**PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL**

**U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION**
TP Band of Brothers, 101 ABN DIV (AASLT)

**DATE VOUCHER PREPARED**
3 Apr 06

**SCHEDULE NO.**

**PAID BY**
DSSN: 8589
Adam Butler, MAJ
101st FMC
APO AE 09393

**PAYEE'S NAME AND ADDRESS**

**SHIPPED FROM**

**TO**

**WEIGHT**

**GOVERNMENT B/L NUMBER**

<table>
<thead>
<tr>
<th>NUMBER AND DATE OF ORDER</th>
<th>DATE OF DELIVERY OR SERVICE</th>
<th>ARTICLES OR SERVICES (Enter description, item number or contract or Federal supply schedule, and other information deemed necessary)</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Property Loss</td>
<td>3,500.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PAYEE'S ACCOUNT NUMBER**

**CONTRACT NUMBER AND DATE**

**REQUISITION NUMBER AND DATE**

**DATE INVOICE RECEIVED**

**DISCOUNT TERMS**

**PAYEE'S ACCOUNT NUMBER**

<table>
<thead>
<tr>
<th>PAYMENT:</th>
<th>APPROVED FOR</th>
<th>EXCHANGE RATE</th>
<th>DIFFERENCES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ 3,500.00</td>
<td>$1.00</td>
<td></td>
</tr>
</tbody>
</table>

**ACCOUNTING CLASSIFICATION**
2152020 22-0204 P436099.22-4200 VIRQ F9206 S99999

**CHECK NUMBER**

**ON ACCOUNT OF U.S. TREASURY**

**CHECK NUMBER**

**ON (Name of bank)**

**CASH**

**DATE**

**PAYEE**

**AUTHORIZED CERTIFYING OFFICER**

**DATE**
4/3/06

**CPT/FCC**

**Signature or initials**

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

**PRIVACY ACT STATEMENT**
The information requested on this form is required under the provisions of 31 U.S.C. 310a and 310c, for the purpose of disbursing Federal money.

NSN 7540-00-900-2234

Previous edition usable

000550
DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
OPERATION IRAQI FREEDOM, COB SPEICHER
TIKRIT, IRAQ APO AE 09393

AFZB-JA-C 18 March 2006

MEMORANDUM OF OPINION

SUBJECT: Claim 06-IR8-408

1. Identifying Data: 

2. Date and place the incident occurred giving rise to the claim: The claim occurred on 13 February 2006 in Tikrit, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim for $15,000 on 13 March 2006.

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: The Claimant, and Iraqi Army Lieutenant, alleges that CF shot and killed his cousin, while he was fishing on the Tigris river in the early morning hours of 13 February 2006. The deceased was allegedly in his fishing boat when a CF helicopter shown a spotlight on them. They held up the fish in the air and shouted in English “Fish! Fish!” to show that they meant no harm. A patrol of HUMVEEs arrived on the scene. The deceased bent over to turn the motor off of the boat, but CF shot him in the head as he bent down. CF transported the deceased to LSA Anaconda where he later died. CF did not secure the boat and it drifted away up the river, along with a cellular phone and a fishnet inside. A SIGACTS investigation confirmed the events as alleged by the claimant.

6. Opinion: “Under AR 27-20, paragraph 10-3, liability under the FCA may be based on acts or omissions of U.S. soldiers or civilian employees of a U.S. military department only if they are considered negligent or wrongful.”

(1) Here, there is sufficient evidence of negligence attributable to CF with regard to the failure to secure the boat to the shoreline after the incident. As a result, the boat drifted away and was not recovered. The claimant has present receipts for the boat, cell phone, engine a fishing net retrieval mechanism totaling $5,600, however, the actual value of these items is less.

(2) With regard to the killing of , that portion of the claim is not compensable under the FCA. “Under AR 27-20, paragraph 10-3, Claims arising "directly or
indirectly" from combat activities of the U.S. Armed Forces are not payable. AR 27-20 defines combat activities as, "Activities resulting directly or indirectly from action by the enemy, or by the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict." Here, the deceased was shot because he was reaching for the motor, but it appeared to the soldiers on the scene that he was reaching for a weapon. The alleged damage resulted from actions taken in self defense. This constitutes combat activity and as such is not compensable.

7. **Recommendation**: The claim is approved in the amount of $3,500.

CPT, JA
Claims Judge Advocate
TF Band of Brothers Claims Intake Form

To: United States Army Foreign Claims Commission.
From: [Name]
POA/ATT: [Name]

□ Power of Attorney provided and interpreter approved:
Decedents:

Hometown: [City] [State] [Country]
Iraqi Resident:

My claim arose at: 13 Feb 06 (OS30)
(Town) (City) (Country)

My claim arose on: [Month] [Day] [Year]

Proof of Ownership:
VIN Match: N/A
Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations):
Interpreter Approved:

Medical Report/Legal Expert Opinion: [Name, Date, Location]
Interpreter Approved:

Witness Statement (Consistent?):
Interpreter Approved:

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.)

Decedent is Fisherman. 3 people near the Tigris River. Driver of vehicle headed in the car [5:30 am]
Helicopter showed light on 3 persons. Showed helicopter fish 9:00 pm.
By lead over to turn off. CF 2 men. Then showed the bodies. CF shot him. (Driver)
Decedent sent to Anacost [transferred by helicopter].

Evidence:

000553
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.)

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wrongful death</td>
<td>$2,500</td>
</tr>
<tr>
<td>Boat damage</td>
<td>-</td>
</tr>
<tr>
<td>Cell phone (props)</td>
<td>-</td>
</tr>
<tr>
<td>Fishing equipment</td>
<td>-</td>
</tr>
</tbody>
</table>

Total: $15,000

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

$15,000

(Signature of Claimant)

Subscribed before me this 12th day of March, 2006.