

(b) (3) (b)

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



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

17 August 2007

MEMORANDUM OF OPINION

SUBJECT: Appeal of Claim of (b)(6) (b)(6) 07-I14-T260

1. Claimants name and address: (b)(6) (b)(6) (b)(6), Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 29 October 2006 in Hawija, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$3,230.00 on 18 June 2007.
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; claim filed for death of a local national and property damage.
5. Facts:
 - a. (b)(6) (b)(6) claims that on 29 October 2006, CF raided her home, damaged certain property, and killed her husband in defense.
 - b. There was a death certificate, a power of attorney, estimates, photographs, and witness statements 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

SUBJECT: Appeal of Claim of (b)(6) (b)(6) 07-I14-T260

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.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this appeal for \$3,230.00 is denied.

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

CPT, JA
Foreign Claims Commissioner



Pages 4 through 6 redacted for the following reasons:

(b)6 Foreign Language
Already Reviewed and Redacted for Release

To/ Government building of (b)(2) High

Title/ Compensation

We certified that (b)(6) (b)(6) has been killed by Coalition forces in his house during raid .

ITC
(b)(6) (b)(6)

(b)(6) (b)(6)



Page 8 redacted for the following reason:

(b)6 Foreign Language

Local province / (b)(2)High
(b)(2)High

To Government of (b)(2)High Claim office

Title/ compensation

We certified that (b)(6) (b)(6) has been killed by coalition forces in his house during raid.

President local of Hawija

(b)(6)
(b)(6)



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

24 June 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) (b)(6) 07-I14-T260

1. Claimants name and address: (b)(6) (b)(6) (b)(2) High Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 29 October 2006 in (b)(2) High Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$3,230.00 on 18 June 2007.
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; claim filed for death of a local national and property damage.
5. Facts:
 - a. (b)(6) (b)(6) claims that on 29 October 2006, CF raided her home, damaged certain property, and killed her husband in defense.
 - b. There was a death certificate, a power of attorney, estimates, photographs, and witness statements 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

SUBJECT: Claim of (b)(6) (b)(6) 07-114-T260

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.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$3,230.00 is denied.

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

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

CPT, JA

Foreign Claims Commissioner

CENTCOM 019754

07-114-T260-00011

29 October 2006

SENT 0145 #2001

At 290015OCT06 2-27 IN reports SAF in the (b)(2)High province in the city of (b)(2)High at (b)(2)High A/2-27 IN reported 1x suspected AIF killed, 4x suspected AIF detained and brought to FOB McHenry. **UPDATE 0315:** 3/A/2-27 reports that while conducting a (b)(2)High of a house in the (b)(2)High sector of (b)(2)High search of a battalion target one MAM pointed a 9mm pistol at a CF soldier's face and attempted to engage. The MAM's weapon did not fire and CF returned fire. MAM was shot once in the arm and once in the chest. 3/A/2-27 immediately conducted 1st aid and had IP EVAC the MAM to the JCC. Another individual in the house fled by jumping from the second story onto a shed in the neighbor's yard and headed north. 3/A/2-27 went after the individual and found a nearby house with the back door open and 3 MAMs and one elderly man, all initially reported as detained and then released. They were questioned by 3/A/2-27 and THT. They were a family who lived nearby and said the MAM at the first house moved in a few months ago and they do not know who he is. 3/A/2-27 conducted SSE of the MAM's house and collected the weapon, cell phone, picture albums, and a small medical cache. CLOSED 280335OCT06

**CLAIM FOR DAMAGE .OR
INJURY DEATH**

INSTRUCTION: Please read carefully the instruction on the reverse side and supply information requested on both sides of this form .Use additional sheets (s)

person
From
approve
MBC

1.submitt to appropriate Agency (b)(6)		2-.Name of claimants & Address (b)(6) (b)(6) (b)(2)High POA (b)(6) (b)(6) (b)(2)High	
3.TYPE OF EMPLOYEE	4.DATE OF BIRTH (b)(6)	5.MARITAL STATUS. Married	6.DATE& DAY OF ACCIDENT 29 th Oct.06
		TIME: 1:00 PM	

On 29th Oct.06 at 1:00 PM a CFS of six vehicles raid the claimant house down in (b)(2)High after knocking the door the claimant was up to open, the solders open fired and killed him right away, the CFS convoy took the killed body with them to Hawija Fob, the same night the body transferred to (b)(2)High Police Department. During the raid CFS made little damages to the claimant's house.

