

(b)(3)(b)(6)

CENTCOM 010237
07-114-T014-00001

FILE NUMBER 07-114-T014	For use of this form, see AR 27-20: the proponent agency is the Office of The Judge Advocate General.	DATE 12 Mar 07
DATE OF INCIDENT 25 Jul 06	PLACE OF INCIDENT Kirkuk, Iraq	
<p>I hereby agree to accept the sum of \$2,500.00 in full satisfaction and final settlement of all claims which I have or may have against the United States, its officers, agents, and employees, for all damages and injuries, if any, incurred by me</p> <p>موافقة المدعي</p> <p>أني المدعي، أوافق بموجب القرار المذكور بأن يكون، تسوية أو حل وسط وأن يكون هذا القرار حاسمًا و نهائيًا لي و لكل من يتوابع علي وأن تكون هذه الموافقة مفتوحة كليا متى أو من يتوابع علي عن كل الدعاوى المرفوعة ضد الولايات المتحدة والعاملين لها و بغض النظر عن طبيعتها الآن وفيما بعد فيما يخص الجروح الجسدية والمادية المادية والغير مادية وحتى الوفاة الطبيعية وكذلك أية خروقات قانونية أو أي فعل أو إهمال ناتجة عن ذلك، أو علاوة على ذلك أوافق على التعويض عن الإضرار التي لحقتني ولا أحمل أية مسؤولية للولايات المتحدة والعاملين معها من موظفين أو مستخدمين للإضرار الجسدية والمادية وبضمنتها الوفاة عن أية أخطاء أو أفعال، أو الأفعال، أو الإهمال الناتجة عن ذلك.</p>		
TYPED OR PRINTED NAME OF CLAIMANT (b)(6)	SIGNATURE OF CLAIMANT (b)(6)	
PF (b)(6) Iraq <small>PRINTED WITH OFFICE OF THE JUDGE ADVOCATE GENERAL, city, town or post office, county, state and zip code)</small>		

DA FORM 1000, 1 JUL 74

PREVIOUS EDITION OF THIS FORM
WILL BE USED UNTIL EXHAUSTED.

CLAIMS SETTLEMENT AGREEMENT

USAFPC V1.00

CENTCOM 010238

07-114-T014-00002



DEPARTMENT OF THE ARMY
3rd Infantry Brigade Combat Team Command Judge Advocate
3rd Infantry Brigade Combat Team
FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

17 February 2007

MEMORANDUM FOR Commander, 3rd Infantry Brigade Combat Team, 25th Infantry Division, FOB Warrior, Kirkuk, Iraq, APO AE 09338

SUBJECT: 3rd IBCT CERP DISCRETIONARY BULK FUND.

1. The purpose of this memorandum is for the use of the 3rd IBCT, 25th IN DIV CERP Discretionary Bulk Fund for a condolence payment to (b)(6) claims that on 25 July 2006, her husband was driving at a high rate of speed. CF used EOF procedures, and eventually fired (b)(2)High (b)(2)High at the vehicle. One of the rounds hit the claimants husband, killing him. This incident is not a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the damages were incident to combat.

2. Description of how these monies will support the 3rd IBCT, 25th IN DIV Commander's intent and spending priorities for CERP funds: This payment will support the strong relationship the 3rd IBCT has with the local populace by expressing our regret for the damages.

3. List the specific items or services requested in the table below:

#	Items to be purchased or service rendered	Unit Price	Quantity	Total Price
1	Payment for Wrongful Death	\$2,500.00	1	\$2,500.00
	Total:			\$2,500.00

4. The transaction can be completed at one time with one payment.

5. POC for this action is CP. (b)(3), (b)(6) VOIP (b)(2)High (b)(3), (b)(6), (b)(2)High

This claim is legally sufficient / insufficient

(b)(3), (b)(6)

CPT, JA
Foreign Claims Commissioner

I approve / disapprove this purchase.

(b)(3), (b)(6)

MAJ, FA
Executive Officer

CENTCOM 010239

07-I14-T014-00003

OFFICE OF THE COALITION PROVISIONAL AUTHORITY (OCA)
PROJECT WORKSHEET

TYPE OF OCA PROJECT: Regional Level Quick Impact Fund

MILITARY UNIT COORDINATING PROJECT: HHC, 3IBCT, 25th IN DIV, Judge Advocate

MILITARY UNIT CONTACT INFO FOR PROJECT

NAME: CPT (b)(3), (b)(6)

PHONE: VOIP (b)(2)High

NIPR EMAIL: (b)(3), (b)(6), (b)(2)High

NAME THE PROJECT: Condolence Payment for wrongful death to (b)(6)
(reference Claim No. 07-I14-T014)

PROJECT LOCATION: (b)(2)High Iraq

PROJECT DESCRIPTION: Condolence Payment to (b)(6)

DESCRIBE DIRECT BENEFIT TO IRAQI POPULATION: Condolence payments are cash payments to local nationals, or to their family members, who suffer death or injury or property damage caused by US forces in the performance of official duty. US forces make Condolence payments without reference to fault by either the local national or US forces, as an expression of sympathy and good will and in the best interest of the US Government.

COST (U.S. Dollars) AND JUSTIFICATION: \$2,500.00. (b)(6) claimant he was
driving at a high rate of speed, CF used EOF procedures, and eventually fired (b)(2)High at the
vehicle. One of the rounds hit the claimants husband, killing him. on 25 July 2006.

(b)(6) does not have a cognizable claim under the Foreign Claims Act (Chapter 10, AR 27-20) because the damages were incident to combat.

