08-I93-T032



DEPARTMENT OF THE ARMY HEADQUARTERS, 2ND BRIGADE COMBAT TEAM MULTI-NATIONAL DIVISION—BAGHDAD FOB PROSPERITY, BAGHDAD, IRAQ APO AE 09348

AFVA-2BCT-BJA

Claim of

(b)(6)

)8-I93-T032

ACTION

- 1. <u>Facts</u>: The claimant alleges that on 27 May 2007, U.S. Forces raided his home and shot his brother in the chest. The claimant requests compensation in the amount of \$15,000.00.
- 2. <u>Opinion</u>: The FCA permits compensation for damages caused by negligent or wrongful acts of U.S. Forces. In this case, there is insufficient evidence of negligent or wrongful acts by U.S. Forces. Instead, it appears the claim was a result of combat operations.
- 3. <u>Authority</u>: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
- 4. Action: The claim is therefore denied.

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

CPT, JA FCC I93



DEPARTMENT OF THE ARMY HEADQUARTERS, 2ND BRIGADE COMBAT TEAM MULTI-NATIONAL DIVISION—BAGHDAD FOREIGN CLAIMS COMMISSION FOB PROSPERITY, BAGHDAD, IRAQ APO AE 09348

November 24, 2007

2nd Brigade Combat Team Legal Office

(b)(6)

Claim #08-I93-T032 Baghdad, Iraq

Dear Sir:

You have submitted a claim seeking compensation for the death of your brother that occurred on 27 May 2007. 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, I have determined that there is no evidence that U.S. Forces acted either negligently or wrongfully. Instead, it appears your claim was a result of combat operations. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of my 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 thirty (30) days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

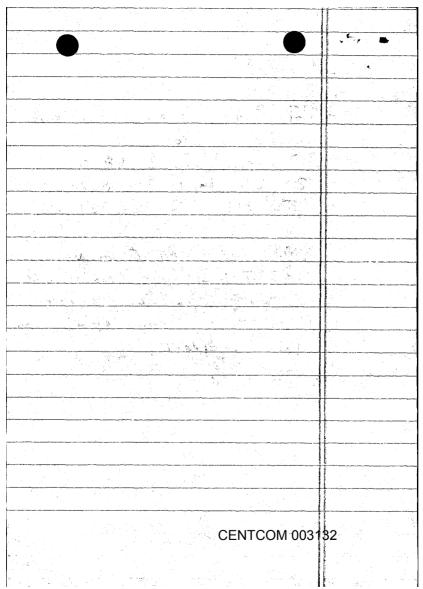
(b)(6), (b)(3)

