

#### DEPARTMENT OF THE ARMY

### HEADQUARTERS, 101<sup>st</sup> AIRBORNE DIVISION (AIR ASSAULT) TASK FORCE BAND OF BROTHERS COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C 5 July 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of

(b)(6)

6-IT6-041

1. Identifying Data:

(b)(6)

by POA

(b)(6)

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 25 April 2006, in Samarra, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$3500.00 on 20 June 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 CF shot and killed his father.
- 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." A search of the SIGACTS revealed that at 250742APR2006 an EOF occurred in Samarra, resulting in the shooting death of a LN. This claim arose during combat activities and is non-compensable (b)(5)

7. Recommendation: The claim is denied

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

CPT, JA FCC



#### **DEPARTMENT OF THE ARMY**

OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT. IRAQI 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.

C O41	
f. Other:	i contract of the contract of

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

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

CPT, JA FCC



# old. Had wrong dute + place of act

#### 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

23 June 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of

(b)(6)

l; 6-IT6-041

1. Identifying Data:

(b)(6)

by POA

(b)(6)

- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 25 Ap ~ August 2005 in Ad Duloyiah, Iraq.
  - 3. Amount of claim and date it was filed: Claimant filed a claim for \$3,500 on 25 May 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 a CF shot his father. A SIGACTS investigation revealed no activity during the relevant time period which substantiates claimant's allegations.
  - 6. **Opinion:** "Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful." Here, there is insufficient credible evidence to link CF with claimant's allegations.

7. Recommendation: The claim is denied

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

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

CPT, JA Claims Judge Advocate



### TF Band of Brothers Claims Intake Form

To: United States A	rmv Foreign Claims (	Commission.	(b)	(6)	
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	norney provided and i	nterpreter approved:_			
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My claim arose at:		Samafra	(3)	( conter)	
	(Town)	(City)	(Coun	try)	
My claim arose on:_	124	25	<u> 2006                                  </u>		
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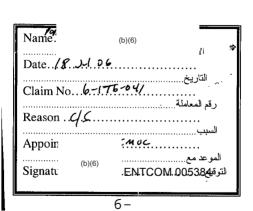
## TF Band of Brothers Foreign Claims Cover Sheet

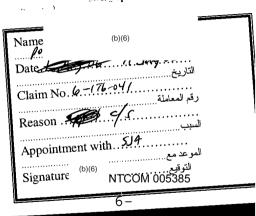
Name:_  POA/ATT:_  Date Received: 20 June 2006 Date of Incident: 25 12 006  Claim Amount: \$25 00 Location: Sometra (cd. cedur)  Next Apt: 4 July 2 de Contact Info:  Translation:		File #: 6-IT6-041
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Claim Amount: 15.25 cs Location: Somera (cd. co. Servi)  Next Apt: 4 July 2 cd Contact Info:  Translation:    (b)(3),(b)(6)    Further Investigation:    Contact S-2   Check Sigacts   Nothing form: ble Match: 16   Approved   Denied   Service   Denied:   Service	~ر	· · · · · · · · · · · · · · · · · · ·
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1502 Escalation 3

At 250742APR2006, an EOF accured with 1XLN 251727APR2006 3-BCT- and B/3-187 guards in the Salah Ad Din

38SLC 187IN

101 Province, at PB Uvanni at grid

(b)(2)High At 0742, 1XLN enters the disable zone SE of BP4 at PB Uvanni, BP4 fires a disabling shot missing the LN, who moves back outside the (b)(2)High At 0747, the LN moves along the easterr (b)(2)High | between BP4&BP2, then crosses back inside the (b)(2)High NE of PB Uvanni. At 0748, the guard fired a kill shot at the LN from BP4 with an M-14, killing the LN. At 0755, QRF and MOI from Uvanni responds to EOF, finds the LN less than sixty meters NE of the ECP into the patrol base at vic grid (b)(2)High At 0757, an NCO from 2/B/3-187IN searches the LN who had no

identification or weapons. At 0825, the IP's arrive at PB Uvanni to move the LN to the Samarra Morgue. At 0840, 2/B/3-187 moves from PB Uvanni to PB Olson. At 0850, 2/B/3-187 IN RP at PB Olson. A Commanders Inquiry is being conducted. NFTR. CLOSED:

251820APR2006.

reports that kell some around PTB 13

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

clearly marked.

No CERP recommendation

List in detail the am damage or personal Item	ount of property damage and itemized expenses resulting from the property injury: (Attach bills and receipts, if applicable.)  Amount
17000.00	
4	
	Total: \$ 3500
	(Indicate amount in U.S. dollars and local currency)
	(b)(6)
	(Signature of Claimant)
Subscribed before m	e this 20 day of June, 200 C.
	(Print Nar
	(Signaturε (b)(3),(b)(6)

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The Clasmont (Died's wife) Statue

Witness's Statements.

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#### 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. إنا المشتكي هنا اوافق على اني اذا فشلت في اثبات طلبي بالادلة الكافية الى دانرة الشكاوي (السيماك) خلال مدة (60) ستون يوما من تاريخ اليوم او طلب التمديد (الأستنناف) خلال فترة ستون (60) يوما ,هذا سوف يسبب عدم تكوين تاكيد لقضيتي , وبسبب ذلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د,اب,ام 2-162, 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.

(	D)(b)	
Claimant Signature:	MANAGE SAME	,
Sworn before	, on day	of 200