



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

[REDACTED]
 CPT, JA
 Chief of Claims

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13 May 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IR8-718

- 1. Identifying Data:** [REDACTED] filed by Attorney [REDACTED]
- 2. Date and place the incident occurred giving rise to the claim:** The claim occurred on 2 January 2006 in Samarra, Iraq.
- 3. Amount of claim and date it was filed:** Claimant filed a claim for \$2,500 on 9 May 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 properly filed in a timely manner.
- 5. Facts:** Claimant alleges that his six year old daughter was killed by CF when they shot into a crowd of people who were attending a wedding celebration. The wedding celebration was firing weapons in the air in celebration. The CF convoy allegedly thought that they were under attack and fired into the crowd. A SIGACTS investigation revealed no activity similar to 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 substantiate claimant's allegations.
- 7. Recommendation:** The claim is denied.

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: _____

POA/ATT: _____

Power of Attorney provided and interpreter approved: _____

Decedents: _____

Hometown: Samarra

Iraqi Resident: _____

My claim arose at: Samarra

(Town)

(City)

(Country)

My claim arose on: 2 JAN 2006

Month

Day

Year

Proof of Ownership: N/A

VIN Match: _____

Interpreter Approved: _____

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): Original death cert seen

6 years ~~age~~ COP - bullet in head & chest.

Interpreter Approved: _____

Medical Report/Legal Expert Opinion: N/A

Interpreter Approved: _____

Witness Statement (Consistent?) ① Police officer - CF seen in Area. Heard shooting. Saw crowd around claimant's house.

Interpreter Approved: ② Police officer - standing by house. Heard shooting. @ Wedding. CF responded by shooting into wedding.

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.)

Wedding in Samarra. Patrol saw crowd.

Crowd started to run away. CF shot bullets & killed the child.

Wedding party shooting in the air. CF patrol

Returned fire. Al Qadisia Neighborhood

- Main street.

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Evidence: _____

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

N/P

Total: _____

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

\$ 1500 local _____

(Signature of Claimant)

Subscribed before me this 9 day of May, 2006.

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