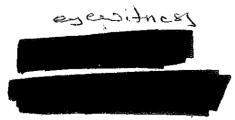


witness statement

This is to assure that the individual was killed by CF on the Highway of Kirkuk-Baghdud and his car was flipped down and damaged partly, although he was driving on his side.

3,360



000430

DEPARTMENT OF THE ARMY TORT AND SPECIAL CLAIMS APPLICATION **CLAIM SUMMARY SHEET**

06IO6T250-

Claimant's Assertion

Son driving to Kirkuk when CF opened fire, killing son & damaging car

Claimant Information

Claimant Name: Claimant SSN:

Claimant DOB:

Insured or Deceased: Son

Deceased SSN: Deceased DOB: Claimant Phone: Claimant Address: . () Claimant Representation:

Pro Se

Claimed Amount:

\$4,800.00

Property Damage:

\$2,300.00 \$0.00

Personal Injury: Wrongful Death:

\$2,500.00

Claim Information

ClaimID: 06106T250 Companion(s):

Incident Location: Kirkuk, Iraq on 01-Oct-05

Incident Date: 01-Oct-05 Date Filed: 24-Jan-06

Filling Office: 106-FCC 106 1BCT 101 ABN DIV (AASLT) (Ind Current Office: HOZ-USARCS Claim Retirement Processing

Chapters:

Chapter 10 - Foreign Claims Act

Damage Code:

UNKNOWN

Basis Code: UNKNOWN Incident Source: OTHER

Army Team

Field Office Investigator: SGT

Field Office Attorney: MAJ USARCS Area Action Officer:

USARCS Investigator:

USARCS Paralegal:

Final Disposition

Action

Date Amount

Claim Denied

06-Mar-06

\$0.00

Uploaded Documents

Document

Date Who

Claim Retirement Information

Shipment Number

Date Box



DEPARTMENT OF THE ARMY HEADQUARTERS, 101° AIRBORNE DIVISION (AIR ASSAULT) TASK FORCE BAND OF BROTHERS COB SPEICHER, IRAQ APO AE 09393

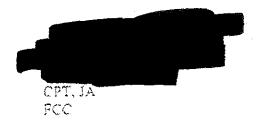
AFZB-JA-C

21 May 2006

MEMORANDUM OF OPINION

\$0,808000 000m yellow-7250)

- 1. Identifying Data:
- 2. Date and place the incident occurred giving rise to the claim: The claim occurred on 1 October 2005, near Atheem, Iraq.
- 3. Amount of claim and date it was filed: Claimant filed a claim for \$4.800 on 24 January 2006.
- 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: The Claimant alleges his son was driving from Bagindad to Kirkuk when a Coalition Forces convoy approached head-on and shot his vehicle. He states the round penetrated the vehicle and killed his son, and that the vehicle tipped during the incident. The Claimant provided a police report, photographs, proof of ownersnip of the vehicle, and a death certificate to substantiate the claim. A SIGACTS investigation rovealed no activity similar to the Claimant's description of events.
- 6. Opinion: Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful. In this instance there is not enough evidence to prove that Coalition Forces were responsible for the claim. This claim is non-compensable under the FCA.
- 7. Recommendation: The claim is denied.



From:

101AA MAIN OSJA NCOIC ADMIN @DMÄIN.D101.ARMY.SMIL.MIL]

egnesday, May 17, 2006 7:28 PM

Sent:

To:

BGT,101 AA 1BCT Legal, Paralegal NCO

Subject:

Categories:

UNCLASSIFIED FOR OFFICIAL USE ONLY

I couldn't find anything reported about claim, but the note that was given to him states an escalation of force, a combat activity. I don't think there's a need to contact the unit If he wants to come file a claim here to possibly get a CERP payment about this one. that's fine. How was ne supposed to know to get out of the vehicle when they fired warning shots? If I was in his place I would have stayed put too.

All the TF BoB SIGACTs from early October are missing from their database. I haven't been able to get individual SIGACT reports from CIDNE the past couple days, but a general search turned up a couple EOFs that could match Abdulkalik's claim. Again, combat denied.

Let me know if there's anything else I can do to help.

