

(b)(6)

CENTCOM 010326
07-I41-468-00001

26304

7-I41-468

GENTCOM 010327

07-I41-468-00002

26305



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 [REDACTED] (b)(6) 07-I41-468

1. **Identifying Data:** [REDACTED] (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 [REDACTED] (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

R-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 provide additional evidence, then the appeal will be denied.
4. POC is the 25th Infantry Division Claims Office at DSN [REDACTED] (b)(2)High

[REDACTED] (b)(3)(b)(6)

Chief of Claims

GENTCOM 010330

07-141-468-00005

APVG-JA-C

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

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

[REDACTED]
(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)

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) _____

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CENTCOM 010332

07-141-468-00007

Complainant
7-I41-468

TF Lightning
Foreign Claims Cover Sheet

File #: 7-I41-468

Name: (b)(6)

POA/ATT: (b)(6)

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

Claim Amount: \$30,000 + 20,000 in JD Location: Al Atar

Next Apt: 03 Sept 07 Contact Info: (b)(6)

Additional Evidence / Further Investigation:

2002 Toyota Duetra 2 truck; with certificate of origin, copy of card
authorizing him to drive said truck; picture of VIN number, ID

Check Intsum Check Sigacts No signature
Check Investigation Spreadsheet Personally Verified MSV

Approved Denied CIA

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) Hchappers 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 noilce man the other one was a student , he's taking care of his family cuz his
(b)(6)
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 shooting 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(ministary 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 Alaa City, end of Tigris
(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, to civilian driver

Vehicle VIN Number Match Sales Contract Provided He has had yearly permission to use truck and has driving every 4-5 hrs of VDN routes
 Land Deed (Name Match) Other (explain) _____

Death Certificates

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

Medical Report/Legal Expert Opinion

Legal Expert Report Attached: (total damages \$ 16,000)
 Medical Report (State type and severity of injury)

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

Claimant was driving vehicle for combat unit when it was shot at him. Medical helped to shoot 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

Witness Statements1. Witness #1: (Name) (b)(6) EyewitnessSynopsis of Testimony: *Decedent, who was driving, was shot by CE because he was off street at a traffic control*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
travel* *£59,000.00
29,000.00 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 66,000.00 ID (b)(6)

(Signature of Claimant)

Subscribed before me this 27 day of July, 2007. (b)(3)(b)(6)

(Print Name)

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

(Signature)

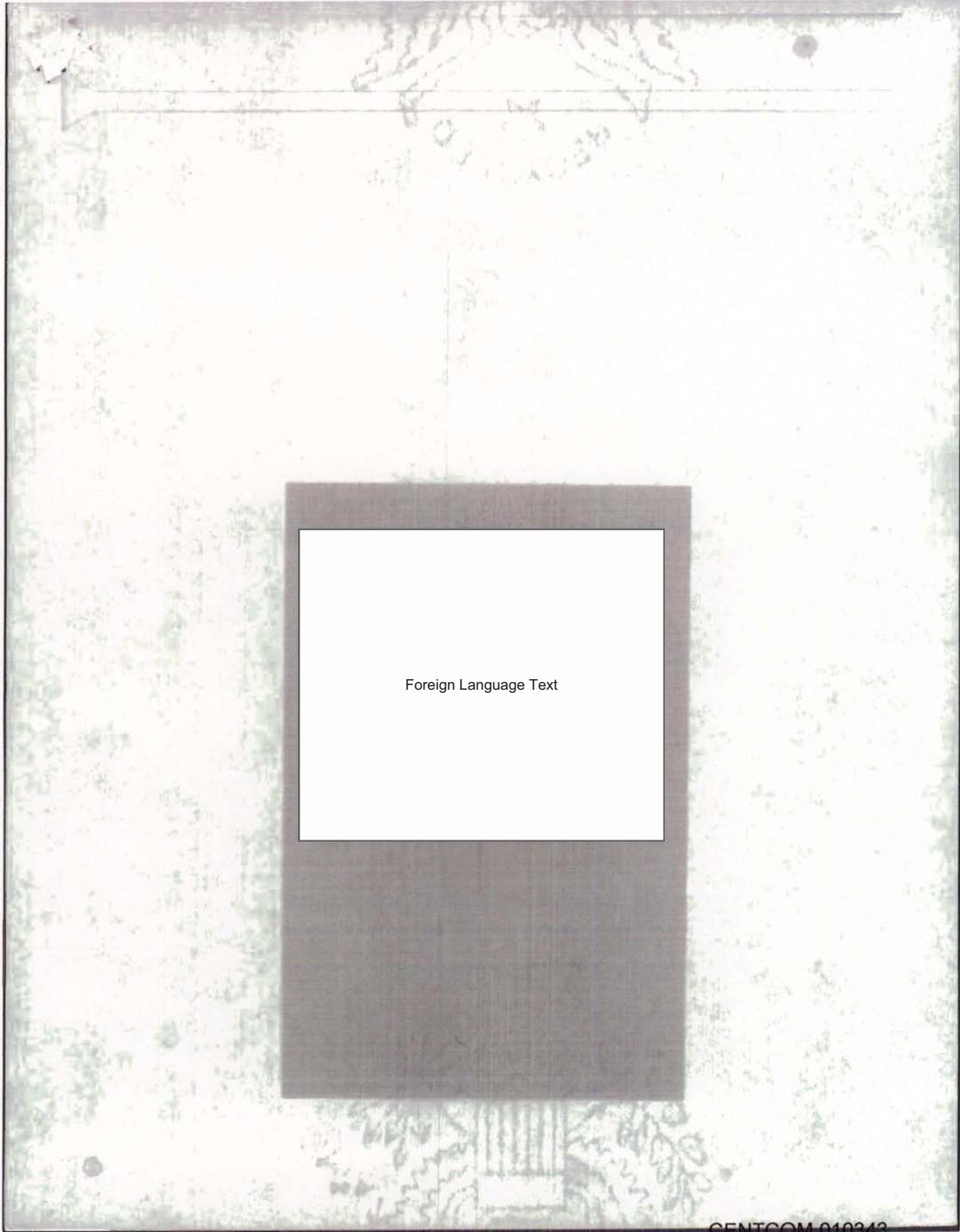
Total Evidence Provided (Check all that apply)

