

U-1R8-552

part copy

552

CENTCOM 005277

على فلتك على 1/5/17ع



(b)(6)

Date... 10 MAY 00 الاسم..... التاريخ

Claim No. 10-1R8-552 رقم المعاملة

Reason C/S GWP السبب

Appointment with CMOC الموعد مع

Signature. (b)(6) التوقيع



CENTCOM 005278

25973



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

AFZP-VA-HQ

1 May 2006

CP3AA S60940401-17
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to (b)(6) (Claim
Number 06-IR8-552)

1. On 11 August 2005, (b)(6) was shot at by Coalition Forces as she and her husband approached a hasty checkpoint. She was shot in the left side of her head and is now blind in one eye and had to have reconstructive surgery on that side of her face.

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 005279



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

AFZB-JA-C

16 April 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 6-IR8-552

1. **Identifying Data:** (b)(6) Samarra, Iraq, by attorney (b)(6)

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 11 August 2005, in Samarra, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$3,000.00 on 8 April 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 filed in a timely manner.

5. **Facts:** Claimant alleges that CF were dismounted (standing outside their vehicles on the roadside). As the car that he was in began to pass them, the claimant alleges that the CF started shooting at the car and that claimant's wife was fatally shot in the head. The small arms fire allegedly also resulted in a lost finger and a scarred abdomen of another passenger in the car. (See companion Claim # 6-IR8-551.) The claimant provided a death certificate and a witness statement to support his claim. A SIGACTS investigation of the relevant time and place revealed that the car's driver failed to stop at a CF checkpoint, thus resulting in an 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, the driver's failure to stop at the checkpoint necessitated an escalation of force, a combat activity, and thus precludes compensation.

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

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

CPT, JA
FCC

CENTCOM 005280

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: kept copy

Decedents: _____ (b)(6) (wife of claimant)

Hometown: _____ Iraqi Resident: _____

My claim arose at: _____ Samarra _____
(Town) (City) (Country)

My claim arose on: _____ Aug _____ 11 _____ 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): _____ Shot in her head / (kept copy) _____ (b)(6) F
Consistent w/ statement Samarra Hospital

Interpreter Approved: yes

Medical Report/Legal Expert Opinion: _____

Interpreter Approved: _____

Witness Statement (Consistent?): Same as 6-IRB-551 (add father - same story)

Interpreter Approved: Yes

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.)

See Facts from 6-IRB-551

vehicle was shot @ checkpoint. driver (male) lost finger + was shot in stomach. wife is this claimant for this claim

Evidence: Death Cert / Witness /



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 المشتكى 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 تكليد لقضيتي , ويسبب نلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د,اب,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.

(b)(6)

Claimant Signature: _

Sworn before _

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

day of Apr 2006.

CENTCOM 005283

Pages 8 through 10 redacted for the following reasons:

foreign language

Foreign Language Text

Foreign Language Text

CENTCOM 005287

Pages 12 through 15 redacted for the following reasons:

foreign language