

(b)(6)

7D 16 Feb 08

(b)(6)

(b)(6)

7D 8 Mar 08

08 I 92 2 T 105

CENTCOM 011013
08-192-T105-00001

DENIAL CLAIM FILE CHECKLIST

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

- Action Memo Denying the Claim
- Decision Memo
- Claim Summary Sheet
- Supporting Documents (ID Card, Ownership, Statements, etc.)

CENTCOM 01104

08-192-T105-00002

CLAIMS CHECKLIST

CLAIM NUMBER: 08192T 105 AMOUNT OF CLAIM: \$ 15000
CLAIMANT'S NAME (b)(6)
DATE OF INCIDENT: 11 October 2007 DATE FILED: 3 January 2008 DATE RECEIVED:

CLAIM TYPE:
Vehicle Damage Detainee Property Damage During Raids
SAF Damage/Injury Real Estate Other
CLAIM AROSE FROM:
Combat Activities Non-combat Activities
CLAIM IS:
Payable Not Payable

BRIEF OVERVIEW: The Claimant states that her home was damaged and her father was killed when coalition Forces engaged her house on accident

REMARKS:
Recommend Approval / Denial

Check Sigact

REVIEWED BY: ~~SPC~~ SPC (b)(3)(b)(6) DATE REVIEWED: 3 Jan 08

FCC COMMENTS
Denial - Combat activity -
Claimant is not from the event she is claimant -
19 Feb 08 (b)(3)(b)(6)

DATE APPROVED/DENIED 9 Feb 08

DENIED (b)(3), (b)(6)
Denial M

APPROVED
Amount Approved: _____
Approval Memo
Settlement Agreement
SF 1034
Disbursing Officer Memo



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOR FALCON, BAGHDAD, IRAQ
APO AE 09361

AFZN-BC-FCC

Claim of [REDACTED] 192-T105

ACTION

1. Facts: The claimant alleges that on 11 October 2007, her son was killed by US Forces.
2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: The claim is therefore denied.

[REDACTED]
(b)(3)(b)(6)

CPT, JA
FCC 192

CENTCOM 01 1015
08-192-T105-00004



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB FALCON, BAGHDAD, IRAQ
APO AE 09364

AFZN-BC-FCC

Claim of [REDACTED] 08-192-T105

ACTION

1. Facts: The claimant alleges that on 11 October 2007, her son was shot and killed by US Forces.
2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: The claim is therefore denied.

[REDACTED]
(b)(3)(b)(6)

CPT, JA
FCC 192

CENTCOM 011017

08-192-T105-00005



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION-BAGHDAD
FOREIGN CLAIMS COMMISSION
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

March 9, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #08-192-T105
Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the death of your son. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

I have reviewed all the information included in your claim and the evidence from the resulting investigation. Unfortunately, your claim is not compensable. After reviewing your claim, it was determined that there was no evidence that US Forces acted either negligently or wrongfully. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with Army Regulation 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within 30 days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

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

Captain, U.S. Army
Foreign Claims Commission 192

CENTCOM 011018
08-192-T105-00006



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION-BAGHDAD
FOREIGN CLAIMS COMMISSION
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

February 16, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #08-192-1105
Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the death of your son by US Forces. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

I have reviewed all the information included in your claim and the evidence from the resulting investigation. Unfortunately, your claim is not compensable. After reviewing your claim, it was determined that there was no evidence that US Forces acted either negligently or wrongfully. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with Army Regulation 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within 30 days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

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

Captain, U.S. Army
Foreign Claims Commission 192

CENTCOM 011019
08-192-1105-00007

Claims Form

طلب تعظم

Name (b)(6) الاسم

Address (b)(6) العنوان

I am (b)(6)

a. A national citizen of: Iraq - اهل حصة

b. A permanent resident of: [redacted] - عنوان الدائم

c. Employed by: [redacted] - عمل لدي

Reconsideration: Claims Card I Recommended CERP because she cried when I did the denial -SGT (b), (c)

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, and Telephone Number)

as a claim card

التي التعظم لدي حكومي الولايات المتحدة للاضرار والاصابات التي نجت من: (المنظمة، الوحدة العسكرية)

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries)

Death of her son

الممتلكات المتضررة مملوكة من: (إذا كان هذا التعظم قدم من قبل ممثل أو قريب أو عائل فالرجاء اخطار المشيكلات التي تعولكم وتوكلكم بالتقدم بهذا التعظم، أو أي دليل من ممثلين رسميين. املا التعظم بالاسفل للأفراد المتقدمين بالشكوى للإصابات أو الأضرار التي أصابكم)

My claim arose at: Al-Dora, Arab Suburb, Baghdad Iraq (Town) (City) (Country)

تقدمي قدم في: القرية المدينة النطاق أو المحافظة

My claim arose on: Oct 11 2009
Month Day Year

تقدمت بطلب: _____
شهر يوم سن

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.)

While her son was working in Adura Market
the coalition forces opened fire towards him
and got shot on his head and died.