SGT Barten

SGT,101 AA 1BCT Legal, Paralegal NCO From:

@bct1.d101.army.smil.mil] mailto

Sent: Sunday, May 14, 2006 10:48 AM

SSG 101AA MAIN NCOIC CLIENT SERVICES To: T. SGT 101AA MAIN OSJA NCOIC ADMIN Cc:

Subject: [U] Claims

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

Gentlemen.

I need your assistance on these two claims. Both occurred out of our AO. claims that his son was shot by CF on 1 October 2005 near Hamrim Hills possibly to the city of Adhaim.

b claims that his vehicle was shot by CF on 25 February 2006. He has two notes from CF which are attached. Thank you for your help.

V/R

Bastogne Legal Claims NCO VOIP 242-2624 DSN 444-3009



DEPARTMENT OF THE ARMY

Office of the Command Judge Advocate 1st Brigade Combat Team, 101st Airborne Division (AASLT) FOB Warrior, Kirkuk, Iraq, APO AE 09335

REPLY TO ATTENTION OF:

AFZB-KA-CJA

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of 06-IO6-0250

1. Claimants name and address:

Kirkuk, Iraq.

- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 1 October 2005, at Tuz, Iraq.
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$4,800 on 24 January 2006.
- 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 the death of claimant's son.
- 5. Facts:
 - a. claims that on 1 October 2005, Coalition Forces (CF) shot and killed his son.
 - b. No deaths or EOF were reported by Coalition Forces on 1 October 2005.
- 6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

- b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. In addition, duplicate requests for payment under the Foreign Claims Act are not allowed. Any appeal must be submitted within 30 days. Not able to find any information of this incident.
- 7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$4,800 is denied.

CPT, JA

Foreign Claims Commissioner

CLAIM FOR DAMAGE .OR INJURY DEATH			the reverse side and supply7 information requested on both sides of this form. Use additional sheets (s) person From approve MBC			ted on both approve	
УАНУА	Baghd	OF THE ACCIDENT ad_kirkuk highway 50 l baghdad	km away from tuz		Name of claimants & Addirkuk- al wasti district	Fy06-0250	
GENDER 4.DATE OF BIRTH Male 1947		5MARITAL ST Married	TATUS.	6.DATE& DAY OF ACCIDATE 1-10-2005	1530 hrs.		
reaching H face to face third start s his body ca was flipped	emreer with the hooting using s down :	hills there was a cone convoy one of the gone the victim's care ever injuries in his after, shooting the vi	onvoy of CF we hummers ,the hummers ,the r, a bullet pen abdomen while ictim.	vere pa e claim etrated ch late	kuk coming from Baghdae trolling at that road when ant is not sure about it eit the forehead of the car a r caused his death .he men	the claimant became ther the first or the nd setteled down in ntioned also that the car	
Property damage							
The car was partly damaged as shown in the pics and described in the police report							
The delivery	was Iril	led after shooting h		JURY			
ine driver	was Kii	ied after shooting h					
WITNESSES							
NAME ADDRESS							
			A	l- eth	eem village	-	
			Amount of c	laim (I	N Dollars)		
12A PROP					WRONGFUL DEATH	12-14-800.00	
2,300.00 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							
13a.SIGNATURE OF CLAUMANT 13b.Phone number of signatory 14c.Date of claim 24 jan 2006							
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM					CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS		



DEPARTMENT OF THE ARMY

Office of the Command Judge Advocate 1st Brigade Combat Team, 101st Airborne Division (AASLT) FOB Warrior, Kirkuk, Iraq, APO AE 09335

REPLY TO ATTENTION OF:

AFZB-KA-CJA

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of

, 06-IO6-0250

1. Claimants name and address:

Kirkuk, Iraq.

- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 1 October 2005, at Tuz, Iraq.
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$4,800 on 24 January 2006.
- 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 the death of claimant's son.
- 5. Facts:
 - a. Claims that on 1 October 2005, Coalition Forces (CF) shot and killed his son.
 - b. No deaths or EOF were reported by Coalition Forces on 1 October 2005.
- 6. <u>Gpinion:</u>
 - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

- b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. In addition, duplicate requests for payment under the Foreign Claims Act are not allowed. Any appeal must be submitted within 30 days. Not able to find any information of this incident.
- 7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$4,800 is denied.

CPT, JA

Foreign Claims Commissioner