

(191)

07-I32-T145



Notified

10 Mar 08

07-132-T145

(b)(6)

(b)(6)

M71

* INPUT INTO JAGCME7
22 JAN 57

(b)(6)

13 Mar 08

DENIAL CLAIM FILE CHECKLIST

- Action Memo Denying the Claim
- Decision Memo
- Claim Summary Sheet
- Supporting Documents (ID Card, Ownership, Statements, etc.)



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF:

AFYB-JA

18 February 2008

MEMORANDUM OF OPINION

SUBJECT: Action on Claim of (b)(6)

1. Claimant's name and address: (b)(6)
2. Date and place the incident occurred giving rise to the claim: Incident occurred on 14 November 2005, in Aldora on the road from Baghdad, Iraq.
3. Amount of claim and the date it was filed: Claimant filed a claim in the amount \$50,000 on 21 September 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 personal injury.

5. Facts:

A minibus was driving from Baghdad to Aldora. When it arrived in Aldora an American tank hit the minibus killing some passengers and injuring others. This claimant filed a claim for \$50,000 claiming broken hands and bruises to his chest.

6. Opinion:

a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. Additionally, a settlement authority may pay a claim even if injury results from a criminal act clearly outside the scope of employment. See AR 27-20, para 10-3a.

b. It is our opinion that this claim cannot be approved because there is not enough evidence to establish that the harm was caused by non-combat activities or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. Our information states that all claimants and their families of this accident have been paid. If the claimant can provide additional evidence then he may resubmit his packet. Such additional evidence may include: proof of being in the minibus; a police report stating he was involved in the accident; a hospital bill in addition to the doctors note in the packet; or any other evidence bolstering the claim.

CENTCOM 010267

07-132-T145-00005

7. Action: This claim in the amount of \$50,000 is denied.

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

CPT, JA
IJ4

CPT, JA
IJ4

CPT, JA
IJ4



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

AFZN-BC-FCC

Claim of (b)(6) 07-I32-T145

ACTION

1. Facts: The claimant alleges that on 11 November 2005, his brother was killed in a vehicle accident involving US Forces.
2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.
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 I92

CENTCOM 010269
07-I32-T145-00007



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION-BAGHDAD
FOREIGN CLAIMS COMMISSION
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

March 11, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #07-I32-T145
Baghdad, Iraq

Dear Sir:

You have submitted a claim seeking compensation for the death of your brother in a vehicle accident with US Forces. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

I have reviewed all the information included in your claim and the evidence from the resulting investigation. Unfortunately, your claim is not compensable. After reviewing your claim, it was determined that there was no evidence that US Forces acted either negligently or wrongfully. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with Army Regulation 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within 30 days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

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

Captain, U.S. Army
Foreign Claims Commission I92

Resubmit

CLAIMS CHECKLIST

CLAIM NUMBER: _____

CLAIMANT'S NAME: (b)(6) F CLAIM: \$ 50,000

DATE OF INCIDENT: 11 Nov 05 DATE FILED: 21 Sep 06 DATE RECEIVED:
 ReFiled 19 May 07

CLAIM TYPE:

Vehicle Damage Detainee Property Damage During Raids

SAF Damage/Injury Real Estate Other *Death*

CLAIM AROSE FROM:

Combat Activities Non-combat Activities

CLAIM IS:

Payable Not Payable

BRIEF OVERVIEW:

Resubmit new evidence on Top

REMARKS:

Recommend Approval Denial *Still Deny.*

REVIEWED BY: SGT (b)(3)(b)(6) DATE REVIEWED: *20 May 07*

FCC COMMENTS

Forward back to division w/ new evidence

DATE APPROVED/ DENIED: _____

DENIED *Personally denied by* APPROVED

Denial Memo *SGT (b)(3)(b)(6) on* Amount Approved: _____

12 Mar 08

Approval Memo

Settlement Agreement

SF 1034

Disbursing Officer Memo



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF

AFVA-JA

26 December 2006

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of (b)(6)

1. Facts. A U.S. tank ran into a bus that the claimant's brother was driving on 16 November 2006. The accident killed the claimant's brother and some of the passengers. Claimant filed a claim for \$50,000 alleging that U.S. Forces are responsible for his brother's death.

