

489

6-IRB-489

dos pas
bdr



Name (b)(6)

..... الاسم
Date ~~29 Apr 00~~ (b)(3) 13 May 00 التاريخ

Claim No. U-1R8-489 رقم المعاملة

Reason C/S GWP السبب

Appointment with CMOC الموعد مع

Signature (b)(3)(b)(6) التوقيع



CENTCOM 005 98

25914



Page 4 redacted for the following reason:

(b)(6), foreign language



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

1 April 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 16-IR8-489

(b)(6)

1. **Identifying Data:**

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 3 September 2005 on the Bayji-Tikrit highway, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$8,000 on 20 March 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 brother, (b)(6) was killed by CF forces. The claimant and the deceased were allegedly driving from Bayji to Tikrit when they approached a CF checkpoint. The claimant tried to stop but lost control of the vehicle. The CP opened fire and killed the decedant. In support of the claim, the claimant has presented medical documentation substantiating injuries, witness statements, police and judicial documentation. The claimant suffered severe abdominal injuries which have necessitated several surgeries.

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, the deceased was killed during an escalation of force. This constitutes combat activity because the troops in contact feared the vehicle was a VBIED and were acting in self defense.

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

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

CPT, JA
Claims Judge Advocate

CENTCOM 005201

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foreign language



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

12 May 2006

CP3AA560940401-16
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to
(Claim Number 06-IR8-489)

(b)(6)

1. On 3 September 2005, (b)(6) brother,
was shot and killed during an escalation of force at a checkpoint in Tikrit.

(b)(6)

2. I certify that CERP funds are available to pay
\$2,500.00. This is a condolence payment.

(b)(6)

in the amount of

3. The request to pay (b)(6) in the amount of \$2,500.00 from CERP has
been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

(b)(6)

CPT, EN
Project Purchasing Officer

CENTCOM 005204

TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: _____ (b)(6) _____

POA/ATT: _____

Power of Attorney provided and interpreter approved: _____

Decedents: _____ (b)(6) _____

Hometown: Tikrit. Iraqi Resident: _____

My claim arose at: Tikrit (Chikwas)
(Town) (City) (Country)

My claim arose on: 3 Sept. 05
Month Day Year

Proof of Ownership: original seen

VIN Match: _____

Interpreter Approved: _____

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

Interpreter Approved: _____

Medical Report/Legal Expert Opinion: _____

Interpreter Approved: _____

Witness Statement (Consistent?): same for

Interpreter Approved: _____

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.)

Bagji - Tikrit highway at CP. When they stopped CF fired @ car.

C asked why driving too fast, said he couldn't see the CP.

C was seriously injured.

outside gas station. lost control of car & CP opened fire. Dark green.

Evidence: _____

C has frags

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.)

<u>Item</u>	<u>Amount</u>
<u>Damage to car</u>	<u>1,600</u>
<u>Wrongful death</u>	<u>3,000</u>
<u>Personal Injury.</u>	<u>\$ 4,000 4,000</u>

Total: 8,600

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

\$ 8,600 local _____

(b)(6)

(Signature of Claimant)

Subscribed before me this 26 day of March, 2006.

