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DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

AFZB-JA-C

MEMORANDUM FOR Claimant

SUBJECT: Claim Denial

1. This is in response to your claim against the United States Government. Your claim has been reviewed under the Foreign Claims Act, 10 U.S.C. 2734, as implemented by Army Regulation 27-20, Chapter 10. I regret to inform you that your claim has been denied.
2. Your claim has been denied for the following reasons:
 - a. There is not enough evidence to prove your claim.
 - b. The evidence shows that United States Forces did not cause the damage.
 - c. The evidence shows that the damage was caused during combat.
 - d. The evidence shows that the damage was caused by your own negligence or wrongdoing.
 - e. The evidence shows that your claim was fraudulent.
 - f. Other:
3. If this is the first time your claim has been viewed by this office, you may submit an appeal. This office must receive the appeal no later than 30 days after receipt of this message. The appeal must also contain additional evidence proving your claim. If the appeal is sent after 30 days has passed, or does not provide additional evidence, then the appeal will be denied.
4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[REDACTED]
CPT, FCC
Foreign Claims Commissioner

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DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

4 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]; 06-IR8-255

1. **Identifying Data:** [REDACTED] by Attorney [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 25 September 2005 in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$15,000 on 28 Feb. 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 properly filed in a timely manner.
5. **Facts:** The Claimant alleges that CF shot artillery at their home, killing seven members of his family and injuring his wife and grandchild. The attack allegedly killed [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and, [REDACTED] injured [REDACTED] the Claimant's grandchild. In support of the claim, the Claimant presented seven original death certificates, hospital reports, police and judicial reports, witness statements and photographs. A SIGACTS investigation revealed no CF artillery fire that day.
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." Here, there is insufficient credible evidence of negligence or wrongdoing attributable to CF. Conversely, there is evidence of AIF activity. Consultation with CPT White of the Division Artillery FECC indicates that the ordinance in the photograph appears to be a 127mm Iraqi manufactured rocket. This ordinance is not in the CF arsenal and is frequently used by AIF to attack CF.
7. **Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
Claims Judge Advocate

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TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT: [REDACTED]

Power of Attorney provided and interpreter approved: [REDACTED]

Decedents: See below

Hometown: Samarra Iraqi Resident: [REDACTED]

My claim arose at: Samarra (Town) (City) (Country)

My claim arose on: 25 Sept 05 Month Day Year

Proof of Ownership: N/A

VIN Match:

Interpreter Approved: has land deed

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Original death certs seen - all

[REDACTED] same date of death; CTD for all

Interpreter Approved: is CRAGS

Medical Report/Legal Expert Opinion: 2 reports - see below

Interpreter Approved:

Witness Statement (Consistent?): (1) Worker - Rockets dropped by CF on C's house killed 7 members of family.

Interpreter Approved: (2) Neighbor in house, CF dropped rockets & killed family

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.)

2:30 pm First strike in Samarra. AFM now says its Artillery
Near golden mosque
Burma mosque center city
7 persons killed; 2 injured (C's wife & grandchild)
[REDACTED] (32), [REDACTED] (1 year)
[REDACTED] (12), [REDACTED] (22 years old)
[REDACTED] (15) [REDACTED] (28 years old)
[REDACTED] (18 years old)

Evidence: 2 death certs, hospital reports
Police reports

Surgery

Removed Kidney

& burns on Face & Legs

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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

^m ↗ wrong fit decisions

Total:

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

12/18

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)

\$ 15,000

local

(Signature of Claimant)

Subscribed before me this 28 day of Feb, 2006.

Print Name

(Signature)

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