

(b)(6)

CENTCOM 010326
07-141-468-00001

7-141-468

CENTCOM 010327
07-141-468-00002



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

APVG-JA-C

30 August 2007

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6) 07-I41-468

1. **Identifying Data:** (b)(6)

2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on June 23, 2007 in Al Alam, Iraq.

3. **Amount of claim and date it was filed:** Claimant filed a claim for \$66,000 on 27 Aug 07.

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:** Claimant's nephew was driving himself and another man to the pharmacy to pick up medication for Claimant's father. The two men were out after curfew. Claimant alleges his nephew and the other man were attacked and killed by U.S. Forces for no reason. The truck was also destroyed. Claimant provided pictures of the destroyed vehicle, a photo of Claimant's nephew, a letter from LTC (b)(6) (acting Deputy Commander for the Salah Ad Din PRT), memorandums from the Provincial Joint Coordination Center, witness statements, police reports, a legal expert estimate, and a diagram of the incident.

6. **Opinion:** A claim is not payable if it resulted from "action by an enemy or...directly or indirectly from an act of the armed forces of the United States in combat." 10 U.S.C. §2734(b)(3). Investigation revealed an ongoing operating in the area and that U.S. Forces engaged and killed the two men. Although the specifics of the incident are highly classified, the Judge Advocate from the unit involved confirmed that the engagement was a "clean shoot." Consequently, U.S. Forces were engaged in combat activities and therefore the claim is not compensable under the Foreign Claims Act.

CENTCOM 010328
07-I41-468-00003



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

APVG-JA-C

11 September 2007

MEMORANDUM FOR Record

SUBJECT: (b)(6) Claim

1. Mr. (b)(6) (Claimant) filed a claim at the COB Speicher CMOC on 27 August 2007 for an incident that occurred on 23 June 07. The TF Lightning Three Member Foreign Claims Commission, comprised of three Judge Advocates, denied his claim on 31 August 2007 pursuant to the Foreign Claims Act. Mr. (b)(6)'s claim may be considered for a CERP payment. For further information, please contact me at

(b)(2)High, (b)(3)(b)(6)

DSN

(b)(2)High

or VoIP

(b)(2)High

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

CPT, JA
Chief, Claims

CENTCOM 010329
07-141-468-00004



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 25TH INFANTRY DIVISION
MULTI NATIONAL DIVISION NORTH
CONTINGENCY OPERATING BASE SPEICHER, APO AE 09393

7-141-468
11 Sep 07

APVG-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 25th Infantry Division Claims Office at DSN (b)(2)High

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

Chief of Claims

GENTCOM 010330

07-141-468-00005

APVG-JA-C

SUBJECT: Claim of (b)(6) 07-141-468

7. **Recommendation:** Recommend this claim be denied.

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

CPT, JA
Chief, Claims



Three Man Commission



The commission has decided to:

Approve \$ _____

Deny

the claim

[Redacted] b(3)(b)(6) b(3)(b)(6)

7-141-468 Related to 7-141-469

CPT [Redacted] b(3)(b)(6)
President
31 Aug 07
Date

CPT [Redacted] b(3)(b)(6)
Judge Advocate
2 Aug 07
Date

CPT [Redacted] b(3)(b)(6)
Judge Advocate
31 Aug 2007
Date

☒ Combat Activity
☐ Insufficient Evidence
☐ Unknown Enemy
☐ Other (explain)

☒ Combat Activity
☐ Insufficient Evidence
☐ Unknown Enemy
☐ Other (explain)

☒ Combat Activity
☐ Insufficient Evidence
☐ Unknown Enemy
☐ Other (explain)

18 Sep 07

CENTCOM 010332
07-141-468-00007

Companion Claims
7-141-468

TF Lightning
Foreign Claims Cover Sheet

File #: 7-141-468

Name: _____

(b)(6)

POA/ATT: _____

Date Received: 27 Aug 07 Date of Incident: 23 June 07

Claim Amount: \$20,000.00 Location: Al Ain

Next Apt: 03 Sept 07

Contact Info: _____

(b)(6)