<input type="checkbox"/> Witness Statements (# 2)	<input type="checkbox"/> Proof of Ownership	<input type="checkbox"/> Medical Documents
<input checked="" type="checkbox"/> Legal Expert Report	<input type="checkbox"/> Police Report	<input type="checkbox"/> Photographs
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other

still needs

CENTCOM 010342

07-I41-468-00017



Foreign Language Text

OENTCOM 010343

07-I41-468-00018

Foreign Language Text

Foreign Language Text, (b)(6)

15 July 07

(b)(6)

Incident : 23 June 07
- 2 deaths
↳ 1 IP
↳ 1 Bodyguard for
LTC [redacted] of POC
(b)(6)

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(l).

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 بالادلة الكافية إلى دائرة الشكاوى (السيماك) خلال مدة (60) ستون يوماً من تاريخ اليوم أو طلب التأكيد (الاستئناف) خلال فترة ستون (60) يوماً، هذا سوف يسبب عدم تكوين تأكيد قضائى، ويسبب ذلك قضائى سوف ترك و تغلق ادارياً طبقاً للقانون (د.ب.م 27-162، من الفقرة 3-13(ف)).

2. وانا كذلك أافق على أنني إذا انتظرت أكثر من (60) ستون يوماً من التاريخ المحدد من دائرة (السيماك) لاستلام النتيجة للقرار النهائي لقضائى أو لطلب التأكيد خلال الفترة المحددة وهي (60) ستون يوماً، هذا سوف يتسبب برفض قضائى، و القضية سوف تغلق ادارياً وفقاً للقانون.

(b)(6)

Claimant Signature:

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

Sworn before 5/6/, on 27 day of Aug 2007.

