



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS
1ST STRYKER BRIGADE COMBAT TEAM
25TH INFANTRY DIVISION
FOB WARHORSE, IRAQ
APO AE 09336

APVR-SB-JA

7 November 2008

MEMORANDUM OF OPINION

SUBJECT: Action on Claim of (b)(6) (08-2SCR-0278)

1. **Identifying Data:** (b)(6)
2. **Date and place the incident occurred giving rise to the claim:** The claim originated in Baqubah, Iraq in July 2007.
3. **Amount of claim and date it was filed:** The amount of the claim is 58,800,000 Iraqi Dinar, or \$50,000.00. On 27 September 2008, the claimant filed a claim for the death of his (b)(6) sons caused by Coalition Forces (CF).
4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, (FCA) 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20 and Department of the Army Pamphlet 27-162, Chapter 10. This claim was properly filed in a timely manner.
5. **Facts:** The claimant alleges that CF killed his (b)(6) sons while rooting out terrorists in the neighborhood. He has submitted death certificates and witness statements to support his claim.
6. **Opinion:** This claim is denied because of the combat activities by CF that resulted in the deaths of the claimant's sons. Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. Damages caused by enemy action, or by the U.S. Armed Services resisting or attacking an enemy or preparing for immediate combat with an enemy are certain to be considered as arising from combat activities (DA PAM 27-162, paragraph 10-3b).

CENTCOM 008033

APVR-SB-JA

SUBJECT: Action on Claim of

(b)(6)

(08-2SCR-0278)

7. **Recommendation:** This claim is denied under the FCA because it is incident to combat activities.

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

CPT, JA

Foreign Claims Commission I8Y



DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH BRIGADE, 2D INFANTRY DIVISION
FOB WARHORSE, IRAQ APO AE 09336

Foreign Claims Commission

(b)(6)

SUBJECT: Claim # 08-4-2-0519

Dear Sir:

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

Allow me to express my sympathy for the death of your family members. However, in accordance with the cited references and the investigation into your claim, your claim is not compensable. The reason(s) are indicated below.

Incomplete Evidence: There is not sufficient evidence to investigate your claim.

Combat Damage: After a search of records of the date in question, the evidence provided showed that your damages were the result of combat operation. Damages directly or indirectly related to combat operations are not compensable. Accordingly, your claim is denied. Based on the incident, I have recommended your claim for consideration under a different program which may compensate you for your loss. You will be notified once a decision under that program is made.

Lack of US Involvement: You have not provided a name or unit for the individuals who caused the damage you have claimed. Therefore, you have not provided sufficient evidence to show that the damage was caused by US Forces.

Lack of Causation: You have failed to show that the damage happened from the event you claimed.

Other/Notes: _____

Accordingly, your claim is denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with AR 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)

CPT, JA
Foreign Claims Commission

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In the name of God

Sir. The head of CMOC in Diyala , Esquire ..

Dear sir ..

I am civilian ((b)(6)) , I live in (b)(6) village ..

At 4:00 AM , 15 July 2007 , your forces attacked the terrorists in our region , during this operation , your forces shot fires randomly about the civilians houses , so it caused killed my (b)(6) sons) as shown in the death certificates , reports and investing papers .

So I hope from your mastery to help me as much as possible with (50000 \$) a compensation instead of killed my five sons .

(b)(6)

With more thanks and respects

Enclosures :

- Death certificate (b)(6) .
- Investing papers .

(b)(6)

The claimant

(b)(6)

14 Apr. 2008

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Page 5 redacted for the following reason:

(b)6 Foreign Language Text

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

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(b)(6), Foreign Language Text

(b)(6), Foreign Language Text

Foreign Language Text, (b)(6)