CLAIM FOR DAMAGE, INJURY, OR DEATH

INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of the form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

1. Submit To Appropriate Federal Agency: (Go by instructions on reverse.)

2. Name, Address of claimant and claimant's personal representative, if any. (Go by instructions on reverse.)

3. TYPE OF EMPLOYMENT
   [ ] MILITARY [ ] CIVILIAN

4. DATE OF BIRTH

5. MARITAL STATUS

6. DATE AND DAY OF ACCIDENT
   29 MAY 2006

7. TIME (A.M. or P.M.)

8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof) (Use additional pages if necessary.)
   I was walking on the side of the road, then a gunman that was turning (in a door of a vehicle) shot my cousin. (Picture of attached to claim.)

9. 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.)

10. 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.

   Son of

11. WITNESSES
   NAME

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

12. (See instructions on reverse) AMOUNT OF CLAIM (In dollars)

   12a. PROPERTY DAMAGE

   12b. PERSONAL INJURY

   12c. WRONGFUL DEATH

   12d. TOTAL (Failure to specify may cause forfeiture of your rights)

   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.

13. SIGNATURE OF CLAIMANT (See instructions on reverse side.)

13b. Phone number of signatory

14. DATE OF CLAIM
   26 June 2006

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

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.)

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

Fine of not more than $10,000 or imprisonment for not more than five years, or both. (See 19 U.S.C. 287, 1001.)

FORM APPROVED
OMB No. 1105-0008

STANDARD FORM 95 (Rev. 7-85) 78

NSN 7540-00-634-4048

DEPT OF JUSTICE

95-109

4000435
**Public Voucher for Purchases and Services Other Than Personal**

**Recipient:**
- **Name:** Bagram, Afghanistan
- **Address:**
- **Country:** Afghanistan

**Prepared From:**
- **Department:** Department of the Army
- **Location:** Indianapolis, IN 46249

**Paid By:**
- **Account:** DFAS-In
- **Address:** Indianapolis, IN 46249
- **DDSN:** 5570

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

**Articles or Services:**
- **Foreign Claim Commission**
  - **Case No.:** A1U-06-083
  - **Date Request Filed:** 25 July 2006

**Current Exchange Rate:**
- **Total Amount:** $3,991.22

**Continuation Sheet (if necessary):**
- **Certified by:** CPT, JA Foreign Claims Commission

**Disbursing Officer:**
- **Signature or Initials:**

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

**Payment Details:**
- **Cash:** $3,991.22
- **Date:** 25-Jul-06

**Privacy Act Statement:**
- The information requested on this form is required under the provisions of 31 U.S.C. 571 and 572, for the purpose of disbursing Federal money. The information requested is to identify the recipient, and the report is to be filed. Failure to furnish this information will hinder the discharge of the present obligation.

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**Figure 8**

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**000036**
MEMORANDUM FOR RECORD

24 July 2006

SUBJECT: Foreign Claim Investigation, Claim # A1U-06-083

1. Identifying Information.
   a. Claimant: The claimant is a local national, living in Afghanistan.
   b. Amount: The claimant filed a claim for 2,000,000 Afghani on 26 June 2006.
   c. The claimant states on 29 May 2006, that his cousin 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 cousin 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 2,000,000 Afghani for the loss of his cousin.

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 Afghanistan police. After the incident, U.S. Forces and Afghani 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 cousin.

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.
FOREIGN CLAIMS COMMISSION DECISION MEMORANDUM

1. CASE No. #: A1U-06-083  
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: 29 May 2006, Afghanistan

6. AMOUNT REQUESTED: 2,000,000 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: 2,000,000 Afghani
   Amount Approved: 200,000 Afghani

11. FUND CITE # 2162020 22-0204 P436099 22-4200 VFIE 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:

   [Signature]

CP1, JA
Foreign Claims Commissioner