



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

13 January 2006

MEMORANDUM OF OPINION

SUBJECT: [REDACTED] 06-IA3-017

1. **Identifying Data:** [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 11 September 2005 in Balad, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$4,500 on 7 November 2005.
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 hit his car head on with a Bradley Fighting Vehicle while driving on the wrong side of the road. A SIGACTS investigation revealed no information reference this incident.
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 evidence suggesting that CF caused the alleged damage.
7. **Recommendation:** The claim is denied.

CPT, JA  
Chief of Claims

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LO-HS-17  
27 DEC 05



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1<sup>ST</sup> BRIGADE, 3D INFANTRY DIVISION (FORWARD)  
TASK FORCE LIBERTY, OPERATION IRAQI FREEDOM  
FORWARD OPERATING BASE SPEICHER  
APO AE 09393

DHFT-JA

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 Tikrit Claims Office at DNVT 584-1084.

[REDACTED]  
CPT, FCC  
Foreign Claims Commissioner

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## **Claims Form**

To: United States Army Foreign Claims Commission.

From: Name:

POA/ATT:

Power of Attorney provided and interpreter approved:

**Decedents:**

**Hometown:**

Iraqi Resident:

My claim arose at:

(Town)

(City)

(Country)

My claim arose on:

### Month

Day

1

### Proof of Ownership

ad:

39

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): *Will born death day for two weeks death on 8/20/05*

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Interpreter Approved:

Legal Expert Opinion: Med report for man w/ guy - throat injury, wound on face, left leg injury  
□ Interpreter Approved: ✓ (Initials required) *[Signature]* *[Date]* *[Interpreter Name]*

Interpreter Approved: Naomi Wink - LMHC, BSW, RSW

Witness Statement (Consistent?): From brother

Interpreter Approved:

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.)

BFV was driving up the road, changed over to the opposite lane, and drove toward oncoming traffic - Clamet driving, didn't realize it was a BFV until it was too late, got hit head on and the BFV ran over the car - Killed 2 people, <sup>W/M</sup> file separately, injured 1, destroyed 2 vehicles (Dodge Prince) + (Mitsubishi 1452) IS forces came to hospital + was hm, <sup>Drive by clamet</sup> gave him paper but his stepbrother Evidence: His note w/ 1173d Trans Co + Hawkeye 25

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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.)

<u>Item</u>	<u>Amount</u>
Vehicle - Daewoo Prince	\$3000.00
Gas money -	\$1500.00
Wing, front x 2	\$500.00

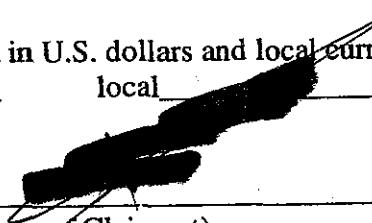
Total: \$4500.00

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:

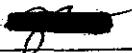
(Name) \_\_\_\_\_ (Address) \_\_\_\_\_

I claim as damages: (Indicate amount in U.S. dollars and local currency)  
\$ 4500.00 local \_\_\_\_\_

(Signature of Claimant) 

Subscribed before me this 7 day of Nov, 2005.

(Print Name) 

(Signature) 

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