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

**Date Voucher Prepared:** 17-Jul-06

**Contract Number and Date:**
- CASE # A1U-06-075 16Jul2006
- CASE # A1U-06-075 16Jul2006

**Requisition Number and Date:**
- CASE # A1U-06-075 16Jul2006

**Payee's Name and Address:**
- Payee: 3T Base Ops 219th ASG
- Address: Camp Eggers-Kabul, Afghanistan
- APO AE 09356

**Number and Date of Order:**
- Case # A1U-06-075 16Jul2006
- Case # A1U-06-075 16Jul2006

**Articles or Services:**
- Compensation and/or Restoration

**Amount:**
- Total: $2,071.63

**Exchange Rate:**
- AFS 103,500

**Accounting Classification:**
- AP: 22,2020
- P: 22-0204
- F: 436099
- VFRE: F3203
- S: 99999
- APC: K229

**Check Number On Account of U.S. Treasury:**
- AFS 103500

**Check Number On (Name of bank):**
- Payee

**Disbursing Officer:**
- GS-15, DFAS-IN, DSSN: 5570

**Privacy Act Statement:**
- The information requested on this form is required under the provisions of 31 U.S.C. 920 and 920a, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payee's obligation.
MEMORANDUM FOR RECORD

SUSJECT: Foreign Claim Investigation, Claim # A1U-06-075

1. Identifying Information.
   a. Claimant: The claimant is a local national, heretofore "the claimant", living in Afghanistan.
   b. Amount: The claimant filed a claim for 450,000 Afghani on 26 June 2006.
   c. The claimant states on 29 May 2006, that his vehicle was damaged when 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 vehicle was damaged when a U.S. Forces HEMMT lost brake control and damaged his vehicle. The damage to the vehicle consisted of damage to the rear and side panels of the vehicle. His father was then shot as a result of the riot that erupted after the accident.
   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.
   c. The claimant submitted an SF 95 indicating damages of 450,000 Afghani for the necessary repairs of his vehicle as noted by the estimates provided. In addition, the claimant filed for the death of his father. However no monetary amount was assigned.

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 responded to aid the injured and several photos were taken of the incident. All evidence supports the negligence of the U.S. Forces and therefore the claimant should be compensated accordingly.

5. Damages.

a. The claimant’s property was damaged as a result of this incident. Damage to the claimant's vehicle consists of damage to the rear and side panels of the vehicle. DA Pam 27-162, paragraph 2-77(a)(2), states that the cost of repair is the cost necessary to restore property to its pre-loss condition. Payment for estimates is limited to the expense necessary to restore the damaged property substantially to its pre-loss condition.

b. The claimant filed an SF 95 on 15 June 2006. The SF 95 indicates damages in the amount of 450,000 Afghani for the repair to his vehicle.

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 103,500 Afghani (52,071.63) for the damage caused by US Forces. This is the lowest of the three repair costs provided. Claim for the loss of the father has yet to be adjudicated. At this time, settlement payment will be made for the death of the father.

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

CPT. JA
Foreign Claims Commissioner

Ends.
FOREIGN CLAIMS COMMISSION DECISION MEMORANDUM

1. CASE No. #: AIU-06-075
2. DATE REQUEST FILED: 15 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: 450,000 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: 450,000 Afghani

    Amount Approved: 103,500 Afghani ($2,071.63)

11. FUND CITE #: 2162020 22-0204 P436099.22-4200 VFRE F3203 S99999
    APC: K226(83) AIU

12. ACTION: Claimant paid for substantiated loss

13. PAYMENT AMOUNT: 103,500 Afghani ($2,071.63)

14. EQUIVALENT IN US CURRENCY: Current exchange rate

15. COMMISSIONER'S SIGNATURE/DATE: [Signature]

[Date]
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:

2. Name, Address of claimant and claimant's personal representative, if any. (See Instructions on reverse.) (Number, street, city, State and Zip Code)

3. TYPE OF EMPLOYMENT 4. DATE OF BIRTH 5. MARITAL STATUS 6. DATE AND DAY OF ACCIDENT 7. TIME (A.M. or P.M.)

3. MILITARY \CIVILIAN 34 Married 29 May 2006, Monday

8. Bases 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.)

While traveling from Sanykhaz district to Kabul a US vehicle struck my vehicle. After the accident my brother, father, and I exited the car. The police arrived to stop the crowd that had gathered and stop them from throwing rocks. At this time the US forces opened fire on the crowd and a bullet struck my father, killing him. I lost 1 week/months wages and spent $200,000 my funeral expenses to bury my father.

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.) Damage to front and rear Engine damage as well.

Toyota Seracha white.

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.

11. WITNESSES

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

12. (See instructions on reverse)

AMOUNT OF CLAIM (In dollars)

12a. PROPERTY DAMAGE 250,000 Afg Damage 200,000 Afg Lost wage

12b. PERSONAL INJURY 12c. WRONGFUL DEATH 12d. TOTAL (Failure to specify may cause forfeiture of your rights.) $500,000 $450,000 Afg $50,000 loss of father

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.

13a. SIGNATURE OF CLAIMANT (See Instructions on reverse side.)

13b. Phone number of signatory

14. DATE OF CLAIM

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 $100,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)

STANDARD FORM 95 (Rev. 7-91) 00071

NSN 7540-00-634-4046

UNIVERSITY OF MARYLAND, COLLEGE PARK

OBSOLETE DATE 01/01/85

OBSOLETE DUE 01/01/85
**Public Voucher for Purchases and Services Other Than Personal**

**Dept., Bureau, or Establishment and Location:**
Department of the Army
DFAS-IN
Indianapolis, IN 46249

**Date Voucher Prepared:** 22-Jul-06

**Contract Number and Date:**

**Requisition Number and Date:**

**Paid By:**
FOBAS
DFAS-IN
Indianapolis, IN 46249

**DSSN:** 5570

**Date Invoice Received:** 22-Jul-06

**Discount Terms:**

**Payee's Acc. Number:**

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<td>Date Request Filed: 22 July 2006</td>
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**Current Exchange Rate**

**Total:** 6,984.63

**Certified:**

7/9/06 Foreign Claims Commission

**Accounting Classification Verified by:**

2LT, FC, Deputy Disbursing Officer 10th SSB (FWD)

**Privacy Act Statement:**

The information requested on this form is required under the provisions of 31 U.S.C. 5701 and 5703 for the purpose of disbursing Federal money.

The information requested is to identify the person to receive the amount to be paid. Failure to furnish this information will delay disbursement.

Figure 8
CJTF-76-JA-CL

MEMORANDUM FOR RECORD

20 July 2006

SUBJECT: Foreign Claim Investigation, Claim # A1U-06-075

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 father 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 father 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 father.

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 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 father.

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 350,000 Afghani to compensate the family for their loss.

7. Point of contact is the undersigned at

CPT, JA
Foreign Claims Commissioner

Encls.