

6-IR8-356

11

C/1-33 CAV

Al Sineyan IP station. LW failed
to yield. Soldier, used H&A
signals. shot fired into engine block
w/ no effect. Shot Drive

CENTCOM 005087

25830



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd 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

6 1R8 356
11 MAR 06



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST 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 provided additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN (b)(2)High

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

CPT, FCC
Foreign Claims Commissioner

CENTCOM 005089



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 5:30 morning
Month Day Year

Proof of Ownership: N/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
w-1 (son)

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 (wif) said that her husband and their son went
to ~~the~~ mosque to buy stuff to (b)(6) her husband was carrying
\$7000 to buy stuff (b)(6) the car convey stopped
them and killed him and the driver

Evidence: Photo, post-Death c. witness, medical Report

CENTCOM 005091

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.)

<u>Item</u>	<u>Amount</u>
cash inside the car (\$7000)	
\$3000 for Death	

Total: \$10,000

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.

(Print Name)

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

(Signature)

CENTCOM 005092



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. انا المشتكي هنا اوافق على اني اذا فشلت في اثبات طلبي بالادلة الكافية الى دائرة الشكاوي (السيماك) خلال مدة (60) ستون يوما من تاريخ اليوم او طلب التمديد (الاستئناف) خلال فترة ستون (60) يوما , هذا سوف يسبب عدم تكوين تأكيد لقضيتي , ويسبب ذلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د,اب,ام 162-27, من الفقرة 13-3(ف).

2. وانا كذلك اوافق على اني اذا انتظرت اكثر من (60) ستون يوما من التاريخ المحدد من دائرة (السيماك) لاستلام النتيجة للقرار النهائي لقضيتي او لطلب التمديد خلال الفترة المحددة وهي (60) ستون يوما , هذا سوف يتسبب برفض قضيتي . و القضية سوف تغلق اداريا وفقا للقانون.

Claimant Signatu

(b)(6)

Sworn before ____

4 day of March 2006

CENTCOM 005093

CENTCOM 005094

Death - C-

(b)(6)

Decedent's
cause of death
burning

Foreign Language

Foreign Language Text, (b)(6)

Claimant
Request to
Judge

Foreign Language Text

Foreign Language Text, (b)(6)



2

2

CENTCOM 005097

(b)(6)

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

Foreign Language Text

Foreign Language Text, (b)(6)

CENTCOM 005099

(b)(6)

passenger
@ same car

Foreign Language Text

Foreign Language Text, (b)(6)



CENTCOM 005101

(W-2)

~~was~~ he was @ same car, he's speaking English. he said that: he went to Mykul @ same car with the Decedent and his son. They saw a C. F. convoy & stopping in the middle of the road outside Bajar City. C. F. soldiers ~~to~~ order them to stop, after (5 minutes) they told them to move towards Mykul, (8 meters) away from the convoy, C. 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. F. soldiers to stay close to the car and never move till they get order from the soldier. W-2 heard two soldiers blaming each other for shooting 50 bullets on the car.

CENTCOM 005102

25846

Foreign Language Text

Police
To
Judge

Foreign Language Text

Foreign Language Text, (b)(6)

Page 22 redacted for the following reason:

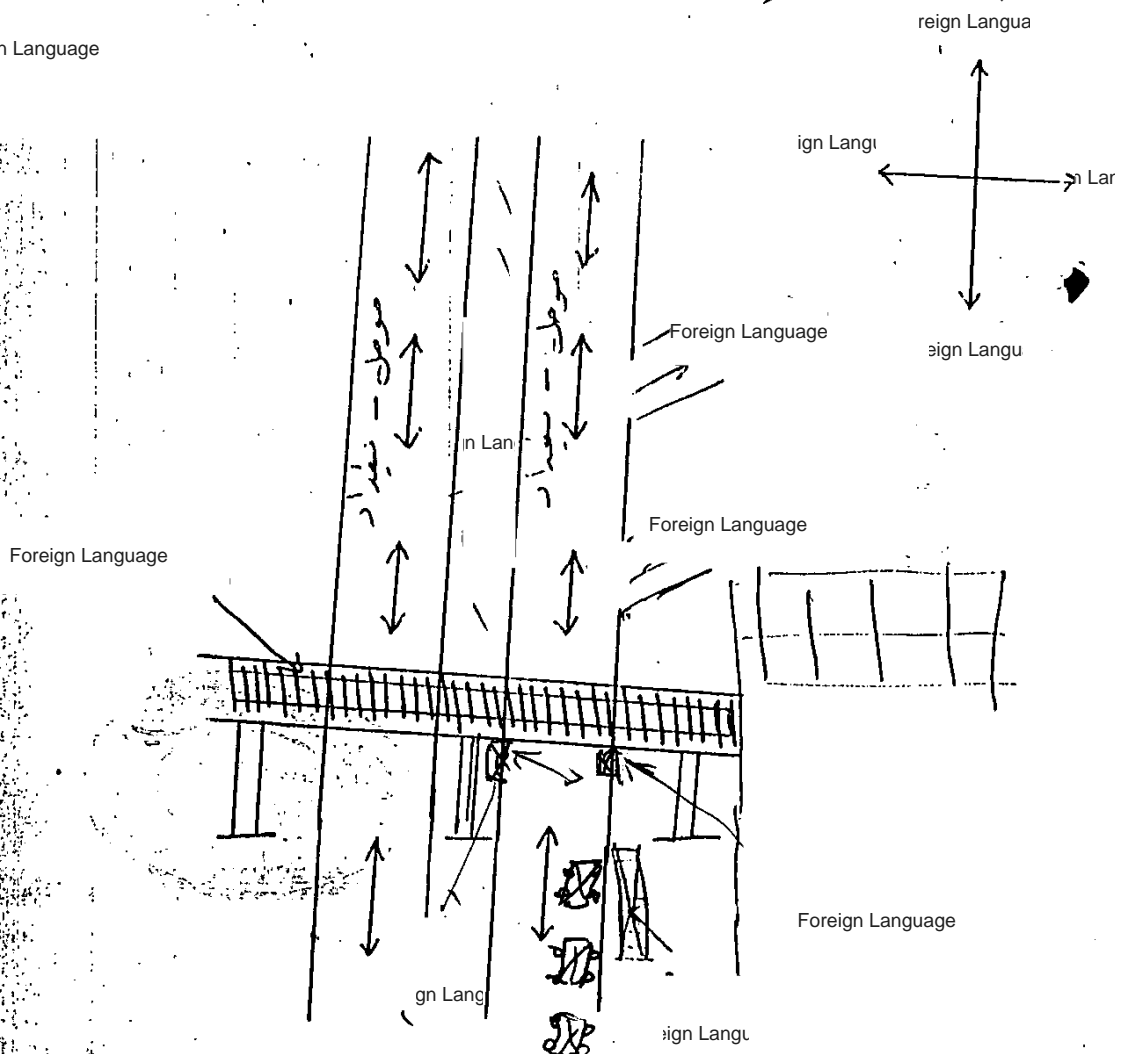
Foreign Language, (b)(6)

Foreign Language

(b)(6)

Foreign Language

Diagram



CENTCOM 005107