

Claim # 33411  
USARCS # 06-118-1712  
Claimant's Name (b)(6)  
Date Received 30-May-02  
Date Closed

## CLAIMS CHRONOLOGY SHEET

(b)(6)

Claimant's Name:

Claimant's Name: Claim Number: 384 M U\$ARCS Number: 06-IJ8-T 672

Date Claim Filed: 30 Nov 05 Amount Claimed: 2500  
Date of Incident: 16 SEP 05 Location of Incident: MAHIM DIVEYAR

~~CENTCOM 004286~~



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 3D INFANTRY DIVISION (FORWARD)  
OFFICE OF THE STAFF JUDGE ADVOCATE  
APO-AE 09352

Foreign Claims Commission IJ8

06-Dec-05

SUBJECT: Claim #06-IJ8-T672 / 384M

(b)(6)

Dear Claimant:

You have submitted a claim seeking compensation for loss caused 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, and Department of the Army Pamphlet 27-162 Claims Procedures.

Allow me to express my sympathy for your loss, however, in accordance with the cited references and the investigation into your claims, I find that your claim is **not compensable**. After an exhaustive search of records of the date in question, your claim was **denied** for the following reason(s):

Incident was a combat operation resulting in detentions.

If you are dissatisfied by this action, you may request reconsideration of the decision in accordance with AR 27-20. Any such request must be forwarded to this office for Foreign Claims Commission consideration. 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.

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

Captain, Judge Advocate  
Foreign Claims Commission IJ8

CENTCOM 004287

31393

**FOREIGN CLAIMS FORM**

## CLAIMANT INFORMATION

NAME: \_\_\_\_\_ (b)(6) \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ID#: \_\_\_\_\_  
OCCUPATION: Actor CITIZENSHIP: \_\_\_\_\_

## INCIDENT INFORMATION

TYPE OF CLAIM:  Vehicle Accident  SAF  Raid  Detainee Property  
 Occupied Land  Other

LOCATION OF INCIDENT: Mahmudiah DATE OF INCIDENT: 16 Sep 05

DESCRIPTION OF INCIDENT: US Forces were patrolling (b)(6)  
Outside Fib ST MR. hash an Brother was killed.  
→ (b)(6) - while he was watering (b)(6)  
Crops - US forces took ADEL to MAHMUDRAH hospital  
And he DIED - Complaince -

UNIT INVOLVED: VALLEY

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**CLAIM INFORMATION**

**CLAIMANT ATTESTATION**

HAS CLAIM BEEN FILED BEFORE?: Y/N LOCATION AND OUTCOME: \_\_\_\_\_

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.

**ملحوظة:** بالتوقيع أسفل هذا التظلم فإن تقسم على أن كل المعلومات المقدمة في هذا التظلم هي صحيحة وحقيقة. 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.

30 Nov 05  
(DATE)

(b)(6) \_\_\_\_\_  
(٤) \_\_\_\_\_  
(٥) \_\_\_\_\_

CENTCOM 004288



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY  
HEADQUARTERS, THIRD INFANTRY DIVISION  
OFFICE OF THE STAFF ADVOCATE GENERAL (FWD)  
LEGAL SERVICES CENTER  
APO-AE 09352**

AFZP-JAC

30 December 2005

**MEMORANDUM FOR RECORD**

**SUBJECT: Mailing Justification**

1. Enclosed are closed Foreign Claims originating out of the Baghdad Area of Operations. All claims have either been paid or finally denied.
2. The original paperwork must be mailed back to the U.S. Army Claims service at Ft. Meade, Maryland for filing.
3. Point of contact is CPT (b)(3), (b)(6) @id3.armv.mil.

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

CPT, JA  
Claims Judge Advocate

CENTCOM 004289

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Brief summary of the attached packet.

Do not need to translate each page but only answer  
the following questions:

1. How Did this accident occur.
2. Who was involved?
3. Where did it happen?
4. Who witnessed the shooting? Did they actually see it happen?

**06- IJ8-T 672**

Name of deceased: (b)(6)

**How accident happened:**

On 16SEP2005 an American helicopter landed in the land (b)(6)  
(b)(6) US forces debarked and proceeded to fire shots (allegedly) at random resulting in the death of (b)(6) and the injury of his cousin (b)(6) who was arrested and is still detained.

**Who was involved?**

(b)(6)

Unnamed US forces

**Where it happened:**

(b)(6) village, al-Mahmudiyyah

**When it happened:**

Between 0200 and 0400 hours, 16SEP2005

**Who witnessed the shooting? Did they actually see it happen?**

Father of the deceased, (b)(6) is the only one who actually says that he witnessed the incident in person. Other witnesses include the deceased's wife, brother, and mother.

Pages 8 through 32 redacted for the  
following reasons:

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foreign language  
foreign language, (b)(6)