

DEPARTMENT OF THE ARMY
3d Heavy Brigade Combat Team
4th Infantry Division (Mechanized)
FOB Warhorse, Iraq
APO AE 09397

AFZC-FC-JA

27 March 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED] 06-3/4-509

1. Claimants name and address: [REDACTED], Aba Saida, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 12 Nov 05, in Abi Garma, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$7,000 on 25 Mar 06.
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 compensation for death of father.
5. Facts: The claimant alleges that US Forces shot his dad while his dad was attempting to turn his vehicle around at a check point as ordered by US guards.
6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. There is insufficient evidence to prove US negligence or wrongful act. Additionally, such fire engagement by any checkpoint guardsman was likely a result of the deceased's failure to follow written or verbal instruction at a checkpoint.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently, I recommend that this claim be denied.

[REDACTED]
CPT, JA
Foreign Claims Commission

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Foreign Claims Intake Form

3D HBCT, 4ID, Foreign Claims Office, FOB Warhorse, Iraq.

Claimant: Name: [REDACTED] Sex: _____
Address: Abi-Garma

I am a citizen and national of: _____

Name of Unit or US Personnel involved in incident: unknown

Owner of property that was damaged: _____

My claim arose at: Abi-Garma / Aba Sardar / _____
Town City Country

My claim arose on: Nov 12 05 / _____
Month Day Year Time

Give a brief statement explaining how the claim arose and the nature of the damages. Be sure to include the what, where, when, who, and how of what happened. Write legibly.

The claimant's dad was killed (shot) by US Forces at a checkpoint after turning back by security forces. While attempting to turn around a US Forces soldier shot him. The other 3 passengers took him to the hospital where he was later pronounced dead.

no pictures included

death certificate verified

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

\$ 7,000 local _____

Signature of Claimant

Name of Attorney

Subscribed before me this 25 day of May, 2006.

Print Name

Signature

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