



DEPARTMENT OF THE ARMY

HEADQUARTERS, 2ND BRIGADE COMBAT TEAM 101ST AIRBORNE DIVISION (AIR ASSAULT) CAMP LIBERTY, APO AE 09344

AFZB-KB-JA

11-Feb-08

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of (b)(6)

08-IG8-T 664 / 07/249

1. Facts.

VEHICLE DAMAGE CAUSING DEATH.

Claimant has requested \$15,000.00

- 2. Opinion. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. The claim packet contained credible evidence of damage caused by US forces not involved in combat operations.
- 3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
- 4. Action. Settle this claim in the amount of \$5,0 (b)(3),(b)(6)

 CPT, JA
 Foreign Claims Commission IG8

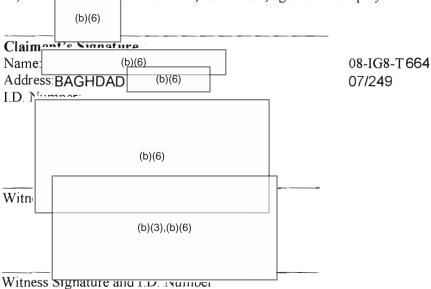
	Form 1034 (EG. October 1987									VOUCHER NO
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		BUREAU, OR ESTAB		ATION	1	ODATE VOUCHER PRE				SCHEDULE NO.
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	p Liberty	v. Iraq			Ι,	CONTRACT NUMBER AF	ID DATE			24th FMC
		44-3029			F	EQUISITION NUMBER.	AND DATE			Camp Liberty, Iraq
DNN	IS: 5579	1								APO AE 09344
										DSSN: 5579
DAY	/EE'S	CLAIM #: 08	B-IG8-T 664			1				
	'EE'S AME		(b	0)(6)						DATE INVOICE RECEIVED
	ND RESS	BA	AGHDAD ((b)(6)						DISCOUNT TERMS
ADD	KESS						1			DISCOUNT TERMS
	-	_								PAYEE'S ACCOUNT NUMBER
SHIPPE	D FROM			то			w	EIGHT		GOVERNMENT B/L NUMBER
	MBER	DATE OF	/E 1		OR SERVICE		QUAN-	ŪNIŢ	PRICE	AMOUNT
	D DATE ORDER	DELIVERY OR SERVICE	schedul	e, and other infor	mation deem		TITY	COST	PER	
						allowed by the				\$5,000.00
			Secretary of designated			cer duly nder authority				
				•	•	D. Chapter 10,				
			upon			.,				
			the claim of)
			property dar abandoned		, destroy	ed, captured, o	r			
			abandoned	in service.						
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=	MPLETE	(b)(C)	\		^					
=	TIAL	. , , , ,), (b)(3)							45.000.00
☐ FINA		SSG, USA	NOENT -							\$5,000.00
=	ANCE	TITLE: PATA	AGENT					(b)(3),(b)(6)	
Pursuant	to authority ve	ested in me, I certify tha	at this voucher is corre	ect and proper for p	ayment.					
			(b)(3),(l		lT.			ISBURS		AGENT
	(Date)		(Authorized	Certifying Officer)		CLASSIFICATION			Tibe)	
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BY	CASH		DATE							
When sh	ated in foreign	\$5,000.00	ne of currency					PER		
² if the abo	lity to certify	and authority to appro sign in the space prov	ve are combined in o		gnature only i	s necessary; otherwise t	he			
When a name, as	voucher is re-	celpted in the name of apacity in which he s	f a company or corpo	ration, the name of	of the person of the Doe Compar	writing the company or c ny, per John Smith, Secr	orporate stary, or	TITLE		
	dition usable	se may be.			BNACV AC	T STATEMENT				N SN 7540-00-900-2234
	The information	mation requested on th	is form is required und	er the provisions of	of 31 U.S.C. 82	the purpose of the pu	e of disbursing i	ederal money	De of the p	payment obligation