NAME AND POSITION OF IRAQI WHO WILL ASSUME RESPONSIBILITY FOR THE COMPLETED PROJECT (Responsible Iraq

(b)(3), (b)(6)

ESTIMATED DAYS REQUIRED TO COMPLETE PROJECT: 1

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(b)(6), Foreign Language Text

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07-I14-T014-00005



DEPARTMENT OF THE ARMY
3rd Infantry Brigade Combat Team Command Judge Advocate
3rd Infantry Brigade Combat Team
FOB Warrior, Kirkuk, Iraq, APO AE 09338

APVG-ZZO-JA

17 November 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 07-I14-T014

1. Claimants name and address: (b)(6), (b)(2)High Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 25 July 2006 in Haweja, Iraq.
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$2,500.00 on 6 November 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 a wrongful death.
5. Facts:
 - a. (b)(6) claims that on 25 July 2006, CF were setting up an ambush for a vehicle when they started shooting at the claimant.
 - b. There was a power of attorney, death certificate, and a witness statement included in the submitted claim.
 - c. The incident was unable to be verified by the unit responsible.
6. Opinion:
 - a. In order to form a basis for a claim under the FCA, the incident has to occur outside of the United States and be from either non-combat activities of the U.S. Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces.

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APVG-ZZO-JA

SUBJECT: Claim of

(b)(6)

07-I14-T014

- 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. 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 \$2,500.00 is denied.

(b)(3), (b)(6)

CPT, JA
Foreign Claims Commissioner

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Pages 8 through 9 redacted for the following reasons:

Already Reviewed and Redacted for Release

CLAIM FOR DAMAGE OR INJURY DEATH

INSTRUCTION: Please read carefully the instruction on the reverse side and supply information requested on both sides of this form. Use additional sheets (s)

person
From
approve
MBC

Submit to appropriate Agency
Yahya

2-Name of claimants & Address

(b)(6)

(b)(6) suburb

TYPE OF EMPLOYEE
Civilian

4 DATE OF BIRTH
(b)(6)

5 MARITAL STATUS
(b)(6)

6 DATE & DAY OF ACCIDENT
25-7-2006

TIME
1900 pm

07-114-0154

According to the claimant, her husband was driving his car type opel omega on the way between Alabbasy and Hawija suburb, heading to Hawija there was a group of QRF ambushing on the same road for another car having the same details, when this car came close to their location they start shooting toward him thinking that it's the suspicious car, due to the shot they killed the driver but the passenger still safe, after killing him they searched the car and they found nothing.

The car damaged as shown in the pics

PROPERTY DAMAGE

7 ADDRESS OF OWNER THAN CLAIMANT (NUMBER, street, city, state, city, state, and, zip code)

(b)(6)

7 bullets in the body, rear windshield broken, Battery ~~totally done~~
Dash board, side window, cushion, front windshield, water r

Personal injury/wrongfully death

8 Name of victim
Mohar med the victim

WITNESSES

NAME

ADDRESS

Alshaab police station

Amount of claim (IN Dollars)

12a PROPERTY 02000	12b PERSONAL INJURY	12c WRONGFUL DEATH \$ 2500.00	12d \$2500.00
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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

(b)(6)

13b. Phone number of signatory

(b)(2) High

14c. Date of claim

10/8/2006

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

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Death certificate

Health department –kirkuk general hospital

Number (b)(2)High

Date: 25-7-2006

Deceased name: (b)(6)

Sex: male

Nationality: Iraqi

Religious: muslim

Job (b)(2)High

Statues: married

Birth date: (b)(6)

Date of death: 2006-25-7

Place of death: hawija –alabbasy highway

Reason of death: bullet penetrate the forehead

Fathers name (b)(6)

Signed by coroner doctor on

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(b)6 Foreign Language

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PRIVATE POA

I am (b)(6) pointed (b)(6)
a private power of attorney and according to this POA I entitled him verbally
and actionably to conduct all the rights I have in the courthouses or in any
governmental bureau ,also entitled him to claim and disclaim or to appeal
according to this a POA.

Defendants signatures

His nam (b)(6)

Address: baghdad

(b)(6)

I am the notary public recognized preceding power of attorney given me by (b)(6)
(b)(6) to retain Mr. (b)(6)

For that reason, I approved it and authenticate it.

Notary public's signature

First and middle name: (b)(6)

Date: 9-10-2005

Undersigned by retainer &entitled

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Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text

POA

Foreign Language Text, (b)(6)

Car Title

Owners name: (b)(6)

Address: baghdad

Plate # (b)(6)

Model: (b)(6)

Year: (b)(6)

Engine # nil

Chassis # (b)(6)

Color: selver

Date: 5-12-2004

Undersigned by record officer & chief of traffic department

(b)6 Foreign Language

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witness statement

on the 25th july 2006 at 1800hrs while I was with the victim
(b)(6) leading to the market to do some shopping ,and just
before approaching Sabaa village there was a group of CF
were ambushing on the sideway,we saddened with soldiers
blocking the road pointing with their weapons toward us
and because of the high speed of the car the driver couldn't
stop the car in the proper time and this led to open fire by
the soldiers killing him at once ,lastly the car stopped and
they came to search the car and they didn't find any
suspicious thing inside.

Eyewitness

(b)(6)

Page 18 redacted for the following reason:

(b)6 Foreign Language

CLAIM NUMBER: 06-I14-T

DATE	REMARKS	INITIALS
	Denial	
17 Nov	No idea what claimant's relation is to the deceased or the owner of the car. The witness is suspect. I will try to check background.	
17 Nov	- No no matches on names, IACO's still weren't able to find anything. rec Denial.	
	<u>MAJ</u> (b)(6)	
12 Feb	Appeal - checked + found incident w/ ID's. rec payment of \$2500	

(b)(3), (b)(6) - SPC (b)(3), (b)(6) - CPT (b)(3), (b)(6)

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