

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

7D

8 Feb 08

0018107

(b)(6)



DENIAL CLAIM FILE CHECKLIST

(b)(6)

08

(b)(2)High

CLAIMS CHECKLIST

CLAIM NUMBER: 08192T103

AMOUNT OF CLAIM: \$ 7000

CLAIMANT'S NAME: (b)(6)

DATE OF INCIDENT: 5 August 2005 DATE FILED: 3 January 2008 DATE RECEIVED:

CLAIM TYPE:

Vehicle Damage

Detainee Property

Damage During Raids

SAF Damage/Injury

Real Estate

Other

CLAIM AROSE FROM:

Combat Activities

Non-combat Activities

CLAIM IS:

(b)(5)

BRIEF OVERVIEW: The Claimant states that her home was damaged and her father was killed when coalition Forces engaged her house on accident

(b)(5)

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

REVIEWED BY: *SAC*

DATE REVIEWED: 3 Jan 08

FCC COMMENTS

Deny - exceed statutory period. Unit on claims card is different from unit on memo. Need more information than what is contained on the 2-12 CAV memo - This not from our AO.

DATE APPROVED/ DENIED: 30 JAN 08

DENIED

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

Denial Memo

APPROVED

Amount Approved: _____
Approval Memo
Settlement Agreement
SF 1034
Disbursing Officer Memo



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

AFZN-BC-FCC

Claim of

(b)(6)

08-I92-T103

ACTION

1. Facts: The claimant alleges that on 5 August 2005, her house was damaged and her father was killed by U.S. Forces.
2. Opinion: The FCA permits compensation for damages caused by negligent or wrongful acts of US forces. There is insufficient evidence of negligence by U.S. Forces.
3. Authority: The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.
4. Action: The claim is therefore denied.

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

CPT, JA
FCC I92



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION-BAGHDAD
FOREIGN CLAIMS COMMISSION
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

February 8, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #08-192-T103
Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the damage to your home and the death of your father by U.S. Forces. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act (FCA), Title 10, United States Code § 2734, Army Regulation 27-20 (Claims) and Department of the Army Pamphlet 27-162 (Claims Procedures).

I have reviewed all the information included in your claim and the evidence from the resulting investigation. Unfortunately, your claim is not compensable. After reviewing your claim, it was determined that there was no evidence that US Forces acted either negligently or wrongfully. Accordingly, your claim must be denied.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with Army Regulation 27-20. Any such request must be based on new or additional evidence and should be forwarded to this office. While there is no prescribed format for such a request, it must describe the legal and/or factual basis for relief. Any request for reconsideration should be made in writing within 30 days of your receipt of this letter. Thank you for your kind attention.

Sincerely,

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

Captain, U.S. Army
Foreign Claims Commission 192

Claims Form

طلب تظلم

Name:

Foreign Language Text, (b)(6)

Address:

(b)(6)

I am

a. A national citizen of:

Iraq

أنا
أ. أحمل جنسية:

b. A permanent resident of:

Above address

ب. عنواني الدائم:

c. Employed by:

ت: أعمل لدي:

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, and Telephone Number)

please see claim card -

أنتى اتظلم لدي حكومى الولايات المتحدة للأضرار والإصابات التى نجمت من: (المنظمة , الوحدة العسكرية)

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

House Damage by coalition forces - person death

الممتلكات المتضررة مملوكة من: (إذا كان عذا التظلم قدم من قبل ممثل أو قريب أو عائل فالرجاء أخطار المستمسكات التى تخولكم وتوكلكم للتقدم بهذا التظلم , أو أي دليل من ممثلين رسميين.
إملا التظلم بالأسفل للأفراد المتقدمين بالشكوي للإصابات أو الأضرار التى أصابتهم.)

My claim arose at:

Al-Risala
(Town)

(b)(6)

Baghdad
(City)

Iraq
(Country)

البلد أو المحافظة

المدينة

القرية

تظلمى قدم فى:

My claim arose on: Aug 5 2005
Month Day Year

تظلمي قدم في: _____
السن يوم شهر

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.)