SETTLEMEMENT AGREEMENT

I, (b)(6)	of	BAGHDAD	(b)(6)	,
IRAQ hereby agree to accept the	sum of \$5,000.0	00 U.S. dollars	as payment i	n full
satisfaction and final settlement of	of any and all claim	s against the Unit	ted States of	
America, its commissioned and n	oncommissioned o	fficers, agents, ar	nd employees	which
have been asserted or which may	be asserted arising	from the inciden	t occurring o	n or
about 2/2/2007 , i	involving U.S. Ford	es. The damage	was as follow	ws:
VEHICLE DAMAGE CALISING	DEATH			

In consideration thereof, I hereby release and forever discharge the United States of America, including its officers, agents, and employees from all liability, claims and demands of whatsoever nature arising from the said incident. This release / settlement specifically includes all current or potential claims including attorney fees, if any, arising from or related to property damage, injury, and/or death resulting from this incident.

It is understood that the amount tendered is accepted as full satisfaction and final statements and that the award is made pursuant to the Foreign Claims Act, 10 U.S.C. 2734, and is not to be construed as an admission of liability on the part of, but as a release of, the United States of America, its officers, agents and employees.





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)	08-I93-T028
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ACTION

- 1. <u>Facts</u>: Claimant states that on 2 February 2007, a U.S. Forces patrol hit her brother's vehicle killing him instantly. 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. Based on my review of this claim, I approve the claim and offer payment.
- 3. <u>Authority</u>: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
- 4. Action: Pay this claim in the amount of \$5,000.00.

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

CPT, JA
FCC 193



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

FCC I93

25 November 2007

CLAIM OF: (b)(6)
CLAIM NUMBER: 08-I93-T028

Dear Ma'am:

This notice constitutes final administrative action on your claim against the United States.

Foreign Claims Commission (FCC) I93 has investigated and considered the claim under the Foreign Claims Act (FCA), Title 10, United States Code, Section 2734, as implemented by Army Regulation (AR) 27-20, Chapter 10. The claim is cognizable solely under the FCA as it concerns an inhabitant of Iraq. The Federal Tort Claims Act, Title 28, United States Code, Section 2680(k), is not applicable as it excludes claims arising in foreign countries. Under the FCA, a claim for death or personal injury may be allowed whether or not the negligent act complained of was made within the scope of employment.

FCC 193 offers you \$5,000.00 to settle your claim.

If you are dissatisfied by this action, AR 27-20 provides that you may request that the decision be reconsidered. Any such request must be forwarded to this office for FCC consideration. There is no prescribed format for such a request. However, it should describe the legal and/or factual basis for relief. Any request for reconsideration must be made, in writing, within thirty (30) days of signing this letter.

The FCC's action on reconsideration is final and conclusive by law.

