the following reasons:

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Foreign Language Text, (b)(6)

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Page 19 redacted for the following reason:

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Foreign Language Text

Foreign Language Text; (b)(6)

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Pages 21 through 28 redacted for the following reasons:

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(b)(6)

Foreign Language Text, (b)(6)

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Pages 30 through 31 redacted for the following reasons:

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Foreign Language Text

06-IV6-T0011-00030

24951

Foreign Language Text

CENTCOM 002870

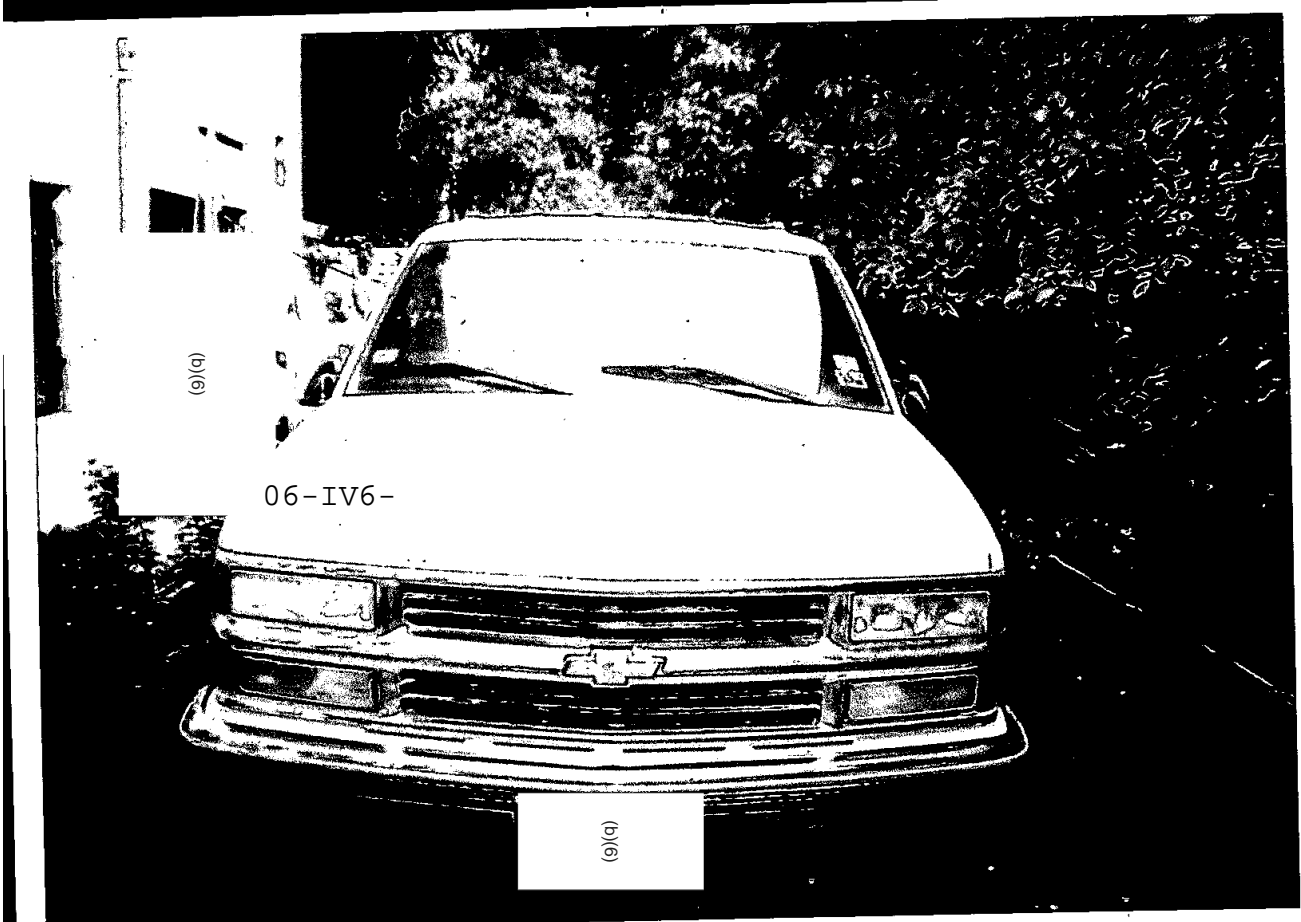
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24952

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24953



24954

Foreign Language Text

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CENTCOM 002873

06-IV6-

CENTCOM 002874