

7D 16 Feb 08

4DN

7D 8 Mar 08

(b)(6)

081927105

DENIAL CLAIM FILE CHECKLIST

(3), (b)(1)

15 Mar 02

(b)(2)High

CLAIMS CHECKLIST

CLAIM NUMBER: 08192T 105	AMOUNT OF CLAIM: \$ 15000
CLAIMANT'S NAME: (b)(6)	
DATE OF INCIDENT: 11 October 2007	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

REMARKS:

(b)(5)

Check Sigact

REVIEWED BY: *[Signature]* SPC (b)(3), (b)(6) DATE REVIEWED: 3 Jan 08

FCC COMMENTS

Denied - Combat activity - Claims card is not from the event she is claiming - final denial 19 Feb 08

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

DATE APPROVED/ DENIED: 9 Feb 08

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

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-T105

ACTION

1. Facts: The claimant alleges that on 11 October 2007, her son was killed by US 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
FOB FALCON, BAGHDAD, IRAQ
APO AE 09361

AFZN-BC-FCC

Claim of [REDACTED] 08-I92-T105

ACTION

1. Facts: The claimant alleges that on 11 October 2007, her son was shot and killed by US 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.

[REDACTED]
(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

March 9, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #08-I92-T105
Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the death of your son. 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)(6), (b)(3)

Captain, U.S. Army
Foreign Claims Commission 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 16, 2008

4th Infantry Brigade Combat Team Legal Office

(b)(6)

Claim #08-I92-T105
Baghdad, Iraq

Dear Ma'am:

You have submitted a claim seeking compensation for the death of your son by US 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).

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Sincerely,

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

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

Captain, U.S. Army
Foreign Claims Commission I92

Claims Form طلب تظلم

Name: (b)(6) الاسم:

Address: (b)(6) العنوان:

(b)(6)

I am Iraq

a. A national citizen of: Iraq - أنا: أحمّل 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)

No claim card

أنتي أتظلم لدي حكومي الولايات المتحدة للأضرار والإصابات التي 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.)

Death of her son

الممتلكات المتضررة مملوكة من: (إذا كان عذا التظلم قدم من قبل ممثل أو قريب أو عائل فالرجاء اخطار المستمسكات التي تخولكم وتوكلكم للتقدم بهذا التظلم، أو أي دليل من ممثلين رسميين. إملأ التظلم بالأسفل للأفراد المتقدمين بالشكوى للإصابات أو الأضرار التي أصابتهم.)

My claim arose at: Alkhura, Arab Sabour - Baghdad Iraq
(Town) (City) (Country)

البلد أو المحافظة

المدينة

القرية

تظلمي قدم في:

Reconsideration:
Claims Card
I
Recommended
CERP
because she cried
when I did the
denial -SGT (b)(3)(b)(6)

My claim arose on: oct 11 2002
Month Day Year

تظلمى قدم فى: _____
شهر يوم الس

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.)

While her son was working in Adhura Market
the coalition forces opened fire towards him

بإختصار أشرح ما حدث والأضرار التي أصابك جراء ذلك ، سواء كانت جسدية أو ممتلكات . (الرجاء استعمال خلفية هذه الورقة إن لم تكن الأسطر لتكفى)

and got shot on his head and died .

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>person killed</u>	<u>15/5 000</u>
Total: <u>15/5 000</u>	

أشرح بالتفصيل مكي تضرر والكلفة للممتلكات أو للإصابات الجسدية وتكلفتها (الرجاء إضافة الثبوتات والمتمسكات والفواتير الضرورية لكل شئ لوحدة)

تكاليفه	الشئ المتضرر
<u>/</u>	
إجمالي التكلفة: _____	

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

No insurance

لدي تأمين على الممتلكات أو الضرر الجسدي المتضرر بما يوازي:

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

\$ 15,000

I.D. /

أطالب بتعويض للأضرار يوازي (اكتب بالدولار الأمريكي أو العملة المحلية)

العملة المحلية /

\$

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

سابقاً (قمت) (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 ضد حكومة الولايات المتحدة الأمريكية سوف يواجه عقوبات جنائية حادة ويحاكم من قبل السلطات.

(Signature of Claimant)

(توقيع التظلم) الرجاء كتابة الاسم والتوقيع

Subscribed to me this 15 day of Nov, 2009

(Signature of Witness)

(Printed Name)

the report explain that
the legal heritage of the victim belong
his parents and brothers.

(b)(6)

Page 13 redacted for the following reason:

Foreign Language Text

Foreign Language Text, (b)(6)

police report show that

it was impossible to exam the location

Accident and make diagram because it is

Military Area and Iraq army forces transported

the body too.

claimant Statement.

She said that on oct/11/2007 at 06:30 a.m
Her son came out to the Aldura Area he was being
working there. about 02:00 Some body phoned her
Son got a shot by Coalition forces and they he moved
By Iraq Army to the police station. her son was shot
Because they thought he is terrorist But he isn't
Guilty.

Page 16 redacted for the following reason:

Foreign Language Text, (b)(6)

Mother victim was born in [REDACTED] she lives
at Aldura - Hour Enjub. She said on Oct/11/2002
her son came out of the house to the market his
job pushing arallor for a little wage. so while he
was being there the coalition forces opened fire
towards him and he got a shot on his head and he
killed. The Coalition forces alleged that her son
is a terrorism. But her son is young and he
didn't carry any weapon and did illegally job -
Now she complains coalition forces asking for compensation -

Page 18 redacted for the following reason:

Foreign Language Text, (b)(6)

Foreign Language Text

Foreign Language Text, (b)(6)

After police Received Body from Iraq army
They examined it, the victim in

(b)(6)

(b)(6)

Foreign Language Text, (b)(6)

Foreign Language Text

Police informed the Justice
the write down the statement of the
claimant

Foreign Language Text, (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, (b)(6)