		Claims Form	
To: United States	Army Foreign Cl	aims Commission.	
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b. Ap	ermanent resident	of: \Val	
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e. Che	ck one ( ) A subre	ogee ( ) Not a subrogee	•
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/me Ki	can Enve	es in Balad	
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			agent, parent, or guardian,
		ridence of authority and fill	in the form below for
party sustaining the	e damage or injurie	es.)	· · · · · · · · · · · · · · · · · · ·
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property or for pers	onal injury is base	or incident on which the c d. (Use back of this sheet i	<u> </u>
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## DEPARTMENT OF THE ARMY 3d Heavy Brigade Combat Team 4<sup>th</sup> Infantry Division (Mechanized) FOB Warhorse, Iraq APO AE 09397

AFZC-FC-JA

14 January 2006

### MEMORANDUM FOR RECORD

SUBJECT: Claim of A

06-3/4-082

1. Claimants name and address:

Balad, Iraq.

- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 18 Feb 05, in Balad, Iraq
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$8,450, on 13 Jan 06.
- 4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for compensation for death of son.
- 5. <u>Facts:</u> Claimant states his son was driving in his vehicle from his house to go to work at a farm. On the way, US Forces shot and killed him..
- 6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. Claimants son approached US Forces in a threatening manner forcing them to take appropriate action, therefore firing on the vehicle and killing his son.
- 7. <u>Recommended Action:</u> This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$8,450 is denied.



Foreign Claims Commission



#### DEPARTMENT OF THE ARMY

HEADQUARTERS, 5th BATTALION, 7TH CAVALRY 1st BRIGADE COMBAT TEAM, 3st INFANTRY DIVISION FOB PALIWODA, BALAD, IRAQ APO AE 09391

REPLY TO ATTENTION OF

AFTV-VVB

19 December 2005

#### MEMORANDUM OF OPINION

SUBJECT: Claim of

1. Claimant's name and address,

Balad, Iraq.

- 2. <u>Date and Place the incident occurred giving rise to the claim:</u> Incident occurred on 18 February 2005, Balad, Iraq.
- 3. Amount of Claim and the date it was filed: Claimant filed the claim in the amount of \$8450 on 15 August 2005.
- 4. <u>Chapter(s) the claim was considered under, and a brief description of the incident or of the issues raised by the claimant on reconsideration:</u> Foreign Claims Act and Chapter 10, AR 27-20; claim filed for compensation for death of son.
- 5. Facts:
- a. On 18 February Claimant states his son was driving in his vehicle from his house to go to work at this farm. On the way U.S. Forces shot him when they passed, damaging the vehicle and killing his son @ MC285536.
- 6. Opinion:
- a. Claimants son approached U.S. Forces in a threatening manner forcing them to take appropriate action, therefore firing on the vehicle and killing his son.
- 7. Recommended action: This claim should be denied.

SGT, USA BN Claims Officer

claim# 06-3/4-82

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My claim arose at:				BALAD		IRAQ	
My claim arose on:	,	*	18	(City)	700	(Country)	
Proof of Ownership:_	Month  Month		Day		Year		. :
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The name and address o	f my insurer (if any) is:			
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I claim as damages: (Ind	icate amount in U.S. dollars	and local currency)	,	
\$ 8,450	local	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
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# **Balad Court**

No.: without

**Date 19 April 2005** 

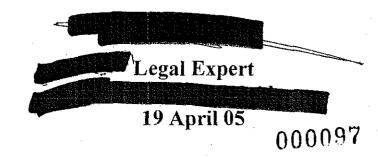
Subject: Experiences Report

Claimant:

Based upon the decision of Balad investigation judge to elected me as expert to estimate the damages by American forces when they hit the claimant car kind of Toyota Pick up /load model 1990 which numbered 434/ Salad Din

After my reading to the file of this claim and the statements of witness I estimate the damages as shown in the following table:-

S	Details	Qty	Price\$	Amount\$
1	Destroyed the front of glass.	1	100	100
2	Destroyed water cooler	1	100	100
3	Destroyed the power break.	1	50	50
4	Destroyed the battries.	1	50	50
5	Damages in bonet.	1	150	150
6	Damages inside engine.	L.S	L.S	100
7	Holes in the body of truck.	whole	whole	
8	Metal works.	1	200	200
9	Paint	1	200	200
	Tot	950		



## **Balad Court**

No.: without

Date 8 June 2005

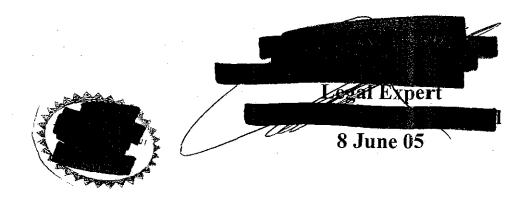
Subject: Experiences Report

# Claimant:

Based upon the decision of Balad investigation judge to elected me as expert to estimate the damages by American forces when they killed his son (

After my reading to the file of this claim and the statements of witness I estimate the damages as shown in the following table:-

S	Details	Qty	Price\$	Amount\$
1	Killed my son.	whole	whole	5000
2	Incorporeity Damages.	whole	whole	2500
	Tot	7500		



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	•
List in detail the amount of property damage property damage or personal injury: (Attac	ge and itemized expenses resulting from the ch bills and receipts, if applicable.)
<u>Item</u>	Amount
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Killed my son	
Car damages	<del>\$ 950 \</del>
	1 tours
	Total \$ 8450
* - <del></del>	
was insured to the following extent against	st the damage or injuries I have sustained:
he name and address of my insurer (if any	) is:
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ubscribed before me this day of	Claimant)

## DEPARTMENT OF THE ARMY 3d Heavy Brigade Combat Team 4<sup>th</sup> Infantry Division (Mechanized) FOB Warhorse, Iraq APO AE 09397

AFZC-FC-JA

14 January 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of

06-3/4-082

1. Claimants name and address:

Balad, Iraq.

- 2. <u>Incident date and place the incident occurred giving rise to the claim</u>: Incident occurred on 18 Feb 05, in Balad, Iraq
- 3. Amount of claim and filing date: Claimant filed a claim in the amount of \$8,450, on 13 Jan 06.
- 4. <u>Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration:</u> Foreign Claims Act and Chapter 10, AR 27-20; claim filed for compensation for death of son.
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- 7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$8,450 is denied.



CPT, JA Foreign Claims Commission



### DEPARTMENT OF THE ARMY

HEADQUARTERS, 5th BATTALION, 7TH CAVALRY
1st BRIGADE COMBAT TEAM, 3st INFANTRY DIVISION
FOB PALIWODA, BALAD, IRAQ
APO AE 09391

REPLY TO ATTENTION OF

AFTV-VVB

19 December 2005

#### MEMORANDUM OF OPINION

SUBJECT: Claim of

1. Claimant's name and address

Balad, Iraq.

- 2. <u>Date and Place the incident occurred giving rise to the claim:</u> Incident occurred on 18 February 2005, Balad, Iraq.
- 3. Amount of Claim and the date it was filed: Claimant filed the claim in the amount of \$8450 on 15 August 2005.
- 4. <u>Chapter(s)</u> the claim was considered under, and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for compensation for death of son.
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- 6. Opinion:
- a. Claimants son approached U.S. Forces in a threatening manner forcing them to take appropriate action, therefore firing on the vehicle and killing his son.
- 7. Recommended action: This claim should be denied.

SGT, USA BN Claims Officer

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06-3/4-82

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