

CENTCOM 004934

**TF Lightning**  
**Foreign Claims Cover Sheet**

18 Nov 06  
Final Denial  
Send to USARP

File #: 6-I41-100

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

POA/ATT: \_\_\_\_\_ (b)(6)

Date Received: 19 Sept 06 Date of Incident: 20 March 06

Claim Amount: ~~1000~~ \$19,300.00 Location: Al-Duwayh near FOB Anzoud

Next Apt: 28 Oct 06 Contact Info: \_\_\_\_\_

Translation: \_\_\_\_\_

**Further Investigation:**

~~Nothing to report~~  
\_\_\_\_\_  
\_\_\_\_\_

Contact S-2  Check Sigacts  Nothing No (b)(2)High Sigact

Approved  Denied  Nothing

Goodwill Payment recommended: \_\_\_\_\_  
 Approved: \_\_\_\_\_  Denied: \_\_\_\_\_

MVA  RAID  LOST  NEG FIRE  REAL  
 OTHER: \_\_\_\_\_



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 25<sup>TH</sup> INFANTRY DIVISION  
MULTI NATIONAL DIVISION NORTH  
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

APVG-JA-C

21 September 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) , 06-I41-100

1. **Identifying Data:** (b)(6) by (b)(6)

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on March 20, 2006 in Al Dujayl, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$4,300 on 19 September 2006.

4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was properly filed in a timely manner.

5. **Facts:** Claimant and his brother were driving to their farm near LSA Anaconda when a nearby truck was attacked by AIF. US Forces responded and mistakenly believed Claimant and his brother were the attackers. US Forces fired upon Claimant's vehicle and killed Claimant's brother. Claim is for the death of his brother and damage to his car. Claimant provided photos of damage to the car, death certificate, legal expert estimate, police report, and witness statements.

6. **Opinion:** A search of the SIGACTS and INTSUM revealed no evidence of the incident. Thus, there is insufficient evidence to conclude that US Forces caused this injury. Consequently, the claim is not compensable.

a. Alternatively, as the death and damage to the vehicle were caused by US Forces in response to an attack, the claim is denied because the incident resulted from a combat activity.

7. **Recommendation:** This claim is denied.

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

CPT, JA  
Chief, Claims

CENTCOM 004936



DEPARTMENT OF THE ARMY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
HEADQUARTERS, 25<sup>TH</sup> INFANTRY DIVISION  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ APO AE 09393

6-241-100  
26 Sep 06

APVG-JA-C

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.

2. Your claim has been denied for the following reasons:

- a. There is not enough evidence to prove your claim.
- b. The evidence shows that United States Forces did not cause the damage.
- c. The evidence shows that the damage was caused during combat.
- d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
- e. The evidence shows that your claim was fraudulent.
- f. Other: \_\_\_\_\_

3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence proving your claim. If the appeal is sent after 30 days has passed, or does not provided additional evidence, then the appeal will be denied.

4. POC is the 25<sup>th</sup> Infantry Division Claims Office at DSN (b)(2)High

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

CPT, JA  
Chief of Claims

CENTCOM 004937

# TF Lightning Claims Intake Form

Name of Claimant \_\_\_\_\_ (b)(6)

- Iraqi ID Card Seen and Identity Verified       Iraqi Resident  
 Copy of Iraqi ID Provided      (Hometown is \_\_\_\_\_)

POA/Attorney Name \_\_\_\_\_ (b)(6)

- Power of Attorney provided       Original Seen  
 Names Match       If POA, state relation \_\_\_\_\_

- Decedent's (if available) \_\_\_\_\_ w)  
1. \_\_\_\_\_ (b)(6)      2. \_\_\_\_\_  
3. \_\_\_\_\_      4. \_\_\_\_\_

Claim arose at: \_\_\_\_\_  
(Town)      Al-Quiyil District near FOB Anacoda (City)      (Country)

Claim arose on: March 20 06  
Month      Day      Year

Time of Day: 1600

Proof of Ownership: \_\_\_\_\_

- Vehicle VIN Number Match       Sales Contract Provided  
 Land Deed (Name Match)       Other (explain) \_\_\_\_\_

Death Certificates

- Original <sup>copy</sup> Seen       Cause of Death heart stopped due to bullet in back  
 Name Match       Age of Decedent 25 yrs.

Medical Report/Legal Expert Opinion

- Legal Expert Report Attached: (total damages \$ 1,700.00)  
 Medical Report (State type and severity of injury)  
Death due to head injury caused by shot

Brief statement of the incident on which the claim for damages is based.

The claimant is his brother, deceased, who was driving near to FOB Anacoda to Fom when a ~~green~~ truck (18-wheeler) was attached. US Forces thought it was them attacking the truck so they fired on them. The engine of the Opel sedan drove off, they were the attackers.

No other pictures of the truck is possible since the Father sold it.

**Witness Statements**

1. Witness #1: (Name) \_\_\_\_\_

(b)(6)

Eyewitness

Synopsis of Testimony: Rode with his brother, the decedent, when U.S. shot him. He died due to his injuries.

2. Witness #2: (Name) \_\_\_\_\_

Eyewitness  Consistent w/ First

Same Story as First Witness

Synopsis of Testimony: \_\_\_\_\_

**Itemized expenses/damages resulting from the property damage or personal injury:**

Item

Amount

see attached

3,300.00 3,100.00 - For death  
42,000.00 - truck

Total: ~~\$18,000.00~~ \$3,300.00

I claim these total damages: (Indicate amount in U.S. dollars and local currency)

\$ 18,000.00 1,600.00

Iraqi Dinar \_\_\_\_\_

(b)(6)

→

(Signature of Claimant)

Subscribed before me this 18 day of Sept, 2006.

