



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD INFANTRY DIVISION (FWD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09352

REPLY TO
ATTENTION OF:

AFZP-JAC

22 October 2005

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim of [REDACTED], 05-IJ8-T583

1. Facts. Claimant states that her husband was killed by U.S. forces. Claimant's explanation of events is inconsistent and changes under questioning. She claims that he was either killed in a vehicle accident resulting in a rollover or that he was shot by a passing convoy.
2. Opinion. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. In this case, neither version of claimant's story can be confirmed and there is no evidence that U.S. forces are responsible for the death.
3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action. The claim is denied.

[REDACTED]
CW2, JA
FCC IJ4

[REDACTED]
CPT, JA
FCC IJ4

[REDACTED]
CPT, JA
FCC IJ4

001489



REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
HEADQUARTERS, 3D INFANTRY DIVISION (FORWARD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO-AE 09352**

Claims Office

SUBJECT: Claim # 05-IJ8-T583 / 330M

22-Oct-05

[REDACTED]
Mahmudiyah

Dear Claimant:

You have submitted a request for reconsideration of a claim seeking compensation for damages allegedly caused by U.S. Forces. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code §2734, Army Regulation 27-20, and Department of the Army Pamphlet 27-162 Claims Procedures.

Allow me to express my sympathy for your loss, however, in accordance with the cited references and after further investigation of your claim, I find that your claim is **not compensable**. The claim was denied for the following reason(s):

Cannot verify that incident occurred.

This determination is final and is **not** subject to further appeal or reconsideration.

Sincerely,

Captain, Judge Advocate
Foreign Claims Commission IJ8

001490

08-Oct-05

05-IJ8-T583

330M

Mahmudiyah

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20-27

Cannot confirm that U.S. forces caused accident.

20- 27

Captain, U.S. Army
Foreign Claims Commission

001491

MAHMUDIYAH CLAIMS FORM

CLAIMANT INFORMATION

NAME: _____ ID#: _____
ADDRESS: _____ CITIZENSHIP: IRAQI
OCCUPATION: _____

INCIDENT INFORMATION

TYPE OF CLAIM: Vehicle Accident SAF Raid Detainee Property
 Occupied Land Other

LOCATION OF INCIDENT: YOUSIFIYAH DATE OF INCIDENT: 23 SEPTEMBER 05

DESCRIPTION OF INCIDENT: DRIVING ON JACKSON - HIT BY CONVOY AND VEHICLE ROLLED - KILLING THE DRIVER.

IP took husband to hospital. HUSBAND'S BROTHER SAW ACCIDENT

UNIT INVOLVED: _____

CLAIM INFORMATION

OWNER OF PROPERTY: Deceased's wife

BREAKDOWN OF CLAIM:

ITEM	AMOUNT
HUSBAND	\$20,000
VEHICLE	\$10,000

TOTAL AMOUNT CLAIMED: \$30,000

INSURED?: Y / N AMOUNT: _____

CLAIMANT ATTESTATION

HAS CLAIM BEEN FILED BEFORE?: Y / N

LOCATION AND OUTCOME: _____

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

(DATE) _____

(Signature of Claimant)
(توقيع النظم) الرجاء كتابة الاسم والتوفيق

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