Additional Evidence / Further Investigation:

near Taha Jafer, 2 truck; 2nd certificate of registration, copy of card
authorizing him to drive govt truck; picture of VIN number, ID

Check Intsum ☒ Check Sigacts ☒

Check Investigation Spreadsheet ☒

No signature

Personally Verified MSJ

Approved ☐ Denied ☒ C/A

☒ Goodwill Payment Recommended: _____

☒ Approved: _____

☐ Denied: _____

☐ MVA ☐ RAID ☐ LOST ☒ NEG FIRE ☐ REAL ☐ LAND

☐ OTHER: _____

CENTCOM 010333

07-141-468-00008

Pages 9 through 10 redacted for the following reasons:

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

CENTCOM 010336
07-141-468-00011

Page 12 redacted for the following reason:

Foreign Language Text, (b)(6)

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

CPT Iraq, 25th ID, SJA

From: (b)(6)
Sent: Wednesday, August 22, 2007 8:59 PM
To: (b)(3)(b)(6) CPT Iraq, 25th ID, SJA
Subject: RE: claim

Follow Up Flag: Follow up
Flag Status: Red

Sir
there was a raid at that night
2) choppers were in that area
too many soldgers were there
it was an embush...those to guys I know them , one of them was close friend to me , he was
a poilce man the other one was a student , he's taking care of his family cuz his
(b)(6) , the student took his friend to go get medical staff
for his father from the clinic close to their house, and the US soldgers were hiding in
the both sides of the road,, the guys didn't notice that it was an imbush till they became
in the middle of the soldgers.. the soldgers start shoting towards the car and killed the
2 young guys at once

u know me.. if they were bad guys i won't help them as u know but those guys didn't make
any mistake and they didn't thret the life of the soldgers plz Sir... i know those guys
and i know that their families depends on them to feed the kids and the women..
thank u

(b)(6)

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

CPT Iraq, 25th ID, SJA

(b)(2)High, (b)(3)(b)(6)

wrote:

(b)(6)

Can you explain to me exactly what happened? What were the two young
guys doing?

Do you know why they were killed? Do you know if they were bad guys?

Thanks.

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

-----Original Message-----

From: (b)(6)
Sent: Tuesday, August 21, 2007 10:26 PM
To: (b)(6), (b)(3) CPT Iraq, 25th ID, SJA
Subject: claim

Dear Cpt
hope u all fine
this is (b)(6)

i wanna ask u plz about some claim happened in my town , (b)(6) 23 Jone
07, 01 am

the CF raided a house up there and by accdent 2 young guys came in the
middle of this action,, the CF killed those 2 guys and burn their car,
they admitted this action , the car belongs to MOT(ministry of trade)
the people form MOT wants to know if it's possible to get paid of wat
happened to the car
let me know ASAP plz.

thank u Boss

ur's

(b)(6)

Salamuddin PJCC,

Tikrit,

Iraq.

(b)(6)

Yahoo! oneSearch: Finally, mobile search that gives answers
search?refer=1ONXIC> , not web links.

Moody friends. Drama queens. Your life? Nope! - their life, your story.
Play Sims Stories at Yahoo! Games. <<http://us.rd.yahoo.com/evt=48224/>
*<http://sims.yahoo.com/>>

Page 15 redacted for the following reason:

Already Reviewed and Redacted for Release

TF Lightning Claims Intake Form

Name of Claimant:

(b)(6)

- ☒ Iraqi ID Card Seen and Identity Verified ☐ Iraqi Resident ☐ Iraqi ID # _____
☐ Copy of Iraqi ID Provided (Hometown is _____)

POA/Attorney Name _____

- ☐ Power of Attorney provided ☐ Original Seen
☐ Names Match ☐ If POA, state relation _____

☐ Decedents (if applicable list names below)

1. (b)(6) 2. _____
 3. _____ 4. _____

Claim arose at: Al Amer City, ed. & Tripit
 (Town) (City)

