

DEPARTMENT OF THE ARMY

3rd Infantry Brigade Combat Team Command Judge Advocate 3rd Infantry Brigade Combat Team FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

14 December 2006

SUBJECT: Claim of

(b)(6)

07-I14-T065

1. Claimants name and address

(b)(6)

Kirkuk, Iraq.

- Incident date and place the incident occurred giving rise to the claim: Incident occurred on 27 August 2006 in Kirkuk, Iraq.
- Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 4 December 2006.
- 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; claim filed for a wrongful death.

5. Facts:

- a. (b)(6) claims that on 27 August 2006, the ESU and CF shot the claimant's son when he ran away because he was a gas smuggler but the CF thought he was a terrorist.
- b. There was a coroner report and a witness statement included in the submitted claim.
- c. The incident was able to be verified by the unit responsible.

6. Opinion:

a. In order to form a basis for a claim under the FCA, the incident has to occur outside of the United States and be from either non-combat activities of the U.S. Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. APVG-ZZO-JA

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(b)(6)

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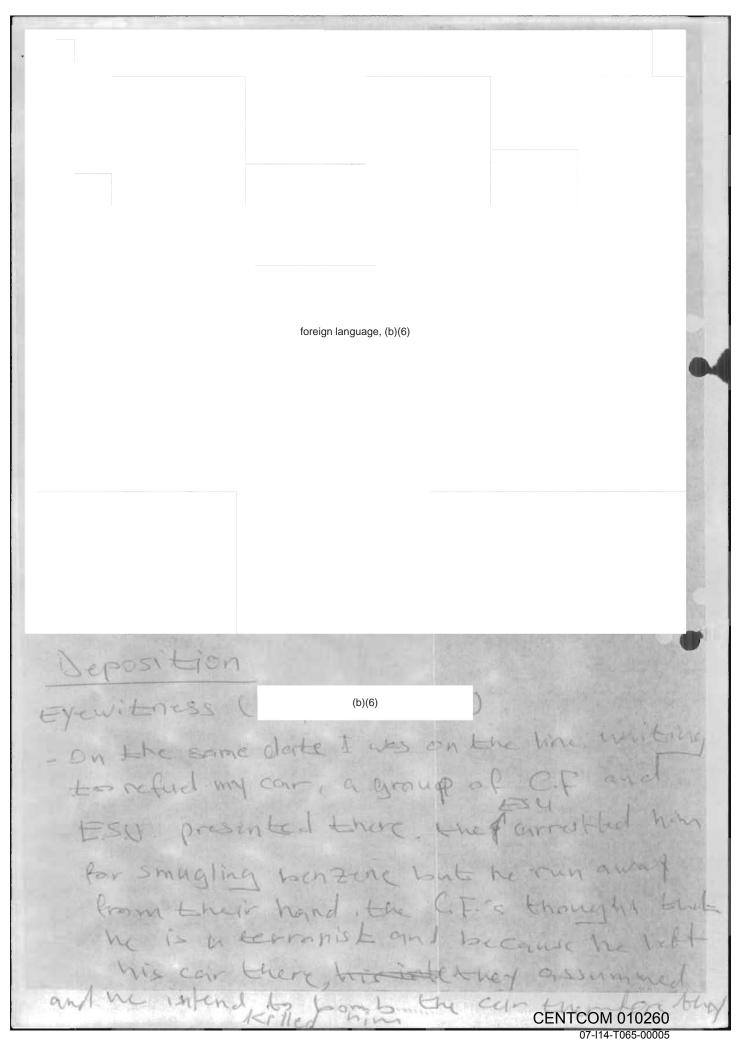
- b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Any appeal must be submitted within 30 days.
- Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently
 this claim for \$2,500.00 is denied.

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

CPT, JA Foreign Claims Commissioner

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| CLAIM FOR DAMAGE .OR INJURY DEATH | | instruct | INSTRUCTION: Please read carefully the instruction on the reverse side and supply? information requested on both sides of this form .Use additional sheets (s) | | | |
| Lsubmitt to appropriate A | gency | | | & Address | | |
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| 10 | Person | al injury/wr | ongfully dea | th | | |
| Wrongfully killing | | | | | | |
| | | WIT | NESSES | | | |
| NAME | | | ADDRESS | | | |
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| 13a.SIGNATURE OF CLAIMANT (b)(6) | | | 3b.Phone number of signatory (b)(2)High 14c.Date of 29-11-06 | | | |
| CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM | | | CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS | | | |

| 4. 经有限的工作中的证据是是一个10km的世纪的 | |
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| CORONER REPORT | 27-0806 |
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| | 07-I14-T065-00004 |



Page 6 redacted for the following reason:
(b)6 Foreign Language

CLARM NUMBER: 07-114-1 065

| DATE | REMARKS | INITIALS | |
|-----------|--|--------------|--|
| 4 Dec 06 | Open CERP paperwork is made because the 33bcT XO did not approve for the CERP | | |
| 70ec 06 | CERP paperwork is made | o)(3), (b)(6 | |
| 14 pec 00 | Penial paperwork is made because the 33BCT | | |
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(b)(3), (b)(6)

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