House Damage by Coalition Forces and person death - captured
With wounded -

باختصار أشرح ما حدث والأضرار التي أصابتك جراء ذلك ، سواء كانت جسمية أو ممتلكات . (الرجاء استعمال خلفية هذه الورقة إن لم تكن الأسطر لتكفي)

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
<u>please see the back of Staff Damage</u>	

Total: _____

أشرح بالتفصيل متي تضرر والكلفة للممتلكات أو للإصابات الجسمية وتكلفتها (الرجاء إضافة التبرعات والممتلكات والفواتير الضرورية لكل شيء لوخدة)

تكاليفه	الشيء المتضرر
_____	_____
_____	_____
_____	_____

إجمالي التكلفة: _____

I was insured to the following extent against the damage or injury I have sustained:

لدي تأمين على الممتلكات أو الضرر الجسدي المتضرر بما يوازي:

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

\$ _____ I.D. _____

اطالب بتعويض للأضرار يوازي (أكتب بالدولار الأمريكي أو العملة المحلية)

_____ \$ العملة المحلية _____

I (have/ have not) previously filed a claim relating to the incident described above.

سابقاً (قلت) (لم أقم) بتقديم بلاغ لهذه الحادثة المذكورة بالأعلى

To the best of my knowledge, another claim (has/ has not) been filed relating to the incident described above.

لحسن علمي طلب تظلم (قدم) (لم يقدم) لهذه الحادثة المذكورة بالأعلى

NOTE: BY SIGNING BELOW, YOU ARE SWEARING THAT THE INFORMATION PROVIDED IN THIS CLAIM IS ACCURATE AND TRUTHFUL. ANYONE WHO ATTEMPTS TO FILE, OR CONSPIRES TO FILE, A DUPLICATE OR FRAUDULENT CLAIM AGAINST THE UNITED STATES GOVERNMENT WILL FACE CRIMINAL PROSECUTION.

ملاحظة: بالتوقيع أسفل هذا التظلم فإن تقسم على أن كل المعلومات المقدمة في هذا التظلم هي صحيحة وحقيقية. أي شخص يحاول تقديم تظلم كاذب أو مختلق أو يزور التظلم سيواجه عقوبات جنائية حادة ويحاكم من قبل السلطات.

(b)(6)

(Signature of Claimant)

(توقيع التظلم) الرجاء كتابة الاسم والتوقيع

Subscribed to me this _____ day of _____, 200 _____.

(Signature of Witness)

(Printed Name)

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

137000

(b)(6)



HEADQUARTERS, 2ND BATTALION, 12TH CAVALRY REGIMENT
2ND BRIGADE, 1ST CAVALRY DIVISION
APO AE 09121

REPLY TO
ATTENTION OF

WAGPTO-HHIC-S5

MEMORANDUM TO: Claims Office, Government Information Center, Al-Monsour

SUBJECT: Legitimacy of Claim

1. This is to validate the claim of (b)(6) On the 17th of April her home was mistakenly engaged by Coalition Forces resulting in severe structural damage to her home.
2. Her father was also injured in the same engagement.
3. POC for this memorandum is CPT Danton J. D. O. S. and [redacted] 1st Cavalry Division.

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

Battalion S-5

Illegible Text, Nonresponsive

Foreign Language Text, (b)(6)

Certificate
Death

Foreign Language Text, (b)(6)