Sinc	erely,	
	(b)(3),(b)(6)	
Cap	ain, U.S. Army	

Re De	andard Form 1034 evised October 1987 spartment of the Treasu FFM 4-2000 34-121	iry			OR PURCHASE THAN PERSO	•			VOUCHER NO.		
U.	S. DEPARTMENT, EPARTMENT	OF THE A		DN D	ATE VOUCHER PRE	PARED NOV 0	7		SCHEDULE NO.		
	5th FINANCE PO AE 09352	BATTALIO	N		ONTRACT NUMBER				PAID BY 15th FIN BN 3rd FIN, 3rd APO AE 093 DSSN 5579	SSB	
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	NAME L AND ADDRESS	BAGHDAD,	IRAQ	J					DATE INVOICE F		,
		_							DISCOUNT TERM	AS .	
									PAYEE'S ACCOL	INT NUME	3ER
SH	IPPED FROM		ТО				WEIGHT		GOVERNMENT E	/L NUMBI	ER
	NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLE: (Enter description, item nu schedule, and other in		or Federal supply	QUAN- TITY	UNIT	PRICE		TNUC	(1)
	or order	ONGENVIOL	FOREIGN CLAIMS LOSS OF LIFE (BRO	NUMBER						5,000	
(1)	se continuation sheet(s	s) if necessary)	(Payroo n	aust NOT	se the space be	low)	T	OTAL		5,000	0.00
_	AYMENT: PROVISIONAL	APPROVED FO	2	EXCHANGE			RENCES	OTAL		3,000	7.00
X		BY 2 CPT	(b)(3),(b)(6)		241.00						
	FINAL		(b)(0),(b)(0)			Amount	verified; corr	ect for		5,000	00.0
	ADVANCE		CLAIMS COMMISSI			(Sig		(b)(3)	,(b)(6)		
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PAID BY	\$ 5,000.00		DATE		PAYEE 3						7
² If ol ³ V	When stated in foreign of the ability to certify an fficer will sign in the spa When a voucher is rece	d authority to approvace provided, over his eipted in the name dispacity in which he s	e are combined in one person, one	name of the pers	on writing the company	or corporate	PER				
	ous edition usable		ed on this form is required under the	PRIVACY ACT e provisions of 3° and the amounts to	STATEMENT I U.S.C. 82b and 82c, for be paid. Failure to furnis	the purpose th this inform	of disbursing Feation will hinder	ederal mo	NSN 7	540-00-900 USAPA	

08-IG8-T664-00007

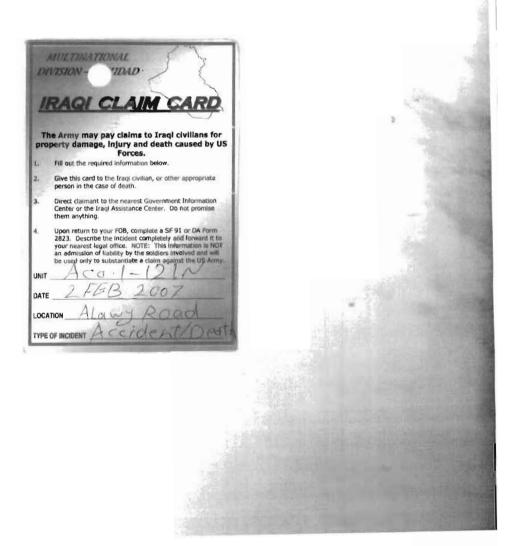
Page 8 redacted for the following reason:
(b)(5)

CLAIMS CHECKLIST

CLAIM NUMBER: 08-193-T028	
CLAIMANT'S NAME: (b)(6)	AMOUNT OF CLAIM: \$15,000.00
DATE OF INCIDENT: 2 Feb 07 DATE FILED: 27	Sep 07 DATE RECEIVED: 8 Oct 07
CLAIM TYPE:	
∀ Vehicle Damage □ Detainee Property	Damage During Raids
☐ SAF Damage/Injury ☐ Real Estate	X Other
CLAIM AROSE FROM:	
☐ Combat Activities	Non-combat Activities
CLAIM IS:	
Payable	Not Payable
work when an U.S. Forces patrol ran over his vehicle king REMARKS: The claimant submitted pictures of the vertical submit	chicle and the death certificate for her brother.
The unit issued her a claims card. 1-12 IN is out of count with them. The accident occurred in 2-2 ID battle space	
with them. The accident occurred in 2-2 ID bait!e space could not find a SigAct or any other report for this.	
with them. The accident occurred in 2-2 ID bait!e space	e. but they do not have a record of this incident. I
with them. The accident occurred in 2-2 ID hait!e space could not find a SigAct or any other report for this. (b)(5) RECOMMEND: APPROVAL DENIAL	e. but they do not have a record of this incident. I (b)(5)
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with them. The accident occurred in 2-2 ID hait!e space could not find a SigAct or any other report for this. (b)(5) RECOMMEND: APPROVAL DENIAL (b)(3),(b)(6) REVIEWED BY: SPC (b)(3),(b)(6) D	e. but they do not have a record of this incident. I (b)(5) ATE REVIEWED: 11 Oct 07
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-	CLAIMANT NEEDS TO
	HAUT MOTHER OF
	FATHER FILE CLIPIN
	THIS ON 3 NOW