2. Opinion. In order to form a basis for a claim under the Foreign Claims Act, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. It is our opinion that this claim cannot be approved because there is **not enough evidence** to establish that the harm was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. The claim is denied.

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

CPT, JA
FCC I28

CPT, JA
FCC I28

CW2, JA
FCC I28

Accident happened on 16/11/2006
first claim on 21/11/2006 all people
in the accident were compensated - the claimant
was sick at that time - He made a claim
later on 7/12/2006 it is deny on 5/2007
lack of evidence - He reconsideration and deny
too ✓

CENTCOM 010272

07-132-T145-00010

Dear Sir

1- on the date 4-10-2005 I had an infection in the car. the accident is the shock between our car with an american tank and as a result for this accident the passenger whom set beside me with two women are dead. also some of passengers had a simple infections. One of women named (b)(6) had subluxation in her leg and broken in and the american force got her to eben-sing hospital.

But for me they only exit me from broken car and leave me in the road until Iraqi police came and got me to Al-Yarmook hospital and after the checking for me they found the following

- a - broken in the right hand
- b - broken in the left hand
- c - bruises about in chest
- d - cerebral thrombosis
- e - hypertension
- f - amissibility

07901611026
07901168680

2 - The American force gave
for all passengers whom had simple
infections by (1500000) ID.

3 - For (b)(6) they gave her (8000000 ID)

4 - I still go to doctor (b)(6)
for treatment to (b)(6) and this
got from me big money and my
Salary is not good because I spent
all what I have for this treatment.

5 - I gave a request by a lawyer
(b)(6) and it lost
in your side. ever I gave another
one and you refuse it because
the inaccurate documents.
and this third one.

I wish you get my request
in your kindly.

Best Regards

(b)(6)

u-2007

full name

Foreign Language Text

*These Report
has been translated
in English
Please see the previous
paper in English*

Foreign Language Text

Foreign Language Text, (b)(6)

*has been translated
in English full story*

CENTCOM 010275

07-I32-T145-00013



4th Brigade Combat Team – Claims Info. Sheet
4th Infantry Division



(b)(6), (b)(2)High

Today's Date SEPT-11-2005

CLAIMANT NAME PHONE NUMBER DISTRICT: ADDRESS	(b)(6)	ID NUMBER	_____
Section:	<u>821</u>	Street:	<u>83</u>
House:	<u>12</u>	Other:	_____

CLAIM INFORMATION	<input checked="" type="checkbox"/> Injury	<input type="checkbox"/> Death	<input type="checkbox"/> FCA Damage
	<input type="checkbox"/> Confiscation	<input type="checkbox"/> Car;	<input type="checkbox"/> Weapon;
	<input type="checkbox"/> FCA/Solatia	<input type="checkbox"/> Real Estate	<input type="checkbox"/> Other _____
	<input type="checkbox"/> Reconsideration		
	<input type="checkbox"/> Shooting	<input type="checkbox"/> Bombing	<input type="checkbox"/> Raid
	<input type="checkbox"/> Vehicle Accident	<input type="checkbox"/> Arrest	<input type="checkbox"/> UXO/IED
	<input type="checkbox"/> Other		

DATE OF INCIDENT	<u>Nov-16-2005</u>	LOCATION OF INCIDENT	<u>Aldora</u>	AMOUNT CLAIMING	<u>\$ 50,000</u>
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FCA CLAIMS SUPPORTING DOCUMENTS	<input type="checkbox"/> Proof of Ownership	<input type="checkbox"/> Receipts	<input type="checkbox"/> Diagram	<input type="checkbox"/> Police Report	<input type="checkbox"/> Statements	<input type="checkbox"/> Pictures
	<input type="checkbox"/> US Note	<input type="checkbox"/> Hospital Report	<input type="checkbox"/> Judicial Decision			
	<input type="checkbox"/> Other :	_____				
	<input type="checkbox"/> Death Certificate	<input type="checkbox"/> Medical Reports	<input type="checkbox"/> Iraqi	<input type="checkbox"/> US	<input type="checkbox"/> US Note	<input type="checkbox"/> Division of Property Form from the court
	Name of Deceased:	_____	Age:	_____		
Marital Status:	<input type="checkbox"/> Single	<input type="checkbox"/> Married	(number of wives/kids _____, _____)			
Nature of injury:	_____					
	<input checked="" type="checkbox"/> Is it permanent?	_____				
	<input checked="" type="checkbox"/> Will injury require follow up surgeries?	_____				
	<input checked="" type="checkbox"/> Does this injury affect the individual's ability to earn a living?	_____				