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

C



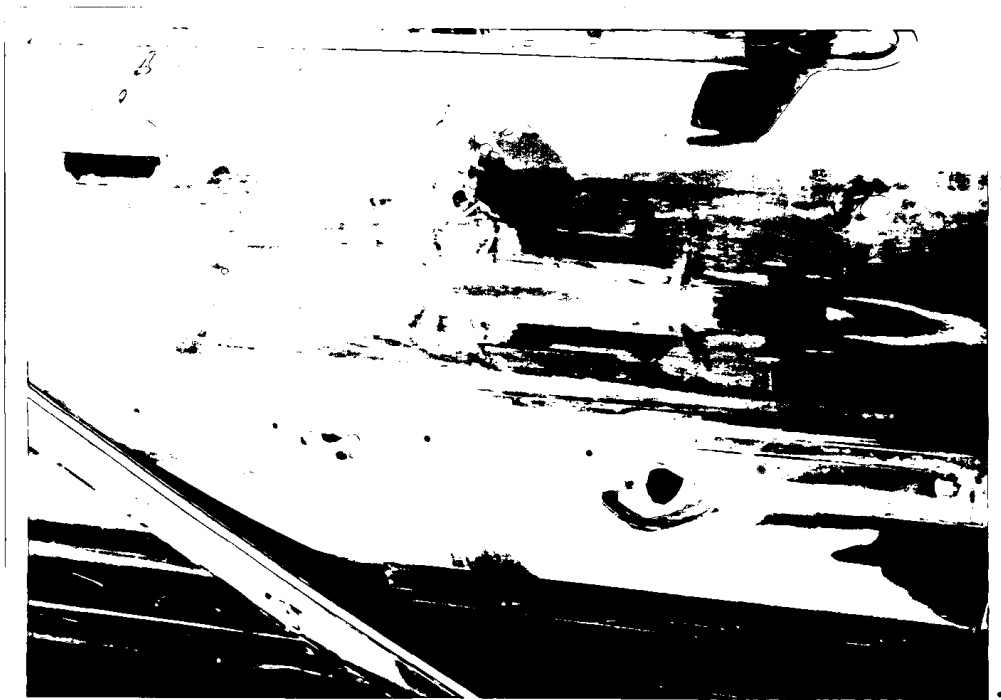
CENTCOM 005207

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CENTCOM 005200

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CENTRAL



CENTCOM 000211

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CENTCOM 005212

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Page 18 redacted for the following reason:

foreign language, (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 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 بالاملة الكافية الى 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 توكيد لقضيتي, وبسبب ذلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د,ا,ب,ايم 162-27, من الفقرة 13-3(ف)).

2. وانا كذلك اوافق على اني اذا انتظرت اكثر من (60) ستون يوما من للتاريخ 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 _____, on ____ day of _____ 200____.

CENTCOM 005215

Pages 20 through 27 redacted for the following reasons:

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

foreign language

1 / 1 :
23 OCT

Foreign Language Text

Rx/

To Whome it may concerns.

This patient had a bullet injury since
to his abdom
he had injuries to the Lt Colon to
which a colostomy done, also he
had inj. to his bladder & ureter.
now he still has the colostomy
because he has a urine leak via
the gluteal region. he develop R. renal
stones. regard

(b)(6)

(b)(6)

foreign language

- History of bullet injury with colostomy
- leak from coccygeal region ?
Rt. Renal and ureteric stones and vesical stones
- urethral stricture for urethrocystoscopy +/- optical

(b)(6)

Thanks

foreign language, (b)(6)

I.V.Urography & Abdominal U/S:
.....

Plain Film : two stones at the Rt. Kidney , one at the renal pelvis of 2.7 cm , the other is at a lower pole calyx of 1.0 cm , a third stone at the Rt. Lower ureteric area , proved to be at the U-V junction, another two vesical stones lying free & shadowing

Multiple minute shells

Contrast :

Mild delay in contrast excretion by the Rt. Kidney with dilated PCS, the stone cast uniform filling defects , dilated Rt. Ureter till the site of the stone , fairly normal parenchymal thickness

Lt. Kidney : patent PCS , normal Lt. Ureter .

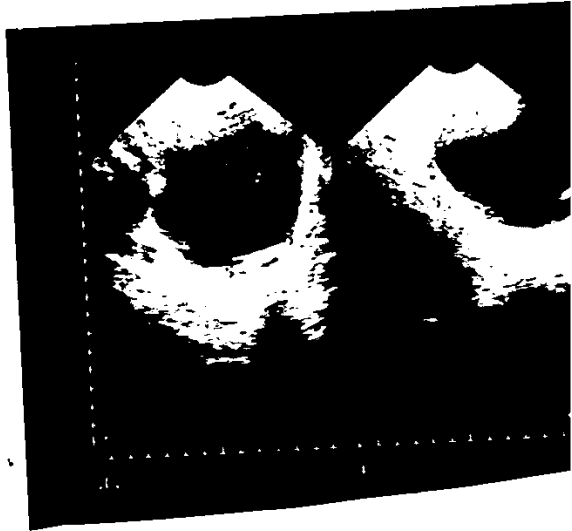
Bladder : shows two vesical stones adjacent to each other of 2.0 cm average size each with dense echogenic debris within the UB cavity ? infection , thickened trabeculated wall

Voiding urethrography :
.....

