



DEPARTMENT OF THE ARMY  
Headquarters, 3<sup>rd</sup> Brigade Combat Team  
3<sup>rd</sup> Infantry Division  
FOB Warhorse, Iraq  
APO AE 09397

REPLY TO  
ATTENTION OF:

AFZP-VI-JA

30 August 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA5-1355

1. Claimants name and address: [REDACTED], Buhriz, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 16 January 2005 in Buhriz, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$5,000.00 on 24 August 2005.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for wrong death of his brother.
5. Claimant's Allegations: Claimant states that CF raided his coffee shop and wrongfully shot and killed his brother.
6. Investigator's Opinion:
  - a. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Additionally, the reasons for denial of this claim are included in paragraph b.
  - b. The research conducted revealed that there is absolutely no proof of United States negligence. There was not enough evidence to prove this incident occurred.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$5,000 is disapproved.

[REDACTED]  
CPT, JA  
Claims Judge Advocate

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# CLAIMS FORM

to: United States Army Foreign Claims Commission

from: Name: \_\_\_\_\_

Address: \_\_\_\_\_

I am

- a. A citizen and national of: Troy
- b. A permanent resident of: \_\_\_\_\_

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

The property damaged is owned by: \_\_\_\_\_

My claim arose at: Burhiz Troy  
(Town) (City) (Country)

My claim arose on: Jan 16 2005  
Month Day Year

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.)

*claimant estates CP raided coffee shop  
in Burhiz and shot his brother.  
Says everyone was lined up on ground and his  
brother was shot*

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.)

<u>Item</u>	<u>Amount</u>
<i>Death of brother</i>	
Total:	<i>5,000</i>

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

\$ 5,000 local \_\_\_\_\_

*[Redacted]*  
(Signature of Claimant)

Subscribed before me this 24 day of August, 2005.

*[Redacted]*  
(Print Name)

*[Redacted]*  
(Signature)

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