9. Furniture, TV, Satallitte . **PROPERTY DAMAGE**
NAME AND ADDRESS OF OWNER THAN CLAIMANT (NUMBER, street, city, state, city, state, and, zip code)
(b)(6) (b)(6) (b)(6) /Hawija/Qadesya.

De

10 (b)(6) (b)(6) **Personal injury/wrongfully death**

WITNESSES

NAME	ADDRESS
(b)(6) (b)(6)	(b)(6) (b)(6)

Amount of claim (IN Dollars)

12A PROPERTY 920,000 ID	12b PERSONAL INJURY	12c WRONGFUL DEATH	12A 920,000 ID
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I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a.SIGNATURE OF CLAIMANT (b)(6) (b)(6)	13b.Phone number of signatory (b)(6) (b)(6)	14c.Date of claim 12 th Jun.07
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CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM	CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS
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Health department: (b)(2)High
(b)(2)High

Number: (b)(6)

Date: 21-10-2006

Deceased name: (b)(6) (b)(6)

Sex: Male

Nationality: Iraqi

Religious: Muslim

Job: Daily

Statuses: Married

Birth date: (b)(6)
(b)(6)

Date of death: 29-10-2006

Place of death: (b)(2)High
(b)(2)High

Reason of death:

Fathers name: (b)(6) (b)(6)

Signed by: (b)(6)
(b)(6)

on 9TH DEC.06



Pages 15 through 16 redacted for the following reasons:

(b)6 Foreign Language

PRIVATE POA

I am (b)(6) (b)(6) appointed (b)(6) (b)(6) private power of attorney

according to this POA I entitled him verbally and actionably to conduct all the rights I have in the courthouses or in any governmental bureau ,also entitled him to claim and disclaim or to appeal according to this a POA.

Defendants signatures

His name (b)(6) (b)(6)

Address (b)(2) High (b)(2) High

ID# :

I am the notary public recognized preceding power of attorney given me by , to retain Mrs.

For that reason, I approved it and authenticate it.

Notary public's signature

First and middle name:

Date: 16-5-2007

Undersigned by retainer &entitled



Page 18 redacted for the following reason:

(b)6 Foreign Language

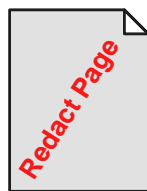
Witness Statement

On 29th Oct. 06 at 1:00 PM a CFS of six Vehicles raid the claimant house down in (b)(2) High after knocking the door the claimant was up to open, the solders open fired and killed him right away , the CFS convoy took the killed body with them to Hawija fob the same night the body transferred to Hawija police Department. During the raid CFS *made little damages the claimant's house.*

Witness

(b) (6)

(b)(6)



Page 20 redacted for the following reason:

(b)6 Foreign Language

Witness Statement

On 29th Oct. 06 at 1:00 PM a CFS of six Vehicles raid the claimant house down in (b)(2)High after knocking the door the claimant was up to open, the solders open fired and killed him right away , the CFS convoy took the killed body with them to Hawija fob the same night the body transferred to Hawija police Department. During the raid CFS made little damages the claimant's house.

