

Claimant Copy



DEPARTMENT OF THE ARMY
Office of the Command Judge Advocate
1st Brigade Combat Team, 101st Airborne Division (AASLT)
FOB Warrior, Kirkuk, Iraq, APO AE 09335

REPLY TO
ATTENTION OF:

AFZB-KA-CJA

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 06-IO6-0291

1. Claimants name and address: [REDACTED], Amsha Village, Kirkuk, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 29 June 2005, at Debis Suburb, Kirkuk, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$6,000.00 on 22 February 2006.
4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for the death of claimant's father and damages to vehicle.
5. Facts:
 - a. [REDACTED] claims that on 29 June 2005, Coalition Forces shot and killed his father and destroyed the vehicle.
 - b. Coalition Forces did in fact kill [REDACTED]. The unit was acting in accordance with the Rules Of Engagement at the time of the incident.
 - c. The claimant's mother, [REDACTED] received a good will payment of \$1365 on 29 August 2005. The payment was for both damages and the wrongful death of her husband.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

001702

AFZB-KA-CJA

SUBJECT: Claim of, Ahmed Abdulla Hameed 06-IO6-0294

b. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. This incident is a direct result of combat operations. Any appeal must be submitted within 30 days.

7. Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$6,000.00 is denied.

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CPT, JA
Foreign Claims Commissioner

001703

**CLAIM FOR DAMAGE OR
INJURY DEATH****INSTRUCTION: Please read carefully the instruction on
the reverse side and supply7 information requested on both
sides of this form .Use additional sheets (s)****person
From,
approve
MBC**

yahya	SITE OF THE ACCIDENT DEBIS SUBURB- KIRKUK		2-.Name of claimants &Address Amsha village kirkuk	
GENDER Male	4.DATE OF BIRTH 1988	5MARRITAL STATUS. SINGLE	6.DATE & DAY OF ACCIDENT 29-6-2005	TIME: 5:15 AM

The claim

The claimant stated that he was travilling with his father from debis to kirkuk to run their restaurant down town mean while there was an ambush of CF on the way to kirkuk , when their car became close to the soldiers, he claim that they didn't see any warning sign or alert by the American so he kept driving closer which made the soldiers to open fire toward the car and killed the driver at once and destroyed the car.

The unit in charge of this accident is :

116

Echo troops

Ssg

Ssg

gunner

Property damage**the car was completely damaged****INJURY****His father was dead****WITNESSES**

NAME	ADDRESS
[REDACTED]	[REDACTED]

Amount of claim (IN Dollars)

12a PROPERTY \$ 3500.00	12b PERSONAL INJURY \$2500	12c WRONGFUL DEATH	12d \$3500.00 6000
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I CERTIFY THAT AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURY CAUSED BY THE ACCIDENT
ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS
CLAIM

13a.SIGNATURE OF CLAIMANT**13b.Phone number of signatory****14c.Date of claim****2/21/2006****22 Feb 06****CIVIL PENALTY FOR PRESENTING FRAUDULENT
CLAIM****CRIMINAL PENALTY FOR PRESENTING FRAUDULENT
CLAIM OR MAKING FALSE STATEMENTS****001704**