



DEPARTMENT OF THE ARMY
OFFICE OF THE COMMAND JUDGE ADVOCATE
116th BRIGADE COMBAT TEAM, 42nd INFANTRY DIVISION
KIRKUK, IRAQ, APO AE 09368

REPLY TO
ATTENTION OF

24 February 2005

Foreign Claims Commission

[REDACTED] FY05-I9B-862
Hawija, Iraq

Mr. Mahmood,

I have considered your claim (enclosed) under the Foreign Claims Act, Title 10 United States Code Section 2734 as implemented by Army Regulation 27-20, Chapter 10.

Your claim is denied. The Foreign Claims Act does not authorize payment of claims related to combat activities, nor of claims where US negligence cannot be established. Your claim states that your son, [REDACTED], was killed in a firefight between Coalition Forces and Anti-Coalition Forces. The U.S. cannot pay your claim because because your sons' death was incident to combat. I am sorry for your loss, and I wish you well in a Free Iraq.

Army Regulation 27-20 provides you the right to appeal this action. Deliver your appeal and any additional evidence to the Civil-Military Information Center in the Government Building within thirty days of receipt of this notice.

Sincerely,

[REDACTED]

CPT, U.S. Army
Foreign Claims Commissioner

000249

CLAIM FOR DAMAGE OR
INJURY DEATH

INSTRUCTION: Please read carefully the instruction on the reverse side and supply the information requested on both sides of this form. Use additional sheets (s).

person to approve
MSC

| | | | |
|-------------------|---|---|---|
| AMER | Site of the accident IN HAWEJA ON THE ROAD WHICH LEADS TO HAWEJA HOSPITAL | 2. Name of claimants & Address: [REDACTED] AL-ABASI VILLAGE -HAWEJA | 862 |
| 3. Gender MALE | 4. DATE OF BIRTH 1967 | 5. MARITAL STATUS Married | 6. DATE & DAY OF ACCIDENT 11-07-2003 |
| | | | 7. TIME 10 p.m. |

The claim

According to the witnesses statement the four victims with other passengers were driving to the hospital of HAWEJA, and the coalition forces opened fire on them killing four individuals, after that the passengers who were driving with the victims realized that the coalition forces were ambushing there and they were suspecting those people were a terrorist.

The claimant is the son of the victim ([REDACTED])

NOTE: - The car has been repaired their excuse they didn't know about the FCC. officer.

PROPERTY DAMAGE

THE CAR WAS NEARLY DAMAGED

INJURY

ONE PERSON IS WRONGFULLY KILLED

WITNESSES

| NAME | ADDRESS |
|------------|--|
| [REDACTED] | AL-ABASI VILLAGE BOTH VILLAGES NEAR AL-HAWEJA BOTH WITNESSES WERE PASSENGERS WITH VICTIMS |

Amount of claim (IN Dollars)

| | | | |
|----------------------------|---------------------|--------------------|------------------|
| 12a PROPERTY 2542.00010 | 12b PERSONAL INJURY | 12c WRONGFUL DEATH | 12a 254200010 |
|----------------------------|---------------------|--------------------|------------------|

I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

000250

| | | |
|---|--------------------------------|---------------------------------|
| 13a. SIGNATURE OF CLAIMANT [Signature] | 13b. Phone number of signatory | 14c. Date of claim 1/18/2005 |
|---|--------------------------------|---------------------------------|

CIVIL PENALTY FOR PRESENTING FRAUDULENT

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT

CLAIM OR MAKING FALSE STATEMENT