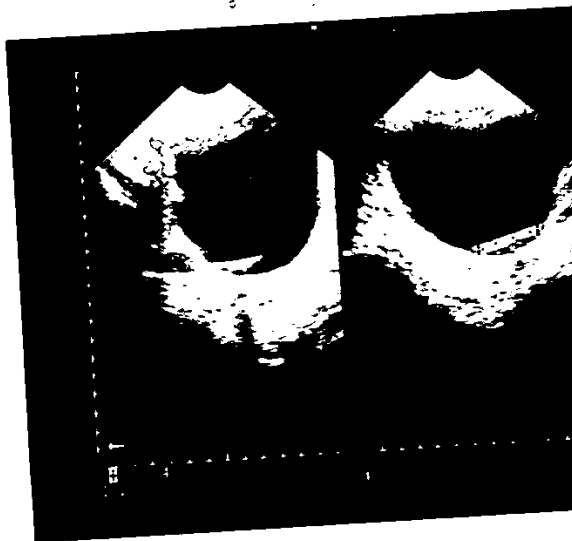
Two strictures seen , the proximal at the junction of the anterior & posterior urethra with marked hold up , the other within the anterior urethra with hold up & proximal dilatation too

(b)(6)

CENTCOM 005226



(b)(6)



(b)(6)

**Medical City Teaching Hospitals
Baghdad**

Foreign Language Text

BH
SSH
CWH
NH
GEH

Signature

For use of House surgeon

For use of Anaesthetist

Patient:	Age:	Sex:	Foreign Language Text	Hospital/Unit:	Record No.:
Date of Adm. Foreign Language Text					
PREOPERATIVE Foreign Language Text					
OPERATION INTENDED					
CLINICAL NOTES:					
Weight	B.P.	Pulse	Temp		
Heart	E.C.G.				
Lungs	Sputum.				
Respiratory insufficiency or difficulty		Asthma			
Larynx	Liver	Kidneys			
Others					
THERAPY:					
Previous Surgery and or Anaesthetic?					
Steroid treatment					
M.A.O. Inhibitors					
Insulin	Digitalis				
LABORATORY TEST RESULTS					
(A) Urine	Albumin	Sugar	Keton		
(B) blood urea:					
(C) other					
BLOOD TRANSFUSION DATA					
Previous blood transfusion ?	Patitent blood group	Rh.	Hb.		
Matched Blood Ready . Details As Below:					
Bottle No.	Group	Expiry Date	Bottle No.	Group	Expiry Date
DANGER FACTORS(Emergency and casualties)					
Shock		Intoxication			
Acute infection		Dehydration			
Electrolyte imbalance		Fluid therapy			
SPECIAL PRECAUTIONS REQUIRED FOR:			TECHNICAL DIFFICULTIES:		
Cardiovascular disorders			Difficult Veins		
Respiratory insufficiency			Difficult intubation (Due to : missing teeth, immobile jaw, neck, etc)		
Wet chest			Difficult L.P. (Due to : obesity , Calcification , deformity infection)		
Muscular / neurological disorders			Other		
Metabolic / endocrine disorders					
General illness					
PREMEDICATION					Given by:
Drugs					
Time					
House Anaesthetist					

ANAESTHETIC RECORD

foreign language

To whom it may concern This
patient had a bullet injury s. hee
to his abdomen he had injuries
to the LT colon to which a colostome
done and he had inj. to his bladder
& ureter now he still has the colostome
because his urine leaks via LT
gluted region. he develops R. renal
stones.

