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

**DATE VOUCHER PREPARED:** 25-Jul-06

**PAID BY:** FOBA5

**SCHEDULE NO.:**

<table>
<thead>
<tr>
<th>DEPT, BUREAU, OR ESTABLISHMENT AND LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT OF THE ARMY</td>
</tr>
<tr>
<td>DFAS-IN</td>
</tr>
<tr>
<td>INDIANAPOLIS, IN 46249</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AMOUNT TO BE PAID BY DEPT, BUREAU, OR ESTABLISHMENT AS DISBURSING OFFICER</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASD</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**LOCATION:**

BAGRAM, AFGHANISTAN

**SERVICES OTHER THAN PERSONAL**

<table>
<thead>
<tr>
<th>NUMBER AND DATE</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 Commission</td>
<td></td>
<td>3,991.22</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CASE NO.: A1U-06-081</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Date Request Filed: 25 July 2006</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Current Exchange Rate**

| TOTAL | 3,991.22 |

**PAYMENT SHEET IF NECESSARY**

**DEPARTMENT:**

**ACCOUNTING CLASSIFICATION**

2162020 22-0204 P436099.22-4200 VFRE F3203 S99999 APC: K226(82) A1U

**DISBURRING OFFICER:** FC, Deputy Disbursing Officer 10th SSB (FWD)

**ACCOUNTING CLASSIFICATION Verified by:**

**CHECK NUMBER ON ACCOUNT OF U.S. TREASURY CHECK NUMBER ON (Name of bank):**

- **PAID BY:** CASH
- **DATE:** 25-Jul-06
- **PAY:** $3,991.22

**PRIVACY ACT STATEMENT**

The information requested on this form is required under the provisions of 31 U.S.C.83 and is necessary for the purpose of disbursing Federal money.

The information requested is not already on a personnel record and is the amount to be paid. Failure to furnish this information will result in delay of the payment obligation.

Figure 8
**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 sheets if necessary. See reverse side for additional instructions.

**FORM APPROVED**

<table>
<thead>
<tr>
<th>OMB NO.</th>
<th>1105-0008</th>
</tr>
</thead>
</table>

---

1. **Submit To Appropriate Federal Agency:**

2. **Name, Address of claimant and claimant's personal representative, if any.**

   (See instructions on reverse.)

   - (Father)

3. **TYPE OF EMPLOYMENT**

   - MILITARY

4. **DATE OF BIRTH**

   - 5/yr old

5. **MARITAL STATUS**

   - S

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.)

   - My son was going to school and was shot by military people. My son was in the 9th grade of school.

---

**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**

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS (Number, street, city, State, and Zip Code)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>AMOUNT OF CLAIM (In dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12a. PROPERTY DAMAGE</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>$0.00</td>
</tr>
</tbody>
</table>

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**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 4 years or both. (See 18 U.S.C. 287, 1001.)

---

<table>
<thead>
<tr>
<th>13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.)</th>
<th>13b. Phone number of signatory</th>
<th>14. DATE OF CLAIM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>26 June 2006</td>
</tr>
</tbody>
</table>

---

**SIGNATURE**

[Signature]

---

**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 4 years or both. (See 18 U.S.C. 287, 1001.)

---

**SIGNATURE**

[Signature]
MEMORANDUM FOR RECORD

SUBJECT: Foreign Claim Investigation, Claim # A1U-06-081

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 son 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. 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 son 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 son.

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 son.

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


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: 2,500,000 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