باختصار اشرح ما حدث والاضرار التي اصابتك جراء ذلك ، سواء كانت جسدية او ممتلكات . (الرجاء استعمال خلفية هذه الورقة ان لم تكن
الاسطر لتكتب)

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
<u>Person killed</u>	<u>1575000</u>
Total: <u>1575000</u>	

اشرح بالتفصيل متى تضررت والتكلفة للممتلكات او للاصابات الجسدية وتكلفتها (الرجاء ارفاق الفواتير والمستندات والقرائن الضرورية
لكل شئ لوحد)

التكلفت	الشئ المتضرر
<u>/</u>	
اجمالي التكلفة	

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

No insurance

لدي تأمين على الممتلكات أو الضرر الجسدي المتضرر بما يوزني:

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

\$ 15000

I.D.

أطالب بتعويض للأضرار يوزني (اكتب بالولايات المتحدة أو العملة المحلية)

العملة المحلية

I (have/ have not) previously filed a claim relating to the incident described above:

مديعة (لم أقم) بتقديم بلاغ لهذه الحادثة المذكورة بالأعلى

To the best of my knowledge, another claim (has/ has not) been filed relating to the incident described above.

لحسن علمي لم يتم (لم يقدم) لهذه الحادثة المذكورة بالأعلى

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

ملاحظة: بالتوقيع أسفل هذا النظم فإن تقسم على أن كل المعلومات المقدمة في هذا النظم هي صحيحة وحقيقية. أي شخص يحاول تقديم نظم كاذب أو يذور النظم ضد حكومة الولايات المتحدة الأمريكية سوف يواجه عقوبات جنائية حادة ويحاكم من قبل السلطات.

(Signature of Claimant)

(توقيع النظم) الرجاء كتابة الاسم والتوقيع

Subscribed to me this

15 day of Nov

2002

(Signature of Witness)

(Printed Name)

CENTCOM 011022

08-192-T105-00010

ALYKIN AFRANAG
 FORM - 3122AD
IRAQI CLAIM CARD

The Army may pay claims to Iraqi civilians for property damage, injury and death caused by US Forces.

Fill out the required information below:

Give this card to the Iraqi civilian, or other appropriate authority in the case of death.

Direct claimant to the nearest Government Information Center or the Iraq Assistance Center. Do not overstate claim amounts.

When return to your FCO, complete a SF 91 or DA Form 7623. Describe the incident completely and forward it to your nearest legal office. NOTE: This information is not an admission of liability by the military involved and will be used only to substantiate a claim against the US Army.

1-410 CIV
 15 July 07
 RT Jackson
 Dushan

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

CLAIM CARD

قائمة مطالبات مدني في العراق

بالإضافة إلى ذلك، يمكن للمدنيين العراقيين تقديم طلبات للحصول على تعويضات عن الأضرار التي تسببها القوات الأمريكية في العراق. يجب أن يكون الطلب مكتوباً باللغة العربية أو الإنجليزية. يجب أن يكون الطلب مكتوباً باللغة العربية أو الإنجليزية. يجب أن يكون الطلب مكتوباً باللغة العربية أو الإنجليزية. يجب أن يكون الطلب مكتوباً باللغة العربية أو الإنجليزية.

معلومات إضافية:

1-410 CIV
 15 July 07
 RT Jackson
 Dushan

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

In Language

CENTCOM 011023
 08-192-T105-00011

The Report Explain that

The legal heritage of the victim belong
his parents and brothers.

The legal divider divide the heritage into
6 shares 5 share for father 1 share for
mother as nothing for Mrs. Mrs.

CENTCOM 01109

08-192-T105-00012

Page 13 redacted for the following reason:

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

police report show that
it was impossible to exam the location
of accident and make diagram because the illness
Military Area and Iraq army forced transported
the body to:

CENTCOM 011026
08-192-T105-00014

Claimant Statement.

She said that on Oct/11/2007 at 06:30 a.m.
Her son came out to the Aldwa Area he was being
working there - about 02:00 Some body phoned her
son got a shot by Coalition forces and they he moved
By Iraq Army to the police station. Her son was shot
because they thought he is terrorist but he isn't
guilty.

CENTCOM 011027

08-192-T105-00015

Page 16 redacted for the following reason:

(b)(6), Foreign Language Text

(b)(6)

Mother victim was born in [redacted] she lives
 At [redacted] she said in oct/11/2002
 Her son came out of the house to the market his
 job pushing a roller for a little wage. so while he
 was being there the coalition forces opened a fire
 towards him and he got a shot in his head and he
 killed. The Coalition forces alleged that her son
 is a terrorist. But her son is young and he
 didn't carry any weapon and did illegally job.
 Now she complains coalition forces asking for compensation.

(b)(6)

Page 18 redacted for the following reason:

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text

after ^{the} wife received Body from Iraq army
they examined it. the vid
look at Bullet on the
back

(b)(6)

(b)(6)

CENTCOM 011031
08-102-1105-00019

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

Handwritten text in a foreign language, possibly Arabic, is visible in the background of the lower section of the page.

CENTCOM 011032

08-192-T105-00020



Foreign Language Text, (b)(6)

CENTCOM 011033
08-192-T105-00021

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

CENTCOM 011031
08-192-T105-00022

Foreign Language Text, (b)(6)

CENTCOM 011035
08-192-T105-00023

Foreign Language Text, (b)(6)

CENTCOM 011036
08-192-T105-00024