

6 128 630

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

[REDACTED]
CPT, JA
Chief of Claims

001543



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101st AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
COB SPEICHER, IRAQ APO AE 09393

AFZB-JA-C

23 April 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 6-IR8-630

1. **Identifying Data:** [REDACTED], Samarra, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 02 October 2005, in Samarra, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$6,000 on 23 April 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 filed in a timely manner.
5. **Facts:** Claimant alleges that Coalition Forces fired upon his two sons as they were leaving the market. The claimants sons waived their shirts and their underwear as a sign of peace. The claimant provided death certificates, legal expert and witness statements to substantiate the claim.
6. **Opinion:** There is not enough evidence to prove the claim. This claim is non-compensable under the FCA.
7. **Recommendation:** The claim is denied.

[REDACTED]
XPT, JA
FCC

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6-IR8-630

TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission

From: Name: [REDACTED]

POA/ATTY: [REDACTED] - [REDACTED] - [REDACTED] - [REDACTED]

Power of Attorney provided and interpreter approved:

Decedents:

(@) [REDACTED]

- Son of claimant
- Son of [REDACTED]

Hometown: [REDACTED] Iraqi Resident: [REDACTED]

My claim arose at: Samarra / Al Mouturim

My claim arose on: October 2 2005 (Town) (City) (Country)
Month Day Year

Proof of Ownership:

VIN Match: N/A

Interpreter Approved:

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

Stomach, died 3 Oct 05 (W1) [REDACTED], DOB 1 Jul 95, bullet to stomach, died 3 Oct 05 (W2) [REDACTED], DOB 1 Jul 95, bullet to stomach

Interpreter Approved:

Medical Report/Legal Expert Opinion:

Interpreter Approved:

Witness Statement (Consistent?): W1: 3 Oct - incident happened - consistent but not direct witness (Neighbour)
 Interpreter Approved: W2 - consistent but not direct witness

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)

Claimant alleges that @ 1500 his 2 sons went to the market to shop. When trying to go home they ended up in an area of CF forces. They held up shirt/underwear in air as peace symbol. They continued w/ items in air to go home but were shot in stomach.

Also had plastic bags from shopping - did not open to show soldiers. Did not hear any warnings + had white which is symbol of peace to them.

Evidence: PoA, death cert, 2 witness, claimant statement, diagram

001545

TF forces surrendered
AL-MOUTURIM

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

3000

Total: 6000

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

\$ 6000

local _____

(Signature of Claimant)

Subscribed before me this 23 day of April, 2006.

(Print Name)

CPT

(Signature)

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