... Forces Damage caused damage on claimant house

The Location of the house is Al-Risala Area

Foreign Language Text

... Damage on in front of the house - windows / roof

Foreign Language Text

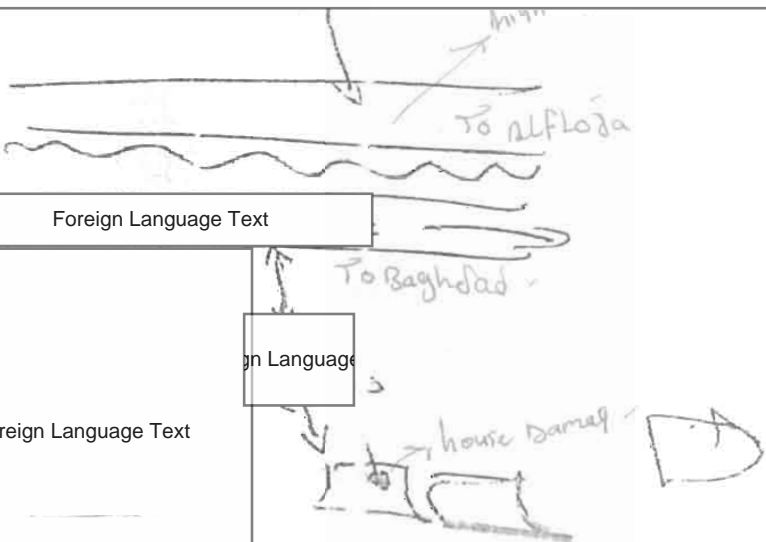
Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text



Foreign Language Text, (b)(6)

Foreign Language Text

*Carabottin forced shot a fire to the clamat
and killed her Father.*

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text, (b)(6)

Page 16 redacted for the following reason:

Foreign Language Text, (b)(6)

Foreign Language Text

Please allow these
Ladies to submit their
Claims as I am personally
tracking the status of

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

SPC
Z Bct Unit C
Investigating

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

Foreign Language Text, (b)(6)



HEADQUARTERS, 2ND BATTALION, 12TH CAVALRY REGIMENT
2ND BRIGADE, 1ST CAVALRY DIVISION
APO AE 09324

REPLY TO
ATTENTION OFF

WAGPTO-IIIIC-S5

5 May 2

MEMORANDUM TO: Claims Office, Information Center, Al-Monassar

SUBJECT: Legitimacy of Claim

1. This is to validate the claim of (b)(6) On the 17th of April her home was mistakenly engaged by Coalition Forces resulting in severe structural damage to her home
2. Her father was also fatally wounded in the same engagement.
3. POC for this memorandum is CPT Heaton, 2-12 Cav S-5, 2nd BDE, 1st Cavalry Division.

Foreign Language Text

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

Battalion S-5

IRAQI CLAIMS
ROCKET
CARD

1. I will pay claims to Iraqi civilians for property damage, injury and death caused by US Forces.

2. If your unit is involved in an incident resulting in damage to property of an Iraqi civilian, or the death or injury of an Iraqi civilian:

Fill out the required information below.

1. Give this card to the Iraqi civilian, or other appropriate person in the case of death.
2. Direct the claimant to the nearest General Informal Center or the Iraqi Assistance Center. Do not advise them anything.
3. Upon return to your FOB, complete DA Form 10-1. Describe the incident completely and forward it to your nearest legal office. NOTE: This information is NOT an admission of liability by the soldiers involved and will be used only to substantiate a claim against the US Army.

UNIT 1st ABCT
DATE 6 Aug 05
LOCATION (b)(2)High
TYPE OF INCIDENT (b)(2)High

about original claim card.

She said that while her son trying
to make the claim he got shot
and killed so he lost the original.



سلام عليكم ورحمة الله وبركاته

أخي القارئ الكريم: مقبلاً الأصغر مني لحقت به . سو
أعزوني جسدني من إصابات إلى لفره ، فر موت لا يسبح
المقربين ، وكان السبب وراء تلك القوات الأمريكية ، قد يكون
في التوضيح.