Captain, U.S. Army Foreign Claims Commission I93

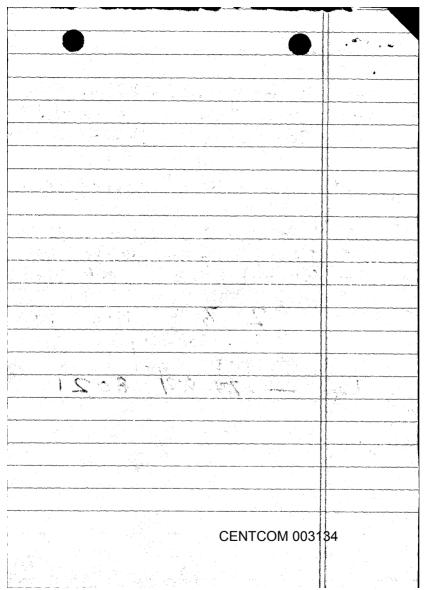
CHECKLIST

CLAIM NUMBER: 08-I93-T032	AMOUNT OF CLAIM: \$15,000.00	
CLAIMANT'S NAME: (b)(6)	AMOUNT OF CLAIM. \$13,000.00	
DATE OF INCIDENT: 27 May 2007 DATE FILED: October 2007		
DATE RECEIVED: 24 October 2007		
CLAIM TYPE:	· · · · · · · · · · · · · · · · · · ·	
□ Vehicle Damage □ Detainee Pro	operty	
SAF Damage/Injury Real Estate	Other	
CLAIM AROSE FROM:		
Combat Activities	□ Non-combat Activities	
CLAIM IS:		
□ Payable	Not Payable	
He stated to me that the (b)(6) old LN who was she the Soldiers who was guarding the LNs in a room observation point. The LN kept yelling at the guard. Finally, he lunged at the guard and tried to point, the guard considered this a hostile act and legal office, who verified this story. I requested a incident, but SGT (6), (b)2-325 ABN Legal, stated to incident. He stated that this individual had attem was prevented from filing based on the circumstate based on the circumstances and lack of evidence of RECOMMEND: APPR REVIEWED BY: CPL	(b)(3), the individual who wrote a letter for the claimant. of was not asleep, but was awake and yelling at one of in the house that was being used as a Mortar overwatch and acting like he was going to try to attack the to take the guard's weapon. 1LT ₃)(6), (b)(5tates that at this shot the LN. 1LT)(6), (b)(forwarded me to his servicing copy of an investigation or any other record of this that they did not have any type of record for this apted to file a claim for this incident with his unit, but the incident. I recommend this claim be denied of negligence or wrongdoing by U.S. or Coalition Forces. (b)(3)(b)(6) DATE REVIEWED: 15 November 2007	
FCC	COMMENTS	
DATE APPROVED DENIED. 77	7 ()	
DATE APPROVED DENIED: 23 NGV 6	7_566	
□ DENIED ALPO INTO	□ APPROVED	
Denial Letter Denial Action Memo Denial Action Memo	 □ Amount Approved: □ Approval Action Memo □ Settlement Agreement □ Settlement Letter CENTCOM 003130 	

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_	1LT (b)(6), (b)(3) was on leave
	until 16 Nov 07.
l l	ILT (b)(3), (b)(6) 242 6839
	2-325 Legal 774 8021
_	BTL CPT 242 0821
	Spake w/ 507 (b)(6), (b)(3)
	2-325 Legal, he stated that
	the unit had no record
	(15-6 Signet, previous claim) from
	this incident
	(A C) earl
	CENTCOM 003131



	15-6 was not conducted-
	Una claim already soluted?
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/	ve were in possition,
	What goods on ground old ain become violent etc. got shot Duce in chest
=	old an became violent etc.
	Pot shot Duce in chest
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	CENTCOM 003432
	CENTCOM 003133



CPT (b)(6), (b)(3) (b)(2)High

232587 CPT (b)(2)High

7-87 Mi (b)(6), (b)(3)

(PT (b)(3)(b)(6); (b)(2)High

2-325 (b)(2)High

2 BCT Z-82 (PT (b)(6), (b)(3)

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

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

2nd PLT C Co 2-325 North of Azara Hospital Mar the string

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

Claim Form طلب تظلم

To: United States Army Foreign Claims' Commission الى : مفوضية النظلم لجيش الولايات المتحدة الامريكية			
From: Name_	(b)(6)	من: الاسم	
Address: Baahdad / Al-Sh	naab/AL-Mehdy district/	العنوان:	
	(b)(2)High		
Telephone_	(b)(6)		
I am <i>Iraqu</i> 'a. National citizen of <u>Iraq</u>		انا ا-احمل الجنسية	
b.Permanent address Jrag	/Bagholad/AL-Shaab	ب-عنواني الدانم	
c. Employed by <u>retired</u>		ت-اعمل لدى	
d. Check one () an insurer () not	t an insurer احدهم() احمل التامين ()لا احمل التامين	تْ ضع علامة على	
e. Check one () a subrogate () no	ot subrogate		
	احدهم ()دانن او () لیس دانن	ج ضع علامة على	