(b)(6)

foreign language

RX/ This patient was found dead in a car in
abd on 7.3.04. A post-mortem examination
at the mortuary through bladder injury was performed
after operation he had an ileo-rectal fistula
with disruption of the bladder muscle
tear repaired in first op. Exc. of the fistula
with proximal CAotomy, he is still
left with a ureteric leak. There is an
wound on the right side of the abdomen
side of shell injury. (b)(6)

Foreign Language Text

25938

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Foreign Language Text

LAB FORM FOR CLINICAL CHEMICAL TEST

Patient's Name:- Foreign Language Text		Sex:	Ward:
NO.:-	Foreign Language Text	Age:	Bed:
Test	Normal value	Test	Normal value
Plasma Glucose (E) <u>5.5</u>	mmol/L (3.6-6.1 mmol/L)	S.Uric acid	$\mu\text{mol/L}$ (180-420 μmol)
S.Urea <u>4-8</u>	mmol/L (3.3-7.5 mmol/L)	S.Total bilirubin	$\mu\text{mol/L}$ (< 17 $\mu\text{mol/L}$)
S.Creatinine /	$\mu\text{mol/L}$ (62-124 $\mu\text{mol/L}$)	S.Bilirubin (Direct)	$\mu\text{mol/L}$ (< 3 $\mu\text{mol/L}$)
S.Sodium	mmol/L (136-155 mmol/L)	S.Bilirubin (Indirect)	$\mu\text{mol/L}$ (< 12 $\mu\text{mol/L}$)
S.Potassium	mmol/L (3.5-5.5 mmol/L)	S.Alkaline Phosphatase	U/L (30-85 U/L)
S.Chloride	mmol/L (95-105 mmol/L)	S.A.L.T. (G.P.T.)	U/L (< 20 U/L)
S.Calcium	mmol/L (2.1-2.6 mmol/L)	S.A.L.T. (G.O.T)	U/L (< 20 U/L)
S.Phosphorus	mmol/L (0.8-1.4 mmol/L)	S.L.D.H.	U/L (100-190 U/L)
S.Magnesium	mmol/L (0.7-1.0 mmol/L)	S.C.K.	
S.Cholesterol	mmol/L (\leq 5.2 mmol/L)	S.Amylase	U/L (23-85 U/L)
S.Triglycerides	mmol/L (\leq 2.3 mmol/L)	S.Acid phosphatase total	
S.HDL	mmol/L (\geq 1.2 mmol/L)	S.Iron	$\mu\text{mol/L}$ (13-32 $\mu\text{mol/L}$)
S.LDL	mmol/L (\leq 3.4 mmol/L)	T.I.B.C.	$\mu\text{mol/L}$ (45-70 $\mu\text{mol/L}$)
S.VLDL	mmol/L (\leq 0.5 mmol/L)		
S.Total protein	g/L (60- 80 g/L)		
S. Albumine	g/L (35-52 g/L)		
S.Globulin	g/L (27-39 g/L)		
A/G Ratio			
Examiner:		<u>7 29.12</u>	
Date:-			

CENTCOM 005231

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GENERAL URINE EXAMINATION

Name:----- (b)(6) Jr.----- No. 24
Sex:----- Age:----- Floor: 5 Date: 20.11

Macroscopic:-

Colour:----- yellow
Appearance:----- cloudy
Specific Gravity:-----
Reaction:----- Neutral
Sugar:-----
Protein:----- Nil
Ketone Bodies:-----
Bile Pigments:-----
Urobilinogen:-----

Microscopic Examination:-

RBCs:----- 0-2
Pus Cells:----- ++
Casts:-----
Crystals:----- uric acid +
Epithelial Cells:----- 2
Others:----- Bacteria seen

(b)(6)

Sincerely Yours

Foreign Language Text

48

(b)(6), foreign language

Foreign Language Text

COM 005233

25941

GENERAL URINE EXAMINATION

Name:----- (b)(6) LT.----- NO.-----

Sex:----- Age:----- Floor:----- Date: 5/6/2005

Macroscopic:-

Colour:----- Dark Yellow

Appearance:----- Turbid

Specific Gravity:-----

Reaction:----- Alkaline

Sugar:----- Nil

Protein:----- Trace

Ketone Bodies:-----

Bile Pigments:-----

Urobilinogen:-----

Microscopic Examination:-

RBCs:----- 5-7

Pus Cells:----- III WBC

Casts:-----

Crystals:----- Uric acid III

Epithelial Cells:-----

Others:----- Bacteria seen

(b)(6)