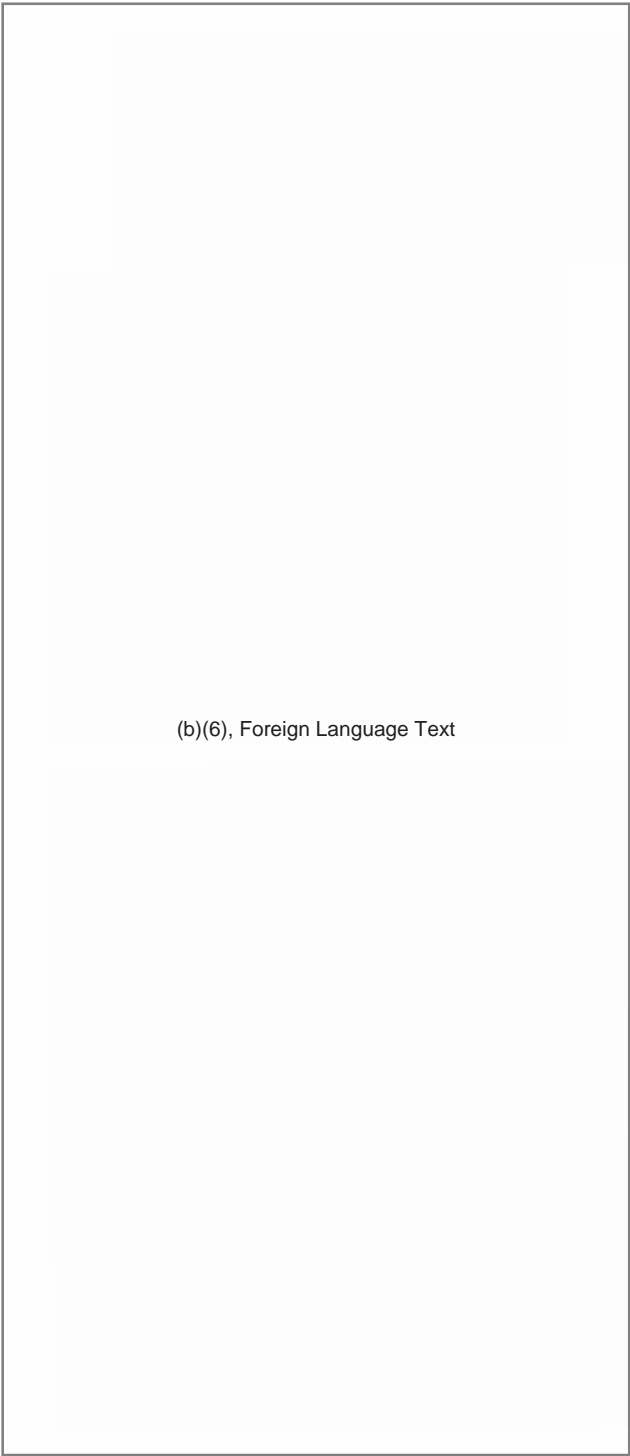
لتقدم ببلاغ والمطالبة بمعد الرجاء إحصاء الأسي: هذه البتة
المنفية مع كل الأوراق الرسمية المنسقة بهذا الأمر والتي نسعى
من (صور الحوادث، شهادة الشهود ، تقرير الشرطة ، ووصول
أو تسليم ، وبثت الشككة لما ختم أو تحضر ولما تحول
على تعرض عنه ، وورقة شياطة إن كنت تدخل وخصة).

الرجاء إحصاء هذه المستندات إلى مركز المساعدة العراقي
التنظيمي (Camp Taj) ، بوابة كتر (Gunner Gate) ،
لمركز العسكرية: الثورة - نيسان - فكتفمية - الرشيد -
الرضوانية - الرصافة - والأملت.