Claim Form طلب نظام

To: United States Ar	my Foreign Claims' Commission غُرِ الله لامات المتحدة الامراكية	الى: مفوضية التظلم لحية
From: Name_	(b)(6)	من: الاسم -
	ء سيد سري ،	وعا
17 1 . M	(b)(6)	
	(b)(6)	
Telephone	(b)(6)	الهاتف:
I am		52
a. National citizen of	Iraq:	الحمل الجنسية
b .Permanent addres	s Iraq - Baghdad	ب-عنواني الدائم
c. Employed by	(b)(6)	ت اعمل لدی

d. Check one () an insurer (/) not an insurer

ث ضع علامة على احدهم)احمل التامين ﴿)لا احمل التامين

e. Check one () a subrogate (Inot subrogate

ج ضع علامة على احدهم ()دانن او ﴿) ليس دانن

I hereby make a claim against the Unit caused by: (Name, Organization, Milit			
(b)(6)			repriorit (vaniori)
نجمت من:	والإصابت التى	 الولايات المتحدة للأضرار ،	
	F	oreign Language Text	الاسم المنظمة الوحدة العسكرية العنوان
			العلوان رقم التليفون
ممثل أو قريب أو عائل فالرجاء أحطار ن ممثلين رسميين.	اence of aut) مر مر من قبل م الم قدم من قبل م او اي دليل م	hority and fill in the f	form below for الممتلكات المتضررة مه المستمسكات التي تخولة
		Foreign Language Text	
AL- ALary My claim arose at:	Road	Baghdad	Iraq.
(Town)	(Ci	ty)	(Country)
Foreign Lang	uage Text		
ينة البلد أو المحافظة	المدي	القرية	تظلمي قدم في:
My claim arose on: Month	2 Day		2 - 7 Year
Foreign Language	-		
يه و السنة		شهر	تظلمی قدم فی:

A brief statement of the incident.

According to the	claimant's	(b)(6)	statements,
on Feb 2 at five p.m	ո. During h <mark>er bro</mark>	other	(b)(6)
the victim) return fro	om work (contra	ctor), upon arriv	al at Al-Allawi
square, an America	ın patrol(armore	d) came from th	ie oppos <u>ite side</u>
(wrong side) and th	e Hummer had r	run over the vic	tim's car (b)(6)
(b)(6)	the victim) and f	this led to his d	eath immediately.
After the incident, th			
and gave the claim			
the victim's relative:	s and gave the c	laim card to the	e victim's uncle
(mother side) after t	they apologized	from him and the	ney sent him to
NIAC to compensat	tion section.		
Note that the victim	was single and	was the only re	sponsible to feed
his family.			

iive a brief statement of the accident or incident of	
roperty or for personal injury is based, (Use back	of this sheet if necessary.)
راء ذلك ، سواء كانت جسدية أو ممتلكات . (الرجاء أستعمال	بإختصار أشرح ما حدث والأضرار التي أصابنك ج خلفية هذه الورقة إن لم تكن الأسطر لتكفي)
escribe nature and extent of property damage or personal above incident.	personal injury sustained as a result of
جسدية أو لممتلكاتك والتي أصابتك جراء ما حدث بسبب الحاد	أشرح متى وطبيعة ما حدث من أضر ار سواء كانت المقصود .
st in detail the amount of property damage and it operty damage or personal injury; (Attach bills a	: MILLIANS
<u>em</u>	Amount
eath of Chainany's brother ar damaged	# 5 000
	Total: # 1= 099

