



DEPARTMENT OF THE ARMY
HEADQUARTERS, 42d INFANTRY DIVISION (Mechanized)
OPERATION IRAQI FREEDOM (FOB LIBERTY)
APO AE 09308

DHFT-JA

2 May 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED], 05-IA3-962

1. **Identifying Data:** [REDACTED], Tikrit, Iraq
2. **Date and place the incident occurred giving rise to the claim:** The claim occurred on 15 January 2005, in Tikrit, Iraq.
3. **Amount of claim and date it was filed:** Claimant filed a claim for \$15,000 on 26 April 2005.
4. **Jurisdiction:** This request is presented for consideration under the provisions of the Foreign Claims Act, 10 USC Section 2734, as implemented by Chapter 10, Army Regulation 27-20. This claim was filed in a timely manner.
5. **Facts:** Claimant alleges U.S. Forces killed his son. The claimant's son worked at Tikrit University. He was riding the shuttle bus back from work to Al Alam, on the night in question. To save time, the bus driver recklessly cut across a field instead of following the main road. Waiting near the field was a U.S. Forces Bradley or a Tank. As the bus cut across the field, the members of the Bradley/Tank viewed it as a threat and opened fire. Several passengers of the bus were killed and others were injured. The bus was totally destroyed. The claimant provided many corroborating witness statements, a court investigation, police reports and a scene sketch, all verifying his claim.
6. **Opinion:** This is a horrible tragedy. There is sufficient evidence to indicate that U.S. Forces fired on the bus and killed the claimant's son. Unfortunately, they were firing on a vehicle they viewed as a threat at the time. This claim will fail as a combat exception.
7. **Recommendation:** The claim is denied.

[REDACTED]
CPT, JA
Chief, Claims

000137

OSIAZ 967

Claims Form

To: United States Army Foreign Claims Commission (Mother)

From: Name: [Redacted]

POA/ATT: [Redacted]

Power of Attorney provided and interpreter approved: OK Mother

Decedents: [Redacted]

Hometown: Tikrit Iraqi Resident: [Redacted]

My claim arose at: Tikrit (Town) Tikrit (City) Iraq (Country)

My claim arose on: JAN 15 2007 1630

Month Day Year

Proof of Ownership:

Interpreater Approved:

Death Certificates (Name, Cause of Death, Age, and Time of Death Consistent with Claimant allegations):

NO

Interpreater Approved:

Legal Expert Opinion:

Interpreater Approved:

Witness Statement (Consistent?): 1 - Corroborates - (Back seat passenger)

Interpreater Approved:

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.)

Claimant riding in Calere bus from Tikrit University to Al Alan.

US Bradley waiting near a turn. Bus driver cut across a field

Bradley fired upon bus, killing claimant's son. (conver also killed)

Evidence: scene sketch

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.)

<u>Item</u>	<u>Amount</u>
Death of Son	\$ 15,000

Total: 15,000

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)
\$ 15,000 local _____

(Signature of Claimant)

Subscribed before me this 26 day of April, 2005.

(Print Name) _____

(Signature) _____