### Public Voucher for Purchases and Services Other Than Personal

**Date Voucher Prepared**: 25-Jul-06

**Paid By**: DFAS-IN

**Requisition Number and Date**: DFAS-IN

**Indianapolis, IN 46249**

**DSSN: 5570**

**Date Invoice Received**: 25-Jul-06

**Discount Terms**:

**Payee’s Acct. Number**:

**Location**: Bagram, Afghanistan

#### Articles or Services

<table>
<thead>
<tr>
<th>Number and Date of Order</th>
<th>Articles or Services</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-Jul-06</td>
<td>Foreign Claim Commision, Case No. #: A1U-06-110, Date Request Filed: 25 July 2006</td>
<td>1</td>
<td>5,986.83</td>
<td>5,986.83</td>
</tr>
</tbody>
</table>

**Total**: 5,986.83

**Current Exchange Rate**:

**Payment**:

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

**Accounting Classification**:

**Accounting Classification Verified by**: 2LT, FC, Deputy Disbursing Officer, 10th SSB (FWD)

**Disbursing Officer**:

**Amount Paid**: $5,986.83

**Check Number**: 25-Jul-06

**Payee**:

**Check Number**: 000023

**Privacy Act Statement**:

The information requested on this form is required under the provisions of 31 U.S.C. 551 and 552, for the purpose of disbursing Federal monies. The information requested is to establish the particular voucher and the amounts to be paid. Failure to furnish this information will hinder disbursement of funds.

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**Figure B**
Claim Intake (Front Page)
Bagram Airfield, Afghanistan

Claimant is stating that his brother—[redacted]—was killed by American Forces from Tower 14. American representatives contacted the family and stated there would be an investigation.

A year has passed and the family has not received any information or compensation. Claims that the brother helped provide for the family and now they are down to a member to support family.

NIA

NIA

[redacted] claims that his brother who was shot from their 14 were crossing to get to their farmland.

NIA

[Handwritten text]

749,250 AFN (15,000 USD)
749,250 AFN (15,000 USD)

0792765855 5Jul05

000024
MEMORANDUM FOR RECORD

24 July 2006

SUBJECT: Foreign Claim Investigation, Claim #A1U-06-110

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 750,000 Afghani on 05 July 2005.
   c. The claimant states that around 17 June 2004, his brother was shot and killed by military personnel posted at tower 14.

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 that around 17 June 2004, his brother was shot by military personnel located at tower 14. A claim was filed on 05 July 2005 that proceeded to the FCC Board with negative findings. The claimant requested reconsideration on 13 June 2006.
   b. An investigation was conducted by the Bagram District Commanding Office Criminal Department. The report filed indicates that the claimant had trade dealings with the military personnel at the tower. Around 17 June 2004, the claimant was shot when attempting to approach the tower to do some trading.
   c. The claimant submitted an SF 95 indicating damages of 750,000 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. Evidence supports the possible 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 his 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 300,000 Afghani to compensate the family for their loss. This is a reasonable offer based on the position the brother maintained within the family and support of the family members.

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

CPT, JA
Foreign Claims Commissioner

Encls.
FOREIGN CLAIMS COMMISSION DECISION MEMORANDUM

1. CASE No. #: A1U-06-100
2. DATE REQUEST FILED: 24 July 2006

3. NAME AND ADDRESS OF CLAIMANT:

4. NAME AND ADDRESS OF REPRESENTATIVE: N/A

5. DATE AND PLACE OF INCIDENT: 17 June 2004, Afghanistan

6. AMOUNT REQUESTED: 750,000 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: 750,000 Afghani

Amount Approved: 300,000 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: 300,000 Afghani

14. EQUIVALENT IN US CURRENCY: Current exchange rate

15. COMMISSIONER'S SIGNATURE/DATE:

CPT, JA
Foreign Claims Commissioner
You submitted a claim on 5 July 2005 stating that your brother was shot from Tower 14. You claim the incident occurred in Bagram, Afghanistan. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act, Title 10, U.S.C. §2734, and Army Regulation 27-20, Chapter 10.

In accordance with the cited regulations and after conducting a thorough investigation into your claim, we have determined that your claim is not payable. Unfortunately, there is a lack of substantiation that this incident occurred as claimed. This office has checked with the proper investigative agencies and there is no report of any shootings from Tower 14 during the timeframe that you stated on your claim. The Foreign Claims Act, 10 U.S.C. §2734, was established to compensate inhabitants of a foreign country who suffer a loss due to the noncombat activities of U.S. Forces or the negligence of U.S. service members or civilian employees. You personally have not shown that you incurred a loss directly related to the noncombat activities of U.S. Forces or the negligence of a U.S. service member or civilian employee.

Please notify me at the above address if you wish to have me reconsider this claim by submitting any neutral witness statements explaining the details of the accident. At that time, I will reopen your claim.

This letter constitutes a denial of this claim under the Foreign Claims Act. Thank you for your attention.
Dear [Redacted],

You submitted a claim on 5 July 2005 stating that your brother was shot from Tower 14. You claim the incident occurred in Bagram, Afghanistan. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act, Title 10, U.S.C. §2734, and Army Regulation 27-20, Chapter 10.

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[Redacted]  
Foreign Claims Commissioner  

[Redacted]  
Foreign Claims Commissioner  

[Redacted]  
Foreign Claims Commissioner

21 September 2005