GENTCOM 010345

07-141-468-00020

MEMO

Claim for CF damage to DG OF TRADE

For Sulah ad Din Province

Need ^{TD}
sec MSG
SFC

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

OR CPT

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

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

LTC

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

ASIA
CEN

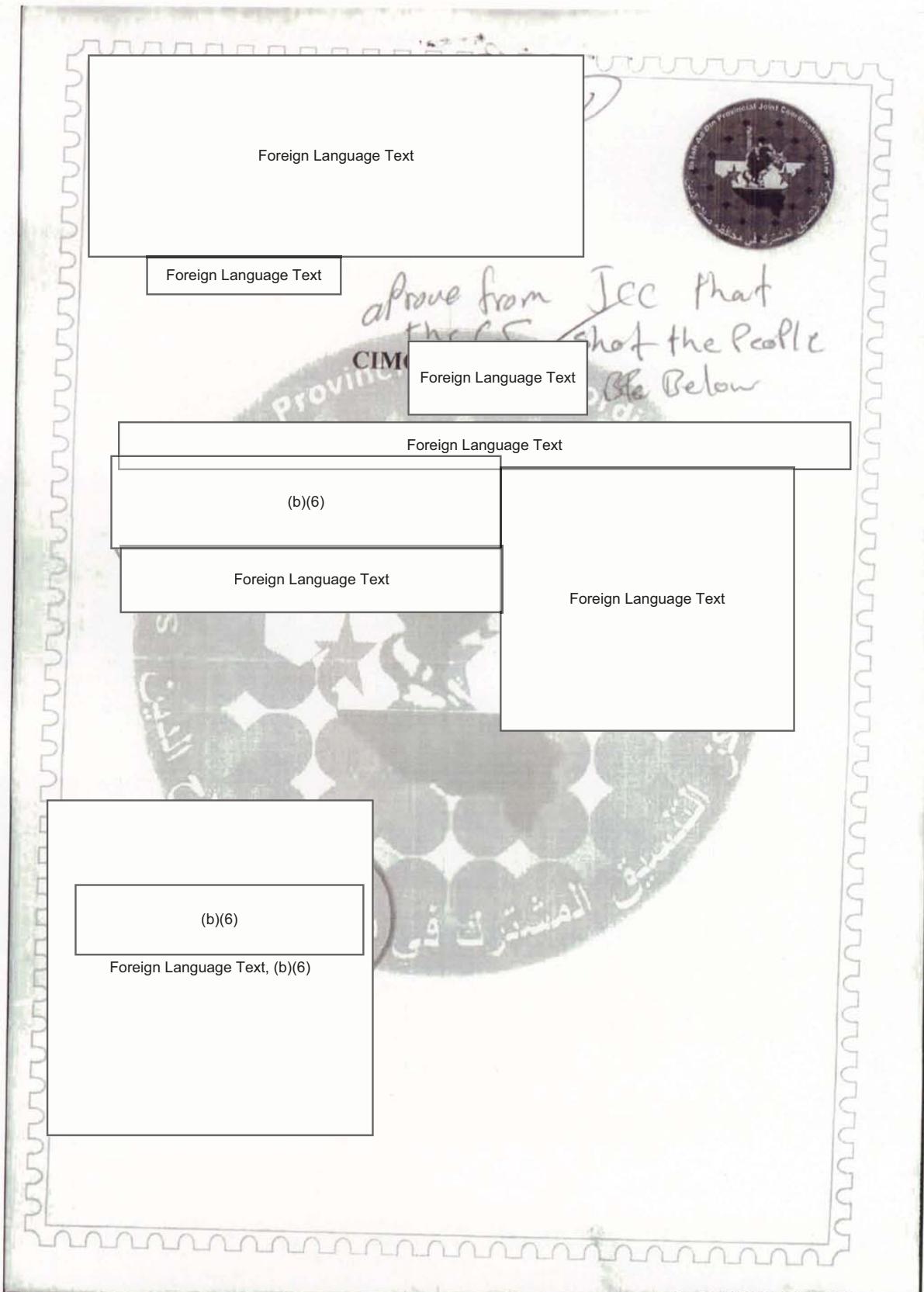
(b)(3)(b)(6)

SJGIP

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

GENTCOM 010346

07-141-468-00021



CENTCOM 010347

07-141-468-00022

Foreign Language Text



السيد المحافظ إلى/محافظة صلاح

Foreign Language

Foreign Language Text

موقـف (٣)

Foreign Language Text, (b)(6)

Foreign Language Text, (b)(6)

CENTCOM 010348
07-141-468-00023

Foreign Language Text

Police Dept

Foreign Language Text

Foreign Language Text

0135 U-5 Aircrafts shot aftruck
nissan Park up and killed

Foreign Language Text

in Languag

Foreign Language Text

two Persons Inside it

Foreign Language Text, (b)(6)

CENTCOM 010349

07-141-468-00024

Foreign Language Text

(b)(6)

Plaintiff statement of the Police
Action.

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Foreign Language Text, (b)(6)

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reign Language Text

plaintiff statement at the Police station

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07-141-468-00026

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Foreign Language Text, (b)(6)

CENTCOM 010352
07-I41-468-00027

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(b)

(1)

: Police Investigation.

