

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

AFZC-FC-JA

24 February 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED] 06-3/4-302

1. Claimants name and address: [REDACTED], AlDuluyia, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 28 Dec 05, in AlDuluyia, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$9,650 on 23 Feb 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 and injured family member.
5. Facts: On 28 Dec 05, US Forces and insurgents were engaging in a fire fight. US Forces dropped a 500 pound bomb on this day in this area. As a result of this fight, many family members of the claimant were injured and one was killed.
6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the United States. In addition, the incident must be caused by either non-combat activities of the United States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. The incident giving rise to the claim arose from a combat-related incident, and therefore, it is not compensable.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$9,650 is denied.

[REDACTED]
CPT, JA
Foreign Claims Commission

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st BATTALION 8th INFANTRY REGIMENT
3rd BRIGADE COMBAT TEAM, 4th INFANTRY DIVISION
FOB PALIWODA, BALAD, IRAQ
APO AE 09391

REPLY TO
ATTENTION OF

AFTV-VVB

10 February 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]

1. Claimant's name and address, [REDACTED] AlDuluyia, Iraq.
2. Date and Place the incident occurred giving rise to the claim: Incident occurred on 28 December 2005
3. Amount of Claim and the date it was filed: Claimant filed the claim in the amount of \$ 9650.00, 9 January 2006.
4. Chapter(s) 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 damage to land.
5. Facts:
 - a. Claimant states that a family member was killed when US forces destroyed his home with family inside.
 - b. US Forces engaged a home in Al-Duluyia on this day.
 - c. US Forces dropped one 500 pound bomb on this day and in this area
 - d. Insurgents were engaging US forces from homes in this area on this day
6. Opinion:
 - a. Insurgents were engaging US Forces from this house and two other homes. Predator video feed shows insurgents engaging forces with RPG's and small arms fire.
7. Recommended action: Claim should be denied.

[REDACTED]

SFC, USA
BN Claims Officer

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Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [Redacted]

Address: [Redacted]

I am

- a. A citizen and national of: Iraq
- b. A permanent resident of: Al-Dulayehai
- c. Employed by: _____
- d. Check one () An insurer () Not an insurer
- e. Check one () A subrogee () Not a subrogee

I hereby make a claim against the United States Government for damages or injuries caused by: (Name, Organization, Military Department, Address, Telephone Number)

U.S Army

The property damaged is owned by: (If the claim is made as an agent, parent, or guardian, attach a power of attorney or other evidence of authority and fill in the form below for party sustaining the damage or injuries.)

My claim arose at: Al-Dulayehai Sakhdan Iraq
(Town) (City) (Country)

My claim arose on: Dec 27/28 2005
Month Day Year

Give a brief statement of the accident or incident on which the claim for damages to property or for personal injury is based. (Use back of this sheet if necessary.)

In the statement above the American forces
shot my house which lies in Al-Dulayehai
by air plane which led to cause many injuries
persons from my family as shown in the medic
report and legal expert report; one of them
is my brother ([Redacted]) is in the American
base in the hospital. This led to cause big damages
to the family.

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Describe nature and extent of property damage or personal injury sustained as a result of the above incident.

big damage

List in detail the amount of property damage and itemized expenses resulting from the property damage or personal injury: (Attach bills and receipts, if applicable.)

Item	Amount
as shown in the legal expert report	9650 \$

Total: 9650 \$

I was insured to the following extent against the damage or injuries I have sustained:

The name and address of my insurer (if any) is:

(Name) (Address)

I claim as damages: (Indicate amount in U.S. dollars and local currency)

\$ 9650 local

(Signature of Claimant)

Subscribed before me this 3 day of Jan, 2006.

(Print Name)

(Signature)

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