



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

23 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] i; 06-IR8-444

1. **Identifying Data:** [REDACTED] by Attorney [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 13 March 2005 in Al Dujayl, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 21 March 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 his brother, [REDACTED] was driving from Mosul to Baghdad when CF passed his car, which was temporarily stopped at a restaurant. The incident allegedly occurred about 1100 in the area of the Al Rawad village, about 20 km south of the city of Dujail. A SIGACTS investigation revealed no activity meeting 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." Here, there is insufficient credible evidence to prove this claim.
7. **Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
Claims Judge Advocate

000936

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: [REDACTED]

Hometown: [REDACTED]

Iraqi Resident: [REDACTED]

My claim arose at: [REDACTED]

Al Dujail (Al Rawad)

(Town)

(City)

(Country)

My claim arose on: [REDACTED]

Month

Day

Year

[REDACTED]

N/A

Proof of Ownership: [REDACTED]

VIN Match: [REDACTED]

Interpreter Approved: [REDACTED]

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): COD - bullets in head;

Interpreter Approved: [REDACTED]

Medical Report/Legal Expert Opinion: [REDACTED]

N/A

Interpreter Approved: [REDACTED]

Witness Statement (Consistent?): [REDACTED]

① Son (passenger) - CF shot at the C's car.

shot randomly.

Interpreter Approved: [REDACTED]

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.)

on Baghdad - Mosul highway. C is decedents father.

in front of resturant car was parked

convoy came from mosul, shot at the
C's car. 25 m. of the road. 2nd vehicle
shot

11:00 a.m.

25 m. away when shot

Grey Car, BMT. (1990, \$5,300)
3/11/2005

Al Rawad is 20 Km away.
(South)

Evidence: Sale contract;

000937

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 2,500

Total: \$2,500

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

\$ 2,500

local

(Signature of Claimant)

Subscribed before me this 22 day of MARCH, 2006.

CPT

(P)

(Signature)

000938