Claim arose on: 23 June 2007
 Day Month Year

Time of Day: 0035

Proof of Ownership: Permit given from govt, ministry of Trade, & civil aviation

- ☐ Vehicle VIN Number Match ☐ Sales Contract Provided He has a good quality permission to drive truck and he's driving away
☐ Land Deed (Name Match) ☐ Other (explain) Types of VPM numbers

Death Certificates

- ☐ Original Seen ☐ Cause of Death _____
☐ Name Match ☐ Age of Decedent _____

Medical Report/Legal Expert Opinion

- ☒ Legal Expert Report Attached: (total damages \$ 16000)
☐ Medical Report (State type and severity of injury)

Brief statement of the incident on which the claim for damages is based.

Claimant was driving late at night on highway when CF shot at him. He said helicopter shot it.
Incident verified through SECRET records. U.S. Forces shot & killed both individuals during a combat operation. Consequently, the claim must be denied as combat activity.
Referred to CAT A team for a Good Will Payment

CENTCOM 010341

07-141-468-00016

Witness Statements

1. Witness #1: (Name) (b)(6) ☐ Eyewitness

Synopsis of Testimony: Decided, he was doing work shot by CF
because he was off road out at the curb

2. Witness #2: (Name) (b)(6) ☐ Eyewitness ☒ Consistent w/ First
☐ Same Story as First Witness

Synopsis of Testimony: _____

Itemized expenses/damages resulting from the property damage or personal injury:

Item	Amount
nephew truck	\$50,000.00 20,000,000 ID = \$16,000
Total:	\$66,000

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

\$ 50,000.00 + 16,000 Iraqi Dinar 20,000,000 ID

→ (b)(6)
(Signature of Claimant)

Subscribed before me this 27 day of June, 200 7.

(b)(3)(b)(6)
(Print Name)

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

Total Evidence Provided (Check all that apply)

☒ Witness Statements (# 2) ☐ Proof of Ownership ☒ Medical Documents
☐ Legal Expert Report ☐ Police Report ☐ Photographs
☐ Other ☐ Other ☐ Other

still needs

GENTCOM 010342

07-141-468-00017

Foreign Language Text

GENTCOM 010343
07-141-468-00018

Foreign Language Text

Foreign Language Text, (b)(6)

(b)(6)

Incident : 23 June 07
- 2 deaths
- 1 IP
- 1 bodyguard for
LTC (b)(6) of DoC

CENTCOM 010344

07-141-468-00019



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 25th INFANTRY DIVISION
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 المشتكى هنا اوافق على اني اذا فشلت في اثبات طلبي بالادلة الكافية الى دائرة الشكاوي (السيماك) خلال مدة (60) ستون يوما من تاريخ اليوم او لطلب التمديد (الاستئناف) خلال فترة ستون (60) يوما , هذا سوف يسبب عدم تكوين تأكيد لقضيتي , وبسبب ذلك قضيتي سوف تترك و تغلق اداريا طبقا للقانون (د.ا.ب.م 162-27, من الفقرة 13-3(ف).

2. وانما 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 Signature:

(b)(6)

Sworn before

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

, on 27 day of Aug 2007.

CENTCOM 010345

07-141-468-00020

MEMO

Claim for CF damage to DG of TRADE
For Salah ad Din Province

Need ^{TO}
~~see~~ MSG
SFC

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

OR CPT

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

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

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

ASIA
CELL

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

SVOIP

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

GENTCOM 010346

07-141-468-00021

Foreign Language Text

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(b)(6)

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(b)(6)

Foreign Language Text, (b)(6)

CENTCOM 010347
07-141-468-0022

Foreign Language Text



إلى/محافظة صلاح Foreign Language Text السيد المحافظ

Foreign Language Text

(٣) موقف

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

CENTCOM 010348
07-141-468-00023

Foreign Language Text

Police Dept

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01:35 U-5 Aircrafts shot a truck
Nissan Pick up and killed

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n Language

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two Persons Inside it

Foreign Language Text, (b)(6)