GENERAL INFORMATION	<input checked="" type="checkbox"/> Are there any discrepancies in the evidence?	_____
	<input checked="" type="checkbox"/> Do the medical records confirm the "story"?	_____
	<input checked="" type="checkbox"/> Do the pictures confirm the "story"?	_____
	<input checked="" type="checkbox"/> Other notes regarding evidence:	_____
	<input checked="" type="checkbox"/> Is this related to any other claims?	_____

TRANSLATOR NOTES:	<u>The claimants said while they were coming from Alnaqut to Baghdad they in minibus when they arrived near Aldora the arabian tank was after them. The car and many people were dead and now he asking for compensation because he was paralyzed he couldn't coming and follow him claim -</u>
	Translator Estimate of damages: \$ _____

NCOIC NOTES	<u>Recommend Denial all minibus claimants were payed out already. Signal gave specific amount of civilians hurt or killed and all families have been paid.</u>
	(b)(3)(b)(6)

ATTORNEY NOTES	<input type="checkbox"/> Approved \$ _____	<input type="checkbox"/> Denied	(Circle) Evidence	Combat Ops	Other

Page 15 redacted for the following reason:

Nonresponsive, (b)(6)

The police officer inform the
- Judge about the owner statement.
The ownership of the Minibus said
that his car exposed to an accident
By American tank near Fob fallow on
11/4/2005 and some passenger were dead
And now the owner asking compensation
for his car damage -

The owner need copy of the Document
that he asked the police - The police
office gave him one.



Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

*The intercept indicates
that the policeman wrote down the
statement of claimant*

Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

The statement of the owner
of the Minibus.

His name (b)(6) He was born
on (b)(6) Helwan at (b)(6)

(b)(6) After the judge
know him by his ID he gave his statement.
He said that on 11/4/2005 his car # (b)(6)
(b)(6) type KIA Model (b)(6) exposed to
Accident by the one of American Tank on
the Main street between Baghdad and
Mohamoude a closed scania location.
At that time the car was driving by
Naem Shunshool, now he asking for
compensation for damage his Minibus, and he
would make a claim against American
forces.

and this was statement that what he
saying.

Foreign Language Text, (b)(6)

The state man of ^{The} owner of the car.
he add that in Nov-4-2006 his car exposed
to an accident crashing ^{by} American Tank, near
SRama location and the driver ^{was} ~~was~~ dead.
and the owner asking for compensation.

CENTCOM 010281
07-132-T145-00019

Full story of the
Accident

The patrol traffic found Minibus damage
By american tank on the high way (Jackson street)
Near Scania Company and the accident caused
Death of alot of people follow down their names.

(b)(6)

- 1-
- 2-
- 3-
- 4-

(b)(6)

5* And there were some person injured
follow down their names.

- 1-
- 2-
- 3-
- 4-
- 5-
- 6-
- 2-

(b)(6)

the police said that because the health of injured
very bad at that time so they couldnt
investigated of them. the doctor who treat

the injuries handed over his report -

The police wrote down the statement of

(b)(6)

and

(b)(6)

and they

linked with investigation papers -

The police exam location accident and diagram
too -

The send the car to the an Automatic
exam -

They examined the Bodies of victims and
send to the Medical Justice Institute -
So as to explain the reason of Dead -

(b)(6)

18/3/2017

Foreign Language Text, (b)(6)

with accident 4 person 0200

Language

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

eyes witness

He said while he was in the car
on the high way near Scania Company
American tank coming crashed Minibus
and caused alot of damage some people
were injured the other were dead
and he requir to made a claim aginst
to american forces.

The witness

(b)(6)

he was born in

(b)(6)

his work

(b)(6)

living in

(b)(6)

Foreign Language Text, (b)(6)

The policeman patrol told the police center
about the accident.