متفات	شيئ المتضير ر
	Foreign Language Text
I was insured to the following ext	tent against the damage or injury I have sustained:
	ي تأمين على الممتلكات أو الضرر الجمدي المتضرر بما يوازي:
Γhe name and address of my insu	arer (if any) is:
	N/A (Address)
	1114
(Name) (العنو ان)	Address) (Address) دا كان لديك أي تأمين الرجاء ذكر أسم وعنو ان شركة التأمين:
(Name) (العنو ان) claim as damages: (Indicate amo	الأسم) (Address) (Address) الأسم)
elaim as damages: (Indicate amo	(Address) (Address) دا كان لديك أي تأمين الرجاء ذكر أسم و عنو ان شركة التأمين: كالم

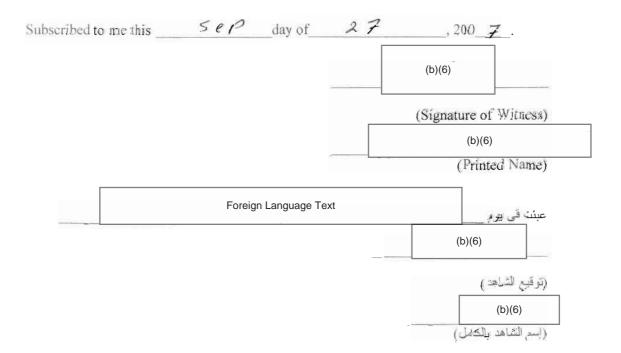
I (have/have not) previously filed a claim relating to the incident described above.

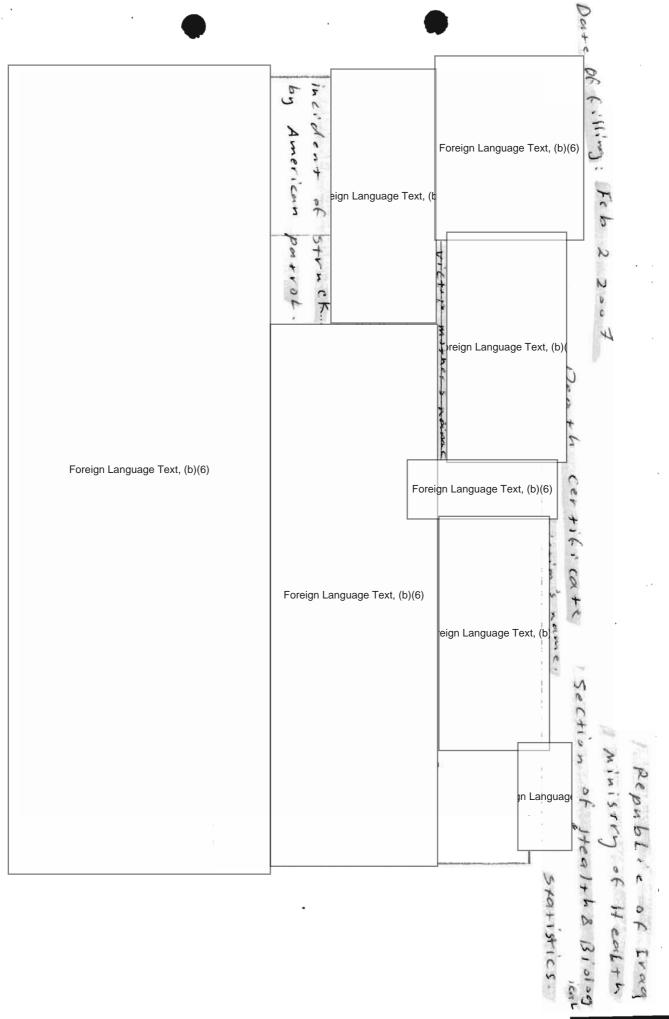
To the best of my knowledge, another claim (has/ has not) been filed relating to the incident described above.

