



6-IR-310  
28 Mar 06

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

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 101<sup>st</sup> Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[REDACTED]  
CPT, JA  
Chief of Claims

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DEPARTMENT OF THE ARMY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)  
OPERATION IRAQI FREEDOM, FOB SPEICHER  
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C

10 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IR8-370

1. **Identifying Data:** [REDACTED] by Attorney [REDACTED]
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on June 20, 2004 in Balad (Al Ishaki), Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$3,000 on 7 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:** On November 8, 2005 Claimant alleges that CF shot and killed her husband, Hussein Jasim Ali. The Decedent was allegedly trying to pass the road and catch a taxi towards Tikrit when a CF convoy came close to him and began shooting. The incident allegedly occurred about 1700 in the afternoon. 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." There is insufficient credible evidence to substantiate this claim. The claim is too old to verify Claimant's allegations.
7. **Recommendation:** This claim is denied.

[REDACTED]

CPT, JA  
Claims Judge Advocate

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## TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: ██████████ (wife of Decedent)

POA/ATT:

Power of Attorney provided and interpreter approved: \_\_\_\_\_

Decedents: ██████████

Hometown: \_\_\_\_\_  Iraqi Resident: \_\_\_\_\_

My claim arose at: Balad - Al isahaki (Town) ██████████ (City) ██████████ (Country)

My claim arose on: June 20 04 Month Day Year

Proof of Ownership: \_\_\_\_\_

VIN Match: NJA

Interpreter Approved: \_\_\_\_\_

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Bullets in the Decedent body

Interpreter Approved: information match in the Death Certificates

Medical Report/Legal Expert Opinion: information match as in the medical report

Interpreter Approved: report of 1st hospital

Witness Statement (Consistent?): w 2 former ( same accident)

Interpreter Approved: information match

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.)

According to witness - the Decedent was trying to pass the road and catch a taxi towards Tikrit when a C-17 Convoy came close to him and shoot @ him and killed him. 1700 p.m was the time of the accident.

Evidence: Witness, Death C, P.A.

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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

\$3000 for Death claim.

Total: \$3000

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

\$ 3000 local

(Signature of Claimant)

Subscribed before me this 7 day of March, 2006.

(Print Name)

(Signature)

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