

AFZP-VIA-JA

MEMORANDUM FOR Commander, 1<sup>st</sup> BN, 15<sup>th</sup> IN, FOB MacKenzie, Iraq APO AE 09393

SUBJECT: Claim to be considered for a Condolence Payment

1. FOR DECISION: Condolence payment for [REDACTED]
2. RECOMMENDATION: Approval of condolence payment.
3. DOCUMENTARY EVIDENCE: Claim packet 05-IA5-398
4. BACKGROUND AND DISCUSSION:

On or about 30 January 2005 claimant's daughter was killed and son severely injured outside claimant's home. US Forces were taking RPG and small arms fire from Anti-Iraqi Forces. During the fire fight US Forces killed claimant's daughter while she was making bread for her family. Also, claimant's son was injured during attack. Some damages were reported by the claimant to his home. Pictures and damage estimates are enclosed in the packet.

The maximum amount authorized for a condolence payment in this case is \$500.00 for property, \$1000.00 for injury, and \$2500.00 for death, the total amount equaling \$4000.00.

5. The point of contact for this action is the undersigned.

[REDACTED]  
[REDACTED]  
SGT, USA  
1/15<sup>th</sup> IN Legal

APPROVED  DISAPPROVE \_\_\_\_\_ OTHER \_\_\_\_\_  
AMOUNT \$2500.00

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

REPLY TO  
ATTENTION OF:

AFVZ-VI-JA

2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 05-IA5-398

1. Claimants name and address: [REDACTED], Balad, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 30 January 2005 in Ad-Duluiyah, Balad, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$3,000 on 26 February 2005.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for .
5. Facts:
  - a. Claimant says that CF's tank killed his daughter.
  - b. There was an Iraqi Police report, ownership documents, and witness statements included in 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 activities 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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SUBJECT: Claim of [REDACTED] 05-IA5-398

- b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces, because the claim was combat related.
- 7. **Recommended Action:** This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$3,000 is denied.

[REDACTED]  
CPT, JA  
Claims Attorney

Claims Form

To: United States Air Force Foreign Claims Commission

From: Name: \_\_\_\_\_

Address: \_\_\_\_\_

I am

- a. A citizen and national of: Iraqi
- b. A permanent residential of: \_\_\_\_\_
- c. Employed by: \_\_\_\_\_
- d. Check one ( ) An insurer ( ) Not an insurer
- e. Check one ( ) As 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)

Calation forces

U.S. 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: Dhloyiya - Balad - Salahaddin

(Town) (City) (Country)

My claim arose on: 30 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.)

At 30 Jan 2005, in elections day  
the U.S Army came to my town my  
daughter was doing the bread for my family  
we heard some shoot fire towards my  
house when we came we find my

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

daughter is died because the tank shoot five towards her. The bus army didn't treatment the persons and didn't doing First Aid for her.

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>
-------------	---------------

1

Total:-----

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: ( I  
indicate amount in U.S. dollars and local currency) \$ 3,500,000.00 U.S. Dollars

\$ 3,000 local H. G. ego do Trag, Director

( Signature of Claimant )

Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_

( print Name)

( Signature)

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