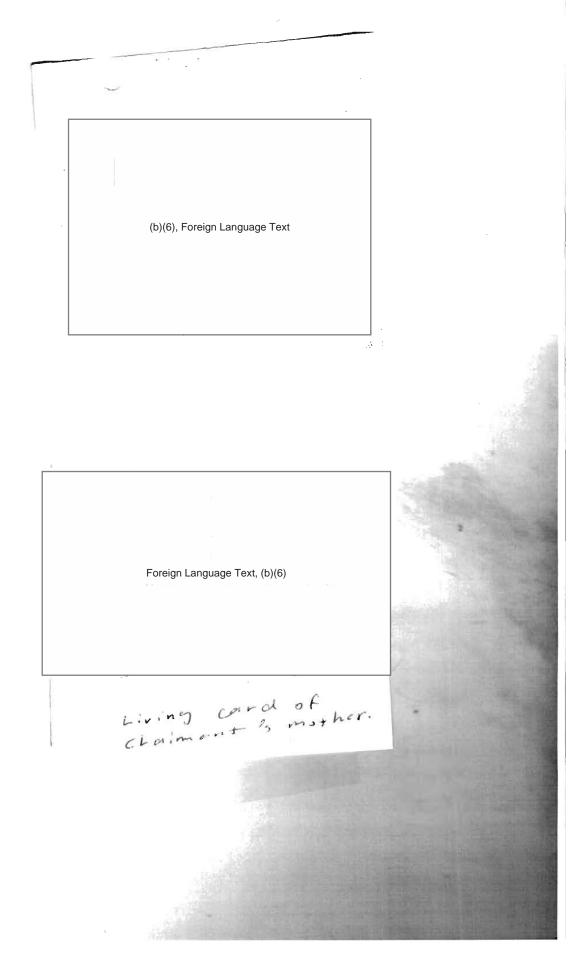
NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

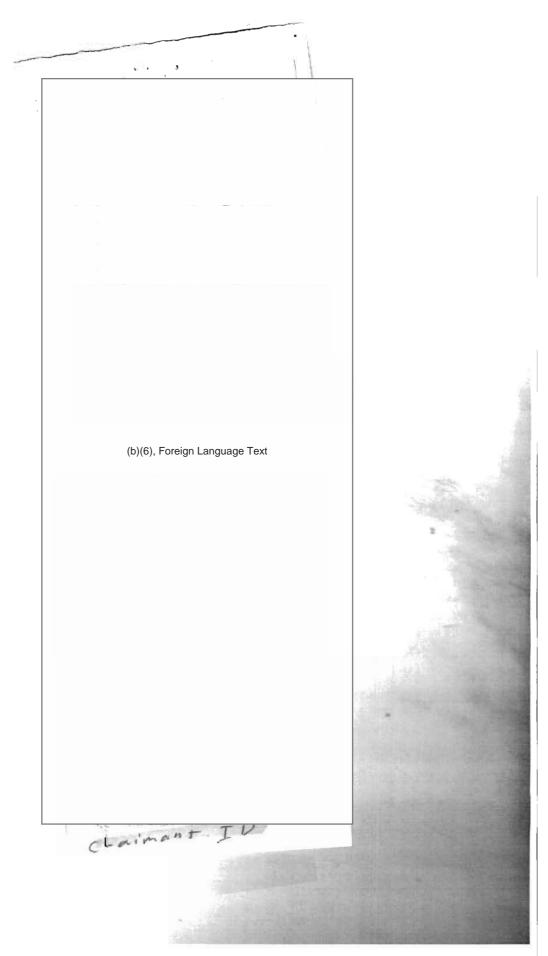
ملاحظة: بالتوقيع أسفل هذا التظلم فأن تقسم على أن كل المطومات المقدمة في هذا انظلم هي صحيحة وحقيقية . أي شخص بحاول تقديم تظلم كاذب أو مختلق أو يزور التظلم ضدحكومة الولايات لمتحدة الأمريكية سوف يواجه وقم التناطات حدادة مدحلكم من قبل السلطات (Foreign Language Text, (b)(6)