	'. S Forces		
	· > rorces		
	ت التي نجمت من:	ت المتحدة للأضرار والإصاب	نى أتظلم لدي حكومى الو لاياه لأسم
			لأسم منظمة
-			منصفه وحدة العسكرية عنوان قم التليفون
		-	قم التليفون قم التليفون
فالرجاء أحطار	ن قبل ممثل أو قريب أو عائل الله دليل من ممثلين رسميين. الأضرار التي أصابتهم.)	كلكم للتقدم بهذا التظلم ، أو أي	لمستمسكات التي تخولكم وتوة
	دليل من ممثلين رسميين. الأضرار التي أصابتهم.)	فلكم للنقدم بهذا النظلم ، أو أي تقدمين بالشكو ي للإصابت أو	امستمسكات التي تخولكم وتودّ ملأ النظلم بالأسقل للأفر اد الم
	دليل من ممثلين رسميين. الأضرار التي أصابتهم.)	فلكم للنقدم بهذا النظلم ، أو أي تقدمين بالشكو ي للإصابت أو	مستمسكات التي تخولكم وتوة
	، دلیل من ممثلین رسمیین.	فلكم للنقدم بهذا النظلم ، أو أي تقدمين بالشكو ي للإصابت أو	مستمسكات التي تخولكم وتودّ ملأ النظلم بالأسقل للأفراد الم
	دليل من ممثلين رسميين. الأضرار التي أصابتهم.)	فلكم للنقدم بهذا النظلم ، أو أي تقدمين بالشكو ي للإصابت أو	مستمسكات التي تخولكم وتودّ ملأ التظلم بالأسقل للأفراد الم
	دليل من ممثلين رسميين. الأضرار التي أصابتهم.)	الكم النقدم بهذا النظام ، أو أي تقدمين بالشكوي للإصابت أو تقدمين بالشكوي للإصابت أو تقدمين بالشكوي الإصابت أو تقدمين الشكوي الإصابة أو أي	امستمسكات التي تخولكم وتودّ ملأ النظلم بالأسقل للأفر اد الم
y claim arose at: <u>A</u>	دليل من ممثلين رسميين. الأضرار التي أصابتهم.)	الكم النقدم بهذا النظام ، أو أي تقدمين بالشكوي للإصابت أو تقدمين بالشكوي للإصابت أو تقدمين بالشكوي الإصابت أو تقدمين الشكوي الإصابة أو أي	امستمسكات التي تخولكم وتودّ ملأ النظلم بالأسقل للأفر اد الم
y claim arose at: A (T	دليل من ممثلين رسميين. الأضرار التي أصابتهم.) الاحكام كالمحال الاحكام (الاحكام) (أم المحاكا)	الكم النقدم بهذا النظام ، أو أي تقدمين بالشكوي للإصابت أو تقدمين بالشكوي للإصابت أو تقدمين بالشكوي الإصابت أو تقدمين الشكوي الإصابة أو أي	المستمسكات التي تخولكم وتودّ ملأ النظلم بالأسفل للأفر اد الما مركز النظلم بالأسفل للأفر اد الما مركز المالية المركز المالية المالية المركز المالية المركز المالية المركز المالية المالي المالي المالي المالي المالي المالية المالي المالية المالية المالي المالي المالية المالي المالي ال
Iy claim arose at: A (T	دليل من ممثلين رسميين. الأضرار التي أصابتهم.) الاحكام Sharab Town) (in hishouse)	الكم النقدم بهذا النظام ، أو أي الكلم النقدم بهذا النظام ، أو أي القدمين بالشكوي الإصابت أو الكلم الك	المستمسكات التي تخولكم وتودّ ملأ النظلم بالأسفل للأفراد الم المحمد المحمد المحمد (Country)

According to Mr. from his mother's side, at 7 o'clock in the morning in May/27/2007 it was an American patrol checking the district. They got in the house and his mother who is vas sleeping and Mr. A was sleeping too and for knowing he was suffering form a mantel problems which is (schizophrenia) according to military service. While they got in the house one of the soldiers got in (b)(6) room where he was

sleeping and shot at him one bullet in his chest and another bullet in his left leg. And after that the American officer yelled at the soldier because of what happened. The body was moved to Al-Sha'ab Police Station, and they gave us a claom paper written

by them and they told the officer in the police station to tell his family to go to NIAC with this paper. After the accident the American soldier wanted to give amount of more NTEQUE 0931420 happened but he couldn't because nobody was in the house just his mother and she is

so they didn't give the money according to the neighbors statement.

