

6-1RX-503

1

6 May 69

Land Corp

503

→

CENTCOM 005258



25961

~~SECRET~~

(b)(2)High

SIGACT

EDF on vehicle  
when failed to observe  
When vehicle tried to  
enter CF line

1x IN DOA



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

AFZP-VA-HQ

1 May 2006

(b)(2)High

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to  
(Claim Number 06-IR8-503)

(b)(6)

1. On 12 November 2005, (b)(6) (b)(6) (b)(6) was shot  
and killed as he approached a Coalition Forces convoy in his vehicle while taking her to the hospital.

2. I certify that CERP funds are available to pay (b)(6) in the amount of  
\$2,500.00. This is a condolence payment.

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), (b)(3)

CPT, EN  
Project Purchasing Officer

CENTCOM 005261

25963



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

REPLY TO  
ATTENTION OF

AFZB-JA-C

04 April 2006

MEMORANDUM OF OPINION

SUBJECT: (b)(6) 06-IR8-503

1. **Identifying Data:** (b)(6)
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 12 November 2005, in Balad, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$5,000 on 28 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 while he was taking his wife to the hospital at 0200 hrs when he approached a CF convoy. Claimant alleges that even though he pulled over, CF shot at his car and killed his wife. The Claimant also alleges that CF apologized to him after the incident. According to the SIGACT, CF followed appropriate escalation of force protocols when the Claimant's vehicle entered the CF convoy's lane. The SIGACT reported that one local national was killed as a result of the escalation of force.
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, CF actions constitute combat activity and thus precludes compensation.
7. **Recommendation:** The claim is denied.

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

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CPT, JA  
Claims Judge Advocate

CENTCOM 005262

6-IR8-503  
4/11/06



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: Claimant 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 supporting your claim. If the appeal is sent after 30 days have passed, or does not provide additional evidence, then the appeal will be denied.

4. POC is the 101<sup>st</sup> Airborne Division (Air Assault) Claims Office at DSN (b)(2)High

(b)(6)

CPT, JA  
Chief of Claims

CENTCOM 005263

**TF Band of Brothers Claims Intake Form**

To: United States Army Foreign Claims Commission.

From: Name: (b)(6)

POA/ATT: (b)(6)

Power of Attorney provided and interpreter approved: (b)(6)

Decedents: (b)(6)

Hometown:  Iraqi Resident:

My claim arose at: Balad / Alisahok / Balad main station  
(Town) (City) (Country)

My claim arose on: NOV 12 05  
Month Day Year

Proof of Ownership:

VIN Match:

Interpreter Approved: NA

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): cause of Death, bullets in the face of the wife

Interpreter Approved:

Medical Report/Legal Expert Opinion: one bullet in the face of the wife

Interpreter Approved: match

Witness Statement (Consistent?): 1 brother w-2 brother of the wife

Interpreter Approved: match saying same story

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.)

Claimant took his wife to hospital @ 02:00, he forced a C of convey and he stopped at once but C of shot @ his car and bullet and killed his wife, they came and talked to him and told him we are so sorry. (Decedent was biggest)

Kia pick up / blue  
1997 / claimant is attorney (b)(6) fla  
02:00

Evidence: photo, DeathC, witness

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>\$5,000 for Dead wife and Dead baby</u>	

Total: \$5,000

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

\$ 5,000 local \_\_\_\_\_

(b)(6)

\_\_\_\_\_  
(Signature of Claimant)

Subscribed before me this 28 day of March, 2006.

\_\_\_\_\_  
(Pri

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

\_\_\_\_\_  
(Signature)

CENTCOM 005265





(b)(6)

Date... *11 Apr 00* ..... الأسم.....  
التاريخ.....

Claim No. *U-1R8-503* ..... رقم المعاملة.....

Reason *C/S* ..... المسبب.....

Appointment with CMOC ..... الموعد مع.....

Signature (b)(3)(b)(6) ..... التوقيع.....



CENTCOM 005266

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Pages 10 through 12 redacted for the following reasons:  
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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

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 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 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.

Claimant Sigr

(b)(6)

Sworn before

\_\_\_\_\_  
., on 28 day of March 2006

CENTCOM 005270

Pages 14 through 19 redacted for the following reasons:  
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foreign language