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

(Signature)

**Total Evidence Provided** (Check all that apply)

- Witness Statements (# 1)
- Proof of Ownership
- Medical Documents
- Legal Expert Report
- Police Report
- Photographs
- Other \_\_\_\_\_
- Other \_\_\_\_\_
- Other \_\_\_\_\_

CENTCOM 004939



DEPARTMENT OF THE ARMY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
HEADQUARTERS, 25<sup>TH</sup> INFANTRY DIVISION  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

MEMORANDUM FOR RECORD

SUBJECT: Waiver of Notification

1. I, the Claimant, hereby agree that if I fail to provide any requested evidence to the CMOC Claims Office within sixty (60) days of the date below or to request a written extension of the sixty (60) day period, such inaction shall constitute an affirmative act of abandonment of my claim, and my claim shall be administratively closed in accordance with the provisions of DA PAM 27-162, paragraph 13-3(f).
2. I further agree that if I wait longer than sixty (60) days from the date below to return to the CMOC to receive notification of the final disposition of my claim or to request a written extension of the sixty (60) days period, this failure will result in denial of the claim. The claim will be administratively closed in accordance with the guidance above.

1. انا المشتكي هنا اوافق على اني اذا فشلت في اثبات طلبي بالادلة الكافية الي دائرة الشكاوي (السيماك) خلال مدة ( 60 ) ستون يوما من تاريخ اليوم او طلب التمديد (الاستئناف) خلال فترة ستون (60) يوما , هذا سوف يسبب عدم تكوين تاكيد لقضيتي , وبسبب ذلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د,ا,ب,ا,م 162-27, من الفقرة 13-3(ف).

2. وانا كذلك اوافق على اني اذا انتظرت اكثر من (60) ستون يوما من التاريخ المحدد من دائرة (السيماك) لاستلام النتيجة للقرار النهائي لقضيتي او لطلب التمديد خلال الفترة المحددة وهي (60) ستون يوما , هذا سوف يتسبب برفض قضيتي . و القضية سوف تغلق اداريا وفقا للقانون.

(b)(6)

Claimant Signature \_\_\_\_\_

Sworn before \_ (b)(3), (b)(6) \_\_\_\_\_, on 15 day of Sept 2006.

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Page 8 redacted for the following reason:  
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foreign language text



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Pages 10 through 11 redacted for the following reasons:  
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foreign language text, (b)(6)

CENTCOM 004945

Pages 13 through 20 redacted for the following reasons:

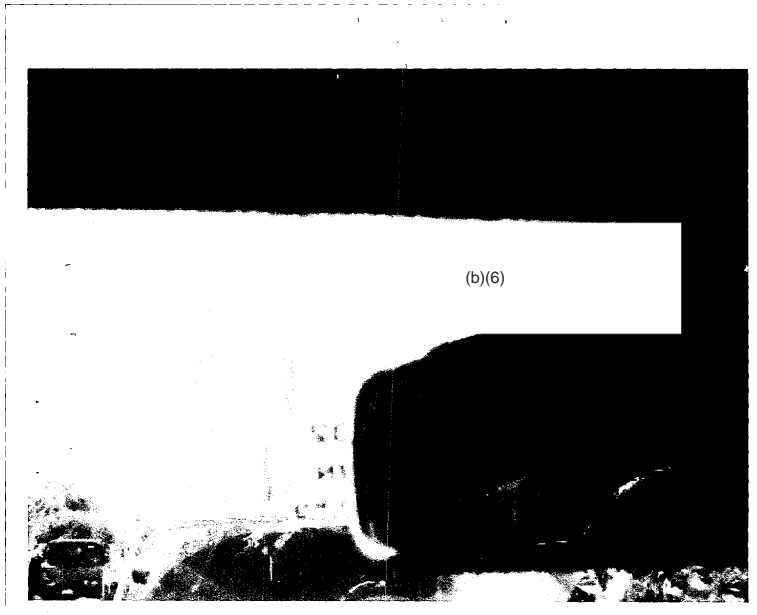
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foreign language text  
foreign language text, (b)(6)



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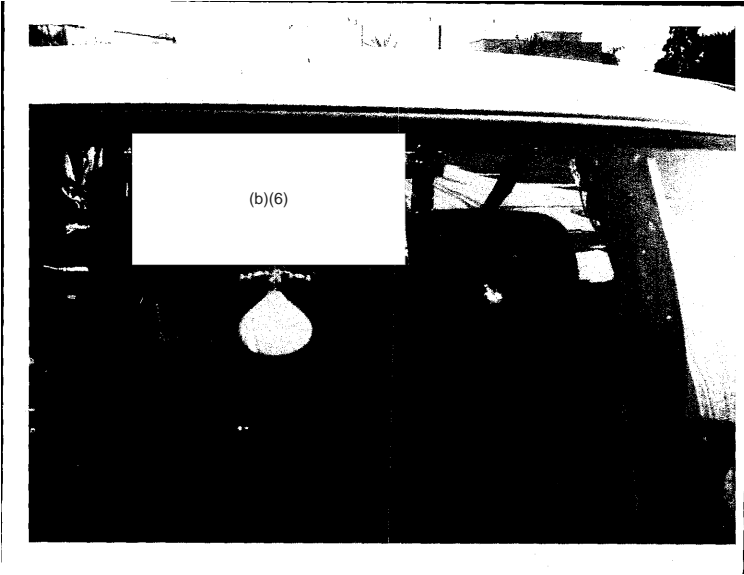


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(b)(6)

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