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

**DEPT, BUREAU, OR ESTABLISHMENT AND LOCATION**
DFAS-IN
INDIANAPOLIS, IN 46249

**DATE VOUCHER PREPARED**
22-Jul-06

**PAID BY**
FOBA5
DFAS-IN
INDIANAPOLIS, IN 46249

**DATE INVOICE RECEIVED**
22-Jul-06

**DISCOUNT TERMS**

**PAYEE'S ACCT. NUMBER**

**VENDOR**
BAGRAM, AFGHANISTAN

**SERVICES OTHER THAN PERSONAL**

<table>
<thead>
<tr>
<th>PAYEE'S ACCT. NUMBER</th>
<th>CONTRACT NUMBER AND DATE</th>
<th>REQUISITION NUMBER AND DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>ARTICLE OR SERVICES</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreign Claim Commision</td>
<td></td>
<td></td>
<td>3,991.22</td>
</tr>
</tbody>
</table>

**DATE VOUCHER PREPARED**
22-Jul-06

**ACCOUNTING CLASSIFICATION**
2162020 22-0204 P436099.22-4200 VFRE F3203 S99999 APC: K226(83) A1U

**DISBURSING OFFICER**

**ACCOUNTING CLASSIFICATION**

**PAYEE**

**PRIVACY ACT STATEMENT**

The information requested on this form is required under the provisions of 31 U.S.C. 205 and 310 for the purpose of disbursing Federal money. The information requested is necessary to identify the person or entity, and the amount to be paid. Failure to furnish this information will impair transactions of the person or entity.

**Figure 8**

000018
FOREIGN CLAIMS COMMISSION DECISION MEMORANDUM

1. CASE No. #: A1U-06-088
2. DATE REQUEST FILED: 20 July 2006
3. NAME AND ADDRESS OF CLAIMANT: [Redacted]
4. NAME AND ADDRESS OF REPRESENTATIVE: N/A
5. DATE AND PLACE OF INCIDENT: 29 May 2006, Afghanistan
6. AMOUNT REQUESTED: 2,500,000 Afghani
7. EQUIVALENT IN US CURRENCY: Current Exchange Rate
8. FACTS: See investigation memo
9. LIABILITY: The request is cognizable and considered meritorious
10. QUANTUM:
    Amount requested: 2,500,000 Afghani
    Amount Approved: 200,000 Afghani
11. FUND CITE # 2162020 22-0204 P436099.22-4200 VFRE F3203 S99999
    APC: K226(83) A1U
12. ACTION: Claimant paid for substantiated loss
13. PAYMENT AMOUNT: 200,000 Afghani
14. EQUIVALENT IN US CURRENCY: Current exchange rate
15. COMMISSIONER'S SIGNATURE/DATE:

CPT, JA
Foreign Claims Commissioner
<table>
<thead>
<tr>
<th>Basis of Claim</th>
<th>Details</th>
</tr>
</thead>
</table>
| My brother had dropped some people off and parked.
| His car (taxi) in a parking lot. He came back to
| the bus stop to go back home and he was shot.
| There was not any with my brother, I found his
| body at the hospital. (Photo of patched) |

**PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, street, city, State, and Zip Code)

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.)

**PERSONAL INJURY/WRONGFUL DEATH**

STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM, IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT.

**WITNESSES**

NAME | ADDRESS (Number, street, city, State, and Zip Code)

**AMOUNT OF CLAIM (In dollars)**

<table>
<thead>
<tr>
<th>12a. PROPERTY DAMAGE</th>
<th>12b. PERSONAL INJURY</th>
<th>12c. WRONGFUL DEATH</th>
<th>12d. TOTAL (Failure to specify may cause forfeiture of your rights)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

<table>
<thead>
<tr>
<th>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</th>
<th>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The claimant shall forfeit and pay to the United States the sum of $2,000 plus double the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)</td>
<td>Fine of not more than $10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 477, 1001.)</td>
</tr>
</tbody>
</table>

SIGNATURE OF CLAIMANT | Phone number of signatory | DATE OF CLAIM |
<table>
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<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>[Signature]</td>
<td>[Number]</td>
<td>26 June 2006</td>
</tr>
</tbody>
</table>

STANDARD FORM 287, REV. 9/01

FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS
MEMORANDUM FOR RECORD

20 July 2006

SUBJECT: Foreign Claim Investigation, Claim # A1U-06-088

1. Identifying Information.
   a. Claimant: The claimant is a local national, hereinafter “the claimant”), living in Afghanistan.
   b. Amount: The claimant filed a claim for 2,500,000 Afghani on 26 June 2006.
   c. The claimant states on 29 May 2006, that his brother was shot and killed after a riot began after a U.S. Forces HEMMT vehicle lost brake control upon entering the city of Kabul.

2. Jurisdiction. The claimant filed his claim in a timely manner in the form of an SF 95. The claimant is a foreign national and the owner of the property. The claimant is a proper claimant under the Foreign Claims Act IAW DA PAM 27-162, para. 10-2.

   a. The claimant states on 29 May 2006, his brother was shot and killed after a riot started as a result of a U.S. Forces HEMMT losing brake control.
   b. A convoy was enroute from Bagram to Kabul on 29 May 2006. As they began to enter the town of Kabul, there is a very long steep graded slope on which the HEMMT within the convoy began lose control of its brakes. The HEMMT, out of control, entered town and made contact with several vehicles until it finally came to a complete stop. Damage consisted of numerous vehicles, personal injuries, and a one casualty. As the local nationals began to congregate a riot ensued. Shots were fired from the local Afghan national police and U.S. personnel fatally wounding several local nationals.
   c. The claimant submitted an SF 95 indicating damages of 2,500,000 Afghani for the loss of his brother.

4. Legal Analysis.
a. Legal Rules. Under AR 27-20, para. 10-3, the incident that forms the basis for the claim must arise in a foreign country and be a result of either noncombat activities of the U.S. armed forces or the negligent or wrongful acts of civilian employees or military members. "Noncombat activity" is defined in the Glossary of AR 27-20, as "authorized activities essentially military in nature, having little parallel in civilian pursuits, which historically have been considered as furnishing the proper basis for payment of claims. Activities excluded are those incident to combat, whether in time of war or not, and use of military personnel and civilian employees in connection with civil disturbances."

b. Application of Rules. In this case, the claim arose in Afghanistan, a foreign country. An investigation is being completed between U.S. Forces and the local Afghan police. After the incident, U.S. Forces and Afghan law enforcement conducted separate investigations. Evidence supports the negligence of the U.S. Forces and therefore the claimant should be compensated accordingly.

5. **Damages.** The claimant filed an SF 95 on 26 June 2006. The SF 95 requests compensation for the loss of the brother.

6. **Proposed Settlement or Action.** This claim is payable under the Foreign Claims Act because the loss occurred as a result of a U.S. government personnel's negligence. This claim should be settled for 200,000 Afghani to compensate the family for their loss.

7. Point of contact is the undersigned at (318) 231-4603.

CPT, JA
Foreign Claims Commissioner

Encls.