

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

FOKB5 -

DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
MC/CFC-A: OFFICE OF THE STAFF JUDGE ADVOCATE
KABUL, AFGHANISTAN
APO AE 09356

DATE VOUCHER PREPARED
17-Jul-06

SCHEDULE NO.
790095

CONTRACT NUMBER AND DATE
CASE # A1U-06-075 16JUL2006
REQUISITION NUMBER AND DATE
CASE # A1U-06-075 16JUL2006

PAID BY
10th SSB (FWD)
APO AE
9356

DSSN:5570
17-Jul-06

PAYEE'S NAME AND ADDRESS

FOREIGN CLAIMS FOR:
(SPO) [REDACTED] ST Base Ops 219th ASG
CAMP EGGERS-KABUL, AFGHANISTAN
APO AE 09356

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

ISSUED FROM TO WEIGHT GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE		AMOUNT
				COST	PER	
1		COMPENSATION AND/OR RESTORATION CASE # A1U-06-075 16JUL2006 CASE # A1U-06-075 16JUL2006 [REDACTED] CPT, JA FOREIGN CLAIMS COMMISSION			EA	\$2,071.63
TOTAL						\$2,071.63

Continuation sheet(s) if necessary (Payee must NOT use the space below)

PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input checked="" type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE	APPROVED FOR BY 2 TITLE	EXCHANGE RATE 49.96078 = \$1.00	DIFFERENCES AFS 103,500 Amount verified; correct for \$2,071.63 (Signature or initials)
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In accordance with authority vested in me, I certify that this voucher is correct and proper payment.

17-Jul-06 (Date) FOR [REDACTED] (Authorized Certifying Officer) 2 Disbursing Officer, GS-15, DFAS-IN, DSSN: 5570 (Title)

ACCOUNTING CLASSIFICATION
21 6 2020 22-0204 P 436099.22-4200 VFRE F3203 S99999
APC: K226 (83) A1U

CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
\$ 2,071.63	DATE: AFS 103500	PAYEE 3	

1 When stated in foreign currency, insert name of currency.
 2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
 3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company

MS Excel Version

PRIVACY ACT STATEMENT
 The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, 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 payment obligation.

000067



DEPARTMENT OF DEFENSE
COMBINED JOINT TASK FORCE (CJTF-76)
OFFICE OF THE STAFF JUDGE ADVOCATE
BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354

REPLY TO
ATTENTION OF

CJTF-76-JA-CL

MEMORANDUM FOR RECORD

15 July 2006

SUBJECT: Foreign Claim Investigation. Claim # A1U-06-075 [REDACTED]

1. Identifying Information.

a. Claimant: The claimant is a local national, [REDACTED] hereinafter "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.

d. Investigation Completed: 14 July 2006.

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 LAW DA PAM 27-162, para. 10-2.

3. Statement of Facts.

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 ensued 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.

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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 2-77b(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 13 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 (\$2,071.63) 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 Solatia 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

Encls.

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:

[REDACTED]
[REDACTED]
CPI/JA

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) District II Kabul Afghanistan
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3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 34	5. MARITAL STATUS Married	6. DATE AND DAY OF ACCIDENT 29 May 2006, Monday	7. TIME (A.M. or P.M.) Am
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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.)

While traveling from Sarykhoja 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 afi for 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 Afy Damage 200,000 Afy Lost wage	12b. PERSONAL INJURY	12c. WRONGFUL DEATH 1 person died	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) 250,000 Afy 450,000 Afy \$0.00 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 26 Jun 06
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<p><input checked="" type="checkbox"/> CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</p> <p>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.)</p>	<p><input type="checkbox"/> CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</p> <p>Fine of not more than \$10,000 or imprisonment for not more than 5 year: or both. (See 18 U.S.C. 287, 1001.)</p>
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HEAD 3/2/06 Bayan Hirak

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

Department of the Treasury

DEPT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE ARMY
DFAS-IN
INDIANAPOLIS, IN 46249

DATE VOUCHER PREPARED

22-Jul-06

SCHEDULE NO.

CONTRACT NUMBER AND DATE

REQUISITION NUMBER AND DATE

PAID BY
FOBA5
DFAS-IN
INDIANAPOLIS, IN
46249 DSSN: 5570

DATE INVOICE RECEIVED

22-Jul-06

DISCOUNT TERMS

PAYEE'S ACCT. NUMBER

ADDRESSES

BAGRAM, AFGHANISTAN

ISSUED FROM

TO

WEIGHT

GOVERNMENT B/L NO.

NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item no. of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE		AMOUNT
				COST	PER	
		Foreign Claim Commission CASE NO. #: A1U-06-075 Date Request Filed: 22 July 2006 Current Exchange Rate				6,984.63 0 0 0 0 0

CONTINUATION SHEET IF NECESSARY (Payee must NOT use the space below) TOTAL 6,984.63

MENT:

PROVISIONAL

COMPLETE

PARTIAL

FINAL

PROGRESS

ADVANCE

Certified to _____, JA Foreign Claims Commission

DIFFERENCES

Amount verified; correct for. **\$6,984.63**

(Signature or initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

22-Jul-06

(Date)

(Authorized Certifying Officer)

DISBURSING OFFICER

(Title)

ACCOUNTING CLASSIFICATION

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

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

PAID BY	CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY	CHECK NUMBER	ON (Name of bank)
	CASH	DATE	PAYEE	
	\$6,984.63	22-Jul-06		

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 51 U.S.C 82b and 82c. 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 payment obligation.

Figure 8

000072



DEPARTMENT OF DEFENSE
COMBINED/JOINT TASK FORCE (CJTF-76)
OFFICE OF THE STAFF JUDGE ADVOCATE
BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354

REPLY TO
ATTENTION OF

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.
- d. Investigation Completed: 19 July 2006.

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 LAW DA PAM 27-162, para. 10-2.

3. **Statement of Facts.**

- 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.**

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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 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.