(Signature of Claimant)
(توقيع النظلم) الرجاء كتابة الأسم والتوقيع

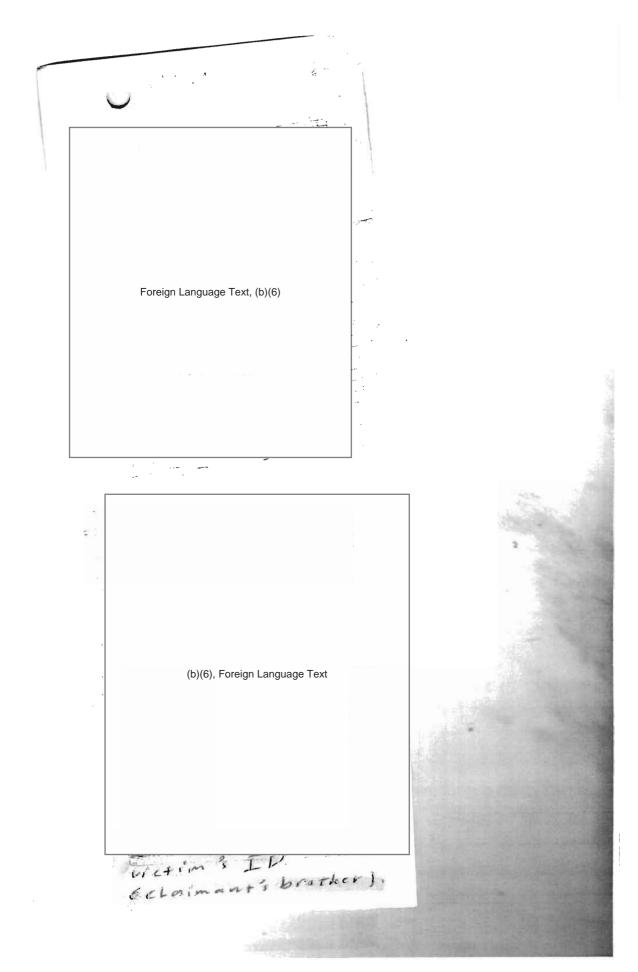


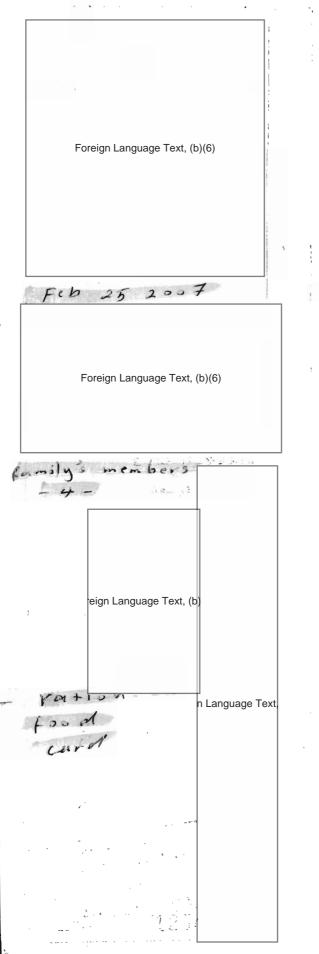






08-IG8-T664-00020



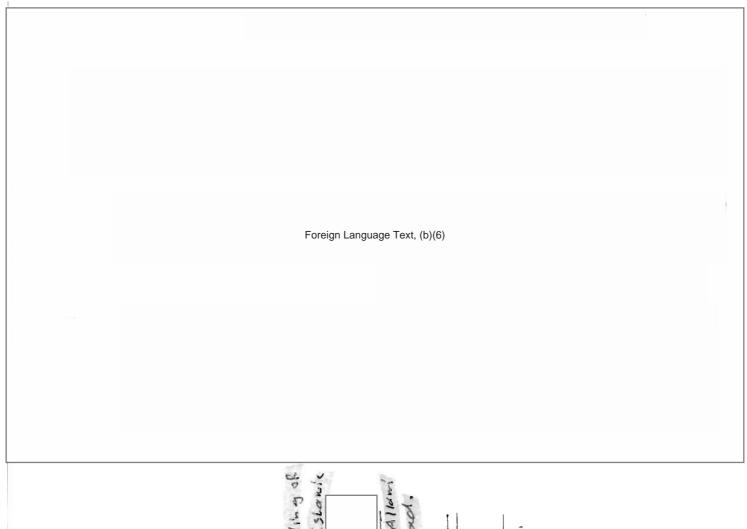


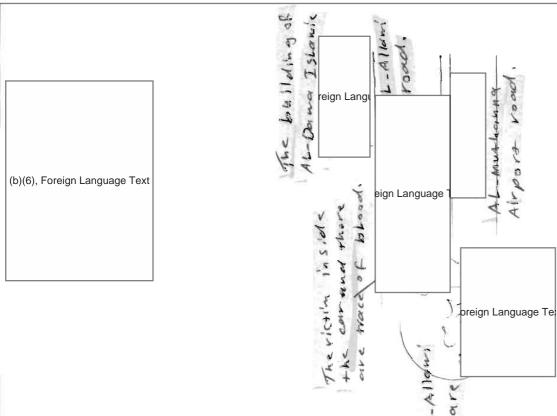
Page 23 redacted for the following reason:

(b)(6), Foreign Language

Minutes of Examination and Sketch of the incident place

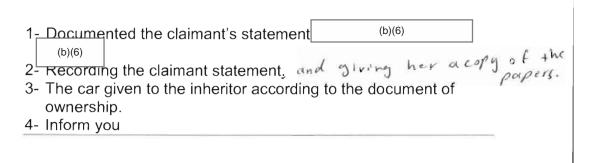
- 1. The place of incident is far from the police station about 1000 meters.
- 2. The place of incident is the high way between Al-Allawi square and Almuthanna Airport.
- 3. I noticed that the car type Ford was damaged as a result of the incident