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Foreign Language Text, (b)(6)

CENTCOM 010353
07-141-468-00028

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3

④

Judge order to close the case

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Foreign Language Text, (b)(6)

(a)

(b)

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Foreign Language Text, (b)(6)

CENTCOM 010355
07-141-468-00030

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(1)

(2)

Plaintiff statement AT the court

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07-141-468-00031

(b)(6)

W1

(b)(6)

AT the round -

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07-141-468-00032

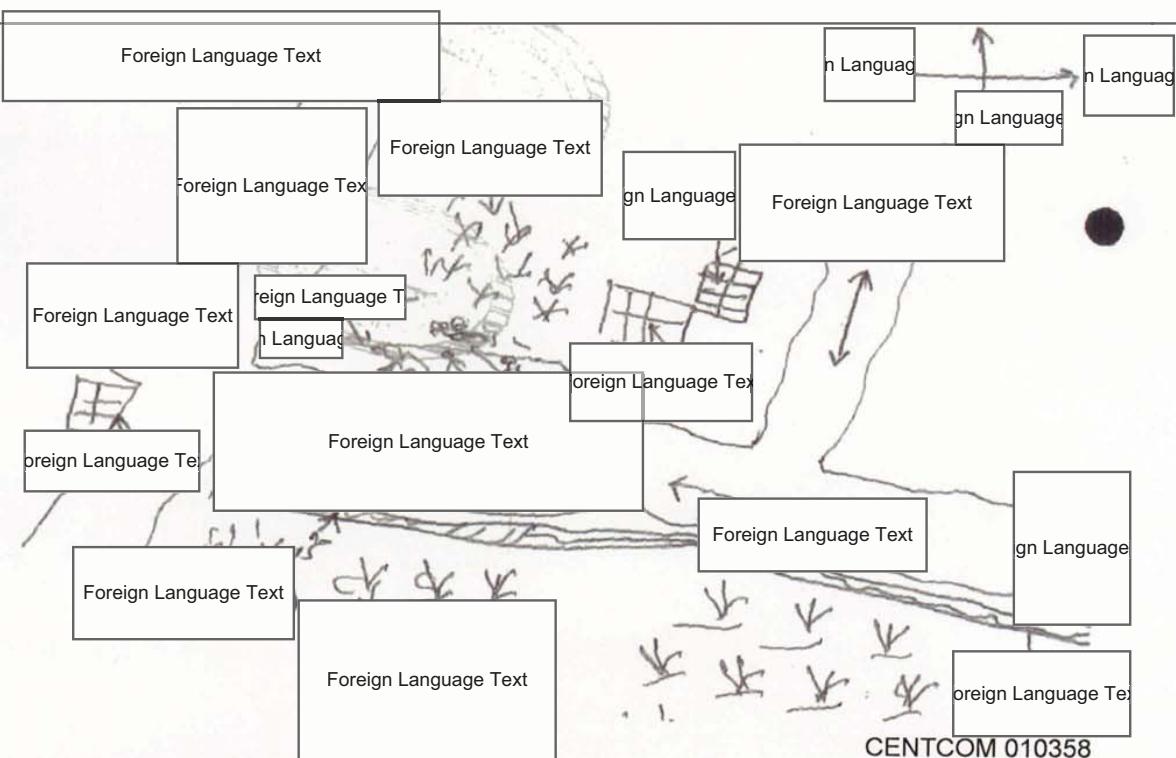
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Dra
Diagram for the Area

Foreign Language Text

Foreign Language Text, (b)(6)



CENTCOM 010358

07-I41-468-00033

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Plaintiff statement at the Police

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(b)(6)

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Foreign Language Text, (b)(6)

Plaintiff statement

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Foreign Language Text, (b)(6)

CENTCOM 010359

07-141-468-00034

Page 35 redacted for the following reason:

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

(b)(6)

