



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1<sup>ST</sup> BRIGADE, 3<sup>RD</sup> INFANTRY DIVISION (FORWARD)  
TASK FORCE BAND OF BROTHERS, OPERATION IRAQI FREEDOM  
FORWARD OPERATING BASE SPEICHER  
APO AE 09393

AFZP-VA-JA

21 November 2005

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]  
(Claim Number 05-IA3-1561)

1. On 26 June 2005, [REDACTED] s vehicle was shot at and damaged by U.S. Forces.
2. I certify that funds are available from the CERP to pay [REDACTED] in the amount of \$600.00. This is a battle damage payment.

[REDACTED]  
CPT, EN  
Project Purchasing Officer

3. The request to pay [REDACTED] in the amount of \$600.00 from CERP is approved. The claimant will receive a payment. There is no legal objection to this payment. I order payment of this money.

[REDACTED]  
CPT, JA  
Trial Counsel

000231



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)  
OPERATION IRAQI FREEDOM (FOB LIBERTY)  
APO AE 09308

DHFT-JA

6 August 2005

**MEMORANDUM OF OPINION**

**SUBJECT:** Claim of [REDACTED] 05-IA3-1561

- 1. Identifying Data:** [REDACTED] Tikrit, Iraq
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 26 June 2005, in Al Dujeel, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for 900,000 ID on 3 August 2005.
- 4. Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was filed in a timely manner.
- 5. Facts:** Claimant alleges that his Toyota Super was damaged, when U.S. Forces shot at it from a convoy. The claimant's brother was driving the claimant's vehicle as a taxi from Tikrit to Baghdad. He had a fare in the vehicle. The claimant's brother came up behind a slow moving U.S. Forces convoy. He attempted to pass the convoy on the other side of the highway. When he came back to the southbound lane to cut back in front of the convoy, they opened fire on his vehicle. [REDACTED] The convoy stopped and took the decedent to the Al Dujeel police station. The claimant provided a corroborating witness statement, photographs and a scene sketch. A legal expert report estimated the damage to the vehicle at 900,000 ID. This incident was verified through a check of Division records.
- 6. Opinion:** There is sufficient evidence to indicate that U.S. Forces damaged the claimant's vehicle. Unfortunately, those forces were involved in security operations at the time. Therefore, this case falls within the combat exception.
- 7. Recommendation:** The claim is denied.

[REDACTED]

CPT, JA  
Chief, Claims

000232

Ch

MSI 32 / 006889

Claims Form

To: United States Army Foreign Claims Commission

From: Name: \_\_\_\_\_

POA/ATT: \_\_\_\_\_

Power of Attorney provided and interpreter approved: \_\_\_\_\_

Decedents: \_\_\_\_\_

Hometown: Tikrit

Iraqi Resident: Yes

My claim arose at: \_\_\_\_\_

(Town) \_\_\_\_\_

(City) Al Dujail

(Country) Iraq

My claim arose on: June 26

Month June

Day 26

Year 05

10:30

Proof of Ownership: Owner's card in Es Name

Interpreter Approved: Nothing chassis # Photo

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

Legal Expert Opinion: 900,000 I.D.

Interpreter Approved: \_\_\_\_\_

Witness Statement (Consistent?): W, (Pass) Same

Interpreter Approved: \_\_\_\_\_

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.)

Driver Dec riding in Al Dujail Taxi  
W, is a passenger from Tikrit to Baghdad.  
IN Al Dujail US convoy in front  
of them going back. Passed  
convoy on other side. 600  
to return to right side. US forces  
shot vehicle. Driver killed.  
US forces stop take photos  
Photos, sketch dead to Al Dujail  
Evidence Police agreement  
Vehicle belongs to G (Dec's brother) Station  
000233

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.)

Item Amount

Damages to Vehicle

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name) \_\_\_\_\_ (Address) \_\_\_\_\_

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

local 400 000

(Signature of claimant)

Subscribed before me this 3 day of July, 2005.

(Print Name)

000234