

6-IR8-356

CENTCOM 005084

25827

CENTCOM 005085

25828

C/1-33 CAV /

At Sineyah IP station. LN failed  
to yield. Soldier used H&A  
signals. Shot fired into engine block  
w/ no effect. Shot Driver

CENTCOM 005087

25830



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3<sup>rd</sup> BRIGADE COMBAT TEAM  
OPERATION IRAQI FREEDOM, COB SPEICHER  
TIKRIT, IRAQ APO AE 09393

AFZP-VA-HQ

1 April 2006

**CP3AAS60620203-14**  
MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to (b)(6)  
(b)(6) (Claim Number 06-IR8-356)

1. On 2 October 2004 (b)(6) husband, (b)(6)  
(b)(6) was killed by U.S. Forces as he was going to Mosul to buy supplies for their shop.
2. I certify that CERP funds are available to pay (b)(6) in the amount of \$2,500.00. This is a condolence payment.
3. The request to pay (b)(6) in the amount of \$2,500.00 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

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

CPT, EN  
Project Purchasing Officer

CENTCOM 005088

25831

6 1R8 356  
11 MAR 06



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)  
TASK FORCE BAND OF BROTHERS  
FORWARD OPERATING BASE SPEICHER  
APO AE 09393

AFZB-JA-C

MEMORANDUM FOR Claimant

SUBJECT: Claim 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 proving your claim. If the appeal is sent after 30 days has passed, or does not provide additional evidence, then the appeal will be denied.
4. POC is the 101<sup>st</sup> Airborne Division (Air Assault) Claims Office at DSN (b)(2)High

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

CPT, FCC  
Foreign Claims Commissioner

CENTCOM 005089

25832



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

6 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 06-IR8-356

1. **Identifying Data:** (b)(6)
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 17 November 2005 in Bayji, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$10,000 on 4 March 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 properly filed in a timely manner.
5. **Facts:** The Claimant alleges CF killed her husband (b)(6) while he was going to Mosul to buy supplies for their shop. The deceased was allegedly carrying \$7,000 to buy supplies for the shop when a CF convoy stopped the car and killed the deceased. A SIGACTS investigation revealed that C/1-33 CAV conducted an escalation of force near the Al Sineyah police station when the LN failed to yield. CF used hand and arm signals to stop the vehicle to no avail. Warning shots were fired into the car's engine block with no effect. As a last resort, CF shot and killed the driver.
6. **Opinion:** "Under AR 27-20, paragraph 10-3, Claims arising "directly or indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, the deceased was killed during an escalation of force with CF. Escalation of force constitutes combat activity because soldiers are responding to a perceived threat and are preparing for imminent combat.
7. **Recommendation:** The claim is denied (b)(6)

CPT, JA  
Claims Judge Advocate

CENTCOM 005090

## TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.

From: Name: \_\_\_\_\_ (b)(6)

POA/ATT: \_\_\_\_\_ (b)(6)

Power of Attorney provided and interpreter approved.

Decedents: \_\_\_\_\_ (b)(6)

Hometown: \_\_\_\_\_ Iraqi Resident: \_\_\_\_\_

My claim arose at: \_\_\_\_\_ (b)(6)

(Town) \_\_\_\_\_ (City) \_\_\_\_\_ (Country) \_\_\_\_\_

My claim arose on: Nov 17 05 6:30 morning  
Month Day Year

Proof of Ownership: PL-A

VIN Match: \_\_\_\_\_

Interpreter Approved: \_\_\_\_\_

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

Interpreter Approved: Information matches

Medical Report/Legal Expert Opinion: Burning the body of Decedent

Interpreter Approved: Information matches

Witness Statement (Consistent?): W-2 (passenger) saw the accident

Interpreter Approved: \_\_\_\_\_

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 (wife) said that her husband and their son went to ~~gas~~ mosque to buy staff to <sup>(b)(6)</sup> - husband was carrying #7000 to buy staff <sup>(b)(6)</sup> - car stopped them and killed him and the driver

Evidence: PL, post-Death c. witness, medical report

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

cash inside the car (\$7000)  
\$3000 for Death

Total: \$ 16,000

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

\$ 10,000

(b)(6)

(Signature of Claimant)

Subscribed before me this 4 day of March, 2006.

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

(Signature)



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: Waiver of Notification

1. I, the Claimant, hereby agree that if I fail to provide any requested evidence to the CMOC Claims Office within sixty (60) days of the date below or to request a written extension of the sixty (60) day period, such inaction shall constitute an affirmative act of abandonment of my claim, and my claim shall be administratively closed in accordance with the provisions of DA PAM 27-162, paragraph 13-3(f).

2. I further agree that if I wait longer than sixty (60) days from the date below to return to the CMOC to receive notification of the final disposition of my claim or to request a written extension of the sixty (60) days period, this failure will result in denial of the claim. The claim will be administratively closed in accordance with the guidance above.

1. أنا المشتكى هنا أافق على أنني إذا فشلت في إثبات طلبي بالآلية الكافية إلى دائرة الشكاوى (السيماك) خلال مدة (60) ستون يوماً من تاريخ اليوم أو طلب التمديد (الاستئناف) خلال فترة ستون (60) يوماً، هذا سوف يسبب عدم تكيد قضيتي، ويسبب ذلك قضيتي سوف تترك و تغلق إدارياً طبقاً للقانون (د،اب،ام 162-27، من الفقرة 13-3(ف)).

2. وانا كذلك أافق على أنني إذا انتظرت أكثر من (60) ستون يوماً من التاريخ المحدد من دائرة (السيماك) لاستلام النتيجة للقرار النهائي لقضيتي أو طلب التمديد خلال الفترة المحددة وهي (60) ستون يوماً، هذا سوف يتسبب برفض قضيتي . و القضية سوف تغلق إدارياً وفقاً للقانون.

Claimant Signatu

(b)(6)

Sworn before \_\_\_\_\_

4 day of March 2006.

CENTCOM 005093

CENTCOM 005094

25837

Draft - C.

Decedent  
cause of death  
burning

(b)(6)

Foreign Language

25838

Foreign Language Text, (b)(6)

Claimant  
Request to  
Judge

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005097

25840

(b)(6)

W-1  
(son of Decedent)  
was in same car

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005099

25842

(b)(6)

Passenger  
@ same car

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005101

25844

(W-2)

he was @ same car, he's speaking English.  
he said that he went to Mysul @ same car with  
the Decedent and his son. They saw a C. I. F. convoy  
stopping in the middle of the road outside Baiji City.  
C. I. F. soldiers ~~tell~~ ordered them to stop, after (5 minutes)  
they told them to move towards Mysul, (8-meters) away  
from the convoy, C. I. F. soldiers start shooting @ the car  
from the front and from the back, this passenger  
could leave the car with the son before the car was burning.  
Driver and the other passenger was killed in this car.  
W-2 and the son told by C. I. F. soldiers to stay close  
to the car and never move till they got order from  
the soldiers. W-2 heard two soldiers blaming each other  
for shooting so bullets on the car.

CENTCOM 005102

CENTCOM 005103

25846

Foreign Language Text

Police  
To  
Judge

Foreign Language Text

Foreign Language Text, (b)(6)

25847

Page 22 redacted for the following reason:

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Foreign Language, (b)(6)

Foreign Language

(b)(6)

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CENTCOM 005107

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