Witness

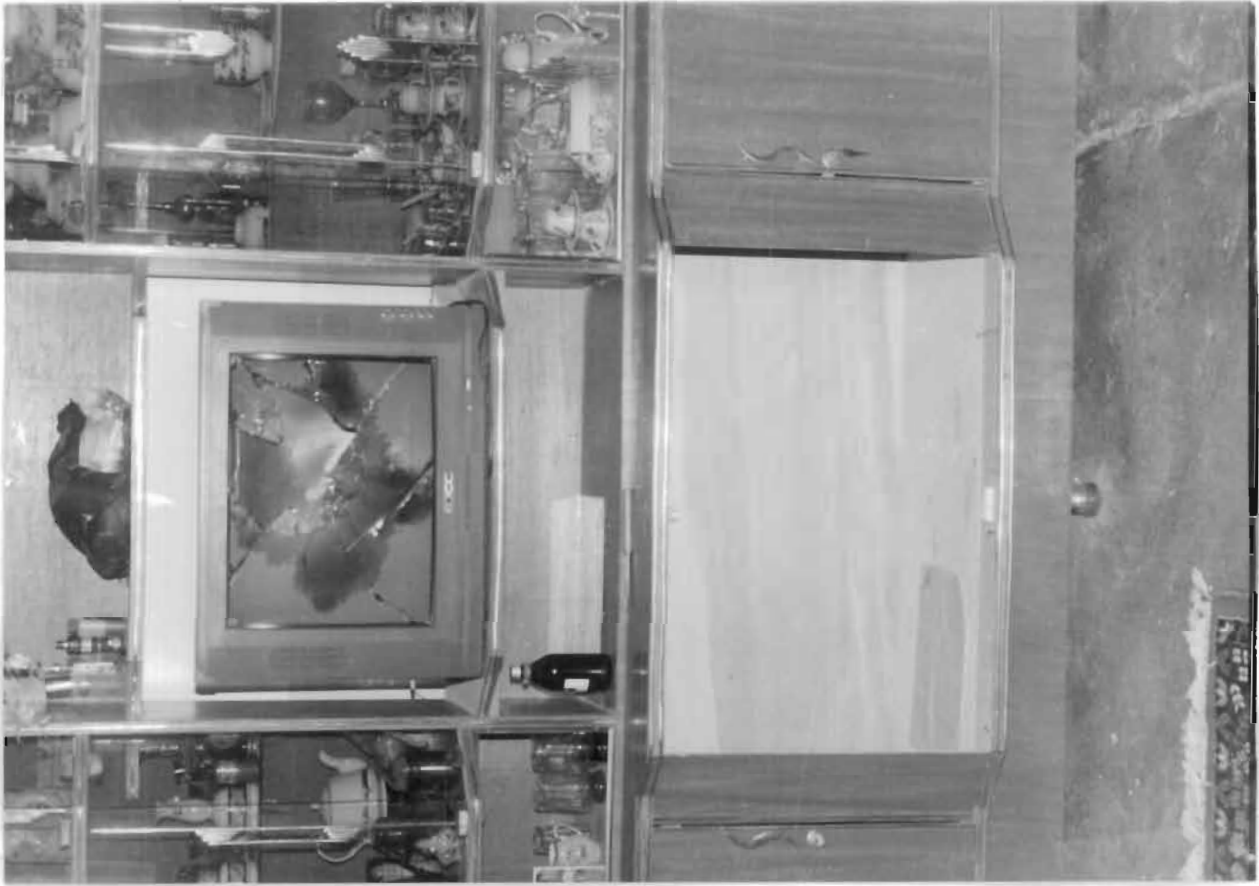
(b)(6)

(b)(6)



Page 22 redacted for the following reason:

(b)6 Foreign Language



CENTCOM 019766
25535

07-114-T260-00023

(b) (6)

(b)(6)

CLAIM NUMBER: 07-I14-T 260

DATE	REMARKS	INITIALS
18 Jun 07	Open, send RFI to 2-27	(b)(3)
24 Jun 07	Rec Denial, MAM attempted to shoot CF	b)(3), (b)(6)
17 Aug 07	Appealed. (b)(5) (b)(5)	(b)(3)