Give a brief statement of the accident or incide property or for personal injury is based, (Use b	ent on which the claim for damages to back of this sheet if necessary.)
ذلك ، سواء كانت جسدية أو ممثلكات . (الرجاء أستعمال	باختصار أشرح ما حدث والأضرار التي أصابتك جراء ذ خلفية هذه الورقة إن لم تكن الأسطر لتكفى)
Describe nature and extent of property damage ne above incident. his brother's death (b)(6)	e or personal injury sustained as a result of
ية أو لممتلكاتك والتى أصابتك جراء ما حدث بسبب الحادث	أشرح متى وطبيعة ما حدث من أضرار سواء كانت جسد المقصود .
ist in detail the amount of property damage ar	and itemized expenses resulting from the lls and receipts, if applicable.)
tem his brother, death	Amount
TID TO TO THE TOTAL THE TOTAL TO THE TOTAL TOTAL TO THE T	
	Total: \$ 15,000

جاء أضافة الثبوتات والممتمسكات	أشرح بالتفصيل متي تضرر والكلفة للممتلكات أو للإصابات الجسدية وتكلفتها (الر والفواتير الضرورية لكل شئ لوحدة)
تكلفت	الشئ المتضرر
	إجمالي النكلفة:
I was insured to the following	ng extent against the damage or injury I have sustained:
	لدي تأمين على الممتلكات أو الضرر الجسدى المتضرر بما يوازي:
The name and address of m	y insurer (if any) is:
(Name)	(Address)
	أذا كان لديك أي تأمين الرجاء ذكر أسم وعنوان شركة التأمين:
(العنوان)	(الأسم)
I claim as damages: (Indica	te amount in U.S. dollars and local currency)
\$ 15,000	Local 18,600,000 ID
	أطالب بتعويض للأضرار يوازي (أكتب بالدولار الأمريكي أو العملة المحلية)
	\$ العملة المحلية

I (have/ have not) previously filed a claim relating to the incident described above. سابقا (قمت) (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 طلب تظلم (قدم) (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. ملحظة: بالتوقيع أسفل هذا التظلم فأن تقسم على أن كل المعلومات المقدمة في هذا اتظلم هي صحيحة وحقيقية . أي شخص يحاول تقديم تظلم كاذب أو مختلق أو يزور التظلم ضدحكومة الولايات لمتحدة الأمريكية سوف يواجه عقم المن مذاك قد مادة مرداكم من قدار السلطات (b)(6)(Signature of Claimant) (توقيع التظلم) الرجاء كتابة الأسم والتوقيع Subscribed to me this _____ day of (Signature of Witness)

CENTCOM 003143

(إسم الشاهد بالكامل)

(Printed Name)

(توقيع الشاهد)

من عام

المو افق

Al-Sha'ab Investigation Court Jun/7/2007

(b)(6)According to the victim's mother statement (b)(6) at 7 o'clock in the morning in May/27/2007 it was an American patrol checking the district. They got in the house and the mother who is (b)(6)was sleeping and was sleeping too and for knowing he was suffering form a mantel problems which is (schizophrenia) according to military service. While they got in the house one of the soldiers got in (b)(6)room where he was sleeping and shot at him one bullet in his chest and another bullet in his left leg. And after that the American officer yelled at the soldier because of what happened. The body was moved to Al-Sha'ab Police Station, and they gave us a claom paper written by them and they told the officer in the police station to tell his family to go to NIAC with this paper.

After the accident the American soldier wanted to give amount of money because of what happened but he couldn't because nobody was in the house just his mother and she is

(b)(6) so they didn't give the money according to the neighbors statement OM 003144

And for what happened I am claiming to have my rights.

foreign language, (b)(6) CENTCOM 003145

FOREIGN LANGUAGE

Al-Sha'ab Police Station Jun/7/2007

To (b)(6)

In May/28/2007 the claimant's statement ($_{(b)(6)}$ had been recorded and we bring before your honor the claimant kindly requesting to certify her statement with appreciation.

