



DEPARTMENT OF DEFENSE
COMBINED/JOINT TASK FORCE 76
OFFICE OF THE STAFF JUDGE ADVOCATE

REPLY TO
ATTENTION OF:

Foreign Claims Commissioner
Bagram Claim # 04-0100/273

18 November 2004

[REDACTED] (Father of the deceased)
[REDACTED] (Mother of the deceased)
[REDACTED] (Wife of the deceased)
In care of [REDACTED] (Legal Representative)
Qunduz, Province, Afghanistan

Dear Mr. Baiani,

You submitted a claim on behalf of the heirs to [REDACTED]'s estate on or about 2 November 2003 for property damages and wrongful death caused during an accident on 11 September 2003. I have thoroughly reviewed your claim pursuant to the Foreign Claims Act, Title 10, United States Code Section 2734, and Army Regulation (AR) 27-20.

Unfortunately, in accordance with the cited regulations and after conducting a thorough investigation into your claim, we have determined that your claim is not payable. The accident occurred when [REDACTED] was driving his taxicab east, near the Airport Access Road, Mazar-E-Sharif. According to official reports [REDACTED] was driving down the center of the road at a high rate of speed. The U.S. vehicle had no room to maneuver away from the oncoming taxicab. [REDACTED] taxicab struck the military vehicle, lost control and flipped several times as it rolled off the road. Sadly, [REDACTED] negligent driving caused this unfortunate accident. Under the Foreign Claims Act, 10 U.S.C., Section 2734, and AR 27-20, the United States is only liable for damages caused by the willful acts or negligence of U.S. service members or civilians, or as the result of noncombat activities. None of these apply in your case. Accordingly, your claim is denied.

We regret your loss. Please notify me at the above address if you wish to have me reconsider this claim. At that time, we will reopen your claim

This letter constitutes the final denial of this claim under the Foreign Claims Act. Thank you for your kind attention.

Sincerely,

[REDACTED]
[REDACTED]
CPT, JA
Foreign Claims Commissioner

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CLAIM FOR DAMAGE, INJURY, OR DEATH

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

FORM APPROVED
OMB NO.
1105-0008

1. Submit To Appropriate Federal Agency:
CJTF 180 (CLAIMS OFFICE A)
BAGRAM AIR FIELD, AFGHANISTAN
APO AE, 09354

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


Kunduz, AF

3. TYPE OF EMPLOYMENT MILITARY CIVILIAN

4. DATE OF BIRTH
20

5. MARITAL STATUS

6. DATE AND DAY OF ACCIDENT


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.)

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.)


Vehicle Damage, Toyota Corolla Sedan

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.

He had 1 wife, 26 Years old, 3 Children.
Taxi Driver. Father + Mother live w/ him.

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.)

10,000

100,000

110,000

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



Nov 2, 2003

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

Previous editions not usable.

STANDARD FORM 95 (Rev. 7-85)
PRESCRIBED BY DEPT. OF JUSTICE
28 CFR 14.2

USAPPC V1.00

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