CENTCOM 010349

07-141-468-00024

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(b)(6)

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*Plaintiff statement of the Police
action.*

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07-141-468-00025

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Plaintiff statement at the Police station

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Foreign Language Text, (b)(6)

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07-141-468-00026

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CENTCOM 010352
07-141-468-00027

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□ ::

Police Investigation

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07-141-468-00028

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(A)

(9)

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technical report

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CENTCOM 010355
07-141-468-00030

(c) (7) Plaintiff's statement AT the court

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07-141-468-00031

@

W1)

(b)(6)

AT the command -

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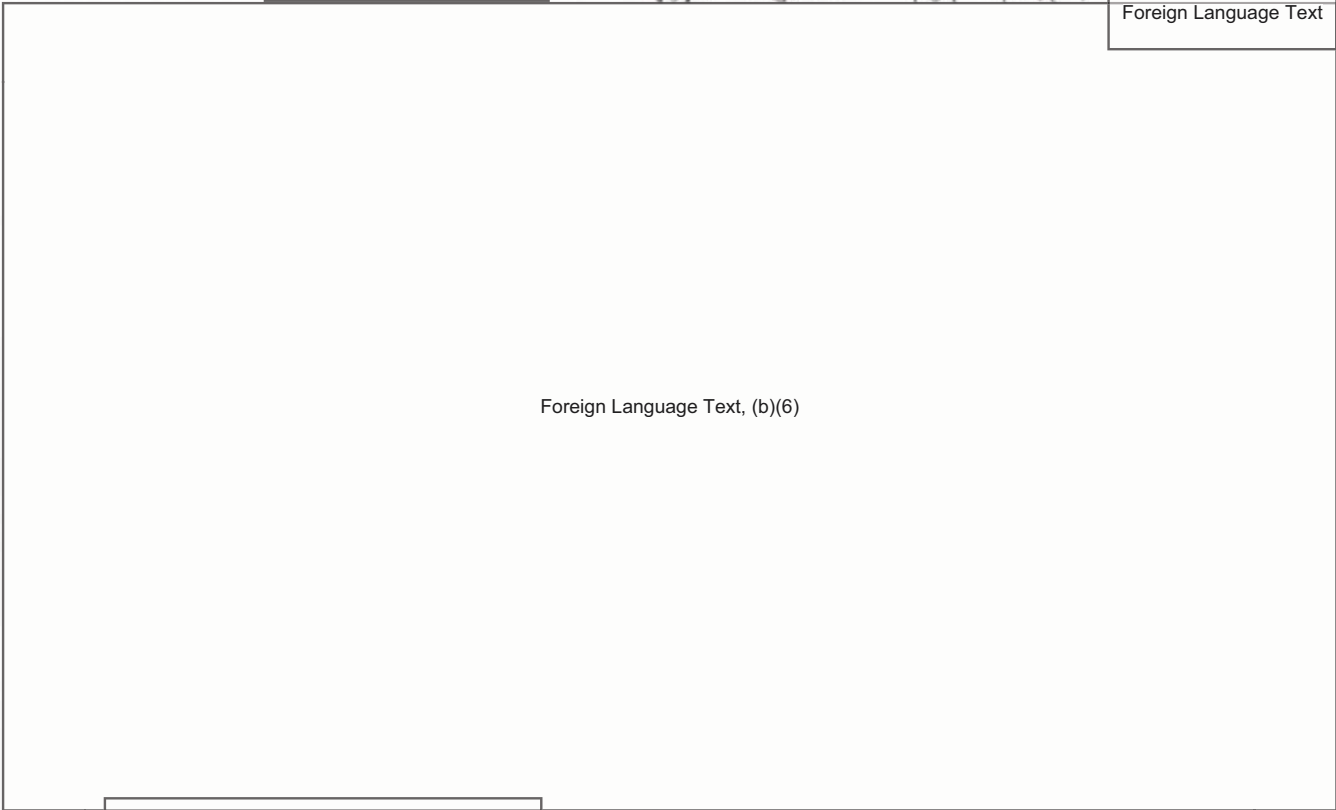
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CENTCOM 010357
07-141-468-00032

