

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

CENTCOM 010237
07-I14-T014-00001

25409

FILE NUMBER	For use of this form, see AR 27-20: the proponent agency is the Office of The Judge Advocate General.	
07-I14-T0141	DATE 12 Mar 07	
DATE OF INCIDENT	PLACE OF INCIDENT	
25 Jul 06	Kirkuk, Iraq	
<p>I hereby agree to accept the sum of <u>\$2,500.00</u> 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 style="text-align: center;">موافقة المدعي</p> <p>أني المدعي، أوافق بمحض الفرار المذكور كان يكون، تسوية أو حل وسط وأن يكون هذا الفر حسبي في تهانى لي و لكل من ينوب عنى وأن تكون هذه الموافقة ممتوحة كلها متن أو من يتوجب عنى عن كل الدعوى المرفوعة ضد الولايات المتحدة والعاملين لها و ينضم النظر ع طبيعتها الآن وفيما بعد فيما يخص الجروح الجسدية والصادمة المرورية والغير مرورية وحتى الوفاة الطبيعية وكذلك أية خروق قانونية أو أي فعل أو إهمال ناتجة عن ذلك في علامة على ذلك أو اتفق على التعويض عن الإضرار التي لحقتني ولا أحمل أية ضغفنة للولايات المتحدة والعاملين معها من موظفين أو مستخدمين للأضرار الجسدية والصادمة وبضميتها الوفاة عن ذلك، الخطأ، الك. تتحم عه، الأفعال، الاصحاحات الناتجة عن ذلك.</p>		
TYPED OR PRINTED NAME OF CLAIMANT (b)(6) PF	SIGNATURE OF CLAIMANT (b)(6)	

DA FORM 1000, 1 JUL 74

PREVIOUS EDITION OF THIS FORM
WILL BE USED UNTIL EXHAUSTED.

CLAIMS SETTLEMENT AGREEMENT

USAPPC V1.00



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 t (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

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

This claim is legally sufficient / insufficient

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 (OPCA)
PROJECT WORKSHEET

TYPE OF OPCA 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 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

CENTCOM 010240
07-I14-T014-00004

(b)(6), Foreign Language Text

117

CENTCOM 010241
07-I14-T014-00005

25413



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.

CENTCOM 010242
07-I14-T014-00006

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

CENTCOM 010243
07-I14-T014-00007

25415

Pages 8 through 9 redacted for the following reasons:

Already Reviewed and Redacted for Release

**CLAIM FOR DAMAGE OR
INJURY DEATH**

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

person
From
approve
MBC

I submit to appropriate Agency
ahya

2.-Name of claimants & Address

(b)(6)

(b)(6) suburb

07-114-014

1. TYPE OF EMPLOYEE	2. DATE OF BIRTH	3. MARITAL STATUS	4. DATE & DAY OF ACCIDENT	5. TIME
Civilian	(b)(6)	(b)(6)	25-7-2006	1900 pm

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

NAME AND 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~~ damage
Dash board, Side window, cushion, front windshield, Water

Personal injury/wrongfully death

Ali Alaa Mohammed the victim

WITNESSES

NAME

ADDRESS

Alshaab police station

Amount of claim (IN Dollars)

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

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.SIGNA

(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**

CENTCOM 010246

07-114-T014-00010

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

Status: 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

**CENTCOM 010247
07-I14-T014-00011**

25418



(b)6 Foreign Language

CENTCOM 010248
07-I14-T014-00012

25419

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 name (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

CENTCOM 010249
07-I14-T014-00013

Foreign Language Text, (b)(6)

CENTCOM 010250
07-I14-T014-00014

25421

Foreign Language Text

Foreign Language Text

PoA

Foreign Language Text, (b)(6)

07-I14-T014-00015

25422

Car Title

Owners name: (b)(6)

Address: baghdad

Plate # (b)(6)

Model: (b)(6)

Year: (b)(6)

Engine # nil

Chassis # (b)(6)

Color: silver

Date: 5-12-2004

Undersigned by record officer & chief of traffic department

(b)6 Foreign Language

CENTCOM 010252

07-114-T014-00016

25423

witness statement

on the 25th july 2006 at 1800hrs while I was with the victim
(b)(6) heading 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

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

CENTCOM 010255

07-I14-T014-00019