Foreign Language Text

The report from the Dr who treats the claimant
The report show that the Dr examined the claimant
on Nov/4/8005 at 16:00 Morning -
The claimant was conscious during time examining
All the activity was vital -
The abdomen was soft -

Name of Dr -

(b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

*Same as
Front*

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
MULTI-NATIONAL DIVISION-BAGHDAD
CAMP LIBERTY, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF

AFVA-JA

26 December 2006

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of (b)(6)

1. Facts. A U.S. tank ran into a bus that the claimant's brother was driving on 16 November 2006. The accident killed the claimant's brother and some of the passengers. Claimant filed a claim for \$50,000 alleging that U.S. Forces are responsible for his brother's death.

2. Opinion. In order to form a basis for a claim under the Foreign Claims Act, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. It is our opinion that this claim cannot be approved because there is **not enough evidence** to establish that the harm was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. The claim is denied.

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

CPT, JA
FCC I28

CPT, JA
FCC I28

CW2, JA
FCC I28

CENTCOM 010290

07-I32-T145-00028

Foreign Language Text, (b)(6)



Broken on the right hand side of the hand. Damage with nerves. too.

Broken on the left articulation on the back.

APR 15 This Report the amount was in hospital

the was at work

Broken on the right hand side of the hand.

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

Ration food

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

M. B. CH. B, DM, CABM. MRCP (London)
Consultant Neurologist

Foreign Language Text

Foreign Language Text

To whom it may concern,
this patient has got head
injury & got cerebral haematomas.
& was got epileptic attack
the last one was before 3 weeks
now, he is on Tegretol tab
20 mg a day with Mg 12 mg.

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

broken the bone on
the left hand and damage
nerve too.

his articulation back was broken
on the left rump.

till these notes
was in his

Foreign Language Text Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

(b)(6), Foreign Language Text

Foreign Language Text, (b)(6)

Page 36 redacted for the following reason:

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

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Pages 39 through 40 redacted for the following reasons:

(b)(6), Already Reviewed and Redacted for Release

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

The injuries handed over his report -

The police wrote down the statement of

(b)(6)

and

(b)(6)

and they

linked with investigation papers -

The police exam location accident and diagram
too -

The send the car to the PA Automatic
exam -

They examined the Bodies of victims and
send to the Medical Justice Institute
So as to explain the reason of death

(b)(6)

12/13/2007

Pages 42 through 44 redacted for the following reasons:

Already Reviewed and Redacted for Release, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

CENTCOM 010308

07-I32-T145-00046

25674

Page 47 redacted for the following reason:

Foreign Language Text

CLAIMS CHECKLIST

07-132-1145

CLAIM NUMBER: M71 AMOUNT OF CLAIM: \$50,000.00

CLAIMANT'S NAME: (b)(6)

DATE OF INCIDENT: 16Nov06 DATE FILED: DATE RECEIVED:

CLAIM TYPE:

Vehicle Damage Detainee Property Damage During Raids

SAF Damage/Injury Real Estate Other

CLAIM AROSE FROM:

Combat Activities Non-combat Activities

CLAIM IS:

Payable Not Payable

BRIEF OVERVIEW: On 16 November 2006 the claimant states that while his brother was driving a mini-bus, with passengers an American tank ran into the bus and killed the claimants brother and some of the passengers.

REMARKS: There are pictures of the bus, and it appears to have been hit by something large, there is no claims card in the packet, there is no death certificate for the claimants brother, and in the other claims info sheet, it states that from a SIGACT, all the families of the dead driver and passengers were paid already. I recommend that the claim be denied, due to lack of evidence from the claimant and that the family members were already paid. Unable to find ANY SIGACT for this event (b)(3)(b)(6)

REVIEWED BY: SPC McDowell, Sean DATE REVIEWED:

FCC COMMENTS

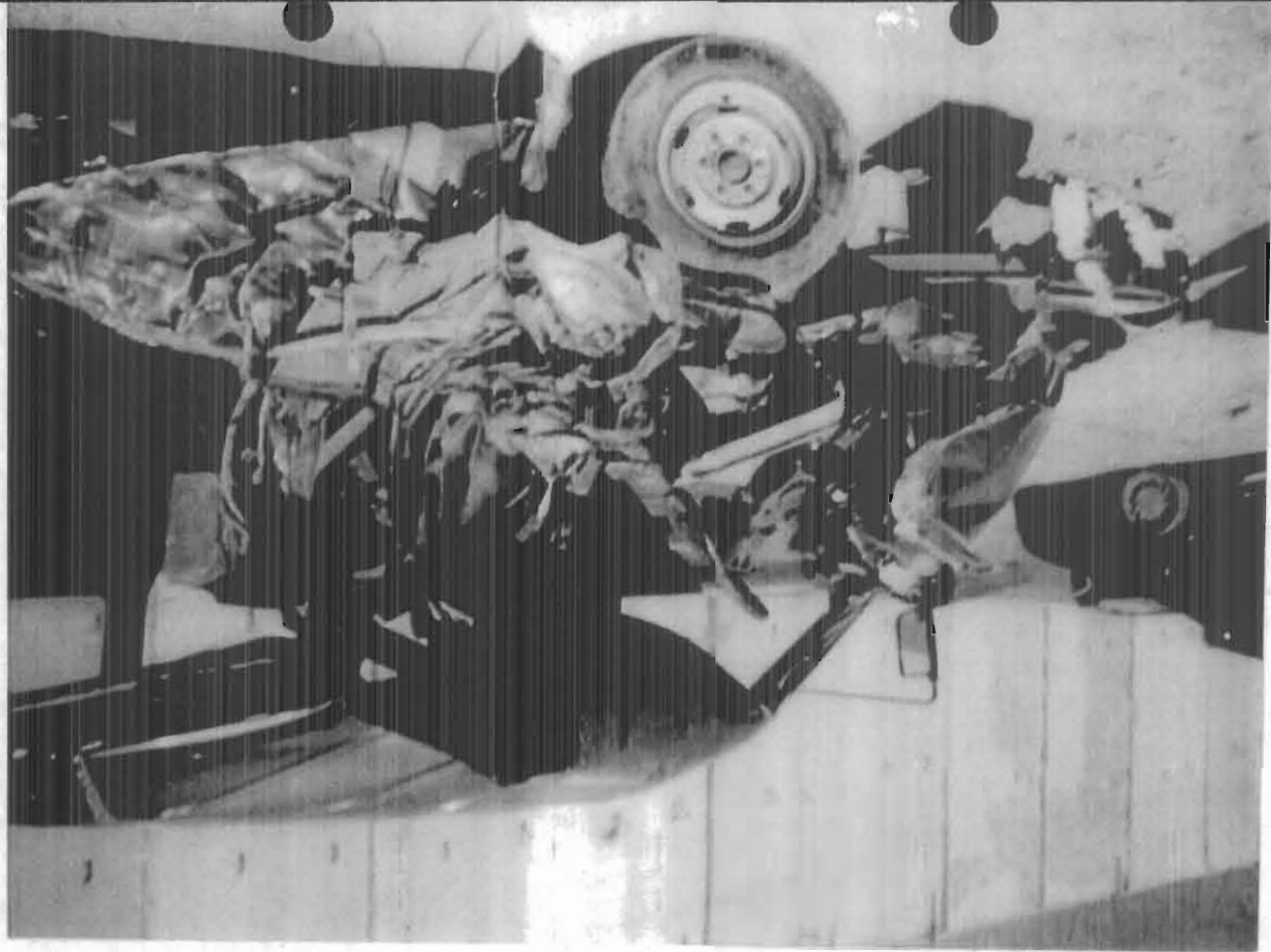
denied

DATE APPROVED/ DENIED: _____

- DENIED
- Denial Memo
- APPROVED
- Amount Approved: _____
- Approval Memo
- Settlement Agreement
- SF 1034
- Disbursing Officer Memo

Page 49 redacted for the following reason:

Already Reviewed and Redacted for Release, (b)(3), (b)(6)



Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)



(9)(q)



GENTCOM 010314

07-132-T145-00052

25680





25682

CENTCOM 010316
07-I32-T145-00054



(b)(6)



25684

CENTCOM 010318

07-I32-T145-00056



CENTCOM 010319

07-I32-T145-00057

25685



(b)(6)

CENTCOM 010320

07-I32-T145-00058

25686



(b)(6)

