



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 3RD INFANTRY DIVISION (FORWARD)
TASK FORCE BAND OF BROTHERS, OPERATION IRAQI FREEDOM
FORWARD OPERATING BASE SPEICHER
APO AE 09393

AFZP-VA-HQ

21 January 2006

MEMORANDUM FOR RECORD

SUBJECT: Commander's Emergency Response Program payment to [REDACTED]
(Claim Number 06-IA3-081)

1. On 11 Apr 05, [REDACTED] s father was shot and killed by U.S. Forces.
2. I certify that funds are available from the CERP to pay [REDACTED] in the amount of \$500.00. This is a condolence payment.
3. The request to pay [REDACTED] in the amount of \$500.00 from CERP has been legally reviewed. There is no legal objection to this payment and it is accordingly approved.

[REDACTED]
CPT, EN
Project Purchasing Officer

000952

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED], 6-IA3-081, UP AR 27-20, Chapter 11

1. IDENTIFYING DATA:

- a. CLAIMANT: [REDACTED], Iraqi resident.
- b. PRESENT ADDRESS/PHONE NR OF CLAIMANT: Samarra, Iraq.
- c. ATTORNEY: N/A
- d. DATE OF INCIDENT: 11 April 2005.
- e. PLACE OF INCIDENT: Al-Matasan Street, Samarra
- f. DATE AND AMOUNT OF CLAIM: 21 November 2005, \$4,000.
- f. SUMMARY: Claimant's father, [REDACTED], was allegedly killed by CF forces.
- g. COMPANION CASES: None

2. JURISDICTION: This claim was filed by an Iraqi resident. He is a proper party claimant, and the claim is cognizable under the Foreign Claims Act (10 U.S.C. § 2734) and Chapter 10, AR 27-20. This claim was properly presented, contains factually specific allegations, is dated, states a sum certain and is signed by Claimant.

3. FACTS:

a. On 11 April 2005, Claimant's father, [REDACTED], was allegedly killed by CF forces near the Samarra Museum on Al Matasan Street, Samarra. Claimant says that his father was deaf and would not have heard danger nearby. The claimant did not personally witness the shooting and relies solely on eye witnesses. Eye witnesses related that victim was shot by CF forces. The Claimant does not know if his father was shot by CF forces responding to an AIF attack, or whether CF fired directly on his father.

b. The claimant presented a claim in the amount of \$4,000 on 21 November 2005.

4. LEGAL ANALYSIS:

a. 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

AFZB-JA-C

Claim of Claim of [REDACTED], 6-IA3-081, UP AR 27-20, Chapter 11

the U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict.”

b. If witness statements and Claimant's oral testimony is true, then this claim is barred because CF actions constitute combat activity.

5. DAMAGES: The claimant has claimed damages associated with the wrongful death of his father in the amount of \$4,000. In support of the claim, the Claimant has presented an original death certificate, 3 witness statements, deceased's identification card, and Iraqi Police Statement.

6. RECOMMENDATION: Based upon the investigation by this FCC, it is reasonable to conclude that the CF activity can be characterized as combat activity. I recommend this claim be denied.

[REDACTED]
[REDACTED] R
CPT, JA
FCC IT6

000954



DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT)
TASK FORCE BAND OF BROTHERS
FORWARD OPERATING BASE SPEICHER
APO AE 09393

14 Jando
U-143-81

AFZB-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:

- I/E (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 provided additional evidence, then the appeal will be denied.

4. POC is the 101st Airborne Division (Air Assault) Claims Office at DSN 318-845-1022.

[REDACTED]
CPT, FCC
Foreign Claims Commissioner

000955



6-IA3-081
28 NOV 05

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE, 3D INFANTRY DIVISION (FORWARD)
TASK FORCE LIBERTY, OPERATION IRAQI FREEDOM
FORWARD OPERATING BASE SPEICHER
APO AE 09393

DHFT-JA

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 provided additional evidence, then the appeal will be denied.
4. POC is the Tikrit Claims Office at DNVT 584-1084.

[REDACTED]
CPT, FCC
Foreign Claims Commissioner

000956

Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

POA/ATT: [REDACTED]

Power of Attorney provided and interpreter approved: Need PoA - will bring next week

Decedents: [REDACTED]

Hometown: Samarra

Iraqi Resident:

My claim arose at: Sammarr

(Town)

(City)

(Country)

My claim arose on: 11 April 2003

Month

Day

Year

Proof of Ownership: N/A

Interpreter Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations): yes - original seen & the names match

Death bc bullet wounds in head & abdomen.

Interpreter Approved:

Legal Expert Opinion: None

Interpreter Approved:

Witness Statement (Consistent?): yes - eyewitness - says CF shot victim.

Interpreter Approved: eyewitness - same story

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.)

Father is deaf, CF starting shooting, & shot the father in the head & in the chest. victim died instantly.

C did not witness shooting.

Al-matasan street is where this happened - Near a museum (Museum of Samarra), & intersection w/ ~~main~~ ^{minor} street

C doesn't know if CF were shooting at father, or battling ~~with~~ ^{minor} terrorists

Evidence: original death certificates, 3 witness statements.

000957

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
Wrongful death	\$4,000

Total \$4,000

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

N/A

The name and address of my insurer (if any) is:

(Name) (Address)

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

\$ 4,000 local

[Redacted Signature]

(Signature of Claimant)

Subscribed before me this 21 day of Nov, 2005.

[Redacted Name]

[Redacted Signature]