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Diagram for the Area

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Foreign Language Text, (b)(6)

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07-141-468-00033

①

②

Plaintiff statement of the Police

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(b)(6)

1 A 11

Foreign Language Text, (b)(6)

Plaintiff statement

Foreign Language Text

(b)(6)

Foreign Language Text, (b)(6)

CENTCOM 010359
07-141-468-00034

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Foreign Language Text, (b)(6)

(b)(6), Foreign Language Text

CAR TYPE : NISSAN pickup

(b)(6), Foreign Language Text

CAR NO

(b)(6), Foreign Language Text

DRIVER NAME

(b)(6)

Foreign Language Text

MINISTRY / DIRECTORATE : Tradition

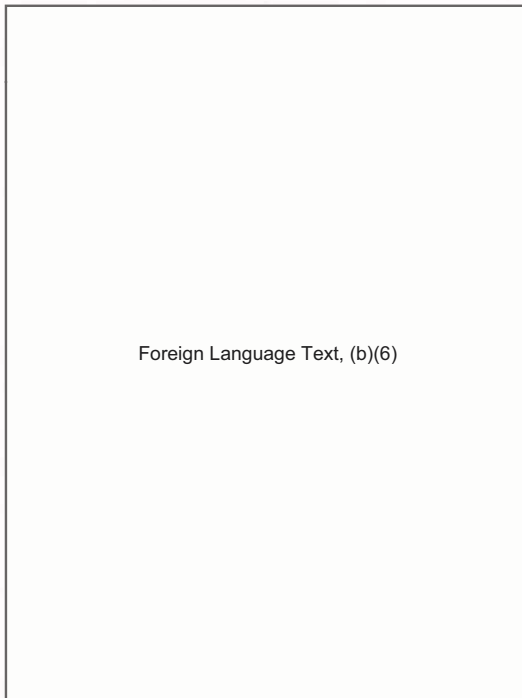
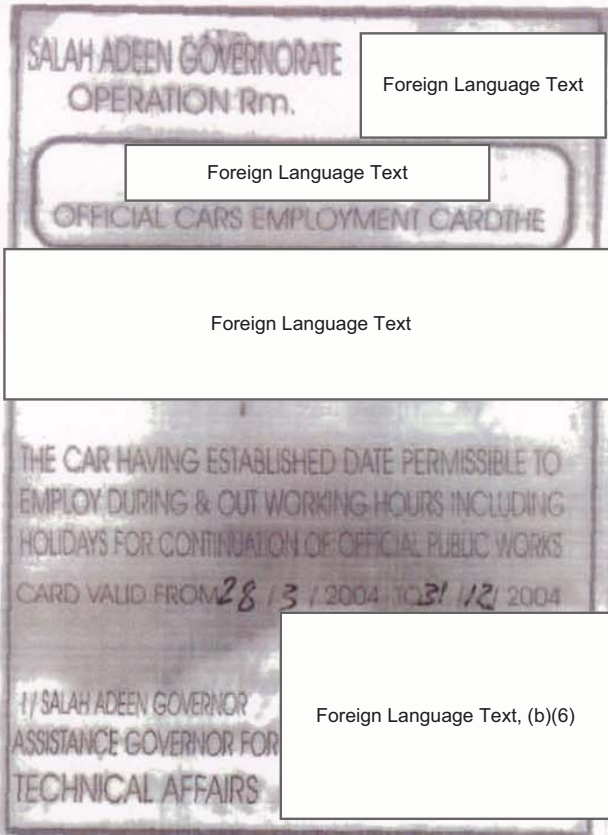
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(b)(6)

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07-141-468-00036



CENTCOM 010362
07-141-468-00037

CENTCOM 010363
07-141-468-00038

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07-141-468-00039

Foreign Language Text, (b)(6)



07-141-488-00040
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CENTCOM 010366
07-141-468-00041

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