CENTCOM 010321

07-I32-T145-00059

25687



(b)(6)

CENTCOM 010322
07-I32-T145-00060

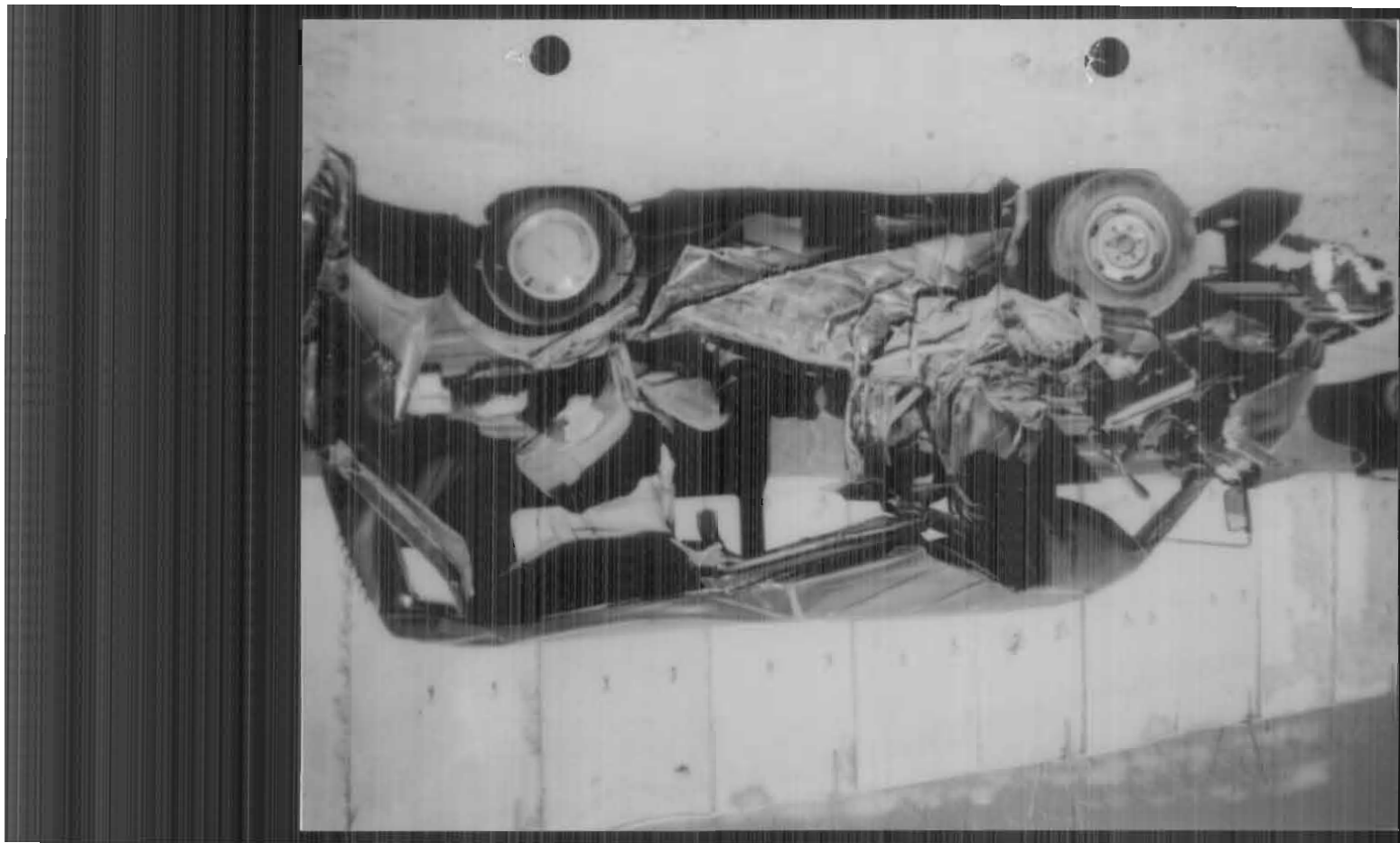
25688



(b)(6)

CENTCOM 010323
07-I32-T145-00061

25689



CENTCOM 010324

07-132-T145-00062

25690



CENTCOM 010325
07-132-T145-00063

25691