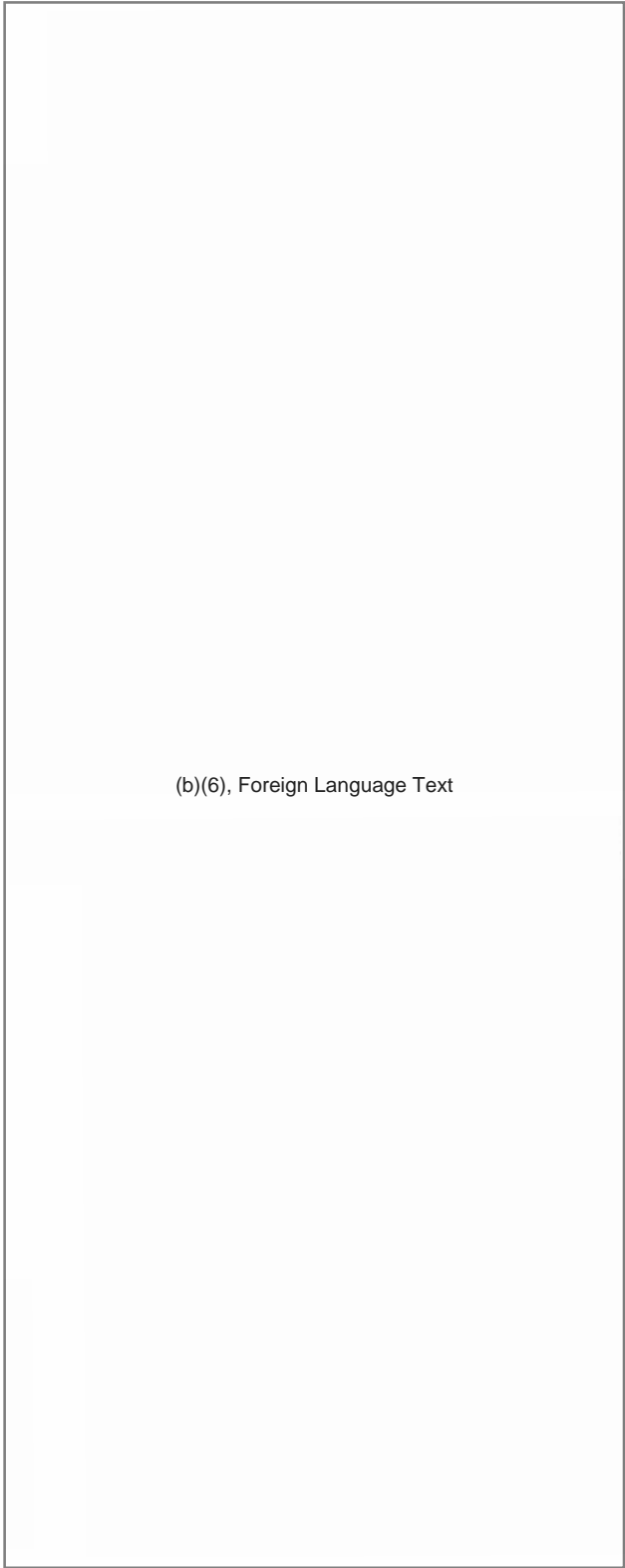
وشكر أتمنواكم معنا



(b)(6), Foreign Language Text



(b)(6), Foreign Language Text



(b)(6), Foreign Language Text

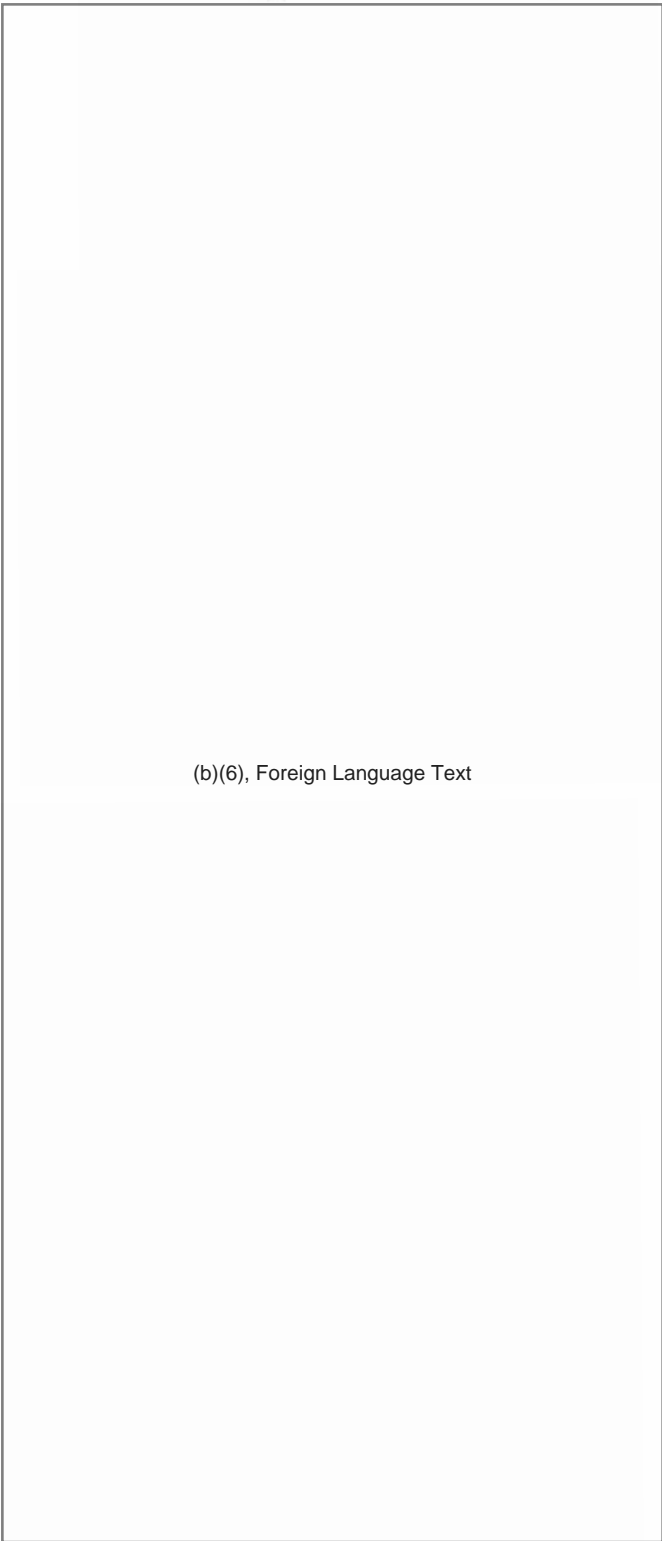
(b)(6), Foreign Language Text

(b)(6), Foreign Language Text

CENTCOM 020281

28098

08-I92-T103-00024