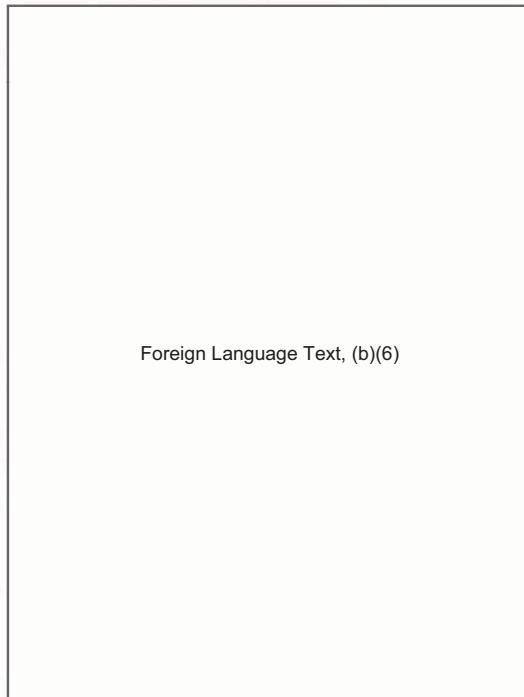
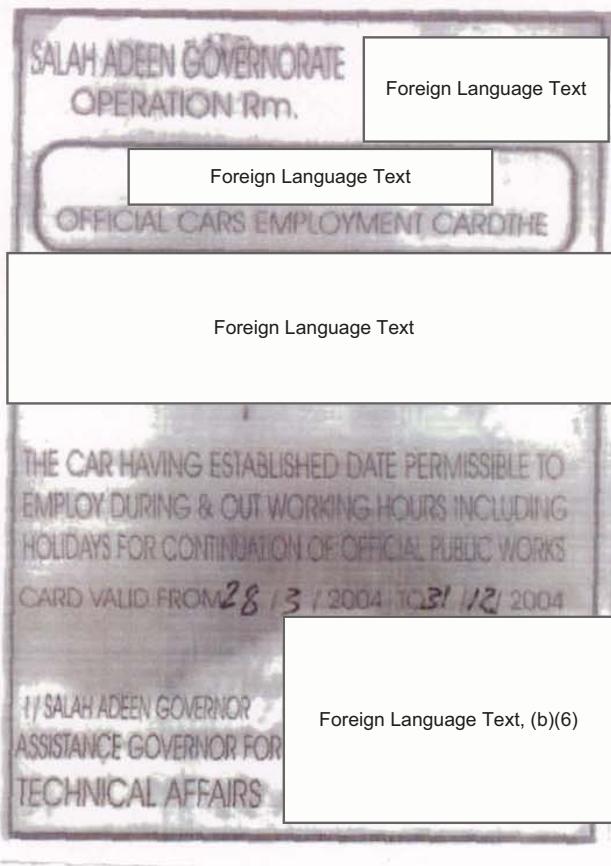
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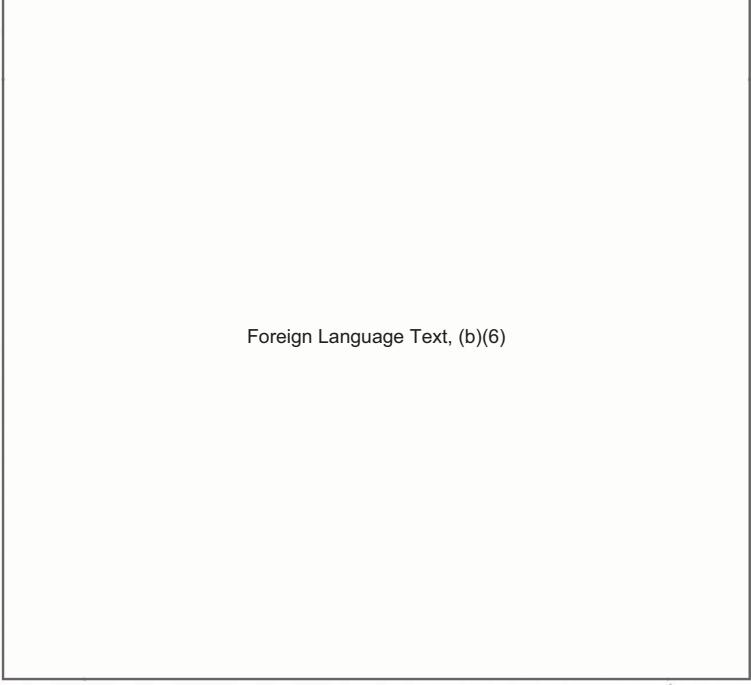
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07-141-468-00037

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07-141-468-00038

Foreign Language Text, (b)(6)



Foreign Language Text, (b)(6)

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07-141-468-000039

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07-141-468-00041

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Foreign Language Text, (b)(6)