(b)(6), Foreign Language Text

foreign language

witness statement

foreign language

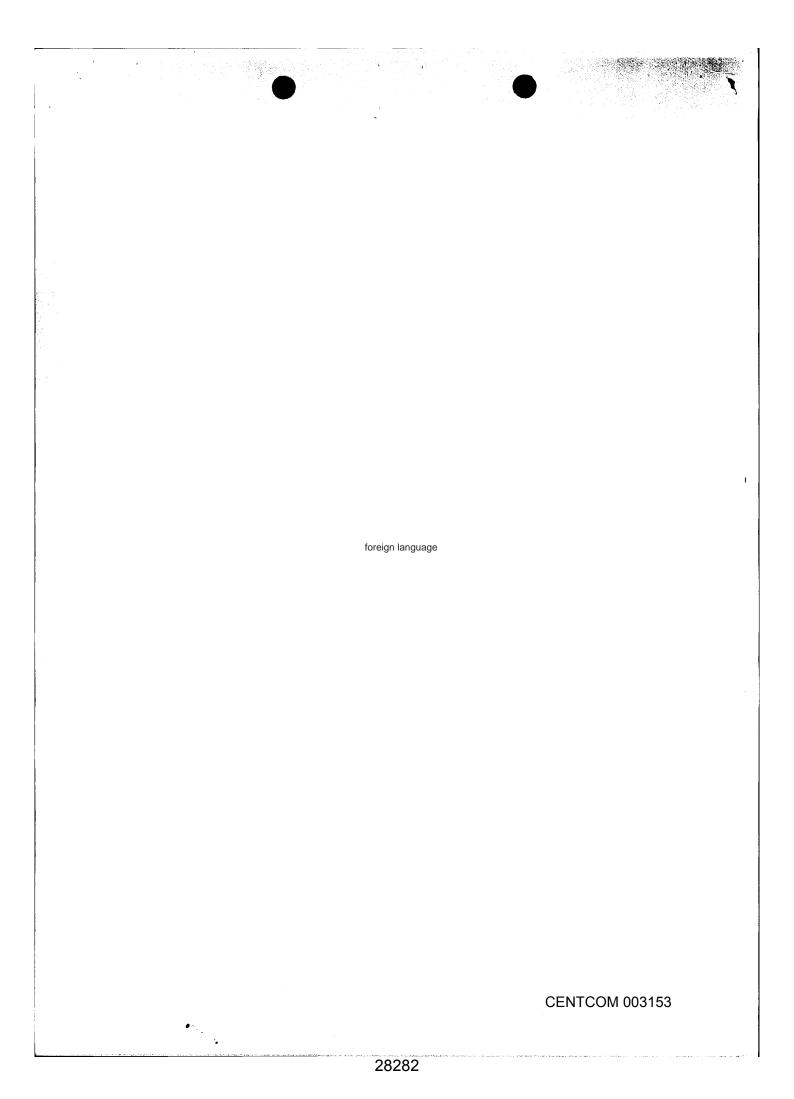
Al-Sha'ab Police Station May/27/2007

Body Examination

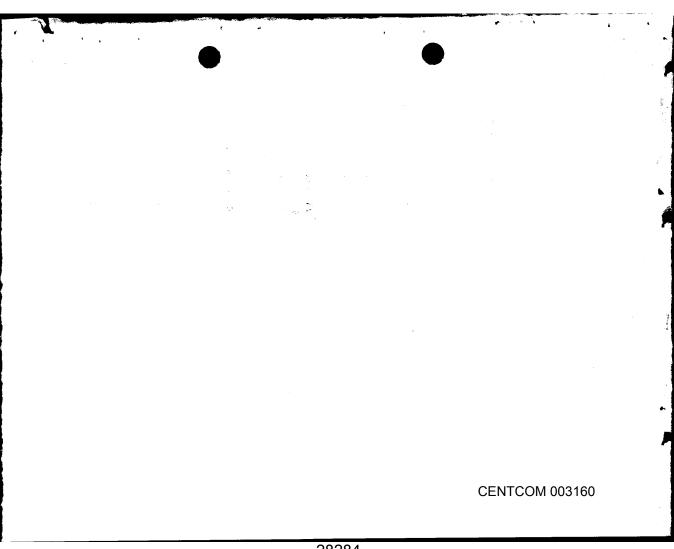
After doing the examination for the body I noticed the following:

- 1. I noticed the body in age (b)(6)
- 2. I noticed the body got shot in the chest by a bullet.
- 3. the body was wearing a (dashdasah).
- 4. I didn't notice any other thing to be useful for the investigation.

foreign language



Pages 28 through 33 redacted for the following reasons:
FOREIGN LANGUAGE, (b)(6)



Pages 35 through 44 redacted for the following reasons:

FOREIGN LANGUAGE FOREIGN LANGUAGE, (b)(6)