6-IR8-256

25772

TF Band of Brothers
Foreign Claims Cover Sheet

File #: **6-IR8-256**

Name:____ (b)(6) _____

POA/ATT: _____ Feb

Date Received: 7 Feb 06 **Date of Incident:** 24 ~~Aug~~ 05

Claim Amount: $4,000 **Location:** Al Diji

Next Apt: 21 Feb 06 **Contact Info:**____ Appeal

Translation:_____ Denied

Further Investigation:
- date?

I/E &
<I/E
(b)(3)(b)(6) 4/2/06
(New witnesses don't mention dead guy)

Contact S-2 ☐ **Check Sigacts** ☑ nothing

Approved ☐ **Denied** ☑ <I/E (b)(6) 2/9/06

☐**Goodwill Payment recommended:**_____
☐**Approved:**_____ ☐ **Denied:**_____

☐**MVA** ☐**RAID** ☐**LOST** ☑**NEG FIRE** ☐**REAL**
☐**OTHER:**_____

DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C 9 February 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6))6-IR8-256

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

2. **Date and place the incident occurred giving rise to the claim**: The claim occurred on 24 Febuary 2005 in Al Dijail, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for $4,000 on 7 Feb. 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:** The Claimant alleges that his son was killed by a controlled detonation in the village of (b)(6) CF allegedly detonated a stockpile of old regime ammunition. The deceased, (b)(6) was allegedly killed by shrapnel from the explosion while he was (b)(6) in a pasture about 1000 meters from the explosion.

6. **Opinion:** "Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, detonation of ammunition constitutes a combat activity.

7. **Recommendation:** The claim is c

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

CPT, JA
Claims Judge Advocate

6-I 08-256
21 Feb

DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

AFZB-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 101st Airborne Division (Air Assault) Claims Office at DSN (b)(2)High

(b)(3),(b)(6)
CPT, FCC
Foreign Claims Commissioner

TF Band of Brothers Claims Intake Form

To: United Stat

From: Name: (b)(3),(b)(6)

POA/AT

☐ Power of Attorney provided and interpreter approved:

Decedents: (b)(6)

Hometown: Dujail ☑ Iraqi Resident:

My claim arose at: Al Dujail
(Town) (City) (Country)

My claim arose on: 24 Feb 05
Month Day Year

Proof of Ownership: N/A

☐ VIN Match:

Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): COD - Frag in body.

Location) -

☐ Interpreter Approved:

Medical Report/Legal Expert Opinion:

☐ Interpreter Approved:

Witness Statement (Consistent?): ① CF blew up Ammo & Killed decase

☐ Interpreter Approved: ② Brother -

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based. (Use back of this sheet if necessary.) ~100 meters away.

C was sheperd controlled blast by CF. Deceased was hit by fragmentation & was Killed

4:00 pm

C's son was Killed.

Ammunition belonged to old Iraqi Army.

(b)(6)

controlled blast did not occur on a FOB.

C was (b)(6) @ time of incident.

Evidence: death cert from Baghdad. - Frags in leg & eye

CENTCOM 005033

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

Item	Amount
wrongful death	$4,000

Total: $4,000

I was insured to the following extent against the damage or injuries I have sustained:

N/A

The name and address of my insurer (if any) is:

(Name) (Address)

I claim as damages: (In [illegible] currency)

$ 4,000

(b)(6)

(Signature of Claimant)

Subscribed before me this 7 day of February, 2006.

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

N (b)(6)

...

Date...21...Mar..06.....

.....التاريخ

Claim No...6-IR8-256.....

.....رقم المعاملة

Reason ....Appeal.....

.....السبب

Appointment with.....CMOC...

.....

Signature.... (b)(6)

CENTCOM 005035

25780

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Foreign Language, (b)(6)

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Foreign Language, (b)(6)

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Foreign Language

b)(6), Foreign Language Tex

(b)(6), Foreign Language Text

Curfew that day —
Standing in front of door. 2 helicopter shot Rockets.

Foreign Language

Foreign Language

New witness
doesn't mention anyone getting Killed

(b)(6), Foreign Language Text

(b)(6), Foreign Language Text

CENTCOM 005042

Foreign Language, (b)(6)

Foreign Language

CF
Burn 1
dunam -
trees burnt.
No mention of
dead person

Foreign Language

Foreign Language

Foreign Language Text, (b)(6)

DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
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 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 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 60 day period, this failure will result in denial of the claim. The claim will be administratively closed in accordance with the guidance.

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

2.وانا كذلك اوافق على اني اذا انتظرت اكثر من (60) ستون يوما من التاريخ المحدد من دائرة (السيماك) لأستلام 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.

Claimant Si (b)(6) -

Sworn befor __ day of ____200__.

CENTCOM 005046

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Foreign Language, (b)(6)

oreign Language Text, Illegible Te:

Date death sertificat

Foreign Language Text, (b)(6)

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Foreign Language, (b)(6)

Foreign Language Text, (b)(6)

Claimant statment

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005053

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Foreign Language, (b)(6)

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Foreign Language, (b)(6)

IP Reports

Foreign Language Text

Foreign Language Text, (b)(6)