



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 3RD INFANTRY DIVISION (FORWARD)
TASK FORCE BAND OF BROTHERS, OPERATION IRAQI FREEDOM
FORWARD OPERATING BASE SPEICHER
APO AE 09393

AFZP-VA-JA

14 November 2005

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]
(Claim Number 05-IA3-1698)

1. On 11 March 2005 [REDACTED] son was shot and killed by U.S. Forces responding to attack.
2. I certify that funds are available from the CERP to pay [REDACTED] in the amount of \$2500.00. This is a condolence payment.

[REDACTED]
CPT, EN
Project Purchasing Officer

3. The request to pay [REDACTED] in the amount of \$2500.00 from CERP is approved. The claimant will receive a payment. There is no legal objection to this payment. I order payment of this money.

[REDACTED]
CPT, JA
Trial Counsel

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Claims Form

To: United States Army Foreign Claims Commission

From: Name: [REDACTED]

POA/ATT:

Power of Attorney provided and interpreter approved:

Decedents:

(Father)

(Son)

Hometown: Esharki Iraqi Resident:

My claim arose at:

(Town)

March

(City)

11

(Country)

05

Iraq 17:15

My claim arose on:

Month

Day

Year

Proof of Ownership:

Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Same name, None, 11 Mar 05

Didn't see body, didn't make bases on judicial ruling

Interpreter Approved:

Legal Expert Opinion:

Interpreter Approved:

Witness Statement (Consistent?): W (Appellant) - 300 m's away - same

Interpreter Approved: W (relative) - In other car same

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.)

3/11/05 C.s son was driving his car a 1988 Toyota
while [REDACTED] -
US forces block road in Esharki, [REDACTED] approaching
US forces shoot US car, a 1988 Toyota,
Yossif's car 100 m's from main road.
US forces surround car & pull body from car
or took photos
(US forces shot from inside car, get out shot again)
US searched car & found nothing

Evidence:

U shot tire in chest, US left

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Evid- IOL Red & [REDACTED]

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 local _____

(Signature of Claimant)

Subscribed before me this 22 day of Aug, 2005.

(Print)

(Signature)

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE COMBAT TEAM
3RD INFANTRY DIVISION (TASK FORCE BAND OF BROTHERS)
FOB SPEICHER, IRAQ APO AE 09393

AFZP-VA-JA

14 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA3-1698

- 1. Identifying Data:** [REDACTED] Eshaki, Iraq
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 11 March 2005, in Eshaki, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$3000.00 on 22 August 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 filed in a timely manner.
- 5. Facts:** Claimant alleges that CF fired upon his son as he drove his vehicle toward a security cordon in a populated area. The driver of the vehicle died from multiple GSWs to the chest. A check of SIGACTS lists the decedent by name as a LN killed in this incident. The claimant provided a death certificate, witness statements, and court documents to substantiate the claim.
- 6. Opinion:** There is sufficient evidence to indicate that U.S. Forces were involved in this incident. Unfortunately, this event constitutes combat action and is non-compensable due to the combat exception to the FCA.
- 7. Recommendation:** The claim is denied.

[REDACTED]
[REDACTED] N
CPT, JA
FCC

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