



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

22 February 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 06-IA8-306

1. **Identifying Data:** [REDACTED]

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on September 15, 2006 in Ishaki, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$4,373 on 19 Feb. 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 CF shot and killed his son, [REDACTED], while he was driving from Ishaki to Balad. A SIGACTS investigation revealed no escalations of force involving a vehicle in which the Claimant alleges the deceased was driving.

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 no credible evidence that this event actually occurred.

7. **Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
Claims Judge Advocate

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MEMORANDUM FOR Record

SUBJECT: Claimant 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 supporting your claim. If the appeal is sent after 30 days have 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, JA
Chief of Claims

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TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT: NIA

Power of Attorney provided and interpreter approved: _____

Decedents: [REDACTED]

Hometown: _____

† Iraqi Resident: _____

My claim arose at: Ishaki
(Town) (City) (Country)

My claim arose on: SEP 15 05
Month Day Year

Proof of Ownership: Saw the original POO / Kept Copy

VIN Match: _____

Interpreter Approved: Needs to bring chassis photo

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Balad Hospital - Shot in the chest

† Interpreter Approved: Y25

Medical Report/Legal Expert Opinion: Doors - Hood - quarter panel - bed, / windows

† Interpreter Approved: consistent with photos - Bullet holes

Witness Statement (Consistent?): W1 (Passenger) he said I was with the driver and I saw CFC Convoy come and they started shot on the car and then I took him to the hospital but he was die.

† 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.)

Vehicle damage & Death

The claimant said his son was driving from Ishaki to Balad and he heard from people that his son got shot by CFC convoy they was driving from Balad to Ishaki.

Toyota / pickup 2001

Evidence: Photos / Legal Expert

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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

Engine
Doors
Quarter Panel
Hood
Body
Windows

Vehicle

WD \$3000

Total: ~~\$1373~~ for track
~~\$3000~~ for Deak

I was insured to the following extent against the damage or injuries I have sustained:

N/A

The name and address of my insurer (if any) is:

NA

(Name)

(Address)

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

\$ 4373 ~~50~~ local _____

(Signature of Claimant)

Subscribed before me this 19 day of Feb, 2006.

(Print Name)

(Signature)

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