



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

U-1K8-101
U Feb 00

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: Already paid a GWP by COL Breto

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

2 February 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 06-JR8-161

1. **Identifying Data:** [REDACTED] filed by POA [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 13 August, 2005 in Ad Duloyia, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$3,000 on 30 Jan. 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 her husband was killed by a CF convoy. A SIGACTS investigation revealed various instances of CF patrols receiving small arms fire and IEDs in the vicinity.
6. **Opinion:** There is insufficient credible evidence to prove this claim. Even if the incident had been documented, the claim would likely be precluded by the combat exception. "Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict."
7. **Recommendation:** The claim is denied.

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] (wife)

POA/ATT: (Cousin)

Power of Attorney provided and interpreter approved: Yes, Certified Copy

Decedents: [REDACTED] (Husband)

Hometown: [REDACTED] Iraqi Resident: Yes

My claim arose at:

(Town)

Ad duluiyah

(City)

13

(Country)

My claim arose on:

Month

Day

Year

Aug

2005

Proof of Ownership:

VIN Match:

Interpreter Approved:

NA

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant's allegations): Yes - From Ad duluiyah Hospital - Saw Original (kept copy)

CO - Bullet Wounds to Chest

Interpreter Approved:

Medical Report/Legal Expert Opinion: From Al Hadaria Hospital / Bullet Head / 2 in Chest / 1 in Back

Interpreter Approved:

Witness Statement (Consistent?): W1 - (Neighbor) heard bullets coming from patrol, saw CF firing after (I left for work) IP took to hospital

Interpreter Approved:

Y25

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.)

Wrongful Death

Claimant alleges that her blind husband was killed by CF Conway while in his home, while she was out feeding the livestock. Alleges Conway was in the area and began firing into the neighborhood.

Evidence: Death Certificate / Witness / Medical Report / Draft Cert

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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

Wrongful Death

Total \$3000

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)

\$ 3000

(Signature of Claimant)

Subscribed before me this 30 day of January, 2006.

(Print Name)

(Signature)

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Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

Address: [REDACTED]

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Al-Salihiyah
- c. Employed by: _____
- d. Check one () An insurer () Not an insurer
- e. Check one () A subrogee () Not a subrogee

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

US Army

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

My claim arose at: Al-Bo Fraj
(Town)

Salah Dein
(City)

(Country)

My claim arose on: Aug 13 2003
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.)

In the date mention above I left my house
and my husband in the house with my kids
because it is far away from the city, after
that the person who live near our house
come to me and told me that the American
forces went to the house by tank and kill
my husband and destroy the house
Causing damage to me. In addition to that

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Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

big damage

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
as shown in the legal expert report	10,000/-

Total: 10,000/-

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)

\$ 10,000/- local



(Signature of Claimant)

Subscribed before me this 29 day of Aug, 2005.

His wife /

(Print Name)

(Signature)

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