- 4. I noticed car type Ford and traces of blood of the victim who was dread and we transfer the dread's body to the MORGUE.
- 5. And nothing else was found which is useful for the investigation.





Al-gaifer Police Station Feb 5 2007

The decision of the investigator Judge



Page 27 redacted for the following reason:
----Foreign Language Text, (b)(6)

Claimant's	Statement

Al-Gaifar Police Station Feb 5 2007

. . **. .**

The claimant's signature

08-IG8-T664-00028

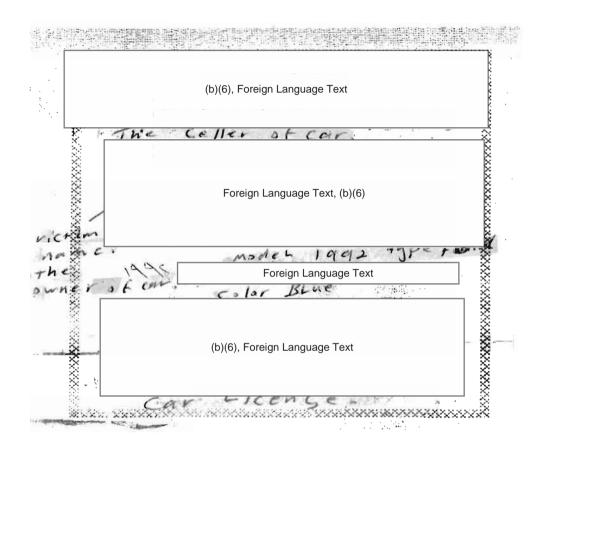
Page 29 redacted for the following reason:
(b)(6), Foreign Language Text

Al-Gaifar Police Station Feb 2 2007

Open the police report;

The witness said (b)(6) said informed us: at 5:00p.m I saw the incident in Al-Allawi square

08-IG8-T664-00030



08-IG8-T664-00032