(b)(6), Foreign Language Text

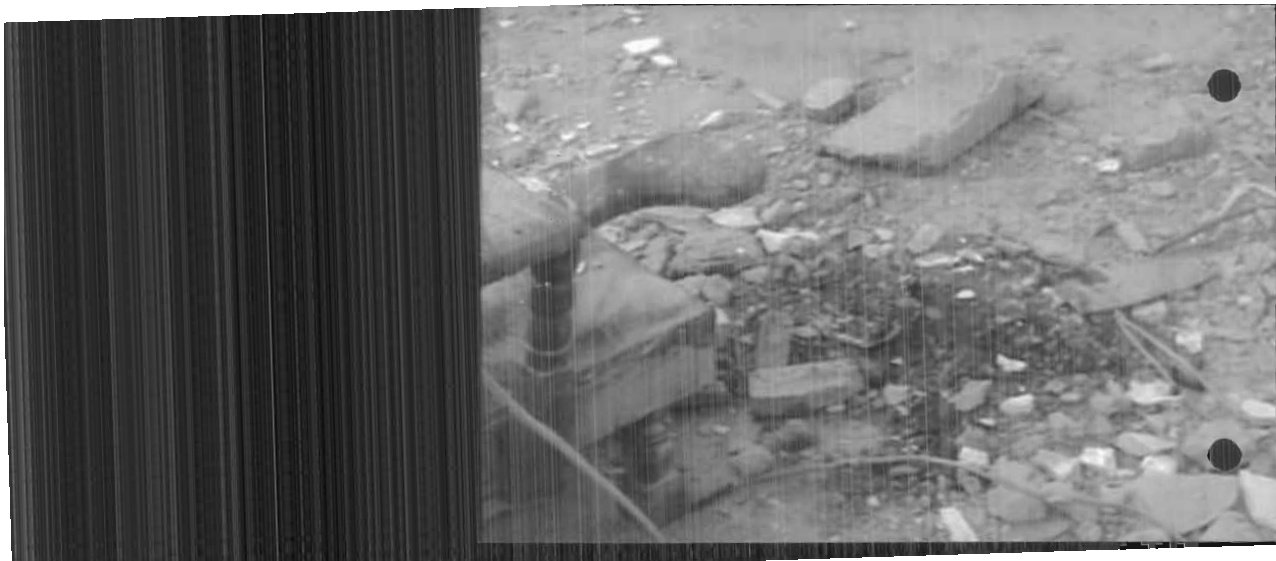


CENTCOM 020283 181925Z18000026
28100



CENTCOM 020284
28101

08-I92-T103-00027



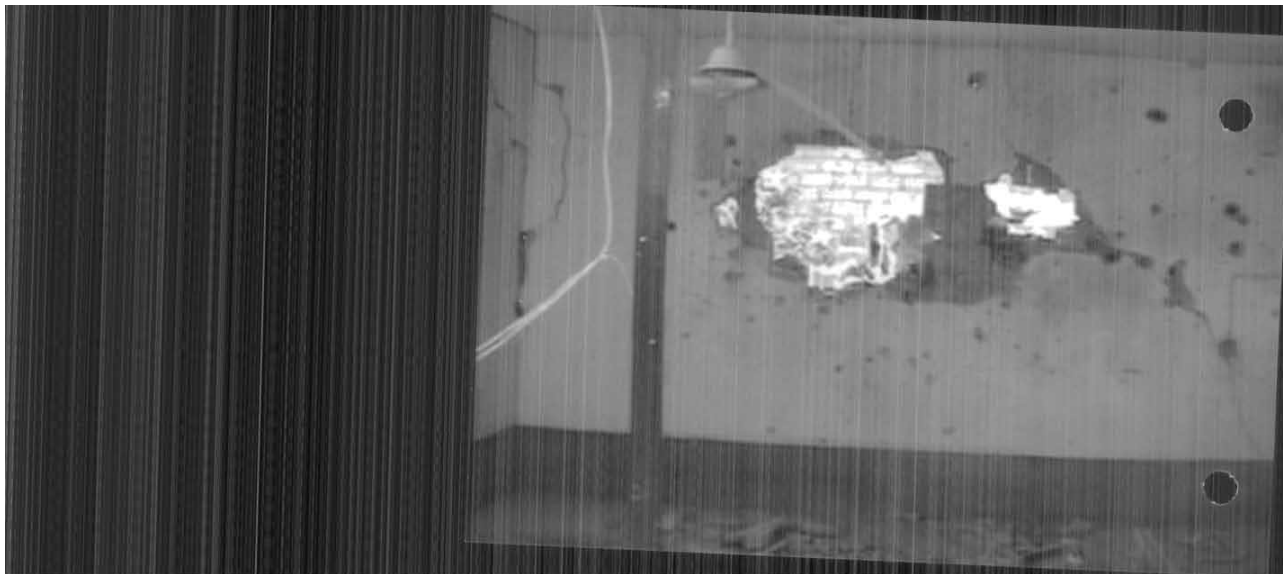
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28102

08-I92-T103-00028



CENTCOM 020286
28103

08-I92-T103-00029



CENTCOM 020287
28104

08-I92-T103-00030



CENTCOM 020288
28105

08-I92-T103-00031



CENTCOM 020289
28106

08-I92-T103-00032



CENTCOM 020290
28107

08-I92-T103-00033



CENTCOM 020291
28108

08-I92-T103-00034



CENTCOM 020292
28109

08-I92-T103-00035



CENTCOM 020293
28110

08-I92-T103-00036