



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

REPLY TO
ATTENTION OF:

AFZP-VI-JA

10 October 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 05-IA5-1557

1. Claimants name and address: [REDACTED], Al-Amman Village, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 24 July 2005 in Baqubah, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$8,000 on 22 September 2005.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant for consideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for death of son.
5. Facts:
 - a. Claimant alleged that during a raid U.S. artillery fire killed his son. The son was 20 years old.
 - b. There were witness statements included with the submitted claim.
6. Opinion:
 - a. 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 activity of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

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CLAIMS FORM

To: United States Army Foreign Claims Commission.

From: Name: _____

Address: Al Amwan Village, Iraq

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Iraq

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

The property damaged is owned by: Claimant

My claim arose at: Baghdad
(Town) Iraq
(City) Iraq
(Country)

My claim arose on: Jul 24 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.)

While engaged in "shooting area" a round went into claimant's home and killed son. The son was 20 years old.

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
<u>Death of son</u>	<u>\$ 3,000</u>

Total: 8,000

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

\$ 8,000 local _____


(Signature of Claimant)

Subscribed before me this 22 day of Sep, 2005.


(Print)


(Signature)

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