

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

AFZC-FC-JA

1 February 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of [REDACTED]: 06-3/4-161

1. Claimants name and address: [REDACTED], Muqdadia, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 27 May 05, in Muqdadia, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$8,000 on 28 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 the death of her husband.
5. Facts: The claimant alleges that US Forces wrongfully killed her husband..
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. There is no evidence submitted to prove that negligence or wrongful act by the Coalition Forces was the cause of the incident.
7. Recommended Action: This claim is not payable under the FCA for the above mentioned reasons. Consequently this claim for \$8,000 is denied.

[REDACTED]
CPT, JA
Foreign Claims Commission

000153



DEPARTMENT OF THE ARMY
Headquarters, 3rd Brigade Combat Team
3rd Infantry Division
FOB Warhorse, Iraq
APO AE 09397

REPLY TO
ATTENTION OF:

AFZP-VI-JA

16 August 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED] 05-IA5-1273

1. Claimants name and address: [REDACTED] Muqdadiyah, Iraq.
2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 27 May 2005 in Muqdadiyah, Iraq
3. Amount of claim and filing date: Claimant filed a claim in the amount of \$10,000.00 on 11 August 2005.
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 the death of the claimant's son.
5. Claimant's Allegations: Claimant states that U.S. forces wrongfully killed her husband. The claimant had witness statements and a police report with the claim.
6. Investigator's Opinion:
 - a. There is insufficient evidence to suggest that this incident arose out of the negligence and/or wrongful acts of the United States Armed Forces. Additionally, the reasons for denial of this claim are included in paragraph b.
 - b. There was not enough evidence to proof that there was any negligence on the U.S's part.
7. Recommended Action: This claim is not payable under the FCA. This claim for \$10,000 is denied.

[REDACTED]
CPT, JA
Claims Judge Advocate

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Claims Form

To: United States Army Foreign Claims Commission.

From: Name: [REDACTED]

Address: MUQDADIYAH

I am a citizen and national of: IRAQ

Name of Unit or US Personnel involved in incident: ~~SF~~ SF "[REDACTED]"

Owner of property that was damaged: N/A

My claim arose at:

MUQDADIYAH
(Town)

IRAQ
(City) (Country)

My claim arose on:

MAY
Month

27
Day

2005
Year

Give a brief statement explaining how the claim arose and the nature of the damages.

MC 9309 S975 [REDACTED] SF KILLED CLAIMANT'S HUSBAND DURING A RAID.

RECONSIDERATION

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

\$ 8,000⁰⁰

local [REDACTED]

(Signature of Claimant)

Subscribed before me this 28 day of JANUARY, 2006.

[REDACTED]
(Print Name)

[REDACTED]
(Signature)

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